

Emergency Regulations Ordinance

(Cap. 241)

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To confer on the Chief Executive in Council power to make regulations on occasions of emergency or public danger.

(Amended 71 of 1999 s. 3)

[28 February 1922]

(Format changes—E.R. 5 of 2018)

1. Short title

This Ordinance may be cited as the Emergency Regulations Ordinance.

2. Power to make regulations

- (1) On any occasion which the Chief Executive in Council may consider to be an occasion of emergency or public danger he may make any regulations whatsoever which he may consider desirable in the public interest.
- (2) Without prejudice to the generality of the provisions of subsection (1), such regulations may provide for— *(Amended 5 of 1924 s. 9; 8 of 1949 s. 2)*
 - (a) censorship, and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication;
 - (b) arrest, detention, exclusion and deportation;
 - (c) control of the harbours, ports and waters of Hong Kong, and the movements of vessels;
 - (d) transportation by land, air or water, and the control of the transport of persons and things;
 - (e) trading, exportation, importation, production and manufacture;

- (f) appropriation, control, forfeiture and disposition of property, and of the use thereof;
- (g) amending any enactment, suspending the operation of any enactment and applying any enactment with or without modification; (*Replaced 8 of 1949 s. 2*)
- (h) authorizing the entry and search of premises; (*Replaced 8 of 1949 s. 2*)
- (i) empowering such authorities or persons as may be specified in the regulations to make orders and rules and to make or issue notices, licences, permits, certificates or other documents for the purposes of the regulations; (*Replaced 8 of 1949 s. 2*)
- (j) charging, in respect of the grant or issue of any licence, permit, certificate or other document for the purposes of the regulations, such fees as may be prescribed by the regulations; (*Added 8 of 1949 s. 2. Amended E.R. 5 of 2018*)
- (k) the taking of possession or control on behalf of the Chief Executive of any property or undertaking; (*Added 8 of 1949 s. 2*)
- (l) requiring persons to do work or render services; (*Added 8 of 1949 s. 2*)
- (m) payment of compensation and remuneration to persons affected by the regulations and the determination of such compensation; and (*Added 8 of 1949 s. 2*)
- (n) the apprehension, trial and punishment of persons offending against the regulations or against any law in force in Hong Kong, (*Added 8 of 1949 s. 2. Amended 40 of 1949 s. 2; E.R. 5 of 2018*)

and may contain such incidental and supplementary provisions as appear to the Chief Executive to be necessary

or expedient for the purposes of the regulations. (*Added 8 of 1949 s. 2*)

- (3) Any regulations made under the provisions of this section shall continue in force until repealed by order of the Chief Executive in Council.
- (4) A regulation or any order or rule made in pursuance of such a regulation shall have effect notwithstanding anything inconsistent therewith contained in any enactment; and any provision of an enactment which may be inconsistent with any regulation or any such order or rule shall, whether that provision shall or shall not have been amended, suspended or modified in its operation under subsection (2), to the extent of such inconsistency have no effect so long as such regulation, order or rule shall remain in force. (*Added 8 of 1949 s. 2*)
- (5) Every document purporting to be an instrument made or issued by the Chief Executive or other authority or person in pursuance of this Ordinance or of any regulation made hereunder and to be signed by or on behalf of the Chief Executive or such other authority or person, shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Chief Executive or that authority or person. (*Added 8 of 1949 s. 2*)

(*Amended 71 of 1999 s. 3*)

3. Penalties

- (1) Without prejudice to the powers conferred by section 2, regulations made hereunder may provide for the punishment of any offence (whether such offence is a contravention of the regulations or an offence under any law applicable to Hong Kong) with such penalties and sanctions (including a maximum penalty of mandatory life imprisonment but excluding the penalty of death), and may contain such provisions in relation to forfeiture, disposal and retention

of any article connected in any way with such offence and as to revocation or cancellation of any licence, permit, pass or authority issued under the regulations or under any other enactment as to the Chief Executive in Council may appear to be necessary or expedient to secure the enforcement of any regulation or law or to be otherwise in the public interest. *(Amended 24 of 1993 s. 24; 71 of 1999 s. 3)*

- (2) Any person who contravenes any regulation made under this Ordinance shall, where no other penalty or punishment is provided by such regulations, be liable on summary conviction to a fine of \$5,000 and to imprisonment for 2 years. *(Amended E.R. 5 of 2018)*
- (3) *(Repealed 24 of 1993 s. 24)*

(Replaced 40 of 1949 s. 3)

4. Declaratory provision as to effect of an amending Ordinance

For the purpose of removing doubts it is hereby declared that the words in subsection (1) of section 2 “he may make any regulations whatsoever which he may consider desirable in the public interest” shall be deemed always to have included power to make such regulations as are mentioned in paragraph (g) of subsection (2) of section 2 and it is further declared that the provisions of subsection (4) of section 2 shall be deemed always to have been incorporated herein.

(40 of 1949 s. 4 incorporated)