

Chapter:	245	PUBLIC ORDER ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To consolidate and amend the law relating to the maintenance of public order, the control of organizations, meetings, processions, places, vessels and aircraft, unlawful assemblies and riots and matters incidental thereto or connected therewith.

(Amended 77 of 1995 s. 2)

[17 November 1967]

(Originally 64 of 1967)

Part:	I	PRELIMINARY		30/06/1997
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Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Public Order Ordinance.

Section:	2	Interpretation	10 of 2008	09/05/2008
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(1) In this Ordinance, unless the context otherwise requires- (Amended 119 of 1997 s. 2)

"closed area" (禁區) means any area or place declared to be a closed area by order under section 36;

"designated public area" (指定公眾地點) means an area designated as a designated public area by the Chief Executive under section 10; (Added 67 of 1980 s. 2. Amended 13 of 1999 s. 3)

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

- (a) for social, recreational, cultural, academic, educational, religious or charitable purposes, or as a conference or seminar bona fide intended for the discussion of topics of a social, recreational, cultural, academic, educational, religious, charitable, professional, business or commercial character;
- (b) for the purpose of a funeral;
- (c) for the purposes of any public body; or
- (d) for the purpose of carrying out any duty or exercising any power imposed or conferred by any Ordinance; (Replaced 67 of 1980 s. 2)

"offensive weapon" (攻擊性武器) means any article made, or adapted for use, or suitable, for causing injury to the person, or intended by the person having it in his possession or under his control for such use by him or by some other person;

"procession" (遊行) means a procession organized as such for a common purpose, and includes any meeting held in conjunction with such procession; (Added 67 of 1980 s. 2. Amended 77 of 1995 s. 3)

"public gathering" (公眾聚集) means a public meeting, a public procession and any other meeting, gathering or assembly of 10 or more persons in any public place;

"public meeting" (公眾集會) means any meeting held or to be held in a public place;

"public place" (公眾地方) means any place to which for the time being the public or any section of the public are entitled or permitted to have access, whether on payment or otherwise, and, in relation to any meeting, includes any place which is or will be, on the occasion and for the purposes of such meeting, a public place;

"public procession" (公眾遊行) means any procession in, to or from a public place;

"society" (社團) means any club, company, partnership, association or body of persons.

(Amended 77 of 1995 s. 3)

(2) In this Ordinance the expressions "public safety", "the protection of public health" and "the protection of rights and freedoms of others" are interpreted in the same way as under the International Covenant on Civil and Political Rights as applied to Hong Kong. "national security" (國家安全) means the safeguarding of the territorial integrity and the independence of the People's Republic of China. (Added 119 of 1997 s. 2. Amended 10 of 2008 s. 8)

Part:	II	CONTROL OF ORGANIZATIONS		30/06/1997
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Section:	3	Power to prohibit flags, etc.	E.R. 1 of 2013	25/04/2013
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(1) Any police officer of or above the rank of inspector may-

(a) prohibit the display at a public gathering of any flag, banner or other emblem;

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

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

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

(a) enter any premises or place; and

(b) stop and board any vehicle, tramcar, train or vessel,

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

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

(4) No prosecution for an offence under this section shall be instituted without the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)

(Amended E.R. 1 of 2013)

Section:	4	(Repealed 77 of 1995 s. 4)		30/06/1997
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Section:	5	Prohibition of quasi-military organizations	E.R. 1 of 2013	25/04/2013
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(1) If the members or adherents of any society are-

(a) organized or trained or equipped for the purpose of enabling them to be employed in such a manner that such employment usurps, may usurp, tends to usurp or appears to usurp the functions of the police or the Chinese People's Liberation Army; or (Amended 2 of 2012 s. 3)

(b) organized and trained or organized and equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object, or in such manner as to arouse reasonable apprehension that they are organized and either trained or equipped for that purpose,

then-

(i) any person who is a member or adherent of such society shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 3 years; and

(ii) any person who takes part in the control or management of such society, or in organizing or training or equipping as aforesaid any members or adherents of the society, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for 10 years and on summary conviction to a fine at level 2 and to imprisonment for 5 years.

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

(Amended E.R. 1 of 2013)

Part:	III	Control of Meetings, Processions and Gatherings	E.R. 1 of 2013	25/04/2013
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(Part III replaced 67 of 1980 s. 3)
(*Format changes—E.R. 1 of 2013)

Note:

* The format of Part III has been updated to the current legislative styles.

Section:	6	General powers of the Commissioner of Police	E.R. 1 of 2013	25/04/2013
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- (1) If the Commissioner of Police reasonably considers it to be necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others, he may, in such manner as he thinks fit, control and direct the conduct of all public gatherings and specify the route by which, and the time at which, any public procession may pass. (Amended 119 of 1997 s. 3; 10 of 2008 s. 9)
- (2) The Commissioner of Police may, if he reasonably considers it to be necessary to prevent an imminent threat to the interests of national security or public safety, public order or the protection of the rights and freedoms of others, in such manner as he may think fit, control and direct the extent to which music may be played, or to which music or human speech or any other sound may be amplified, broadcast, relayed, or otherwise reproduced by artificial means, in- (Amended 119 of 1997 s. 3; 10 of 2008 s. 9)
 - (a) public places; or
 - (b) places other than public places if such music, human speech or sound is directed towards persons in public places.
- (3) The Commissioner of Police may give such orders as he reasonably considers necessary to achieve the purpose mentioned in subsections (1) and (2).

(Replaced 72 of 1996 s. 2)

Section:	7	Regulation of public meetings	E.R. 1 of 2013	25/04/2013
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- (1) Subject to this Ordinance, a public meeting may take place if, but only if,-
 - (a) the Commissioner of Police is notified under section 8 of the intention to hold the meeting; and
 - (b) the holding of the meeting is not prohibited by the Commissioner of Police under section 9.
- (2) This section shall not apply to-
 - (a) a meeting of not more than 50 persons; (Amended 77 of 1995 s. 6)
 - (b) a meeting in private premises (whether or not the public or any section of the public are permitted to attend) where the attendance at the meeting does not exceed 500 persons; (Amended 77 of 1995 s. 6)
 - (c) a meeting in any school registered or provisionally registered or exempted under the Education Ordinance (Cap 279), or in any college registered under the Post Secondary Colleges Ordinance (Cap 320), or in any educational establishment established by any Ordinance, if-
 - (i) the meeting is organized or approved by an accredited society or similar body of such school, college or educational establishment; and
 - (ii) the meeting is held with the consent of the management of such school, college or educational establishment in accordance with the terms of that consent, whether or not the public or any section of the public are permitted to attend.

Section:	8	Notification of public meetings	E.R. 1 of 2013	25/04/2013
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- (1) For the purposes of section 7, notice of the intention to hold a public meeting shall be given in writing to the Commissioner of Police-
 - (a) not later than 11 a.m. on the same day of the week in the preceding week as the day on which the meeting is intended to be held; or
 - (b) where the last day for giving notice under paragraph (a) would fall on a general holiday, not later than 11 a.m. on the first day immediately preceding that day which is not a general holiday.
- (2) Notwithstanding subsection (1), the Commissioner of Police may, and shall in any case where he is reasonably

satisfied that earlier notice could not have been given, accept shorter notice than is specified in that subsection.

- (3) In cases where the Commissioner of Police has decided not to accept shorter notice than is specified in subsection (1), he shall as soon as is reasonably practicable inform in writing the person purporting to give the notice of his decision and the reasons why the shorter notice is not acceptable.
- (4) Notice under this section shall be given by being delivered in person by the person giving it, or by any person on his behalf, to the officer in charge of a police station, and shall contain particulars of the following matters-
 - (a) the name, address and telephone number of-
 - (i) the person organizing the meeting and any society or organization promoting or connected with the holding of the meeting; and
 - (ii) a person able to act, if necessary, in place of the organizer for the purpose of section 11(1)(a);
 - (b) the purpose and subject-matter of the meeting;
 - (c) the date, location, time of commencement and duration of the meeting; and
 - (d) an estimate by the person organizing the meeting of the number of people expected to attend the meeting.
- (5) The Commissioner of Police shall issue written acknowledgment of receipt of notice under this section to the person giving or delivering the notice.

(Replaced 77 of 1995 s. 7)

Section:	9	Power of Commissioner of Police to prohibit notified public meeting	E.R. 1 of 2013	25/04/2013
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- (1) Subject to this section, the Commissioner of Police may prohibit the holding of any public meeting notified under section 8 where he reasonably considers such prohibition to be necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others. (Amended 119 of 1997 s. 4; 10 of 2008 s. 10)
- (2) Notice of a prohibition under subsection (1) shall be given-
 - (a) in writing to the person who gave notice under section 8 or to any person named in that notice for the purposes of section 8(4)(a)(i); or
 - (b) by publication in writing in such manner, or by posting a notice of the prohibition in such place, as the Commissioner of Police may think fit,
 and such notice shall state the ground or grounds on which the prohibition is considered to be necessary and the reasons for the Commissioner's opinion as to those grounds.
- (3) The power conferred by subsection (1) shall not be exercised in respect of any public meeting notified under section 8-
 - (a) where notice is given in accordance with section 8(1), at any time later than 48 hours; or
 - (b) where shorter notice of 72 hours or more is accepted by the Commissioner of Police pursuant to section 8(2), at any time later than 24 hours,
 prior to the time of commencement of the meeting as so notified.
- (4) The Commissioner of Police shall not exercise the power conferred by subsection (1) to prohibit the holding of a public meeting in any case where he reasonably considers that the interests of national security or public safety, public order or the protection of the rights and freedoms of others could be met by the imposition of conditions under section 11(2). (Amended 119 of 1997 s. 4; 10 of 2008 s. 10)

(Replaced 77 of 1995 s. 7)

Section:	10	Designated public areas	E.R. 1 of 2013	25/04/2013
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The Chief Executive may, by order published in the Gazette, designate any area as a designated public area for the purposes of this Part.

(Replaced 77 of 1995 s. 7. Amended 13 of 1999 s. 3)

Section:	11	Requirements and conditions applying to public meetings	E.R. 1 of 2013	25/04/2013
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- (1) At every public meeting-
 - (a) there shall be present throughout the meeting either the person who organized the meeting or, if he is not present, a person nominated by him to act in his place;
 - (b) good order and public safety shall be maintained throughout the meeting;

- (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the meeting.
- (2) The Commissioner of Police may, where he reasonably considers it necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others, impose conditions in respect of any public meeting notified under section 8; except that if the meeting is to take place in a designated public area the Commissioner may, insofar as the interests of public order are concerned, only impose conditions relating to the time at which such a meeting may be held. (Amended 119 of 1997 s. 5; 10 of 2008 s. 11)
- (3) Notice of any condition imposed pursuant to subsection (2) shall be given in writing to the person by whom the public meeting has been notified or to some other person concerned in the holding, convening, organizing or forming of the meeting and shall state the reasons why such condition is considered necessary.
- (4) The power conferred by subsection (2) to impose conditions includes a like power to amend any such condition previously imposed and reference in this Ordinance to a condition imposed under or pursuant to subsection (2) shall, except where the context otherwise requires, include reference to an amendment to such a condition pursuant to this subsection.
- (5) Every person who organizes a public meeting, or any person acting in place of such person for the purpose of subsection (1)(a), shall comply forthwith with any direction given to him by a police officer for ensuring compliance with or the due performance of any of the requirements of subsection (1) or any conditions imposed under subsection (2).
- (6) In this section-
 - (a) **meeting** (集會) includes the period from first assembly to final dispersal of a meeting; and
 - (b) references to a public meeting do not include references to a meeting referred to in section 7(2).

(Replaced 77 of 1995 s. 7)

Section:	12	Compliance with safety requirements for public meetings in private premises	E.R. 1 of 2013	25/04/2013
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In respect of any public meeting held in private premises, it shall be the duty of the owner or occupier of the premises, and any person who organizes or assists in the organization of the meeting, to comply with any restriction or requirement imposed by or under any Ordinance relating to the safety of persons or the prevention of fire.

(Replaced 77 of 1995 s. 7)

Section:	13	Regulation of public processions	E.R. 1 of 2013	25/04/2013
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- (1) A public procession may take place if, but only if-
 - (a) the Commissioner of Police is notified under section 13A of the intention to hold the procession;
 - (b) the Commissioner of Police has notified under section 14(4) the person that he has no objection to the procession taking place or is taken to have issued a notice of no objection; and
 - (c) the requirements under section 15 are complied with. (Replaced 119 of 1997 s. 6)
- (2) This section shall not apply to-
 - (a) any public procession which is not a procession on a public highway or thoroughfare or in a public park;
 - (b) any public procession consisting of not more than 30 persons;
 - (c) any public procession of a nature or description specified by the Commissioner of Police by notice in the Gazette.

(Replaced 77 of 1995 s. 7)

Section:	13A	Notification of public processions	E.R. 1 of 2013	25/04/2013
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- (1) For the purposes of section 13, notice of the intention to hold a public procession shall be given in writing to the Commissioner of Police-
 - (a) in the case of a public procession held solely for the purposes of a funeral at which the body is present, not later than 24 hours prior to the forming of the procession;
 - (b) in any other case-
 - (i) not later than 11 a.m. on the same day of the week in the preceding week as the day on which the

- procession is intended to be held; or
- (ii) where the last day for giving notice under subparagraph (i) would fall on a general holiday, not later than 11 a.m. on the first day immediately preceding that day which is not a general holiday.
- (2) Notwithstanding subsection (1), the Commissioner of Police may, and shall in any case where he is reasonably satisfied that earlier notice could not have been given, accept shorter notice than is specified in that subsection.
- (3) In cases where the Commissioner of Police has decided not to accept shorter notice than is specified in subsection (1), he shall as soon as is reasonably practicable inform in writing the person purporting to give the notice of his decision and the reasons why the shorter notice is not acceptable.
- (4) Notice under this section shall be given by being delivered in person by the person giving it, or by any person on his behalf, to the officer in charge of a police station, and shall contain particulars of the following matters-
 - (a) the name, address and telephone number of-
 - (i) the person organizing the procession and any society or organization promoting or connected with the holding of the procession; and
 - (ii) a person able to act, if necessary, in place of the organizer for the purpose of section 15(1)(a);
 - (b) the purpose and subject-matter of the procession;
 - (c) the date, precise route, time of commencement and duration of the procession;
 - (d) in respect of any meeting to be held in conjunction with the procession, the location, time of commencement and duration of the meeting; and
 - (e) an estimate by the person organizing the procession of the number of people expected to attend the procession.
- (5) The Commissioner of Police shall issue written acknowledgment of receipt of notice under this section to the person giving or delivering the notice.

(Added 77 of 1995 s. 7)

Section:	14	Right of Commissioner of Police to object to public procession	E.R. 1 of 2013	25/04/2013
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- (1) Subject to subsection (5), the Commissioner of Police may object to a public procession being held if he reasonably considers that the objection is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others. (Amended 10 of 2008 s. 12)
- (2) If the Commissioner of Police objects to the public procession being held he shall as soon as is reasonably practicable and within the time limit specified under this Ordinance-
 - (a) notify in writing the person who gave notice under section 13A or a person named for the purposes of section 13A(4)(a)(i) of his objection and reasons; or
 - (b) publish a written notice of objection and reasons in the manner he thinks fit; or
 - (c) post a written notice of objection and reasons in the place he thinks fit.
- (3) The Commissioner of Police shall not issue a notice of objection for a public procession-
 - (a) if notice of a procession is given in accordance with section 13A(1)(b), later than 48 hours before the notified commencement time of the procession;
 - (b) if shorter notice of 72 hours or more is accepted by the Commissioner of Police under section 13A(2), later than 24 hours before the notified commencement time of the procession;
 - (c) if shorter notice of less than 72 hours is accepted by the Commissioner of Police under section 13A(2), later than the notified commencement time of the procession,
 this subsection does not apply to a procession held solely for a funeral as referred to in section 13A(1)(a).
- (4) If the Commissioner of Police does not object to a public procession being held he shall notify the person who gave notice under section 13A or a person named for the purposes of section 13A(4)(a)(i) in writing of his having no objection as soon as is reasonably practicable and within the time limited for him to give notice of objection under this Ordinance. If the Commissioner does not notify, post or publish his having an objection in accordance with subsection (2) and within the time limit specified under this Ordinance, the Commissioner is taken to have issued a notice of no objection for the public procession.
- (5) The Commissioner of Police shall not exercise his right under subsection (1) to object to holding of a public procession if he reasonably considers that the interests of national security or public safety, public order or the protection of the rights and freedoms of others could be met by imposing conditions under section 15(2). (Amended 10 of 2008 s. 12)

(Replaced 119 of 1997 s. 7)

Section:	15	Requirements and conditions applying to public processions	E.R. 1 of 2013	25/04/2013
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- (1) At every public procession-
 - (a) there shall be present throughout the procession either the person who organized the procession or, if he is not present, a person nominated by him to act in his place;
 - (b) good order and public safety shall be maintained throughout the procession;
 - (c) the control of any amplification device that is used in such a manner that it causes a noise that would not be tolerated by a reasonable person shall, if so required by a police officer, be surrendered to the police officer for the duration of the procession.
- (2) The Commissioner of Police may, where he reasonably considers it necessary in the interests of national security or public safety, public order or for the protection of the rights and freedoms of others, impose conditions in respect of any public procession notified under section 13A, and notice of any condition so imposed shall be given in writing to the person by whom such public procession is so notified or to some other person concerned in the holding, convening, organizing or forming of the procession and shall state the reasons why such condition is considered necessary. (Amended 119 of 1997 s. 8; 10 of 2008 s. 13)
- (3) The power conferred by subsection (2) to impose conditions includes a like power to amend any such condition previously imposed and reference in this Ordinance to a condition imposed under or pursuant to subsection (2) shall, except where the context otherwise requires, include reference to an amendment to such a condition pursuant to this subsection.
- (4) Every person who organizes a public procession, or any person acting in place of such person for the purpose of subsection (1)(a), shall comply forthwith with any direction given to him by a police officer for ensuring compliance with or the due performance of any of the requirements of subsection (1) or any conditions imposed under subsection (2).
- (5) In this section-
 - (a) **procession** (遊行) includes the period from first assembly to final dispersal of a procession; and
 - (b) references to a public procession do not include references to a procession referred to in section 13(2).
(Replaced 77 of 1995 s. 7)

Section:	16	Appeals	E.R. 1 of 2013	25/04/2013
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- (1) A person, society or organization-
 - (a) named in a notice given under section 8 or 13A;
 - (b) to whom a notice of prohibition is given under section 9; or
 - (c) to whom notice of objection is given under section 14,
 who is aggrieved by the decision of the Commissioner of Police to prohibit a public meeting, to object to a public procession or to impose conditions on the holding of a public meeting or public procession may appeal to the Appeal Board.
- (2) In this section **Appeal Board** (上訴委員會) means the Appeal Board constituted under section 44.
(Replaced 119 of 1997 s. 9)

Section:	17	Police powers over meetings, processions and gatherings	E.R. 1 of 2013	25/04/2013
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- (1) Any police officer may prevent the holding of, stop or disperse-
 - (a) any public meeting which takes place in contravention of section 7 or in regard to which any requirement, or any condition imposed, under section 11 is being or has been contravened;
 - (b) any public procession which takes place in contravention of section 13 or in regard to which any requirement, or any condition imposed, under section 15 is being or has been contravened. (Amended 77 of 1995 s. 8)
- (2) Any police officer of or above the rank of inspector may-
 - (a) prevent the holding of, stop, disperse or vary the place or route of any public gathering, other than a public gathering exclusively for religious purposes, whether or not the public gathering is one to which section 7 or 13 applies; or

- (b) stop or disperse any public gathering exclusively for religious purpose or any meeting convened or held in any premises or place which is not a public place or any gathering or procession whatsoever or wheresoever,
if he reasonably believes that the same is likely to cause or lead to a breach of the peace.
- (3) For the purpose of exercising the powers conferred by subsections (1) and (2), respectively, a police officer and a police officer of or above the rank of inspector may give or issue such orders as he may consider necessary or expedient, and such police officer and any other police officer may-
 - (a) use such force as may be reasonably necessary to prevent the holding of, stop or disperse, as the case may be, the public meeting, public procession, public gathering or other meeting, gathering or procession; and
 - (b) enter any premises or place whatsoever in which any meeting is taking place or any persons are gathered.
- (4) If a police officer of or above the rank of inspector has reason to believe that a public meeting or public procession is likely to take place or form in any public place in contravention of section 7 or 13, he may cause access to that public place and to any other public place adjacent thereto to be barred and to be closed to the public or to any person or class of persons for such time as may be necessary to prevent the public meeting or public procession taking place.
- (5) The closure of any public place under subsection (4) shall be notified by means of notices exhibited, or physical barriers erected, at the places of access thereto, or by oral public announcement in the vicinity thereof, or in such other manner as the police officer aforesaid may think fit.
- (6) Any police officer may use such force as may be reasonably necessary to prevent any person from entering or remaining in any public place to which access has been closed to him under this section.

Section:	17A	Offences in relation to sections 6, 7, 8, 9, 11, 13, 13A, 14, 15 and 17	E.R. 1 of 2013	25/04/2013
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- (1) Any person who-
 - (a) refuses or wilfully neglects to obey any order given or issued under section 6 or 17(3); or
 - (b) knowingly contravenes or suffers or permits any person so to contravene any requirement imposed by section 11(1) or 15(1) in respect of any public meeting or public procession; or
 - (c) without the permission of any police officer on duty there, knowingly enters or remains in a public place to which access has been closed to him under section 17(4); or
 - (d) makes any announcement or publishes any advertisement or notice, whether in printed or other form, or in any other manner advertises or publicizes a public meeting (other than a meeting referred to in section 7(2)) or a public procession (other than a public procession referred to in section 13(2))-
 - (i) which has not been notified under section 8 or 13A;
 - (ii) notice of which under section 8 or 13A was given to the Commissioner of Police less than 24 hours previously (excluding general holidays); (Amended 119 of 1997 s. 10)
 - (iii) which is prohibited under section 9 and which prohibition has not been reversed on appeal; or (Replaced 119 of 1997 s. 10)
 - (iv) which is objected to under section 14 and which objection has not been reversed on appeal, (Added 119 of 1997 s. 10)
 commits an offence and is liable to a fine at level 3 and to imprisonment for 12 months. (Replaced 77 of 1995 s. 9)
- (1A) Any person who without reasonable excuse contravenes section 11(5) or 15(4) commits an offence and is liable to a fine at level 2 and to imprisonment for 12 months. (Added 77 of 1995 s. 9)
- (2) Where-
 - (a) any public meeting or public procession takes place in contravention of section 7 or 13;
 - (b) 3 or more persons taking part in or forming part of a public gathering refuse or wilfully neglect to obey an order given or issued under section 6; or
 - (c) 3 or more persons taking part in or forming part of a public meeting, public procession or public gathering, or other meeting, procession or gathering of persons refuse or wilfully neglect to obey an order given or issued under section 17(3),
the public meeting, public procession or public gathering, or other meeting, procession or gathering of persons, as the case may be, shall be an unauthorized assembly.
- (3) Where any public meeting, public procession or public gathering, or other meeting, procession or gathering of persons, is an unauthorized assembly by virtue of subsection (2)-

- (a) every person who, without lawful authority or reasonable excuse, knowingly takes or continues to take part in or forms or continues to form part of any such unauthorized assembly; and
- (b) every person who-
 - (i) holds, convenes, organizes, forms or collects, or assists or is concerned in the holding, convening, organizing, forming or collecting of, any public meeting or public procession referred to in subsection (2)(a); or
 - (ii) continues or attempts to continue to hold or conduct, or to direct otherwise than for the purpose of securing obedience to an order given or issued under section 6 or 17(3), any public gathering such as is referred to in subsection (2)(b), or any public meeting, public procession or public gathering, or other meeting, procession or gathering of persons, referred to in subsection (2)(c), after the same has become an unauthorized assembly as aforesaid,
 shall be guilty of an offence and shall be liable-
 - (i) on conviction on indictment, to imprisonment for 5 years; and
 - (ii) on summary conviction, to a fine at level 2 and to imprisonment for 3 years.
- (4) (Repealed 77 of 1995 s. 9)

(Amended E.R. 1 of 2013)

Section:	17B	Disorder in public places	E.R. 1 of 2013	25/04/2013
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- (1) Any person who at any public gathering acts in a disorderly manner for the purpose of preventing the transaction of the business for which the public gathering was called together or incites others so to act shall be guilty of an offence and shall be liable on conviction to a fine at level 2 and to imprisonment for 12 months.
- (2) Any person who in any public place behaves in a noisy or disorderly manner, or uses, or distributes or displays any writing containing, threatening, abusive or insulting words, with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be caused, shall be guilty of an offence and shall be liable on conviction to a fine at level 2 and to imprisonment for 12 months.

(Amended E.R. 1 of 2013)

Section:	17C	Prohibition of offensive weapons at public meetings and processions	E.R. 1 of 2013	25/04/2013
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- (1) Any person who, while present at any public meeting or on the occasion of any public procession, has with him any offensive weapon, without lawful authority or reasonable excuse, shall be guilty of an offence and shall be liable on conviction to a fine at level 2 and to imprisonment for 2 years.
- (2) For the purposes of this section, a person shall not be deemed to be acting in pursuance of lawful authority unless he is on duty as-
 - (a) a police officer;
 - (b) a member of the Hong Kong Auxiliary Police Force when the Force or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Hong Kong Auxiliary Police Force Ordinance (Cap 233); (Amended L.N. 362 of 1997; 76 of 1999 s. 3)
 - (c) a member of the Fire Services Department;
 - (d) a public officer;
 - (e) a member of the Chinese People’ s Liberation Army; (Amended 2 of 2012 s. 3)
 - (f) (Repealed 20 of 1997 s. 25);
 - (g) a member of the Government Flying Service; or (Replaced 54 of 1992 s. 19)
 - (h) an officer of the Independent Commission Against Corruption established under the Independent Commission Against Corruption Ordinance (Cap 204).
- (3) Where any person is convicted of an offence under subsection (1), the court may make an order for the forfeiture of any offensive weapon in respect of which the offence was committed.

(Amended E.R. 1 of 2013)

Section:	17D	(Repealed 77 of 1995 s. 10)		30/06/1997
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Section:	17E	Power of Chief Executive in Council to prohibit public gatherings	E.R. 1 of 2013	25/04/2013
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- (1) The Chief Executive in Council may, if he is satisfied that, by reason of particular circumstances existing in Hong Kong or in any part thereof, it is necessary for the prevention of serious public disorder to prohibit the holding of public gatherings in Hong Kong or any part thereof, prohibit the holding in Hong Kong or any part thereof of all public gatherings, or of any class of public gatherings, for such period not exceeding 3 months as may be specified. (Amended 13 of 1999 s. 3)
- (2) Any person who-
- (a) takes part in the promotion, direction, organization or management of a public gathering which is held or intended to be held in contravention of a prohibition under this section; or
 - (b) takes part in or attends, or incites any other person to take part in or attend, any such public gathering, shall be guilty of an offence and shall be liable on conviction to a fine at level 2 and to imprisonment for 3 years. (Amended E.R. 1 of 2013)

Section:	17F	Proof	E.R. 1 of 2013	25/04/2013
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- A certificate purporting to be under the hand of the Commissioner of Police specifying-
- (a) the terms and date of any order given under section 6 or prohibition under section 9 or an objection given under section 14; (Amended 119 of 1997 s. 11)
 - (b) any conditions imposed under section 11(2) or 15(2),
 - (c)-(e) (Repealed 77 of 1995 s. 11)
- shall be prima facie evidence of such matter contained in such certificate in all legal proceedings. (Amended 77 of 1995 s. 11; E.R. 1 of 2013)

Section:	17G	Supplemental	E.R. 1 of 2013	25/04/2013
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This Part shall be construed as being in addition to and not in derogation of the provisions of any Ordinance, and nothing in this Part relating to any matter shall affect the liability of any person to comply with any provision of any Ordinance in respect of the same matter. (Part III replaced 67 of 1980 s. 3)

Part:	IV	UNLAWFUL ASSEMBLIES, RIOTS AND SIMILAR OFFENCES		30/06/1997
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Section:	18	Unlawful assembly	E.R. 1 of 2013	25/04/2013
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- (1) When 3 or more persons, assembled together, conduct themselves in a disorderly, intimidating, insulting or provocative manner intended or likely to cause any person reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such conduct provoke other persons to commit a breach of the peace, they are an unlawful assembly. (Amended 31 of 1970 s. 11)
- (2) It is immaterial that the original assembly was lawful if being assembled, they conduct themselves in such a manner as aforesaid.
- (3) Any person who takes part in an assembly which is an unlawful assembly by virtue of subsection (1) shall be guilty of the offence of unlawful assembly and shall be liable- (Amended 31 of 1970 s. 11)
- (a) on conviction on indictment, to imprisonment for 5 years; and
 - (b) on summary conviction, to a fine at level 2 and to imprisonment for 3 years. (Amended E.R. 1 of 2013)

Section:	19	Riot	E.R. 1 of 2013	25/04/2013
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(1) When any person taking part in an assembly which is an unlawful assembly by virtue of section 18(1) commits a breach of the peace, the assembly is a riot and the persons assembled are riotously assembled. (Amended

31 of 1970 s. 12)

- (2) Any person who takes part in a riot shall be guilty of the offence of riot and shall be liable-
- (a) on conviction on indictment, to imprisonment for 10 years; and
 - (b) on summary conviction, to a fine at level 2 and to imprisonment for 5 years.

(Amended E.R. 1 of 2013)

Section:	20	Rioters demolishing buildings, etc.		30/06/1997
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(1) Any person taking part in a riot who unlawfully pulls down or destroys or begins to pull down or destroy any motor vehicle, tramcar, aircraft, vessel, building, railway, machinery or structure shall be guilty of an offence and shall be liable-

- (a) on conviction on indictment, to imprisonment for 14 years; and
- (b) on summary conviction, to imprisonment for 5 years.

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

Section:	21	Rioters damaging buildings, machinery, etc.		30/06/1997
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(1) Any person taking part in a riot who unlawfully damages any of the things specified in section 20 shall be guilty of an offence and shall be liable-

- (a) on conviction on indictment, to imprisonment for 10 years; and
- (b) on summary conviction, to imprisonment for 5 years.

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

Section:	22	Riotously preventing the sailing of ship, aircraft or train	E.R. 1 of 2013	25/04/2013
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(1) Any person taking part in a riot who unlawfully and with force prevents, hinders or obstructs, or attempts to prevent, hinder or obstruct, the loading or unloading, or the movement, of any motor vehicle, tramcar, aircraft, train or vessel, or unlawfully and with force boards, or attempts to board, any motor vehicle, tramcar, aircraft, train or vessel with intent to do so, shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 3 years.

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

(Amended E.R. 1 of 2013)

Section:	23	Forcible entry	E.R. 1 of 2013	25/04/2013
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(1) Any person who enters on any premises in a violent manner, whether or not he is entitled to enter thereon and whether such violence consists in actual force applied to any other person or in threats or in breaking open any building or in collecting an unusual number of people, shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 2 years.

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

(Amended E.R. 1 of 2013)

Section:	24	Forcible detainer of premises	E.R. 1 of 2013	25/04/2013
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Any person who, being in unlawful possession of premises, holds possession of them, in a manner likely to cause a breach of the peace or to cause any person reasonably to fear that a breach of the peace may occur, against a person entitled by law to the possession of the premises shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 2 years.

(Amended E.R. 1 of 2013)

Section:	25	Fighting in public	E.R. 1 of 2013	25/04/2013
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Any person who takes part in an unlawful fight in a public place shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 12 months.

(Amended 31 of 1970 s. 14; E.R. 1 of 2013)

Section:	26	Proposing violence at public gatherings	E.R. 1 of 2013	25/04/2013
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Any person who, without lawful authority, at any public gathering makes any statement, or behaves in a manner, which is intended or which he knows or ought to know is likely to incite or induce any person- (Amended 31 of 1970 s. 15)

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

shall be guilty of an offence and shall be liable-

- (i) on conviction on indictment, to imprisonment for 5 years; and
- (ii) on summary conviction to a fine at level 2 and to imprisonment for 2 years.

(Amended E.R. 1 of 2013)

Part:	V	FALSE NEWS AND BOMB HOAXES		30/06/1997
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(Part V replaced 16 of 1987 s. 2)

Section:	27	(Repealed 1 of 1989 s. 2)		30/06/1997
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Section:	28	Bomb hoaxes	E.R. 1 of 2013	25/04/2013
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(1) Any person who-

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

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

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

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

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

- (a) on summary conviction, to a fine at level 5 and to imprisonment for 3 years; and
- (b) on conviction on indictment, to a fine of \$150000 and to imprisonment for 5 years.

(Amended E.R. 1 of 2013)

Section:	29	(Repealed 16 of 1987 s. 2)		30/06/1997
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Section:	30	(Repealed 16 of 1987 s. 2)		30/06/1997
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Part:	VI	CONTROL OF PLACES, VESSELS, OFFENSIVE WEAPONS, ETC.		30/06/1997
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Section:	31	Curfew orders	E.R. 1 of 2013	25/04/2013
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(1) The Chief Executive may, if he is satisfied that it is necessary in the interests of public order so to do, by order (hereinafter referred to as a curfew order) direct that, within such area and during such hours as may be specified in the curfew order, every person, or, as the case may be, every member of any class of persons specified in the curfew order, shall, save under and in accordance with a permit issued by the Commissioner of Police under subsection (2), remain indoors.

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

(2A) The Commissioner of Police may delegate to any public officer or the person for the time being holding any office designated by him to exercise the powers conferred by subsection (2); and the reference in subsection (1) to a permit issued by the Commissioner of Police shall be construed accordingly. (Added 67 of 1980 s. 5)

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

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

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

shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 2 years.

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

- (a) a police officer;
(b) a member of the Hong Kong Auxiliary Police Force when the Force, or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Hong Kong Auxiliary Police Force Ordinance (Cap 233); (Amended 29 of 1969 s. 2; L.N. 362 of 1997; 76 of 1999 s. 3)
(c) a member of the Fire Services Department;
(d) a member of the Correctional Services Department; (Amended L.N. 30 of 1982)
(e) a member of the Customs and Excise Service; (Amended 46 of 1977 s. 18)
(f) a member of the Chinese People' s Liberation Army; (Amended 2 of 2012 s. 3)
(g) (Repealed 20 of 1997 s. 25);
(h) a member of the Government Flying Service; (Replaced 54 of 1992 s. 19)
(i) any person in possession of a valid warrant signed by the Secretary for Security and certifying that such person is engaged on essential duties; (Amended 24 of 1972 s. 4; L.N. 147 of 1977)
(j) any servant of the Government, other than a public officer, in possession of a permit issued by the Commissioner of Police for the purposes of this paragraph;
(k) a member of the Essential Services Corps in possession of an identity card issued under the Essential Services Corps (Identity Cards) Regulations (Cap 197 sub. leg. B); (Added 24 of 1972 s. 4)
(l) a member of the Immigration Service; (Added 24 of 1972 s. 4. Amended 57 of 1997 s. 34)
(m) a member of the Ministry of National Defence in the Central People' s Government in possession of a

valid pass of the Ministry of National Defence; (Added 24 of 1972 s. 4. Amended 57 of 1997 s. 34; 58 of 1997 s. 34; 2 of 2012 s. 3)

- (n) a member of the Auxiliary Medical Service under the Auxiliary Medical Service Ordinance (Cap 517) who is in possession of a document of identity issued by the Commissioner, Auxiliary Medical Service; and (Added 57 of 1997 s. 34. Amended 58 of 1997 s. 34)
- (o) a member of the Civil Aid Service under the Civil Aid Service Ordinance (Cap 518) who is in possession of a document of identity issued by the Commissioner, Civil Aid Service. (Added 58 of 1997 s. 34)

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

(Amended 13 of 1999 s. 3; E.R. 1 of 2013)

Section:	32	Carrying offensive weapons during curfew	E.R. 1 of 2013	25/04/2013
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(1) Any person who, without lawful authority or reasonable excuse, carries or has in his possession in any area in which a curfew order is in force and during the hours during which the curfew imposed thereby is operative any offensive weapon shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 3 years. (Amended 31 of 1970 s. 21)

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

- (a) solely for domestic or defensive purposes within enclosed premises which he was lawfully occupying or in which he was lawfully present; or
- (b) with the authority of his employer and solely for domestic or defensive purposes within enclosed premises in the lawful occupation of his employer.

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

(Amended E.R. 1 of 2013)

Section:	33	Possession of offensive weapon in public place	L.N. 74 of 2002	11/07/2002
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(1) Any person who, without lawful authority or reasonable excuse, has with him in any public place any offensive weapon shall be guilty of an offence and shall be sentenced, on summary conviction or conviction on indictment, in the manner specified in subsection (2). (Amended 27 of 1978 s. 2)

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

- (a) if under the age of 14 years, be dealt with in accordance with the provisions of the Juvenile Offenders Ordinance (Cap 226);
- (b) if he is not less than 14 years of age and has not attained 17 years of age, be sentenced-
 - (i) to imprisonment for not more than 3 years; (Replaced 73 of 1990 s. 2)
 - (ii) to a detention order under the provisions of the Detention Centres Ordinance (Cap 239), but subject to the provisions of that Ordinance; (Amended 11 of 2001 s. 16)
 - (iii) (Repealed 73 of 1990 s. 2)
 - (iv) subject to the provisions of the Training Centres Ordinance (Cap 280), to detention in a training centre under that Ordinance; or (Replaced 27 of 1978 s. 2. Amended 11 of 2001 s. 16)
 - (v) subject to the provisions of the Rehabilitation Centres Ordinance (Cap 567), to detention in a rehabilitation centre within the meaning of that Ordinance; (Added 11 of 2001 s. 16)
- (c) if he is not less than 17 years of age and has not attained 25 years of age, be sentenced-
 - (i) to imprisonment for not more than 3 years; (Replaced 73 of 1990 s. 2. Amended 11 of 2001 s. 16)
 - (ii) to a detention order under the provisions of the Detention Centres Ordinance (Cap 239), but subject to the provisions of that Ordinance; or (Amended 11 of 2001 s. 16)
 - (iii) (Repealed 73 of 1990 s. 2)
 - (iv) subject to the provisions of the Rehabilitation Centres Ordinance (Cap 567), to detention in a rehabilitation centre within the meaning of that Ordinance; (Added 11 of 2001 s. 16)
- (d) if of the age of 25 years or more, be sentenced to imprisonment for not more than 3 years. (Replaced

73 of 1990 s. 2)

(2A)(Repealed 73 of 1990 s. 2)

(3) Where any person, other than a person under the age of 14 years, is charged with an offence under this section, it shall not be open to the court to exercise either the powers conferred by section 36 of the Magistrates Ordinance (Cap 227) or the powers conferred by section 3 of the Probation of Offenders Ordinance (Cap 298).

(4) Where a person who is not less than 14 years of age and under 16 years of age is convicted of an offence under this section, section 11(2) of the Juvenile Offenders Ordinance (Cap 226) shall not apply in relation to such person.

(5) No prosecution for an offence under this section shall be instituted without the consent of the Secretary for Justice, but this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for any such offence, or the remand in custody or on bail of a person charged with any such offence. (Amended L.N. 362 of 1997)

(6) Where a police officer reasonably believes that-

(a) an offence against section 18 or 19 has been committed, is being committed or may be committed in any place; and

(b) offensive weapons have been or may be used in the course of the commission of such offence, he may, within the vicinity of such place, stop and search any person in a public place in order to ascertain whether that person has been guilty of an offence against this section. (Replaced 77 of 1995 s. 12)

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

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

(Replaced 45 of 1973 s. 2)

Section:	34	Power of Chief Executive to prohibit the movement of vessels or aircraft	E.R. 1 of 2013	25/04/2013
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(1) The Chief Executive may, if he is satisfied that it is necessary in the interests of public order so to do, by order prohibit or control the landing, taking off or movement of any aircraft or class of aircraft or the movement or anchorage of any vessel or the use of any waters in Hong Kong by all vessels or any vessel or class of vessel during such hours and for such a period and subject to such conditions as may be specified in the order. (Amended 13 of 1999 s. 3)

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

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

(Amended E.R. 1 of 2013)

Section:	35	Detention of vessels and aircraft	13 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 13 of 1999 s. 3

(1) The Chief Executive may, if he is satisfied that it is necessary in the interests of public order so to do, give such orders as may appear to him to be necessary for the detention of any vessel or aircraft, or any class of vessel or aircraft, and for the detention of any of the persons on board the vessel or aircraft so far as this may be necessary to ensure the detention of the vessel or aircraft. (Amended 13 of 1999 s. 3)

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

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

(4) The Chief Executive may give orders for the release of any vessel, aircraft or person detained under this section, and for the departure thereof from Hong Kong. (Amended 13 of 1999 s. 3)

(5) In this section, "person on board" (在船隻或航空器上的任何人) means any person who is or was on board the vessel or aircraft-

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

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

Part:	VII	CLOSED AREAS		30/06/1997
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Section:	36	Closed areas	119 of 1997; 13 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 13 of 1999 s. 3

(1) The Chief Executive may, where he reasonably believes that it is necessary for the protection of national security or public safety, or the protection of public order or public health, by order declare any area or place to be a closed area. (Replaced 77 of 1995 s. 13. Amended 119 of 1997 s. 12)

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

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

(Replaced 31 of 1970 s. 22. Amended 13 of 1999 s. 3)

Section:	37	Permits to enter and leave closed area	2 of 2012	17/02/2012
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(1) In the case of a closed area which is an area or place occupied by the Hong Kong Garrison or for other purposes of the Central People's Government, the Commander of the Hong Kong Garrison or any member of the Chinese People's Liberation Army authorized by him for the purposes of this subsection may issue to any person a permit allowing such person to enter and leave the closed area. (Replaced 2 of 2012 s. 3)

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

- (a) by the Commissioner of Police; or
- (b) by such authority or person as may be specified for that purpose by the Chief Executive in any order made under section 36, (Amended 13 of 1999 s. 3)

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

(2A) The Commissioner of Police may delegate to any public officer or the person for the time being holding any office designated by him to exercise the power to issue a permit conferred by subsection (2)(a); and the reference in subsection (3) to a permit issued under subsection (2) shall be construed accordingly. (Added 67 of 1980 s. 7)

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

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

Section:	38	Prohibition on entering or leaving closed area without permit	E.R. 1 of 2013	25/04/2013
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(1) Subject to subsection (2), any person who-

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

shall be guilty of an offence and shall be liable on summary conviction to a fine at level 2 and to imprisonment for 2

years. (Amended 33 of 1983 s. 2)

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

- (a) to the following persons when on duty or proceeding to or from duty-
 - (i) a police officer;
 - (ii) a member of the Hong Kong Auxiliary Police Force as constituted under the Hong Kong Auxiliary Police Force Ordinance (Cap 233); (Amended L.N. 362 of 1997; 76 of 1999 s. 3)
 - (iii) a member of the Chinese People's Liberation Army; (Amended 2 of 2012 s. 3)
 - (iv) (Repealed 20 of 1997 s. 25)
 - (v) a member of the Government Flying Service; and (Replaced 54 of 1992 s. 19)
- (b) if the closed area is one in respect of which a notice is published under section 38A(1), to any person to whom the notice applies and who complies with the terms thereof. (Added 33 of 1983 s. 2)
(Amended E.R. 1 of 2013)

Section:	38A	General permission to enter or leave closed area		30/06/1997
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(1) The Commissioner of Police may, in relation to any closed area in respect of which he is empowered under section 37(2)(a) to issue a permit, by notice published in the Gazette grant permission to persons of any class or category specified in the notice to enter or leave the closed area during such times and subject to such exceptions, conditions or restrictions as are specified in the notice.

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

(Added 33 of 1983 s. 3)

Section:	39	Power of arrest	2 of 2012	17/02/2012
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(1) Without prejudice to the provisions of this Ordinance or of any other law, any guard may arrest- (Amended 2 of 2012 s. 3)

- (a) any person whom he finds in a closed area if he has reason to suspect that such person has committed or is about to commit any offence;
- (b) any person whom he finds committing any offence in a closed area;
- (c) any person whom he finds attempting to enter a closed area if he has reason to suspect that such person is not permitted or authorized under this Part to so enter, (Replaced 33 of 1983 s. 4)

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

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

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

- (a) detain any person who is in a closed area without permission or authority for such time as may be necessary to ensure his orderly removal therefrom; and
- (b) remove therefrom any person who is in a closed area without permission or authority. (Added 31 of 1970 s. 24)

(4) In this section, "guard" (守衛員) means-

- (a) any member of the Essential Services Corps;
- (b) any person appointed to guard a closed area by the Chief Executive; (Amended 57 of 1997 s. 34; 2 of 2012 s. 3)
- (ba) in the case of a closed area which is an area or place occupied by the Hong Kong Garrison or for other purposes of the Central People's Government, any member of the Chinese People's Liberation Army; (Added 2 of 2012 s. 3)
- (c) any person appointed to guard a closed area by such authority or person as may be specified for that purpose by the Chief Executive in any order made under section 36; (Added 31 of 1970 s. 24. Amended 57 of 1997 s. 34; 58 of 1997 s. 34; 13 of 1999 s. 3)
- (d) any member of the Auxiliary Medical Service; and (Added 57 of 1997 s. 34. Amended 58 of 1997 s.

- 34)
 (f) any member of the Civil Aid Service. (Added 58 of 1997 s. 34)

Part:	VIII	SPECIAL CONSTABLES		30/06/1997
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Section:	40	Power of Chief Executive to authorize appointment of special constables	13 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 13 of 1999 s. 3

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

(Amended 31 of 1970 s. 25; 13 of 1999 s. 3)

Section:	41	Power of special constable		30/06/1997
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(1) A person appointed as a special constable shall, when acting as such, have the same duties, powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer.

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

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

Section:	42	Special constable refusing to obey orders	E.R. 1 of 2013	25/04/2013
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Any special constable who, without reasonable excuse, neglects or refuses to obey such orders as may be given to him for the performance of the duties of his office under section 41(2) shall be guilty of an offence and shall be liable on summary conviction to a fine at level 1 and to imprisonment for 2 months.

(Amended E.R. 1 of 2013)

Part:	IX	GENERAL		30/06/1997
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Section:	43	Appeal Board	25 of 1998; 13 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2; 13 of 1999 s. 3

(1) Every appeal made under section 16 shall be determined by an appeal board to be known as the Appeal Board on Public Meetings and Processions (in this section and sections 44 and 44A referred to as "the Appeal Board").

(2) The Chief Executive shall appoint to be the Chairman of the Appeal Board a person who- (Amended 13 of 1999 s. 3)

(a) is a retired Justice of Appeal or judge of the Court of First Instance; (Amended 25 of 1998 s. 2)

(b) is a retired District Judge; or

(c) has served for more than 10 years as a magistrate but who is no longer serving as a magistrate.

(3) The Chief Executive shall appoint a panel of 15 persons, not being public officers, whom he considers suitable for appointment under section 44 as members of the Appeal Board, 2 of whom he shall appoint to be the Deputy Chairmen of the Appeal Board. (Amended 13 of 1999 s. 3)

(4) Subject to subsection (6), the Chairman and any person appointed under subsection (3) shall be appointed for a term of not more than 2 years but may be reappointed.

(5) An appointment under subsection (2) or (3) shall be notified in the Gazette.

(6) The Chairman and any person appointed under subsection (3) may at any time resign by notice in writing to the Chief Executive. (Amended 13 of 1999 s. 3)

(Replaced 77 of 1995 s. 14)

Section:	44	Constitution and powers of Appeal Board	119 of 1997	01/07/1997
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(1) The Appeal Board shall consist of the Chairman or a Deputy Chairman who shall preside at the hearing and 3 persons selected in rotation in accordance with the alphabetical order of their surnames from the panel referred to in section 43(3), whom the Chairman shall appoint to be members of the Appeal Board to hear any appeal.

(2) In relation to the hearing of appeals every question before the Appeal Board shall be determined by the opinion of the majority of the members hearing the appeal and in the case of an equality of votes the Chairman or Deputy Chairman shall have a casting vote.

(3) In hearing an appeal the Appeal Board may receive and consider any material, whether by way of oral evidence, written statements, documents or otherwise, and whether or not it would be admissible in a court of law.

(4) The Appeal Board may, after hearing an appeal, confirm, reverse or vary the prohibition, objection or condition appealed against. (Amended 119 of 1997 s. 13)

(Replaced 77 of 1995 s. 14)

Section:	44A	Supplementary provisions relating to appeals		30/06/1997
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(1) The procedure and practice of the Appeal Board shall, subject to this Ordinance, be determined by the Chairman.

(2) If the Chairman is precluded by illness, absence from Hong Kong or any other cause from exercising his functions the Deputy Chairmen shall take it in turn to act as Chairman, and as such to exercise all the functions of the Chairman during the period the Chairman is precluded from exercising his functions, with the identity of the Deputy Chairman to act on the first such occasion being determined in accordance with the alphabetical order of the surnames of the Deputy Chairmen.

(3) In the hearing of an appeal, the appellant and the Commissioner of Police shall be entitled to be heard either in person or through a representative.

(4) If a party mentioned in subsection (3) fails to attend or be represented at a hearing of which he has been notified the Appeal Board may hear and determine the appeal in the party's absence.

(5) Before deciding to dispose of any appeal in the absence of a party the Appeal Board shall consider any representations in writing submitted by that party and, for the purposes of this subsection, an appeal and any reply to an appeal shall be treated as representations in writing.

(6) Where any notice of an appeal is given the Appeal Board shall consider and determine the appeal with the greatest expedition possible so as to ensure that the appeal is not frustrated by reason of the decision of the Appeal Board being delayed until after the date on which the public meeting or public procession is proposed to be held.

(7) The determination of an appeal by the Appeal Board shall be final.

(8) The Chairman of the Appeal Board, in consultation with the Secretary for Security, may make rules providing for matters in connection with appeals to the Appeal Board and the hearing and determination of such appeals.

(Added 77 of 1995 s. 14)

Section:	45	Use of necessary force		30/06/1997
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Without prejudice to any other powers conferred by this Ordinance, any police officer may use such force as may be necessary-

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

Section:	46	Restriction on use of force		30/06/1997
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(1) Whenever in this Ordinance it is provided that such force as may be necessary may be used for any purpose, the degree of force which may be so used shall not be greater than is reasonably necessary for that purpose.

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

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

Section:	47	(Repealed 77 of 1995 s. 15)		30/06/1997
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Section:	48	(Repealed 5 of 1971 s. 13)		30/06/1997
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Section:	49	Power to require identification	E.R. 1 of 2013	25/04/2013
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(1) Where a police officer reasonably believes that it is necessary for the purpose of preventing, detecting or investigating any offence for which the sentence is fixed by law or for which a person may (on a first conviction for that offence) be sentenced to imprisonment, the officer may require any person to produce proof of his identity for inspection, and any person who fails to comply with any such requirement commits an offence and is liable on summary conviction to a fine at level 3 and to imprisonment for 6 months. (Amended 2 of 2012 s. 3)

(2) In this section "proof of identity" (身分證明) has the same meaning as in section 17B of the Immigration Ordinance (Cap 115).

(Replaced 77 of 1995 s. 16. Amended E.R. 1 of 2013)

Section:	50	Powers of members of certain auxiliary services and Chinese People's Liberation Army*	2 of 2012	17/02/2012
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(1) Without prejudice to the provisions of this Ordinance or of any other law, a member of the Hong Kong Auxiliary Police Force on duty, and while proceeding to and from duty, when the Force or the part of the Force to which such member belongs, or such member, has been called out under section 16(1) or (2) of the Hong Kong Auxiliary Police Force Ordinance (Cap 233) shall have the same duties, powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer of equivalent rank. (Amended 29 of 1969 s. 2; L.N. 362 of 1997; 76 of 1999 s. 3)

(2) (a) A member of the Government Flying Service when on a call out under the Government Flying Service Ordinance (Cap 322) shall have the same power of arrest as is conferred on a police officer by section 50 of the Police Force Ordinance (Cap 232) and may use such force as may be necessary for that purpose. (Amended 54 of 1992 s. 19; 20 of 1997 s. 25)

(b) Whenever the Chief Executive so directs, a member of the Government Flying Service when on a call out under the Government Flying Service Ordinance (Cap 322) shall have the same powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer of equivalent rank. (Replaced 98 of 1970 Schedule. Amended 54 of 1992 s. 19; 20 of 1997 s. 25; 13 of 1999 s. 3)

(3) Without prejudice to the provisions of this Ordinance or of any other law, any member of the Chinese People's Liberation Army acting under Article 14 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997) shall have the same powers, protection and immunities as are imposed or conferred by this Ordinance or any other law on a police officer.

(4) Without prejudice to the provisions of this Ordinance or of any other law, any member of the Chinese People's Liberation Army of or above the rank of second lieutenant (or ensign) acting under Article 14 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997) shall have the powers conferred by section

17(2), (3) and (4) on a police officer of or above the rank of inspector. (Amended 31 of 1970 s. 28; 67 of 1980 s. 8)

(5) A certificate purporting to be signed by the Chief Secretary for Administration and stating that a member of the Chinese People's Liberation Army was, at the time specified therein, acting under Article 14 of the Law of the People's Republic of China on the Garrisoning of the Hong Kong Special Administrative Region in Schedule 2 to the Promulgation of National Laws (No. 2) 1997 (L.N. 386 of 1997) shall be conclusive evidence thereof in all proceedings and for all purposes. (Amended L.N. 362 of 1997)

(Amended 2 of 2012 s. 3)

Note:

* (Amended 2 of 2012 s. 3)

Section:	50A	Obstruction	E.R. 1 of 2013	25/04/2013
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Any person who obstructs-

- (a) any member of the Chinese People's Liberation Army; (Amended 2 of 2012 s. 3)
- (b) any officer or member of the Government Flying Service; or (Replaced 98 of 1970 Schedule. Amended 54 of 1992 s. 19; 20 of 1997 s. 25)
- (c) any other person,

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

(Added 31 of 1970 s. 29. Amended E.R. 1 of 2013)

Section:	51	Power of Chief Executive to give directions	13 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 13 of 1999 s. 3

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

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

(Amended 13 of 1999 s. 3)

Section:	52	Delegation of powers	23 of 2002	19/07/2002
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The Commissioner of Police may-

- (a) delegate to any police officer of the rank of inspector or above any of the powers conferred on him by section 6(1) or (3), 9, 11, 14 or 15; (Amended 67 of 1980 s. 9; 77 of 1995 s. 17)
- (aa) delegate to any police officer of the rank of chief superintendent or above any of the powers conferred on him by section 6(2); and (Added 77 of 1995 s. 17)
- (b) delegate to any police officer of the rank of superintendent or above any of the powers conferred on him by any other provision of this Ordinance.

(Amended 33 of 1983 s. 5; 23 of 2002 s. 126)

Section:	53	Indemnity to persons acting under Ordinance	2 of 2012	17/02/2012
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Without prejudice to the provisions of section 46, no person acting in good faith under the provisions of this Ordinance shall be liable in damages or otherwise for any act done by him in pursuance or exercise of any obligation, duty or power imposed or conferred, or reasonably supposed to be imposed or conferred, on him by this Ordinance, if done in good faith, and done or purported to be done in the execution of his duty or for the public safety or for the defence of Hong Kong or for the enforcement of discipline or otherwise in the public interest, if such person be a person holding office under or employed in the service of the Government in any capacity, or be a member of the

Chinese People' s Liberation Army, or be an officer or member of the Government Flying Service or a member of the Hong Kong Auxiliary Police Force acting as such or be a person acting under the authority of a person so holding office or so employed or such an officer or member.

(Amended 29 of 1969 s. 2; 98 of 1970 Schedule; 54 of 1992 s. 19; 20 of 1997 s. 25; L.N. 362 of 1997; 2 of 2012 s. 3)