

Chapter:	212	<b>OFFENCES AGAINST THE PERSON ORDINANCE</b>	Gazette Number	Version Date
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		<b>Long title</b>		30/06/1997
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To consolidate and amend the laws relating to offences against the person.

[14 June 1865]

(Originally 4 of 1865 (Cap 212 1950))

Section:	1	<b>Short title</b>		30/06/1997
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This Ordinance may be cited as the Offences against the Person Ordinance.

(Amended 5 of 1924 s. 6)  
[cf. 1861 c. 100 U.K.]

Section:	2	<b>Murder</b>		30/06/1997
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### HOMICIDE

Any person who is convicted of murder shall be imprisoned for life. However, if it appears to the court that a person convicted of murder was under 18 years of age at the time of the offence, the court has a discretion as to whether the person should be sentenced to imprisonment for life or to imprisonment for a shorter term.

(Amended 50 of 1991 s. 4; 24 of 1993 s. 5; 86 of 1997 s. 44)  
[cf. 1861 c. 100 s. 1 U.K.]

Section:	3	<b>(Repealed 24 of 1993 s. 6)</b>		30/06/1997
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Section:	4	<b>(Repealed 24 of 1993 s. 7)</b>		30/06/1997
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Section:	5	<b>Conspiring or soliciting to commit murder</b>	13 of 1999	01/07/1997
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#### Remarks:

Amendments retroactively made - see 13 of 1999 s. 3

All persons who within Hong Kong conspire, confederate, and agree to murder any person, whatever his nationality or citizenship and wherever he may be, and any person who within Hong Kong solicits, encourages, persuades or endeavours to persuade, or proposes to any person to murder any other person, whatever his nationality or citizenship and wherever he may be, shall be guilty of an offence and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2 & 5; 64 of 1983 s. 4; 13 of 1999 s. 3)  
[cf. 1861 c. 100 s. 4 U.K.]

Section:	6	<b>(Repealed 13 of 1999 s. 3)</b>	13 of 1999	01/07/1997
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#### Remarks:

Amendments retroactively made - see 13 of 1999 s. 3

Section:	7	<b>Manslaughter</b>		30/06/1997
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Any person who is convicted of manslaughter shall be liable to imprisonment for life and to pay such fine as the court may award.

(Amended 30 of 1911 ss. 2, 5 & 11; 50 of 1911 Schedule)

[cf. 1861 c. 100 s. 5 U.K.]

Section:	8	<b>Excusable homicide</b>		30/06/1997
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No punishment shall be incurred by any person who kills another by misfortune, or in his own defence, or lawfully in any other manner.

(Amended 50 of 1991 s. 4)

[cf. 1861 c.100 s. 7 U.K.]

Section:	8A	<b>Alternative verdicts</b>		30/06/1997
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On an indictment for murder a person found not guilty of murder may be found guilty of-

- (a) any offence of which he may be found guilty under any Ordinance specifically so providing, or under section 51(2) or section 90(2) of the Criminal Procedure Ordinance (Cap 221); or
- (b) an attempt to commit murder, or of an attempt to commit any other offence of which he may be found guilty.

(Added 5 of 1971 Schedule)

[cf. 1967 c. 58 s. 6 U.K.]

Section:	8B	<b>Certain homicides to constitute offences</b>		30/06/1997
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(1) Where-

- (a) an act takes place on the high seas or in any other place outside Hong Kong;
- (b) the person against or in relation to whom the act is committed or took place dies in Hong Kong as a result of the act; and
- (c) the act would, if taking place in Hong Kong, constitute murder or manslaughter or being accessory to murder or manslaughter,

whatever the citizenship or nationality of the person committing it or responsible for it, the act shall constitute the crime of, as may be appropriate, murder or manslaughter or so being accessory.

(2) In this section "act" (作為) means an act of commission or an act of omission and includes a series of acts.

(Added 89 of 1990 s. 3)

[cf. 1849 c. 96 s. 3 U.K.]

Section:	9	<b>Trial of homicide where cause of death only happens in Hong Kong</b>	13 of 1999	01/07/1997
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Remarks:

Amendments retroactively made - see 13 of 1999 s. 3

Where any person being unlawfully stricken, poisoned, or otherwise hurt at any place in Hong Kong dies of such stroke, poisoning, or hurt upon the sea or at any place out of Hong Kong, every offence committed in respect of any such case, whether the same amounts to the offence of murder, or of manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in Hong Kong in which such stroke, poisoning, or hurt happens, in the same manner in all respects as if such offence had been wholly committed in Hong Kong.

(Amended 50 of 1991 s. 4; 13 of 1999 s. 3)

[cf. 1861 c. 100 s. 10 U.K.]

Section:	9A	<b>Genocide</b>	L.N. 362 of 1997	01/07/1997
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## GENOCIDE

(1) A person commits the offence of genocide if he commits any act falling within the definition of "genocide" in Article II of the Genocide Convention as set out in the Schedule. (Amended 50 of 1991 s. 4)

- (2) A person guilty of an offence of genocide shall on conviction on indictment-
- (a) if the offence consists of the killing of any person, be sentenced to imprisonment for life;
  - (b) in any other case, be liable to imprisonment for 14 years.
- (3) Proceedings for an offence of genocide shall not be instituted except by or with the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)
- (4) In this section-
- "Genocide Convention" means the Convention on the Prevention and Punishment of the Crime of Genocide approved by the General Assembly of the United Nations on 9 December 1948.

(Added 52 of 1969 s. 2)

Section:	10	<b>Administering poison or wounding with intent to murder</b>	30/06/1997
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#### ATTEMPTS TO MURDER

Any person who-

- (a) administers to, or causes to be administered to, or to be taken by any person any poison or other destructive thing; or
  - (b) by any means whatsoever, wounds or causes any grievous bodily harm to any person,
- with intent in any of such cases to commit murder, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 11 U.K.]

Section:	11	<b>Destroying or damaging building with intent to murder</b>	30/06/1997
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Any person who, by the explosion of gunpowder or any other explosive substance, destroys or damages any building with intent to commit murder shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 12 U.K.]

Section:	12	<b>Setting fire to or casting away ship with intent to murder</b>	30/06/1997
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Any person who-

- (a) sets fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or chattels being therein; or
  - (b) casts away or destroys any ship or vessel,
- with intent in any of such cases to commit murder, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 13 U.K.]

Section:	13	<b>Attempting to administer poison, or shooting, or attempting to shoot or drown, etc., with intent to murder</b>	30/06/1997
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Any person who-

- (a) attempts to administer to, or attempts to cause to be administered to or to be taken by, any person any poison or other destructive thing; or
  - (b) shoots at any person; or
  - (c) by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person; or
  - (d) attempts to drown, suffocate, or strangle any person,
- with intent in any of such cases to commit murder, shall, whether any bodily injury is effected or not, be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 14 U.K.]

Section:	14	<b>Attempting to commit murder by means not specified</b>		30/06/1997
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Any person who, by any means other than those specified in any of the preceding sections, attempts to commit murder shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 50 of 1911 Schedule; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 15 U.K.]

Section:	15	<b>Sending letter threatening to murder</b>		30/06/1997
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#### LETTERS THREATENING TO MURDER

Any person who maliciously sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person shall be guilty of an offence triable upon indictment and shall be liable to imprisonment for 10 years.

(Amended 30 of 1911 ss. 2, 4 & 5; 39 of 1954 Second Schedule; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 16 U.K.]

Section:	16	<b>Impeding person endeavouring to save himself or another from shipwreck</b>		30/06/1997
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#### ACTS CAUSING OR TENDING TO CAUSE DANGER TO LIFE, ETC.

Any person who-

- (a) unlawfully and maliciously prevents or impedes any person being on board of or having quitted any ship or vessel which is in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life; or
- (b) unlawfully and maliciously prevents or impedes any person in his endeavour to save the life of any such person as in this section first aforesaid,

shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 17 U.K.]

Section:	17	<b>Shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm</b>		30/06/1997
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Any person who-

- (a) unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person; or
- (b) shoots at any person; or
- (c) by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person,

with intent in any of such cases to maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 18 U.K.]

Section:	18	<b>Definition of loaded arms</b>		30/06/1997
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Any gun, pistol, or other arm which is loaded in the barrel with gunpowder or any other explosive substance, and ball, shot, slug, or any other destructive material, shall be deemed to be loaded arms within the meaning of this

Ordinance, although the attempt to discharge the same may fail from want of proper priming or from any other cause.  
 (Amended 51 of 1911 Schedule)  
 [cf. 1861 c. 100 s. 19 U.K.]

Section:	19	<b>Wounding or inflicting grievous bodily harm</b>		30/06/1997
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Any person who unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)  
 [cf. 1861 c. 100 s. 20 U.K.]

Section:	20	<b>Attempting to choke, etc., in order to commit indictable offence</b>		30/06/1997
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Any person who-

- (a) by any means whatsoever, attempts to choke, suffocate, or strangle any other person; or
- (b) by any means calculated to choke, suffocate, or strangle, attempts to render any other person insensible, unconscious, or incapable of resistance,

with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)  
 [cf. 1861 c. 100 s. 21 U.K.]

Section:	21	<b>Using chloroform, etc., in order to commit indictable offence</b>		30/06/1997
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Any person who unlawfully applies or administers to or causes to be taken by, or attempts to apply or administer to, or attempts to cause to be administered to or taken by any person any chloroform, laudanum, pepper, or other stupefying or overpowering drug, matter, or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing, any indictable offence, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)  
 [cf. 1861 c. 100 s. 22 U.K.]

Section:	22	<b>Administering poison, etc., so as to endanger life or inflict grievous bodily harm</b>		30/06/1997
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Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing, so as thereby to endanger the life of such person or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 10 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)  
 [cf. 1861 c. 100 s. 23 U.K.]

Section:	23	<b>Administering poison, etc., with intent to injure, etc.</b>		30/06/1997
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Any person who unlawfully and maliciously administers to, or causes to be administered to or taken by, any other person any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)  
 [cf. 1861 c. 100 s. 24 U.K.]

Section:	24	<b>Conviction for offence under section 23 on trial for offence under section 22</b>		30/06/1997
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If on the trial of any person for an offence under section 22 the person is acquitted, but it is proved that the person is guilty of an offence under section 23, he may be convicted of such offence under section 23 and punished accordingly.

(Replaced 50 of 1991 s. 4)

Section:	25	<b>Failure to provide apprentice or servant with food, etc., whereby life is endangered, etc.</b>		30/06/1997
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Any person who-

- (a) being legally liable, either as a master or mistress, to provide for any apprentice or servant necessary food, clothing, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same; or
- (b) unlawfully and maliciously does or causes to be done any bodily harm to any such apprentice or servant,

so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been or is likely to be permanently injured, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 26 U.K.]

Section:	26	<b>Exposing child whereby life is endangered</b>		30/06/1997
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Any person who unlawfully abandons or exposes any child, being under the age of 2 years, whereby the life of such child is endangered, or the health of such child is or is likely to be permanently injured, shall be guilty of an offence and shall be liable-

- (a) on conviction on indictment to imprisonment for 10 years; or
- (b) on summary conviction to imprisonment for 3 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4; 68 of 1995 s. 50)  
[cf. 1861 c. 100 s. 27 U.K.]

Section:	27	<b>Ill-treatment or neglect by those in charge of child or young person</b>		30/06/1997
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(1) If any person over the age of 16 years who has the custody, charge or care of any child or young person under that age wilfully assaults, ill-treats, neglects, abandons or exposes such child or young person or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, or any mental derangement) such person shall be guilty of an offence and shall be liable- (Amended 50 of 1991 s. 4)

- (a) on conviction on indictment to imprisonment for 10 years; or (Amended 22 of 1950 Schedule; 68 of 1995 s. 51)
- (b) on summary conviction to imprisonment for 3 years, (Amended 68 of 1995 s. 51)

and for the purposes of this section a parent or other person over the age of 16 having the custody, charge or care of a child or young person under that age shall be deemed to have neglected him in a manner likely to cause injury to his health if he fails to provide adequate food, clothing or lodging for the child or young person, or if, being unable otherwise to provide such food, clothing or lodging, he knowingly and wilfully fails to take steps to procure the same to be provided by some authority, society or institution which undertakes to make such provision for necessitous children or young persons.

(2) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding that actual suffering or injury to health or the likelihood of such suffering or injury to health was obviated by the action of another person.

(3) A person may be convicted of an offence under this section, either on indictment or by a court of summary jurisdiction, notwithstanding the death of the child or young person in respect of whom the offence is committed.

(Added 9 of 1913 s. 2)  
[cf. 1908 c. 67 s. 12 U.K.]

Section:	28	<b>Causing bodily injury by gunpower, etc.</b>		30/06/1997
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Any person who unlawfully and maliciously, by the explosion of gunpowder or any other explosive substance, burns, maims, disfigures, disables, or does any grievous bodily harm to any person shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 39 of 1954 Second Schedule; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 28 U.K.]

Section:	29	<b>Causing gunpowder to explode, etc., or throwing corrosive fluid, with intent to do grievous bodily harm</b>		30/06/1997
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Any person who unlawfully and maliciously-

- (a) causes any gunpowder or other explosive substance to explode; or
- (b) sends or delivers to, or causes to be taken or received by, any person any explosive substance or any other dangerous or noxious thing; or
- (c) puts or lays at any place, or casts or throws at or upon or otherwise applies to any person, any corrosive fluid or any destructive or explosive substance,

with intent in any of such cases to burn, maim, disfigure, or disable any person or to do some grievous bodily harm to any person, shall, whether any bodily injury is effected or not, be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life..

(Amended 30 of 1911 ss. 2, 4 & 5; 39 of 1954 Schedule; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 29 U.K.]

Section:	29A	<b>Possession of corrosive substance</b>		30/06/1997
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Any person who without lawful authority or reasonable excuse has in his possession or custody or under his control in any public place any corrosive fluid which is capable of inflicting grievous bodily harm shall be guilty of an offence and shall be liable on conviction to imprisonment for 3 years.

(Added 8 of 1969 s. 2)

Section:	30	<b>Placing gunpowder near building, etc., with intent to do bodily injury</b>		30/06/1997
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Any person who unlawfully and maliciously places or throws in, into, upon, against or near any building, ship, or vessel any gunpowder or other explosive substance, with intent to do any bodily injury to any person, shall, whether or not any explosion takes place and whether or not any bodily injury is effected, be guilty of an offence triable upon indictment, and shall be liable to imprisonment. for 14 years.

(Amended 30 of 1911 ss. 2, 4 & 5; 39 of 1954 Schedule; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 30 U.K.]

Section:	31	<b>Setting spring gun, etc., with intent to inflict grievous bodily harm</b>		30/06/1997
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(1) Any person who sets or places, or causes to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life or to inflict grievous bodily harm, with intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser or other person coming in contact therewith, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years. (Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)

(2) Any person who knowingly and wilfully permits any such spring gun, man trap, or other engine which may

have been set or placed in any place then being in or afterwards coming into his possession or occupation by some other person to continue so set or placed shall be deemed to have set and placed such gun, trap, or engine with such intent as aforesaid:

Provided that-

- (a) nothing in this section shall extend to make it illegal to set or place any gun or trap such as may have been or may be usually set or placed with the intent of destroying vermin; and
- (b) nothing in this section shall be deemed to make it unlawful to set or place or cause to be set or placed, or to be continued set or placed, from sunset to sunrise, any spring gun, man trap, or other engine which is set or placed, or caused or continued to be set or placed, in a dwelling- house, for the protection thereof.

[cf. 1861 c. 100 s. 31 U.K.]

Section:	32	<b>Placing wood, etc., on a railway with intent to endanger passengers</b>		30/06/1997
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(1) Any person who unlawfully and maliciously puts or throws upon or across any railway any wood, stone, or other matter or thing, or unlawfully and maliciously takes up, removes, or displaces any rail, sleeper, or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves, or diverts any points or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes, any signal or light upon or near to any railway, or unlawfully and maliciously does or causes to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 14 years. (Amended 30 of 1911 s. 2; 39 of 1954 Second Schedule; 50 of 1991 s. 4) [cf. 1861 c. 100 s. 32 U.K.]

(2) Any person who unlawfully and maliciously throws or causes to fall or strike, at, against, into, or upon any engine, tender, carriage, or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage, or truck, or in or upon any other engine, tender, carriage, or truck of any train of which such first-mentioned engine, tender, carriage, or truck shall form part, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 14 years. (Amended 30 of 1911 s. 2; 50 of 1991 s. 4) [cf. 1861 c. 100 s. 33 U.K.]

(3) Any person who, by any unlawful act, or by any wilful omission or neglect, endangers or causes to be endangered the safety of any person conveyed or being in or likely to be in or upon or near to a railway, or aids or assists therein, shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years. (Amended 30 of 1911 s. 2; 22 of 1950 s. 3; 50 of 1991 s. 4) [cf. 1861 c. 100 s. 34 U.K.]

(4) For the purposes of this section, "railway" (鐵路) includes "tramway" (電車軌道).

(Added 7 of 1911 s. 2)

Section:	33	<b>Driver of carriage, etc., injuring person by furious driving</b>		30/06/1997
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Any person who, having the charge of any carriage or vehicle, by wanton or furious driving or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years.

(Amended 30 of 1911 ss. 2 & 5; 22 of 1950 s. 3; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 35 U.K.]

Section:	33A	<b>Suicide to cease to be a crime</b>		30/06/1997
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#### SUICIDE

The rule of law whereby it is a crime for a person to commit suicide is hereby abrogated.

(Added 71 of 1967 s. 2)  
[cf. 1961 c. 60 s. 1 U.K.]



Section:	33B	<b>Criminal liability for complicity in another's suicide</b>	L.N. 362 of 1997	01/07/1997
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(1) A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of an offence triable upon indictment and shall be liable on conviction to imprisonment for 14 years. (Amended 50 of 1991 s. 4)

(2) If on the trial of an indictment for murder or manslaughter it is proved that the accused aided, abetted, counselled or procured the suicide of the person in question, the jury may find him guilty of the offence so proved.

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

(Added 71 of 1967 s. 2)  
[cf. 1961 c. 60 s. 2 U.K.]

Section:	33C	<b>"Year and a day rule" abrogated</b>	32 of 2000	09/06/2000
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(1) The rule known as the "year and a day rule" (that is, the rule that, for the purposes of offences involving death and of suicide, an act or omission is conclusively presumed not to have caused a person's death if more than a year and a day elapsed before he died) is abrogated for all purposes.

(2) Subsection (1) does not affect the continued application of the rule referred to in that subsection to a case where the act or omission (or the last of the acts or omissions) which caused the death occurred before the commencement of the Statute Law (Miscellaneous Provisions) Ordinance 2000 (32 of 2000).

(Added 32 of 2000 s. 8)

Section:	34	<b>Obstructing or assaulting clergyman, etc., in discharge of his duties</b>		30/06/1997
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#### ASSAULTS

Any person who-

(a) by threats or force, obstructs or prevents, or endeavours to obstruct or prevent, any clergyman or other minister in or from celebrating divine service or otherwise officiating in any church, chapel, meeting house, or other place of the divine worship, or in or from the performance of his duty in the lawful burial of the dead in any churchyard or other burial place; or

(b) strikes or offers any violence to, or upon any civil process, or under the pretence of executing any civil process, arrests, any clergyman or other minister who is engaged in, or, to the knowledge of the offender, is about to engage in, any of the rites or duties in this section aforesaid, or who, to the knowledge of the offender, is going to perform the same or is returning from the performance thereof,

shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years.

(Amended 30 of 1911 ss. 2 & 5; 22 of 1950 s. 3; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 36 U.K.]

Section:	35	<b>Assault magistrate, etc., on account of his preserving wreck</b>		30/06/1997
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Any person who assaults and strikes or wounds any magistrate, officer, or other person whomsoever lawfully authorized, in or on account of the exercise of his duty in or concerning the preservation of any vessel in distress, or of any vessel, goods, or effects wrecked, stranded, or cast on shore, or lying under water, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 7 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1911 s. 4; 21 of 1912 s. 2; 50 of 1991 s. 4; 47 of 1997 s. 10)

[cf. 1861 c. 100 s. 37 U.K.]

Section:	36	<b>Assault with intent to commit offence, or on police officer, etc.</b>		30/06/1997
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Any person who-

- (a) assaults any person with intent to commit an arrestable offence; or
- (b) assaults, resists, or wilfully obstructs any police officer in the due execution of his duty or any person acting in aid of such officer; or
- (c) assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself or of any other person for any offence,

shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years.

(Amended 30 of 1911 ss. 2 & 5; 51 of 1911 s. 2; 22 of 1950 s. 3; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 38 U.K.]

Section:	37	<b>Certificate of dismissal of complaint</b>		30/06/1997
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If the magistrate, on the hearing of any case of assault or battery upon the merits, where the complaint is preferred by or on behalf of the party aggrieved, deems the offence not to be proved, or finds the assault or battery to have been justified or so trifling as not to merit any punishment, and accordingly dismisses the complaint, he shall forthwith make out a certificate under his hand stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

[cf. 1861 c. 100 s. 44 U.K.]

Section:	38	<b>Certificate of dismissal or conviction and punishment to bar any other proceeding</b>		30/06/1997
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If any person against whom any such complaint is preferred by or on behalf of the party aggrieved obtains such certificate of dismissal, or, having been convicted, pays the whole amount adjudged to be paid, or suffers the imprisonment awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause.

(Amended 50 of 1911 Schedule)  
[cf. 1861 c. 100 s. 45 U.K.]

Section:	39	<b>Assault occasioning actual bodily harm</b>		30/06/1997
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Any person who is convicted of an assault occasioning actual bodily harm shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years.

(Replaced 24 of 1950 Schedule. Amended 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 4 U.K.]

Section:	40	<b>Common assault</b>		30/06/1997
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Any person who is convicted of a common assault shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 1 year.

(Replaced 24 of 1950 Schedule. Amended 22 of 1950 s. 3; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 47 U.K.]

Section:	41	<b>Power to bind over offenders</b>		30/06/1997
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In the event of a conviction under section 39 or 40, the convicting court may, in addition to imposing any penalty, order the offender to enter into a recognizance, with or without sureties, in a sum not greater than \$500, to keep the peace or to be of good behaviour for a period not exceeding 12 months.

(Added 24 of 1950 Schedule)  
[cf. 1925 c. 86 s. 39(3) U.K.]

Section:	42	<b>Forcible taking or detention of person, with intent to sell him</b>		30/06/1997
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#### FORCIBLE TAKING OR DETENTION OF PERSONS

Any person who, by force or fraud, takes away or detains against his or her will any man or boy, woman or female child, with intent to sell him or her, or to procure a ransom or benefit for his or her liberation, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for life.

(Amended 30 of 1911 ss. 2, 4 & 5; 51 of 1911 Schedule; 23 of 1982 s. 2; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 56 U.K.]

Section:	43	<b>Stealing child under 14 years</b>		30/06/1997
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(1) Any person who-

(a) unlawfully, by any means, leads or takes away, or decoys or entices away, or detains any child under the age of 14 years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong; or (Amended 13 of 1929 s. 2)

(b) with any such intent receives or harbours any such child, knowing the same to have been led, taken, decoyed, enticed away, or detained as in this section before mentioned, (Amended 25 of 1930 s. 4)

shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 7 years: (Amended 30 of 1911 ss. 2 4 & 5; 39 of 1954 Second Schedule; 50 of 1991 s. 4)

Provided that no person who has bona fide claimed any right to the possession of such child, or is the mother or has bona fide claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child or taking such child out of the possession of any person having the lawful charge thereof. (Amended 13 of 1929 s. 2)

(2) For the purposes of this section, the adoptive parent of a child under the age of 14 years, and the employer of a child under the age of 14 years, shall be deemed to have had the lawful care or charge of such child:

Provided that-

(a) nothing in this subsection shall be construed as affecting any rights vested in or conferred on the Director of Social Welfare by or under the Protection of Women and Juveniles Ordinance (Cap 213); and (Amended 1 of 1958 Schedule)

(b) nothing in this subsection shall be construed as conferring upon any adoptive parent or employer any right of retaining possession, custody or control of any child as against the child's parent or guardian, or as against the child. (Added 13 of 1929 s. 2)

[cf. 1861 c. 100 s. 56 U.K.]

Section:	44	<b>Unlawful transfers of possession, custody or control of other persons for valuable consideration</b>	13 of 1999	01/07/1997
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Remarks:

Amendments retroactively made - see 13 of 1999 s. 3

(1) Any person who takes any part in any transaction the object or one of the objects of which is to transfer or confer, wholly or partly, temporarily or permanently, the possession, custody or control of any other person for any valuable consideration shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years. (Amended 22 of 1950 s. 3; 50 of 1991 s. 4)

(2) Any person who without lawful authority or excuse harbours or has in his possession, custody or control any person with respect to whom the temporary or permanent possession, custody or control has been transferred or conferred for valuable consideration by any other person within or without Hong Kong shall be guilty of an offence triable either summarily or upon indictment, and shall be liable to imprisonment for 2 years. (Amended 22 of 1950 s. 3; 50 of 1991 s. 4; 13 of 1999 s. 3)

(3) Nothing in this section shall be construed as affecting the customary giving or receiving of presents on occasions of bona fide betrothals, weddings or adoptions.

(4) No prosecution under this section shall be instituted without the consent of the Director of Social Welfare:

Provided that such consent shall not be necessary for the arrest of any person suspected of having contravened this section. (Amended 1 of 1958 Schedule)

(5) The consent of the person intended to be, or actually, unlawfully transferred, taken into possession, custody or control or harboured, or the receipt by such person of the consideration, or any part thereof, shall be no defence to a charge or indictment under this section. (Added 7 of 1939 s. 2)

(Added 16 of 1938 s. 2)

Section:	45	<b>Bigamy</b>	30/06/1997
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## BIGAMY

Any person who, being married, marries any other person during the life of the former husband or wife shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 7 years: (Amended 50 of 1991 s. 4)

Provided that nothing in this section shall extend to any person marrying a second time whose husband or wife has been continually absent from such person for the space of 7 years then last past, and has not been known by such person to be living within that time, or to any person who, at the time of such second marriage, has been divorced from the bond of the first marriage, or to any person whose former marriage has been declared void by the sentence of any court of competent jurisdiction.

(Amended 30 of 1911 ss. 2 & 5)  
[cf. 1861 c. 100 s. 57 U.K.]

Section:	46	<b>Administering drug or using instrument to procure abortion</b>	30/06/1997
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## ABORTION, CHILD DESTRUCTION AND INFANTICIDE

(Replaced 13 of 1981 s. 2)

Any woman, being with child, who, with intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, and any person who, with intent to procure the miscarriage of any woman, whether she is or is not with child, unlawfully administers or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, shall be guilty of an offence triable upon indictment, and shall be liable to- (Amended 50 of 1991 s. 4)

- (a) imprisonment for 7 years and to pay such fine as the court may award in the case of a woman, being with child, who with intent to procure her own miscarriage, has unlawfully administered to herself any poison or other noxious thing, or has unlawfully used any instrument or other means whatsoever with the like intent; and
- (b) imprisonment for life and to pay such fine as the court may award in the case of any person who with intent to procure the miscarriage of any woman, whether she was or was not with child, has unlawfully administered or caused to be taken by her any poison or other noxious thing, or has unlawfully used any instrument or other means whatsoever with the like intent.

(Amended 30 of 1911 ss. 2, 4 & 5; 13 of 1981 s. 3)  
[cf. 1861 c. 100 s. 58 U.K.]

Section:	47	<b>Procuring drug, etc., with intent to cause abortion</b>	30/06/1997
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Any person who unlawfully supplies or procures any poison or other noxious thing or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she is or is not with child, shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 3 years.

(Amended 30 of 1911 ss. 2 & 5; 50 of 1991 s. 4)  
[cf. 1861 c. 100 s. 59 U.K.]

Section:	47A	<b>Medical termination of pregnancy</b>	L.N. 164 of 2007	01/08/2007
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(1) Subject to this section, a person shall not be guilty of an offence under section 46 or 47 when a pregnancy is terminated by a registered medical practitioner if 2 registered medical practitioners are of the opinion, formed in good faith that-

- (a) the continuance of the pregnancy would involve risk to the life of the pregnant woman or of injury to the physical or mental health of the pregnant woman, greater than if the pregnancy were terminated; or
- (b) there is a substantial risk that if the child were born, it would suffer from such physical or mental abnormality as to be seriously handicapped. (Replaced 13 of 1981 s. 4)

(2) In determining whether the continuance of a pregnancy would involve such risk of injury to health as is mentioned in subsection (1), account may be taken of the pregnant woman's actual or reasonably foreseeable environment.

(2A) Without prejudice to the generality of subsection (2)-

- (a) in the case of a woman who is with child before attaining the age of 16; or
- (b) in the case of a woman who has been the victim of sexual intercourse which constitutes an offence under section 47, 118, 119, 120 or 121 of the Crimes Ordinance (Cap 200) and who has made a report to any police officer within a period not exceeding 3 months after the date upon which she alleges any such offence was committed,

a registered medical practitioner who is in doubt as to whether, in fact, the continuance of her pregnancy would or would not, involve risk of injury to her physical or mental health greater than if her pregnancy were terminated may, in forming an opinion for the purpose of subsection (1)(a), presume that the continuance of her pregnancy would involve risk of injury to her physical and mental health greater than if the pregnancy were terminated. (Added 13 of 1981 s. 4)

(2B) Subject to this section, a registered medical practitioner who terminates the pregnancy of a woman who he believes has been the victim of sexual intercourse which constitutes an offence under section 47, 118, 119, 120 or 121 of the Crimes Ordinance (Cap 200), shall not be liable to prosecution under sections 46 and 47; and it shall be presumed until the contrary is proved that he believed the woman to have been the victim of such sexual intercourse if the woman made a report to a police officer within a period not exceeding 3 months after the date upon which she alleges any such offence was committed. (Added 13 of 1981 s. 4)

(2C) For the purposes of sections 46 and 47, nothing in subsection (1), (2A) or (2B) shall be taken to authorize the termination of a pregnancy which is of more than 24 weeks duration, unless such termination is in the opinion of 2 registered medical practitioners formed in good faith, necessary to save the life of the pregnant woman. (Added 13 of 1981 s. 4)

(3) Except as provided by subsection (4), any treatment for the termination of pregnancy must be carried out in a hospital or clinic maintained by the Government or declared by the Director of Health by notice published in the Gazette to be an approved hospital or clinic for the purposes of this section. (Amended L.N. 76 of 1989; 13 of 1999 s. 3)

(4) Subsection (3) shall not apply to the termination of a pregnancy by a registered medical practitioner if 2 registered medical practitioners are of the opinion, formed in good faith, that the termination is immediately necessary to save the life or to prevent grave permanent injury to the physical or mental health of the pregnant woman.

(5) The Chief Executive in Council may make regulations- (Amended 13 of 1999 s. 3)

- (a) requiring any such opinion as is referred to in subsection (1) to be certified by the registered medical practitioners concerned, in such form and within such time as may be prescribed and requiring the preservation and disposal of certificates made for the purposes of the regulations;
- (b) requiring a registered medical practitioner who terminates a pregnancy to give notice of the termination, and such other information relating to the termination as may be prescribed, to the Director of Health; (Amended L.N. 76 of 1989)
- (c) prohibiting the disclosure, except to such persons or for such purposes as may be prescribed, of notices given or information furnished pursuant to the regulations. [cf. 1967 c. 87 s. 2 U.K.]

(6) Subject to subsection (7), no person shall be under any duty, whether by contract or by any statutory or other legal requirement, to participate in any treatment authorized by this section to which he has a conscientious objection, but in any legal proceedings the burden of proof of conscientious objection rests on the person claiming to rely on it. [cf. 1967 c. 87 s. 4 U.K.]

(7) Nothing in subsection (6) shall affect any duty to participate in treatment which is necessary to save the life,

or to prevent grave permanent injury to the physical or mental health, of a pregnant woman.

(7A) Nothing in this section shall affect the provisions of section 47B or 47C. (Added 13 of 1981 s. 4)

(8) For the purposes of sections 46 and 47, anything done with intent to procure a woman's miscarriage (or, in the case of a woman carrying more than one foetus, her miscarriage of any foetus) is unlawfully done unless authorized by virtue of the provisions of this section and, in the case of a woman carrying more than one foetus, anything done with intent to procure the miscarriage of any foetus is authorized by those provisions if-

- (a) the ground for termination of the pregnancy specified in subsection (1)(b) applies in relation to any foetus and the thing is done for the purpose of procuring the miscarriage of that foetus; or
- (b) any of the other grounds for termination of the pregnancy specified in those provisions applies.

(Replaced 47 of 2000 s. 48)

(Added 15 of 1972 s. 2. Amended 12 of 1976 s. 2)  
[cf. 1967 c. 87 s. 1 U.K.]

Section:	47B	<b>Child destruction</b>	30/06/1997
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(1) Subject to subsection (2) any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother shall be guilty of child destruction, and shall be liable to be punished as if he were guilty of manslaughter.

(2) Notwithstanding subsection (1) a person shall not be guilty of an offence under this section unless it is proved that the act which caused the death of the child was not done in good faith for the purpose only of preserving the life of the mother.

(3) Where in any proceedings under this section it is proved that the mother had at any material time been pregnant for a period of 28 weeks or more, it shall be presumed until the contrary is proved that the mother was at that time pregnant of a child capable of being born alive.

(Added 13 of 1981 s. 5) [cf. 1929 c. 34 U.K.]

Section:	47C	<b>Infanticide</b>	30/06/1997
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Where a woman by any wilful act or omission causes the death of her child being a child under the age of 12 months but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for the provisions of this section the offence would have amounted to murder, she shall be guilty of infanticide, and shall be liable to be punished as if she were guilty of manslaughter.

(Added 13 of 1981 s. 5)

Section:	47D	<b>Conviction on alternative offences</b>	30/06/1997
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(1) Where upon the trial of any person for the murder or manslaughter of any child, or for an offence under section 46 or 47C, the jury are of the opinion that the person charged is not guilty of murder, manslaughter or of an offence under section 46 or 47C, as the case may be, but that he is shown by the evidence to be guilty of an offence under section 47B(1), the jury may find him guilty of that offence, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon indictment for an offence under section 47B(1).

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of 12 months, the jury are of the opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child and it is shown by the evidence that but for the provisions of section 47C, she would have been guilty of murder, the jury may find her guilty of an offence under section 47C and she shall be liable to be punished as if she were guilty of manslaughter.

(3) Where upon the trial of any person for an offence under section 47B(1), the jury are of the opinion that the person charged is not guilty of that offence, but that he is shown by the evidence to be guilty of an offence under section 46, the jury may find him guilty of that offence, and thereupon the person convicted shall be liable to be punished as if he had been convicted upon indictment for an offence under section 46.

(4) Where upon the trial of any person for the murder or manslaughter of any child or for an offence under section 47B(1) or 47C the jury are of the opinion that the person charged is not guilty of murder, manslaughter or of

an offence under section 47B(1) or 47C, as the case may be, and it appears in evidence that the child had recently been born and that such person did in any manner dispose of the dead body of the child with intent to conceal its birth, the jury may find such person guilty of an offence under section 48 and thereupon the person convicted shall be liable to be punished as if he had been convicted upon indictment for an offence under section 48.

(5) For the purposes of subsection (4), a child shall be deemed to have recently been born if it had been born within 12 months before its death.

(6) Nothing in section 47B or 47C shall affect the power of the jury upon the trial of any person for the murder of any child to find him guilty of manslaughter or not guilty by reason of insanity.

(Added 13 of 1981 s. 5)

Section:	48	<b>Concealing birth of child</b>	30/06/1997
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#### CONCEALING THE BIRTH OF A CHILD

Any person who in any manner disposes of the dead body of a child with intent to conceal the fact of its birth, whether the child died before, or during, or after birth, commits an offence and is liable on conviction to imprisonment for 2 years.

(Replaced 13 of 1981 s. 6)

Section:	49	<b>(Repealed 90 of 1991 s. 26)</b>	30/06/1997
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Section:	50	<b>(Repealed 90 of 1991 s. 26)</b>	30/06/1997
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Section:	51	<b>(Repealed 90 of 1991 s. 26)</b>	30/06/1997
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Section:	52	<b>(Repealed 90 of 1991 s. 26)</b>	30/06/1997
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Section:	53	<b>(Repealed 90 of 1991 s. 26)</b>	30/06/1997
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Section:	54	<b>Making or having gunpowder with intent to commit offence</b>	30/06/1997
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#### MAKING GUNPOWDER TO COMMIT OFFENCES, AND SEARCH THEREFOR

Any person who knowingly has in his possession, or makes or manufactures, any gunpowder, explosive substance, or dangerous or noxious thing, or any machine, engine, instrument, or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit, any of the offences under sections 2, 9A, 10 to 17, 20, 21, 22, 28, 29, 30, 32(1) and (2), 33B(1), 42, 43, 45 and 46 shall be guilty of an offence triable upon indictment, and shall be liable to imprisonment for 2 years.

(Amended 30 of 1911 ss. 2, 4 & 5; 39 of 1954 Second Schedule; 50 of 1991 s. 4; 13 of 1995 s. 2)

[cf. 1861 c. 100 s. 64 U.K.]

Section:	55	<b>Power to issue warrant for searching house, etc., for gunpowder, etc.</b>	30/06/1997
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(1) On reasonable cause assigned upon oath by any person that any such gunpowder, or other explosive, dangerous, or noxious substance or thing, or any such machine, engine, instrument, or thing is suspected to be made, kept, or carried for the purpose of being used in committing any of the offences under sections 2, 9A, 10 to 17, 20, 21,

22, 28, 29, 30, 32(1) and (2), 33B(1), 42, 43, 45 and 46 a magistrate may issue a warrant for searching, in the day-time, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf, or other place, or any carriage, wagon, cart, ship, boat, or vessel, in which the same is suspected to be made, kept, or carried for such purpose as hereinbefore mentioned; and the said substances and things shall be brought before a magistrate, and, on proof that the same have been made, kept, or carried for any of the purposes aforesaid, whether in the presence or absence of the owner of the said substances and things, a magistrate may declare the same to be forfeited. (Amended 50 of 1911 s. 4 & Schedule; 51 of 1911 s. 4; 21 of 1912 s. 2; 50 of 1991 s. 4; 13 of 1995 s. 2)

(2) Any magistrate and person acting in the execution of any such warrant shall have, for seizing, removing to proper places, and detaining all such gunpowder, explosive, dangerous, or noxious substances, machines, engines, instruments, or things, found upon such search, which he may have good cause to suspect to be intended to be used in committing any such offence, and the barrels, packages, cases, and other receptacles in which the same may be, the same powers and protections which are given by any Ordinance relating to gunpowder. (Amended 50 of 1911 Schedule; 21 of 1912 s. 2)

[cf. 1861 c. 100 s. 65 U.K.]

Section:	56	<b>Apprehension of person loitering at night and suspected of indictable offence</b>		30/06/1997
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MISCELLANEOUS

Any police officer may take into custody, without a warrant, any person whom he finds lying or loitering or being in any highway, yard, or other place during the night, and whom he has good cause to suspect of having committed, or being about to commit, or intending to commit any indictable offence mentioned in this Ordinance, and shall take such person, as soon as reasonably may be, before a magistrate, to be dealt with according to law.

(Amended 50 of 1911 s. 4 & Schedule; 51 of 1911 s. 4 & Schedule; 21 of 1912 s. 2; 50 of 1991 s. 4)

[cf. 1861 c. 100 s. 66 U.K.]

Section:	57	<b>(Repealed 50 of 1991 s. 4)</b>		30/06/1997
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Section:	58	<b>Awarding of fine and sureties for keeping the peace</b>		30/06/1997
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Wherever any person is convicted of any indictable offence punishable under this Ordinance otherwise than with death, the court may, in addition to or in lieu of any punishment authorized by this Ordinance, fine the offender, and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour:

Provided that no person shall be imprisoned for not finding sureties under this section for any period exceeding 1 year.

(Amended 50 of 1911 Schedule; 50 of 1991 s. 4)

[cf. 1861 c.100 s. 71 U.K.]

Section:	59	<b>No summary conviction or warrant to be quashed for want of form</b>		30/06/1997
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No summary conviction under this Ordinance shall be quashed for want of form or be removed by certiorari, and no warrant of commitment shall be held void by reason of any defect therein, provided it is therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same.

[cf. 1861 c. 100 s. 72 U.K.]

Schedule:		<b>SCHEDULE</b>		30/06/1997
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[section 9A]

ARTICLE II OF GENOCIDE CONVENTION



In the present Convention genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

(Added 52 of 1969 s. 3)