

Chapter:	228	SUMMARY OFFENCES ORDINANCE	Gazette Number	Version Date
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		Long title		30/06/1997
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To consolidate the law relating to summary offences.

[1 January 1933]

(Originally 40 of 1932; 31 of 1900 (Cap 228 1950))

Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Summary Offences Ordinance.

Section:	2	Interpretation	24 of 2005; L.N. 282 of 2006	02/01/2007
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- (1) In this Ordinance, unless the context otherwise requires-
- "air gun" (氣槍) includes any gun, rifle or pistol which uses a compressed gas or compressed gases as a propellant and from which any shot, bullet or missile can be discharged with a muzzle energy not greater than 2 joules; (Added 14 of 2000 s. 30)
- "depositing" (棄置) in relation to litter, includes casting, throwing, sweeping, placing or dropping litter; (Added 38 of 1981 s. 2)
- "dwelling vessel" (住家船隻) means a dwelling vessel as defined in section 2 of the Merchant Shipping (Local Vessels) Ordinance (Cap 548); (Added 33 of 1989 s. 2. Amended 24 of 2005 s. 55)
- "lawful authority" (合法權限) extends to and denotes any permission which may be lawfully given by a public officer or department or by a private person;
- "litter" (廢物) means any refuse, rubbish, earth, dirt, filth, dust, sawdust, paper, timber off-cuts, ashes, excreta, and any other matter of a like nature; (Added 38 of 1981 s. 2)
- "owner" (船東) in relation to a vessel, means-
- (a) the person or persons registered or licensed as the owner of the vessel, or in the absence of registration or licensing, the person or persons owning the vessel, except that in relation to a vessel owned by a State which is operated by a person registered as the vessel's operator, it means the person registered as its operator; or
 - (b) a demise charterer of the vessel; (Added 38 of 1981 s. 2)
- "public meeting" (公眾聚會) includes any meeting in a public place and any meeting which the public or a section thereof are permitted to attend, whether on payment or otherwise; (Added 11 of 1949 s. 2)
- "public officer," (公職人員) or "public department," (公共機關) extends to and includes the Chief Executive and every officer or department invested with or performing duties of a public nature, whether under the immediate control of the Chief Executive or not; (Amended 13 of 1999 s. 3)
- "public place" (公眾地方) includes all piers, thoroughfares, streets, roads, lanes, alleys, courts, squares, archways, waterways, passages, paths, ways and places to which the public have access either continuously or periodically, whether the same are the property of the Government or of private persons. (Amended 29 of 1998 s. 105)
- (2) Where no specific description is given of the ownership of any property, the word "property" (財產) shall be taken to apply to all such property of the kinds specified, whether owned by the Government, by a public department or by a private person. (Amended 29 of 1998 s. 105)

Section:	3	Delegation of powers		30/06/1997
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Where under any provision of this Ordinance any public officer is empowered to permit or consent to the doing of any thing or to issue any licence in respect thereof, such power may be exercised by any public officer in the same department as that of the officer to whom the power is granted who is authorized in writing in that behalf by such

officer.

(Added 48 of 1959 s. 2)

Section:	4	Nuisances committed in public places, etc.	L.N. 193 of 2000	26/05/2000
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Nuisances and miscellaneous offences

Any person who without lawful authority or excuse-

- (1) throws or lays, or causes or knowingly permits to be thrown or laid, any carrion, dirt, soil, straw or dung, or any other filth, rubbish or noisome or offensive matter whatsoever, on any public place, or on any Government property unless with the consent of a public officer, or on any private property unless with the consent of the owner and of the occupier (if any) of such private property; or into any well, stream, watercourse, ford or reservoir, or into any drain or sewer; or permits or suffers any such noisome or offensive substance as aforesaid to remain exposed in any drain, sewer or elsewhere, opposite to or in the immediate neighbourhood of his house; or allows any accumulation of filth or offensive substances within the premises occupied by him, or in any manner defiles or pollutes any well, stream or watercourse used by any of the inhabitants of Hong Kong or for the supplying with water of ships resorting thereto; (Amended 48 of 1959 s.3; 38 of 1981 s. 3; 33 of 1989 s. 5)
- (2) in or into a public place or vehicle or ferry or any building to which the public have access, spits except into a receptacle or channel for sewage, sullage or waste water; (Added 10 of 1940 s. 2)
- (3) obeys any call of nature in any public, exposed, or other improper place; (Amended 11 of 1949 s. 3)
- (4) (Repealed 25 of 1965 s. 2)
- (5) causes any annoyance or obstruction in any public place-
 - (i) by exposing anything for sale in or upon, or so as to hang over, any street, road or footway, or on the outside of any house, shop or building; or
 - (ii) by setting up or continuing any pole, blind, awning, line or other projection from any window, parapet or other part of any house, shop or building; (Replaced 11 of 1949 s. 3)
- (6) (Repealed 25 of 1965 s. 2)
- (7) being the occupier or owner of any house, building or other erection, neglects to repair or remove the same when in a ruinous or unsafe state, and when it endangers or may endanger the passers-by in any public place;
- (8) rides or drives on any foot-path without obvious necessity; or in any public place rides or drives recklessly or negligently or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case; or, when passing or meeting another ridden or driven animal or vehicle, does not keep to the customary side of the road;
- (9) leads any horse or other large animal, or draws or propels any vehicle, truck or barrow upon any foot-path, or fastens any horse or other large animal so that it can stand across or upon any foot-path; or allows any horse or cattle to wander upon or into any public place;
- (10) in any public place, to the annoyance of the inhabitants or passers-by, kills or slaughters or exposes for show or sale (except in a market lawfully appointed for that purpose), or feeds or fodders, any horse or other animal; or shoes, bleeds or farries any horse or other animal (except in case of accident); or turns loose, cleans, dresses, exercises, trains or breaks any horse or other animal; or cleans, makes or repairs any part of any vehicle, except in case of accident where repair on the spot is necessary;
- (11) keeps any dog accustomed to annoy neighbours or passers-by by barking or otherwise; or suffers to be at large any unmuzzled ferocious dog or other animal; or sets on or urges any dog or other animal to attack, worry or put in fear any person or animal; (Amended 75 of 1988 s. 40)
- (12) upon any public footway rolls or carries any barrel, cask, butt or other thing calculated to annoy or incommode passers-by, except for the purposes of housing it or of loading any vehicle on the other side of the footway;
- (13) (Repealed 75 of 1988 s. 40)
- (14) wantonly or negligently discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework, to the damage or danger of any person;
- (14A) knowingly or negligently discharges an air gun to the danger or annoyance of any person; (Added 14 of 2000 s. 31)
- (15) plays any musical instrument in any public street or road save under and in accordance with the

conditions of any such general or special permit as the Commissioner of Police in his absolute discretion may issue; (Replaced 11 of 1949 s. 3)

- (16) (Repealed 64 of 1967 s. 55)
- (17) organizes, provides equipment for, or participates in any collection of money or sale or exchange for donations of badges, tokens or similar articles in a public place except under and in accordance with a permit issued-
 - (i) for a collection, sale or exchange for charitable purposes, by the Director of Social Welfare; or
 - (ii) for a collection, sale or exchange for any other purpose, by the Secretary for Home Affairs; (Replaced 74 of 1991 s. 2)
- (18) (Repealed 5 of 1980 s. 2)
- (19) in or near any public place defaces any rock or any roadcutting by carving or otherwise marking thereon any letter, character, figure or device; (Added 35 of 1936 s. 3)
- (20)-(21) (Repealed 64 of 1967 s. 55)
- (22) disturbs any inhabitant by pulling or ringing any door bell, or by knocking or striking at any door without lawful excuse; or extinguishes the light of any lamp;
- (23) plays at any game or pastime to the annoyance of the inhabitants or passers-by; or plays at any game or loiters in any public place, so as to obstruct the same or create a noisy assembly therein;
- (24) (Repealed 1 of 1978 s. 8)
- (25) uses, exercises or follows, in or upon any premises, or any part of any premises, held under a lease from the Government, in breach of any covenant in such lease, the trade or business of a brazier, glass-blower, slaughterman, soap-maker, sugar-baker, fellmonger, melter of tallow, oilman, butcher, distiller, victualler or tavern-keeper, blacksmith, nightman, scavenger, or any other noisome or offensive trade or business whatever, without the previous licence of the Government signified in writing by the Chief Executive signified in writing by the Governor or other person duly authorized in that behalf; (Amended 75 of 1988 s. 40; 29 of 1998 s. 105; 13 of 1999 s. 3)
- (26) (Repealed 61 of 1977 s. 2)
- (27) (Repealed 54 of 1972 s. 18)
- (28) does any act whereby injury or obstruction, whether directly or consequentially, may accrue to a public place or to the shore of the sea, or to navigation, mooring or anchorage, transit or traffic;
- (29) (Repealed 77 of 1995 s. 19)
- (30) trespasses or allows any beast to trespass upon or in any messuage, tenement, cemetery or land vested in or under the control or management of any public officer or department whatsoever;
- (31) (Repealed 25 of 1965 s. 2)
- (32) rakes or picks over any refuse deposited in or upon any public place, vacant land or refuse depot, or in any dust bin, dust box, dust basket or dust cart standing in or upon any public place, vacant land or refuse depot, or removes any portion of any refuse so deposited,
- (33) (Repealed 54 of 1972 s. 18)

shall be liable to a fine of \$500 or to imprisonment for 3 months.

(Amended 11 of 1949 s. 3; 9 of 1964 s. 3)

Section:	4A	Obstruction of public places		30/06/1997
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Any person who without lawful authority or excuse sets out or leaves, or causes to be set out or left, any matter or thing which obstructs, inconveniences or endangers, or may obstruct, inconvenience or endanger, any person or vehicle in a public place shall be liable to a fine of \$5000 or to imprisonment for 3 months.

(Replaced 54 of 1972 s. 18)

Section:	4B	Objects dropped from buildings		30/06/1997
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(1) If anything is dropped or allowed to fall from any building to the danger or injury of any person in or near a public place, the person who drops that thing or allows it to fall commits an offence and is liable to a fine of \$10000 and imprisonment for 6 months.

(2) If anything is dropped or allowed to fall from any building in the course of the construction, repair or decoration of the building or part thereof, to the danger or injury of any person in or near a public place, the principal contractor on the site and the contractor carrying out the construction, repair or decoration commits an offence and is

liable to a fine of \$50000 and imprisonment for 1 year.

(3) It shall not be a defence to a charge against a contractor under subsection (2) that the person who dropped the thing or allowed it to fall has not been prosecuted or that the thing was dropped or allowed to fall without the consent or knowledge of the contractor, but a contractor so charged shall not be convicted if he proves to the satisfaction of the court that he could not reasonably have prevented the thing being dropped or allowed to fall to the danger or injury of any person in or near a public place or that reasonable measures had been taken by him or another person to prevent such an occurrence.

(Added 61 of 1977 s. 3)

Section:	4C	Permits for lion dances, etc.	L.N. 362 of 1997	01/07/1997
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(1) Subject to subsection (2), any person who organizes or participates in a lion dance, dragon dance or unicorn dance, or any attendant martial arts display, in a public place, save under and in accordance with the conditions of any such general or special permit as the Commissioner of Police in his absolute discretion may issue, is guilty of an offence and liable on conviction to a fine of \$2000 and to imprisonment for 6 months.

(2) Subsection (1) shall not apply to any person exempted by the Commissioner of Police.

(3) No prosecution shall be brought under subsection (1) without the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)

(Added 11 of 1981 s. 2)

Section:	4D	Marine littering		30/06/1997
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(1) Any person who without lawful authority or excuse deposits or causes or permits to be deposited any litter into the waters of Hong Kong or in any place (not being a place in respect of which management or control is vested in a public officer or public body) from which it is likely that the litter will be swept by the tide into the waters of Hong Kong commits an offence and is liable to a fine of \$10000 and to imprisonment for 6 months. (Amended 33 of 1989 ss. 3 & 5)

(2) Where an offence is committed under subsection (1) from any vessel, or from any place or premises, (not being a place or premises in respect of which management or control is vested in a public officer or public body) the owner or master of the vessel or the proprietor or occupier of the place or premises, or the part thereof from which the offence was committed shall be guilty of an offence and liable to a fine of \$50000 and to imprisonment for 1 year. (Amended 33 of 1989 s.3)

(3) It shall be no defence to a charge against the owner or master of a vessel or the proprietor or occupier of any place or premises under subsection (2) that the person who committed the offence under subsection (1) has not been prosecuted or that the litter was deposited without his knowledge or consent, but he shall not be convicted if he proves that the commission of the offence was due to an accident or some other cause beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the commission of the offence.

(4) This section shall not apply to the discharge of sewage from a vessel into the waters of Hong Kong in the usual course of the operation of the sewerage system of the vessel. (Amended 33 of 1989 s. 5)

(Added 38 of 1981 s. 4)

Section:	4E	Powers of entry etc.	L.N. 320 of 1999	01/01/2000
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(1) The Director of Food and Environmental Hygiene or the Director of Marine may, in writing, authorize any public officer for the purposes of this section. (Amended 78 of 1999 s. 7)

(2) A public officer authorized under subsection (1) may require any person whom he reasonably suspects has committed an offence under section 4D-

(a) to declare immediately his name and address; and

(b) to produce for inspection documentary evidence of his identity.

(3) Subject to subsection (4) a public officer authorized under subsection (1) may at any time, if he reasonably suspects that an offence under section 4D has been or is being committed from any vessel (other than a warship) or from any place or premises, board that vessel or enter that place or premises for the purpose of ascertaining whether such offence has been or is being committed.

(4) Subsection (3) does not authorize a person, without the permission of the master of the vessel, to board any dwelling vessel or, without the permission of the occupier or person appearing to him to be in charge of the place or

premises, to enter any place or premises used solely for dwelling purposes unless a magistrate has issued a warrant authorizing him to board that vessel or enter that place or premises under subsection (5).

- (5) A magistrate may, if satisfied by information on oath- (Amended L.N. 446 of 1994)
 - (a) that there is a reasonable ground for suspecting that an offence under section 4D has been or is being committed from any dwelling vessel or from any place or premises used solely for dwelling purposes; and
 - (b) that permission to board such vessel or to enter such place or premises has been refused or that refusal is apprehended,

issue a warrant authorizing a public officer authorized under subsection (1) to board such vessel or enter such place or premises for the purpose of ascertaining whether such offence has been or is being committed.

(6) A public officer who boards any vessel or enters any place or premises under this section may require any person then on board the vessel or, as the case may be, in the place or on the premises-

- (a) to declare immediately his name and address; and
- (b) to produce for inspection documentary evidence of his identity.

(7) A public officer who boards any vessel or enters any place or premises under this section shall, if so required, produce evidence of his identity and of his authorization under subsection (1).

(8) A public officer upon boarding any dwelling vessel or entering any place or premises pursuant to a warrant issued under subsection (5) shall, where it is reasonably practicable to do so, produce-

- (a) the warrant; and
- (b) evidence of his identity and of his authorization under subsection (1),

to the master of the dwelling vessel or to the occupier or person appearing to him to be in charge of the place or premises as the case may require.

(9) If a requirement is made of a person under subsection (2) or (6) and the person-

- (a) fails to comply with the requirement; or
- (b) without reasonable excuse fails to permit to be inspected documentary evidence of his identity; or
- (c) in purported compliance with the requirement produces any document which he knows to be false in a material particular, or recklessly produces such a document or produces a document with intent to mislead,

he commits an offence and is liable to a fine of \$10000 and to imprisonment for 6 months.

(Added 33 of 1989 s.4)

Section:	5	Offences by carriers of nightsoil and pigwash	L.N. 320 of 1999	01/01/2000
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- (1) Any person who within any district to which any scavenging and conservancy bylaws apply-
 - (a) places in or upon or conveys along or across any public place any excretal matter except between the hours of midnight and 6 a.m. except in strong substantial buckets with closely fitting covers and of such pattern as may be approved by the Director of Food and Environmental Hygiene; (Amended 78 of 1999 s. 7)
 - (b) places in or upon or conveys along or across any public place any pigwash except between midnight and 9 a.m. and except in strong substantial buckets with closely fitting covers and of such pattern as may be approved by the Director of Food and Environmental Hygiene; or conveys such pigwash in any boat or vessel except in such buckets or, if in bulk, in water-tight tarred holds with closely fitting hatches; (Amended 78 of 1999 s. 7)
 - (c) empties, discharges, deposits or places any excretal matter or pigwash in, over or upon any gully, drain, sewer or any inlet thereto;
 - (d) empties, discharges, deposits or conveys any excretal matter in or to any place other than a conservancy boat;
 - (e) brings any excretal matter from any premises or place situated outside any district to which this section applies to any premises or place situated within any such district;
 - (f) after removal of any pigwash from any premises empties, discharges, places or conveys it in or to any place except a licensed pigsty,

shall be liable to a fine of \$100. (Amended 11 of 1949 s. 4)

(2) In this section, "excretal matter" (排泄物) shall include urine and nightsoil.

Section:	6	Street cries for buying or selling		30/06/1997
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Any person who uses or utters cries for the purpose of buying or selling any article whatsoever, or who makes any noise whatsoever with the object of disposing of or attracting attention to his goods, wares or trade shall be liable to a fine of \$50.

(Amended 11 of 1949 s. 5)

Section:	6A	Touting		30/06/1997
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(1) Any person who in a public place, to the annoyance of or in a manner likely to annoy any other person, importunes such person to buy any article or thing or to give his custom to any business, whether or not the article or thing is offered for sale, or the business is carried on, by such first-mentioned person, shall be guilty of an offence and shall be liable on conviction to a fine of \$1000 in the case of a first offence, and to a fine of \$2000 and to imprisonment for 6 months in the case of a second or subsequent offence. (Amended 37 of 1977 s. 2)

(2) In subsection (1), "business" (業務) includes any services provided by way of trade or business.

(Added 4 of 1968 s. 2)

Section:	6B	Prohibition of profiteering on the sale of travel tickets in a public place		30/06/1997
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(1) No person shall, in a public place, sell or solicit the purchase of any ticket issued by or on behalf of a carrier at a price exceeding the authorized price.

(2) Any person who contravenes subsection (1) commits an offence and is liable to a fine of \$1000 in the case of a first offence, and to a fine of \$2000 and to imprisonment for 6 months in the case of a second or subsequent offence.

(3) In subsection (1)-

"authorized price" (批准價格), in relation to a ticket issued by or on behalf of a carrier, means the price fixed by or on behalf of the carrier as the price at which the ticket is to be issued to an intending passenger;

"carrier" (載運商) means a person who provides any means of transport for passengers;

"sell" (出售) includes exhibit or offer for sale, or have in possession for sale; and

"ticket" (客票) means any document or token issued for the purpose of enabling the holder thereof to travel as a passenger on any vessel, aircraft, vehicle or other means of transport. (Amended L.N. 95 of 1993)

(Added 64 of 1982 s. 2)

Section:	7	Prohibition on taking photographs, etc., in court		30/06/1997
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(1) Any person who-

(a) takes or attempts to take in any court any photograph, or with a view to publication makes or attempts to make in any court any portrait or sketch, of any person, being a judge of the court or a juror or a witness in or a party to any proceeding before the court, whether civil or criminal; or (Amended L.N. 7 of 1979)

(b) publishes any photograph, portrait or sketch taken or make in contravention of the foregoing provisions of this section or any reproduction thereof,

shall be liable to a fine of \$250.

(2) For the purposes of this section-

(a) the expression "court" (法庭) means any court of justice, including any place in which an inquiry is being held by a magistrate;

(b) the expression "judge" (法官) includes registrar and magistrate; (Amended 47 of 1997 s. 10)

(c) a photograph, portrait or sketch shall be deemed to be a photograph, portrait or sketch taken or made in court if it is taken or made in the court-room or in the building or in the precincts of the building in which the court is held, or if it is a photograph, portrait or sketch taken or made of the person while he is entering or leaving the court-room or any such building or precincts as aforesaid.

(Added 11 of 1949 s. 6)

Section:	8	Other offences against good order		30/06/1997
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Any person who-

- (a) erects any shed or house of matting or other inflammable material so as in case of fire to endanger any neighbouring building;
- (b) without the consent of the owner or occupier writes upon, soils, defaces or marks any building, wall, fence or paling with chalk or paint or in any other way whatsoever; or wilfully breaks, destroys or damages any part of any building, wall, fence or paling, or any fixture or appendage thereof; (Amended 7 of 1980 s. 6)
- (c) keeps a house or other building for the occupation or resort of prostitutes, to the annoyance of any person inhabiting or residing near thereto;
- (d) (Repealed 13 of 1995 s. 2)
- (e) (Repealed 97 of 1994 s. 34)

shall be liable to a fine of \$500 or to imprisonment for 3 months.

(Amended 44 of 1935 s. 10; 11 of 1949 s. 7)

Section:	9	(Repealed 48 of 1972 s. 4)		30/06/1997
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Section:	10	(Repealed 54 of 1972 s. 21)		30/06/1997
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Section:	11	(Repealed 67 of 1970 s. 40)		30/06/1997
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Section:	12	(Repealed 1 of 1978 s. 8)		30/06/1997
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Section:	12A	Objectionable performances		30/06/1997
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(1) No person shall, whether for reward or not, take part in, provide or manage any public live performance of an indecent, obscene, revolting or offensive nature.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$25000 and to imprisonment for 1 year.

(3) A magistrate may, if he is satisfied by information on oath that any public live performance of an indecent, obscene, revolting or offensive nature is or may be taking place, or may be about to take place, in or on any premises or place or vessel, issue a warrant authorizing any police officer to enter such premises, place or vessel and search the same.

(4) Any police officer acting under the authority of a warrant issued under subsection (3) may at any time-

- (a) enter and search the premises or place named in the warrant;
- (b) board and search the vessel so named;
- (c) seize-
 - (i) any article found in such premises, place or vessel which he reasonably suspects to have been used in or in connection with any public live performance therein of an indecent, obscene, revolting or offensive nature; and
 - (ii) anything whatever which he reasonably suspects to be, or to contain, evidence of the commission of an offence under this section,

and may-

- (d) use such force as is reasonably necessary to-
 - (i) enter any premises or place which he is empowered to enter and search by paragraph (a);
 - (ii) board and search any vessel which he is empowered to board and search by paragraph (b);

(iii) remove any person or thing obstructing him in the exercise of any power conferred by this subsection;

(e) detain any person found in or on any premises, place or vessel which he is so empowered to enter or board and search until the search has been completed.

(5) Any article used in or in connection with any public live performance of an indecent, obscene, revolting or offensive nature shall be liable to forfeiture.

(6) If on application by or on behalf of the Commissioner of Police a magistrate is satisfied that any article is liable to forfeiture under subsection (5), he may order the same to be forfeited.

(7) An order for the forfeiture of the article may be made under subsection (6) notwithstanding that no person has been convicted of an offence under this section.

(8) Before making an order under subsection (6), the magistrate may direct that any person whom he thinks proper shall be given notice of the application and of the time and place at which that person should appear before the magistrate if he wishes to show cause why an order should not be made.

(9) In this section-

"live performance" (真人表演) includes any play, show, exhibition, act, entertainment, presentation, display or other performance of any kind given or done wholly or in part by a person or persons;

"public live performance" (公開真人表演) means a live performance in a public place or which is given or done in view of the public or a section of the public or to which the public or a section of the public are admitted, whether on payment or otherwise.

(Added 61 of 1975 s. 2)

Section:	13	Repealed 75 of 1988 s. 40)		30/06/1997
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Section:	13A	(Repealed 75 of 1988 s. 40)		30/06/1997
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Section:	14	Firing near dwelling house or road		30/06/1997
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Any person who without lawful authority or excuse discharges any cannon or firearm within 200 metres of any dwelling house or any motor road to the annoyance of any inhabitant or passer-by, and who, after being warned of such annoyance, again so discharges any such weapon shall be liable to a fine of \$500.

(Amended 22 of 1950 Schedule; L.N. 294 of 1985)

Section:	14A	(Repealed 61 of 1996 s. 5)		30/06/1997
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Section:	15	Offences relating to vessels, seamen and merchandise		30/06/1997
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Any person who-

(a) knowingly takes in exchange from any seaman or other person, not being the owner or master of any vessel, anything belonging to any vessel or any part of the cargo of any such vessel, or any stores or articles in charge of the owner or master of any such vessel;

(b) for the purposes of protecting or preventing anything whatsoever from being lawfully seized on suspicion of its being stolen or otherwise unlawfully obtained, or of preventing the same from being produced or made to serve as evidence concerning any offence or committed or supposed to have been committed frames or causes to be framed any bill of parcels containing any false statement in regard to the name or abode of any alleged vendor, the quantity or quality of any such thing, the place whence or the conveyance by which the same was furnished, the price agreed upon or charged for the same or any other particular, knowing such statement to be false; or fraudulently produces such bill of parcels, knowing the same to have been fraudulently framed; (Amended 50 of 1991 s. 4)

(c) bores, pierces, breaks, cuts open or otherwise injures any cask, box or package containing wine, spirits or other liquors on board any ship, boat or vessel, or in or upon any warehouse, wharf, quay or bank,

with intent to steal or otherwise unlawfully obtain any part of the contents thereof; or unlawfully or with intent to destroy evidence of any offence drinks or wilfully spills or allows to run to waste any part of the contents thereof; or (Amended 50 of 1991 s. 4)

- (d) wilfully causes to be broken, pierced, started, cut, torn or otherwise injured any cask, chest, bag or other package containing any goods, while on board of any barge, lighter or other craft, or at any quay, creek, wharf or landing-place adjacent to the same, or on the way to or from any warehouse, with intent that the contents of such package or any part thereof may be spilled or dropped from such package,

shall be liable to a fine of \$1000 or to imprisonment for 3 months.

(Amended 22 of 1950 Schedule)

Section:	16	(Repealed 28 of 1995 s. 41)		30/06/1997
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Section:	16A	Taking fish		30/06/1997
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Any person who unlawfully and wilfully takes any fish in any water which is private property shall be guilty of an offence and shall be liable on conviction-

- (a) in the case of a first offence, to a fine of \$1000; and
 (b) in the case of a second offence, to a fine of \$2000 and to imprisonment for 3 months.

(Added 21 of 1970 Second Schedule. Amended 48 of 1972 s. 4)
 [cf. 1968 c. 60 Sch. 1 Para. 2(1) U.K.]

Section:	17	Possession of offensive weapon, etc., with intent		30/06/1997
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Any person who has in his possession any wrist restraint or other instrument or article manufactured for the purpose of physically restraining a person, any handcuffs or thumbcuffs, any offensive weapon, or any crowbar, picklock, skeleton-key or other instrument fit for unlawful purposes, with intent to use the same for any unlawful purpose, shall be liable to a fine of \$5000 or to imprisonment for 2 years.

(Amended 22 of 1950 Schedule; 21 of 1975 s. 3; 2 of 1984 s. 2; 68 of 1995 s. 48)

Section:	18	(Repealed 68 of 1981 s. 55)		30/06/1997
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Section:	19	Possession of simulated bomb		30/06/1997
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(1) Any person who without lawful authority or reasonable excuse has in his possession, custody or control any simulated bomb shall be guilty of an offence and shall be liable on conviction to a fine of \$5000 or to imprisonment for 1 year.

(2) In this section-

"simulated bomb" (假炸彈) means any object whatsoever, including anything attached thereto, which if found in any street or public place would be likely to give rise to a reasonable apprehension that the object might be a bomb or other explosive device.

(Added 9 of 1969 s. 2)

Section:	20	Offences in connection with telephone calls or messages or telegrams		30/06/1997
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Any person who-

- (a) sends any message by telegraph, telephone, wireless telegraphy or wireless telephony which is grossly offensive or of an indecent, obscene or menacing character; or
 (b) sends by any such means any message, which he knows to be false, for the purpose of causing annoyance, inconvenience or needless anxiety to any other person; or
 (c) persistently makes telephone calls without reasonable cause and for any such purpose as aforesaid,

shall be liable to a fine of \$1000 and to imprisonment for 2 months.

(Added 36 of 1935 s. 2. Amended 90 of 1991 s. 28)
[cf. 1935 c. 15 s. 10(2) U.K.]

Section:	21	Unlawful for any person to wear uniform to which he is not entitled	L.N. 362 of 1997; 13 of 1999	01/07/1997
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Remarks:

Amendments retroactively made - see 13 of 1999 s. 3

(1) Any person who wears a uniform which he is not entitled to wear or any dress so closely resembling the same as to be calculated to deceive shall be liable to a fine of \$1000 or to imprisonment for 6 months:

Provided that the wearing of any uniform or dress by a performer in any public entertainment with the consent of the Commissioner of Police shall not constitute an offence against this section. (Amended 9 of 1950 Schedule)

(2) In this section, "uniform" (制服) means any apparel from time to time constituting the proper apparel whilst on duty for members of Her Majesty's Forces or of the Government Flying Service or for members of the Hong Kong Police Force or Hong Kong Auxiliary Police Force or for any force raised under the authority of any enactment in force in Hong Kong and "apparel" (服裝) includes accoutrements. (Amended 54 of 1992 s. 19; 20 of 1997 s. 25; L.N. 362 of 1997; 13 of 1999 s. 3)

(Added 11 of 1949 s.12. Amended 29 of 1969 s. 2; 98 of 1970 Schedule; 33 of 1989 s. 5)

Section:	22	Falsely pretending to be or be able to influence a public officer		30/06/1997
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(1) Any person who, by any act or omission and whether or not with intent to procure any valuable thing, falsely pretends that he is a public officer or is able to procure any public officer to do or refrain from doing any act or thing in connection with the duty of such public officer shall be liable to a fine of \$1000 or to imprisonment for 6 months. (Added 11 of 1949 s. 12)

(2) In any proceedings for an offence under subsection (1) consisting of falsely pretending to be a public officer, it shall be presumed, until the contrary is proved, that the defendant was not a public officer at the material time. (Added 42 of 1975 s. 2)

Section:	23	Resisting or obstructing a public officer or other person lawfully engaged in a public duty		30/06/1997
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Any person who resists or obstructs a public officer or other person lawfully engaged, authorized or employed in the performance of any public duty or any person lawfully assisting such public officer or person therein shall be liable to a fine of \$1000 and to imprisonment for 6 months.

(Added 11 of 1949 s. 12. Amended 9 of 1950 Schedule)

Section:	24	Improper possession of arms or clothing of police officer or member of Auxiliary Police Force	L.N. 362 of 1997	01/07/1997
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Any person who, not being a police officer or a member of the Hong Kong Auxiliary Police Force, as the case may be, has in his possession any article forming part of the clothing, accoutrements or appointments supplied to any such officer or member and is not able satisfactorily to account for his possession thereof shall be liable to a fine of \$250.

(Replaced 11 of 1949 s. 13. Amended 29 of 1969 s. 2; L.N. 362 of 1997)

Section:	25	(Repealed 68 of 1980 s. 2)		30/06/1997
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Section:	26	(Repealed 37 of 1979 s. 3)		30/06/1997
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Section:	26A	Punishment of person begging alms		30/06/1997
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Any person who wanders abroad, or places himself or herself in any public place, street or waterway to beg or gather alms, or causes or procures or encourages any child or children so to do, commits an offence and is liable on conviction-

- (a) for a first or second offence, to a fine of \$500 and to imprisonment for 1 month; and
- (b) for a third or subsequent offence, to a fine of \$500 and to imprisonment for 12 months.

(Added 70 of 1977 s. 3)
[cf. 1824 c. 83 s. 3 U.K.]

Section:	26B	Punishment of person asking alms in threatening manner, etc.		30/06/1997
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Any person who asks for alms in a threatening or insolent manner, or continues to ask for alms of any person after he has been required to desist, commits an offence and is liable on conviction-

- (a) for a first or second offence, to imprisonment for 3 months; and
- (b) for a third of subsequent offence, to imprisonment for 18 months.

(Added 70 of 1977 s. 3)

Section:	27	Power to apprehend in certain cases		30/06/1997
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Any person found committing any offence punishable under this Ordinance may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a police officer to be dealt with according to law.

Section:	28	Drunkenness		30/06/1997
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(1) Any person who is found drunk in any public place or on any premises licensed under any Ordinance relating to liquor licences shall be liable to a fine of \$50.

(2) Any person who while drunk behaves in a riotous or disorderly manner in any public place shall be liable to a fine of \$250 or to imprisonment for 2 months.

(3) Any person who is found drunk while in charge of any vehicle (other than a motor vehicle) or of any horse, in any public road or street shall be liable to a fine of \$250 or to imprisonment for 2 months.

(4) For the purposes of subsection (3) a person shall be deemed to have been drunk if he was so much under the influence of alcohol as to have lost control of his faculties to such an extent as to render him unable to execute safely the occupation on which he was engaged at the time in question.

(5) Any person who is found drunk while in possession of any loaded firearm or of any firearm and any ammunition therefor shall be liable to a fine of \$2000 and to imprisonment for 6 months. For the purposes of this subsection a person shall be deemed to have been drunk if he was so much under the influence of alcohol as to have lost control of his faculties to such an extent as to render him unable to handle a firearm safely at the time in question.

(Amended 22 of 1950 Schedule; 24 of 1950 Schedule)

Section:	29	Prohibition of smoking in certain places		30/06/1997
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(1) No person shall smoke-

- (a) in any storehouse, workshop or building attached to the naval establishments in Hong Kong, not appropriated as a residence; or (Amended 33 of 1989 s.5)
- (b) in any naval or military ordnance magazine, military ordnance building or workshop and the inclosures to such premises.

(2) No person shall smoke on board any vessel whatsoever which is in any naval dock or naval dockyard or alongside any naval premises:

Provided that-

- (a) this section shall not apply to any person who is a member of Her Majesty's naval forces; and
- (b) it shall be lawful for the Senior Naval Officer in Hong Kong to grant such exemptions from the

provisions of this subsection as he may think fit.

(3) Any person who contravenes any of the provisions of this section shall be liable to a fine of \$500.
(Amended 22 of 1950 Schedule)

(31 of 1900 ss. 2, 3 & 4 incorporated)

Section:	30	(Repealed 13 of 1995 s. 66)		30/06/1997
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Section:	31	Liability of occupier in the case of certain offences		30/06/1997
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Where any offence under section 4(1) or (14) or 4A is committed at, on or from any premises, the person in actual occupation of such premises shall be liable to the same penalty as the actual offender, unless the actual offender shall first have been prosecuted to conviction: (Amended 25 of 1965 s. 4)

Provided that if a dwelling house is let out in flats nothing in this section shall have the effect of imposing liability on any person other than the occupier of the flat at, on or from which the offence was committed.

Section:	32	Removal of filth, etc., and recovery of expenses		30/06/1997
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(1) It shall be lawful for the Commissioner of Police to require any person whose duty it may be to remove any filth or obstruction, or to do any other matter or thing required to be done by this Ordinance, to do so within a certain time to be then fixed by the said officer, and, in default of such requisition being complied with, the officer shall cause to be removed such filth or obstruction or do or cause to be done such other matter or thing as aforesaid.

(2) It shall be lawful for the magistrate by whom any person has been convicted of an offence in respect of any such filth or obstruction to order such offender, in addition to the penalties hereinbefore imposed, to pay such sum of money for defraying the expenses of such removal, or of doing such other matter or thing, as to the magistrate may seem just and reasonable; and the sum so ordered shall be recoverable in the manner hereinafter provided for the recovery of penalties imposed by this Ordinance.

Section:	33	Summary proceedings		30/06/1997
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All summary proceedings under this Ordinance may be had on the information of any complainant.

Section:	34	Saving of liability of offender to indictment or action		30/06/1997
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Nothing in this Ordinance shall be construed to prevent any person from being indicted or from being proceeded against by indictment or information for any offence made punishable on summary conviction by this Ordinance, or to prevent any person from being liable to be proceeded against by action for any hurt or damage caused by him:

Provided, nevertheless, that no person be punished twice for the same offence, and provided that no compensation has been awarded for such hurt or damage.

Section:	35	Acts done by lawful authority		30/06/1997
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Nothing in this Ordinance shall operate to the restraint or punishment of any act or thing done under or sanctioned by lawful authority.

(Amended 5 of 1971 Schedule)

Section:	36	Recovery of penalties		30/06/1997
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Any offence against the provisions of this Ordinance or of any regulation made thereunder shall be punishable on summary conviction; and the penalties imposed by this Ordinance or by any regulation made thereunder shall be recoverable according to the provisions of any Ordinance regulating the summary jurisdiction of magistrates.

Section:	37	Regulations	13 of 1999	01/07/1997
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Remarks:

Amendments retroactively made - see 13 of 1999 s. 3

The Chief Executive in Council may by regulation provide for- (Amended 13 of 1999 s. 3)

- (a) the fees which may be charged for the issue of any licence or permit under this Ordinance and the issue of licences and permits without payment of fee;
- (b)-(c) (Repealed 75 of 1988 s. 40)
- (d) generally for the better carrying out of the provisions of this Ordinance.
(Replaced 33 of 1963 s. 3. Amended 25 of 1965 s. 5; 54 of 1972 s. 21)

Section:	38	(Repealed 75 of 1988 s. 40)		30/06/1997
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