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IMMIGRATION ORDINANCE 1971.

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HONG KONG

No. 55 of 1971.

*Ordinance not disallowed.
— see G.N. 453/72.*

I assent.

L.S.

D. C. C. TRENCH,
*Governor.**14th October, 1971.*

An Ordinance to consolidate and amend the law relating to immigration and deportation.

[1st April, 1972] L.N. 62/72

Enacted by the Governor of Hong Kong, with the advice and consent of the Legislative Council thereof.

PART I.**PRELIMINARY.**

1. This Ordinance may be cited as the Immigration Ordinance 1971, and shall come into operation on a day to be appointed by the Governor by notice in the *Gazette*.

Short title and commencement.

2. (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

“alien” means a person who is not a British subject, a British protected person or a citizen of the Republic of Ireland;

“approved immigration anchorage” means a place designated as an approved immigration anchorage by order under section 60;

“approved landing place” means a place designated as an approved landing place by order under section 60;

“British protected person” has the same meaning as it has in the British Nationality Act 1948;

(1948, c. 56.)

“British subject by naturalization in Hong Kong” means—

(a) in relation to a person naturalized after the commencement of the British Nationality Act 1948, a British subject to whom a certificate of naturalization has been granted by the Governor; and

(b) in relation to a person naturalized before the commencement of that Act—

(1914, c. 17.)

(i) a British subject to whom a certificate of naturalization was granted by the Government under section 8 of the British Nationality and Status of Aliens Act 1914; and

(ii) a British subject who became such by reason of the fact that his name was included under section 5 of the British Nationality and Status of Aliens Act 1914 in a certificate of naturalization granted by the Government;

“captain” means master (of a ship) and commander (of an aircraft);

“child” means a legitimate or legitimated child, a stepchild and a child adopted in a manner recognized by law;

“Chinese resident” means an immigrant who—

(a) is wholly or partly of Chinese race; and

(b) has at any time been ordinarily resident in Hong Kong for a continuous period of not less than seven years;

“crew”, in relation to a ship or aircraft, means all persons actually employed in the working or service of the ship or aircraft, including the captain, and “member of the crew” shall be construed accordingly;

“deportation order” means an order under section 20;

“detention warrant” means a warrant issued under section 29(1) or (2);

“Director” means the Director of Immigration, the Deputy Director of Immigration and any assistant director of immigration;

“empowered” means empowered by or under this Ordinance;

“entry permit” means an entry permit issued under this Ordinance;

“examination” includes a further examination under section 4(1), and “examine” shall be construed accordingly;

“Hong Kong believer” means—

(a) a British subject who was born in Hong Kong;

(b) a British subject by naturalization in Hong Kong;

(c) a British subject by registration in Hong Kong under section 7(2) of the British Nationality Act 1948;

(d) a British subject who is or has been married to, or is the child of, a person mentioned in paragraph (a), (b) or (c);

“identity card” means a card of identity issued under the Registration of Persons Ordinance; (Cap. 177.)

“immigrant” means a person who is not a Hong Kong believer;

“immigration officer” means any member of the Immigration Service of or above the rank of assistant immigration officer;

“land” means—

(a) enter by land or disembark from a ship or aircraft; and

(b) in the case of a person who arrives in Hong Kong otherwise than by land or in a ship or aircraft, land in Hong Kong;

“limit of stay” means a condition of stay limiting the period during which a person may remain in Hong Kong;

“owner”, in relation to a ship or aircraft, includes any charterer to whom the ship or aircraft is demised;

“passenger” means any person carried in a ship or aircraft other than a member of the crew;

“re-entry permit” means a re-entry permit issued under this Ordinance;

“removal order” means an order under section 19(1);

“resident United Kingdom believer” means a United Kingdom believer who has at any time been ordinarily resident in Hong Kong for a continuous period of not less than seven years;

“serviceman” means a person, not being locally engaged, who is a serving member of Her Majesty’s regular naval, military or air force service;

“specified country” means a country or territory—

(a) of which a person who is to be removed from Hong Kong is a national or a citizen;

(b) in which that person has obtained a travel document;

(c) in which that person embarked for Hong Kong; or

(d) to which an immigration officer has reason to believe that that person will be admitted;

“travel document” means a passport furnished with a photograph of the holder, or some other document establishing to the satisfaction of an immigration officer the identity and nationality of the holder;

“United Kingdom believer” means a person who is a citizen of the United Kingdom and Colonies by reason of his birth, adoption, naturalization or registration in the United Kingdom and the wife and child of any such person.

(2) References in this Ordinance to landing in Hong Kong unlawfully are references to landing in or entering Hong Kong in contravention of this Ordinance, the repealed Immigration (Control and Offences) Ordinance or the repealed Immigrants Control Ordinance.

(Cap. 221.)

(3) References in this Ordinance to an offence under this Ordinance include references to an offence under section 90(1) of the Criminal Procedure Ordinance where the arrestable offence which a person has committed is an offence under this Ordinance.

(4) For the purposes of this Ordinance, a person shall not be treated as ordinarily resident in Hong Kong—

(a) during any period after the commencement of this Ordinance in which he remains in Hong Kong—

(i) without the authority of the Director, after landing unlawfully; or

(ii) in contravention of a limit of stay; or

(b) during any period, whether before or after the commencement of this Ordinance, of imprisonment or detention pursuant to the sentence or order of any court.

PART II.

IMMIGRATION PROCEDURE.

Arriving ships
and aircraft.

3. (1) Subject to subsections (2) and (6), the captain of a ship shall, on the arrival of the ship in Hong Kong—

(a) anchor or moor the ship at an approved immigration anchorage and keep the ship in such anchorage as long as may be necessary for the purposes of this Ordinance; and

(b) hoist the prescribed immigration examination signal and keep the same hoisted until an immigration officer permits him to lower it.

(2) An immigration officer may, on the arrival of a ship in Hong Kong, require the captain—

(a) to anchor or moor the ship at such place as he may specify, being a place at which the captain considers that the ship may safely be moored or anchored;

- (b) to keep the ship in such place so long as may be necessary for the purposes of this Ordinance,

but a requirement under this subsection shall cease to have effect if the captain is required by or under any other Ordinance to move the ship to another place.

(3) Except with the permission of the Director, no person other than a pilot or health officer in the course of his duty shall—

- (a) board or leave a ship which has arrived in Hong Kong; or
 (b) be within thirty yards of any such ship, otherwise than on a wharf or pier,

until the immigration examination signal is lowered.

(4) Except with the permission of the Director, nothing shall be removed from or taken or placed on board a ship which has arrived in Hong Kong until the immigration examination signal is lowered.

(5) The captain of an aircraft arriving in Hong Kong shall not land the aircraft except at an approved landing place.

(6) The Director of Immigration may exempt from subsection (1) the captains of such ships, or of ships of such class or description as he thinks fit.

4. (1) For the purposes of this Ordinance, an immigration officer may—

- (a) subject to subsection (2), examine any person on his arrival in or prior to his departure from Hong Kong;
 (b) examine a person at any time if he has reasonable cause for believing that such person is committing or has committed an offence under section 38(1)(b) or section 41,

Examination
of persons.

and a person who is so examined may be required by an immigration officer to submit to further examination.

(2) A person who satisfies an immigration officer that he is a serviceman shall not be examined further under subsection (1)(a) on his arrival in or prior to his departure from Hong Kong.

5. (1) The Director may require—

- (a) the owner of a ship or aircraft or his agent; or
 (b) the captain of a ship or aircraft,

Powers of
Director and
requirements
in relation to
examinations
under section 4.

to produce in such manner as the Director may specify for examination under section 4(1)(a)—

- (i) the passengers arriving or departing in that ship or aircraft; and
 - (ii) the members of the crew of that ship or aircraft.
- (2) A requirement under subsection (1)—
- (a) may relate to all or any of the passengers or all or any of the members of the crew or to all or any of both;
 - (b) may be made generally for all occasions or, without prejudice to any general requirement which may be in force, for any particular occasion.
- (3) An immigration officer may require a person to proceed to such place as he may specify for the purpose of examination under section 4(1).
- (4) Any person of or over the age of sixteen years, other than a serviceman, being examined under section 4(1)(a) shall—
- (a) produce a valid travel document, entry permit or re-entry permit; and
 - (b) subject to subsection (9), furnish an arrival or departure card in the prescribed form, duly completed.
- (5) Where a person being examined under section 4(1)(a) is of or over the age of seven years and under the age of sixteen years and—
- (a) is accompanied by an adult, the adult shall—
 - (i) produce a valid travel document, entry permit or re-entry permit relating to such person; and
 - (ii) subject to subsection (9), furnish in respect of such person an arrival or departure card in the prescribed form, duly completed;
 - (b) having arrived or being about to depart in a ship or aircraft, is not accompanied by an adult, the owner of the ship or aircraft shall—
 - (i) produce a valid travel document, entry permit or re-entry permit relating to such person; and
 - (ii) subject to subsection (9), furnish in respect of such person an arrival or departure card in the prescribed form, duly completed.
- (6) An immigration officer may require any person, other than a serviceman, being examined under section 4(1) to—
- (a) declare whether or not he is in possession of any documents of any description specified by that officer, being

a description relevant for the purposes of the examination; and

(b) produce to the officer any such documents which are in his possession.

(7) An immigration officer may require a person being examined under section 4(1) to furnish to him such information as he may require for the purposes of this Ordinance.

(8) An immigration officer may give such directions as he considers necessary for preventing any person from evading examination under section 4(1).

(9) The Director of Immigration may exempt from subsection (4)(b), (5)(a)(ii) or (5)(b)(ii) any person or any class or description of persons.

6. (1) Subject to subsection (5), the captain of a ship shall, on the arrival of the ship in Hong Kong—

(a) furnish to an immigration officer—

(i) three copies of a notice containing the prescribed particulars of the crew; and

(ii) two copies of a notice containing the prescribed particulars of the passengers; and

(b) if so required by an immigration officer, produce the ship's papers.

(2) Subject to subsection (5), the captain of a ship shall, immediately before the departure of the ship from Hong Kong—

(a) furnish to an immigration officer—

(i) two copies of a notice containing the prescribed particulars of the crew; and

(ii) two copies of a notice containing the prescribed particulars of the passengers; and

(b) if so required by an immigration officer, produce the ship's papers.

(3) An immigration officer may, on the arrival of an aircraft in Hong Kong and immediately prior to the departure of an aircraft therefrom, require the captain of the aircraft to furnish to him a notice containing the names and nationalities of the crew and a notice containing the prescribed particulars of the passengers.

(4) A passenger on board a ship or aircraft arriving in or departing from Hong Kong shall furnish to the captain of the ship or aircraft any information required by him for the purpose of furnishing a notice under this section.

Returns to be furnished by captains of ships and aircraft, etc.

(5) The Director of Immigration may exempt from this section the captains of such ships, or of ships of such class or description, as he thinks fit.

PART III.

CONTROL OF IMMIGRATION.

General provision as to immigration control.

7. A person may not land in Hong Kong without the permission of an immigration officer unless—

- (a) he has the right to land in Hong Kong by virtue of section 8; or
- (b) he may land in Hong Kong without such permission by virtue of section 9(1) or section 10(1).

Right to land in Hong Kong and to remain free of conditions of stay.

8. (1) The following persons shall have the right to land in Hong Kong, that is to say—

- (a) Hong Kong belongers;
- (b) resident United Kingdom belongers but subject to section 20(6); and
- (c) Chinese residents but subject to section 20(6).

(2) A condition of stay, whenever imposed, shall have no effect in respect of a person who has the right to land in Hong Kong by virtue of subsection (1).

Special provisions as to members of crew of aircraft.

9. (1) Where a person who does not have the right to land in Hong Kong by virtue of section 8(1) arrives in Hong Kong as a member of the crew of an aircraft under an engagement requiring him to leave within seven days on that or another aircraft as a member of its crew, then unless—

- (a) a deportation order is in force in respect of him;
- (b) he has at any time been refused permission to land in Hong Kong and has not since then been given permission to land in Hong Kong; or
- (c) he is examined under section 4(1)(a) otherwise than for the purpose of establishing that he is such a member of the crew of an aircraft,

he may land in Hong Kong without the permission of an immigration officer and remain until the departure of the aircraft on which he is required by his engagement to leave.

(2) For the purposes of this Ordinance, any such person who, having lawfully landed in Hong Kong without the permission of an immigration officer by virtue of subsection (1)—

- (a) seeks permission to remain in Hong Kong beyond the time allowed by subsection (1); or

- (b) remains in Hong Kong without the permission of an immigration officer beyond the time so allowed or is reasonably suspected by an immigration officer of intending to do so,

shall thereupon be deemed to be a person seeking to land in Hong Kong; and an immigration officer may examine him under section 4(1)(a) within twenty-eight days thereafter or, if at that time he is detained in pursuance of the sentence or order of any court, within twenty-eight days after his discharge from detention.

(3) Any such person who, having lawfully landed in Hong Kong without the permission of an immigration officer by virtue of subsection (1)—

- (a) remains in Hong Kong without the permission of an immigration officer beyond the time allowed by subsection (1); and
- (b) does not submit himself to examination under section 4(1)(a) within the period during which in accordance with subsection (2) he may be examined by an immigration officer under that section,

shall on the expiry of that period be deemed for the purposes of this Ordinance to have landed in Hong Kong without the permission of an immigration officer.

10. (1) A serviceman may land in Hong Kong without the permission of an immigration officer.

Special provisions as to servicemen.

(2) For the purposes of this Ordinance, any such person who ceased to be a serviceman shall thereupon, unless he is a person who has the right to land in Hong Kong by virtue of section 8, be deemed to be a person seeking to land in Hong Kong; and an immigration officer may examine him under section 4(1)(a) within twenty-eight days after—

- (a) he ceased to be a serviceman; or
- (b) if at the time he ceased to be a serviceman he was detained in pursuance of the sentence or order of any court, his discharge from detention.

(3) Any such person who does not submit himself to examination under section 4(1)(a) within the period during which in accordance with subsection (2) he may be examined by an immigration officer under that section shall on the expiry of that period be deemed for the purposes of this Ordinance to have landed in Hong Kong without the permission of an immigration officer.

Permission to land and conditions of stay.

11. (1) An immigration officer may, on the examination under section 4(1)(a) of a person who by virtue of section 7 may not land in Hong Kong without the permission of an immigration officer, give such person permission to land in Hong Kong or refuse him such permission.

(2) Where permission is given to a person to land in Hong Kong, an immigration officer may impose—

- (a) a limit of stay; and
- (b) such other conditions of stay as an immigration officer thinks fit, being conditions of stay authorized by the Director, either generally or in a particular case.

(3) Subject to subsection (9), the permission given to a person to land in Hong Kong shall be deemed to be subject to the prescribed conditions of stay in addition to any conditions of stay imposed under subsection (2).

(4) In the case of a person who is a member of a party in the charge of a responsible person, notice of any condition of stay shall be deemed to be given to such person if it is given in writing to the person in charge of the party.

(5) The Director may at any time by notice in writing to any person other than a person who has the right to land in Hong Kong by virtue of section 8(1)—

- (a) cancel any condition of stay or vary any condition of stay (other than a limit of stay) in force in respect of such person;
- (b) impose any condition of stay (other than a limit of stay) in respect of such person;
- (c) vary any limit of stay in force in respect of such person by enlarging the period during which such person may remain in Hong Kong.

(6) The Governor may at any time vary any limit of stay in force in respect of any person by curtailing the period during which such person may remain in Hong Kong, and the Director shall in writing notify such person of any such variation.

(7) The Governor may by order applying to all persons or to any class or description of persons, other than persons who have the right to land in Hong Kong by virtue of section 8(1)—

- (a) cancel or vary any condition of stay in force in respect of such persons;
- (b) impose any condition of stay (other than a limit of stay) in respect of such persons.

(8) Whenever a condition of stay is in force in respect of a person, the Director may—

(a) require such person; or

(b) if such person is a member of the crew of a ship or aircraft, require the captain of the ship or aircraft or the owners or agents of the ship or aircraft,

to enter into a recognizance in the prescribed form in such amount and with such number of sureties as the Director may reasonably require.

(9) The Director of Immigration may exempt any person or any class or description of persons from compliance with all or any of the prescribed conditions of stay.

12. An immigration officer may permit an immigrant who is a member of the crew of a ship and does not have the right to land in Hong Kong by virtue of section 8(1) to land in Hong Kong notwithstanding that he has not been examined under section 4(1)(a); and in any such case notice of any condition of stay imposed in respect of such person shall be deemed to have been given to that person if it is given to the captain of the ship or the owners or agents of the ship.

Special provisions as to giving of permission to land to members of ship's crew.

13. The Director may at any time authorize a person who landed in Hong Kong unlawfully to remain in Hong Kong, subject to such conditions of stay as he thinks fit, whether or not such person has been convicted of that offence, and section 11(5) and (6) shall apply in the case of any such person as it applies to a person who has been given permission to land in Hong Kong under section 11(1).

Authority for illegal immigrant to remain.

PART IV.

SUPPLY OF PARTICULARS BY ALIENS AND BY PERSONS STAYING IN HOTELS OR OTHER LODGING PLACES.

14. (1) Subject to subsection (2), an alien within Hong Kong who—

(a) attains the age of sixteen years; or

(b) having previously been exempted from this subsection or section 5(4)(b), (5)(a)(ii) or (5)(b)(ii) (otherwise than by reason of his age), ceases to be so exempted,

shall within one month thereafter furnish to the Director in the prescribed form the particulars required thereby.

(2) The Director of Immigration may exempt from subsection (1) any person or any class or description of persons.

Aliens to furnish particulars.

Powers to require alien to produce photographs.

15. (1) Subject to subsection (2), an immigration officer may require an alien within Hong Kong who is over the age of fifteen years to furnish the prescribed photographs of himself.

- (2) A requirement shall not be made under subsection (1)—
- (a) unless the alien has been in Hong Kong for at least fourteen days; or
 - (b) if the alien has furnished such photographs to the Director within the preceding three years.

Changes in furnished particulars.

16. (1) Subject to subsection (2), an alien who is over the age of fifteen years shall within seven days notify the Director of any change in—

- (a) any of the particulars furnished in an arrival card;
- (b) any of the particulars furnished in the prescribed form pursuant to section 14(1);
- (c) any particulars notified pursuant to this subsection; or
- (d) the address at which he resides.

(2) The Director of Immigration may exempt from subsection (1) any person or any class or description of persons.

Record of visitors to hotels, etc.

17. (1) A person over the age of fifteen years who intends to stay at any premises to which this section applies shall on arriving at the premises inform the keeper of the premises of his full name and nationality.

(2) Any such person who is an alien shall also—

- (a) on arriving at the premises, inform the keeper of the premises of the date of his arrival in Hong Kong, the name of the ship or airline (if any) by which he arrived and his occupation; and
- (b) on or before his departure from the premises, inform the keeper of the premises of the place to which he is going and, if he is departing from Hong Kong, of the ship or airline (if any) by which he will depart.

(3) The keeper of any premises to which this section applies shall—

- (a) require all persons who stay at the premises to comply with their obligations under this section; and
- (b) keep for at least twelve months a record in writing of the information given to him by any such person pursuant to this section.

(4) An immigration officer or police officer may inspect at any time the record kept by the keeper of any premises pursuant to subsection (3).

(5) Any information required by this section to be given by or to any person may be given by or to any other person acting on his behalf.

(6) This section applies to any premises, whether furnished or unfurnished, where lodging or sleeping accommodation is provided for reward.

(7) In this section—

“keeper” includes any person who receives another person to stay in premises, whether on his own behalf or on behalf of any other person;

“stay” means lodge or sleep, for one night or more, in accommodation provided for reward.

PART V.

POWER TO REMOVE OR DEPORT.

18. (1) Subject to subsection (2), an immigration officer may remove from Hong Kong in accordance with section 24—

(a) a person who is refused permission to land in Hong Kong; and

(b) a person who, having arrived in Hong Kong on board a ship in which he was a member of the crew and been given permission to land in Hong Kong subject to a condition of stay requiring him to leave Hong Kong—

(i) in a specified ship; or

(ii) within a specified period in accordance with arrangements for his repatriation,

contravenes or is reasonably suspected by an immigration officer of intending to contravene that condition.

(2) A person who is refused permission to land in Hong Kong may not be removed from Hong Kong under subsection (1)(a) after the expiry of two months beginning with the date on which he was refused such permission.

19. (1) Subject to subsection (2), the Governor may make a removal order against a person, requiring him to leave Hong Kong, if it appears to the Governor that such person is—

(a) a person who might have been removed from Hong Kong under section 18(1) if the time limited by section 18(2) had not passed;

Removal of persons refused permission to land and of members of ship's crew who contravene certain conditions of stay.

Power of Governor to order removal.

- (b) a person who has committed or is committing an offence under section 38(1) or section 41, whether or not he has been convicted of that offence; or
 - (c) an undesirable immigrant who has been ordinarily resident in Hong Kong for less than three years.
- (2) A removal order shall not be made under subsection (1)(b) against a person who has the right to land in Hong Kong by virtue of section 8(1).
- (3) A removal order shall not be made under subsection (1)(c) against an immigrant who is a United Kingdom believer except after consideration by the Governor of the report of a Deportation Tribunal under section 23, unless the Governor certifies that the departure of the immigrant from Hong Kong is necessary in the interest of the security of Hong Kong or for political reasons affecting the relations of Her Majesty's Government in the United Kingdom with another country.
- (4) A removal order made against a person shall invalidate any permission or authority to land or remain in Hong Kong given to that person before the order is made or while it is in force.

Power to
deport.

20. (1) The Governor in Council may make a deportation order against an immigrant, other than a Chinese resident, a United Kingdom believer or a resident United Kingdom believer, if—

- (a) the immigrant has been found guilty in Hong Kong of an offence punishable with imprisonment for not less than two years; or
 - (b) the Governor in Council deems it to be conducive to the public good.
- (2) Subject to subsection (3), the Governor in Council may make a deportation order against a Chinese resident or a United Kingdom believer, other than a resident United Kingdom believer, if—
- (a) such person has been found guilty in Hong Kong of an offence punishable with imprisonment for not less than two years; or
 - (b) the Governor in Council deems it to be conducive to the public good.
- (3) The Governor in Council shall not make a deportation order against a Chinese resident or a United Kingdom believer under subsection (2) except—
- (a) on the recommendation of a court under section 21;

- (b) after consideration of the report of a Deportation Tribunal under section 23; or
- (c) where the Governor certifies that the case concerns the security of Hong Kong or the relations of Her Majesty's Government in the United Kingdom with another country.

(4) The Governor in Council may make a deportation order against a resident United Kingdom belonger if the Governor in Council deems it to be conducive to the public good on the ground that the departure of such person from Hong Kong is necessary in the interest of the security of Hong Kong or for political reasons affecting the relations of Her Majesty's Government in the United Kingdom with another country.

(5) A deportation order shall require the person against whom it is made to leave Hong Kong and shall prohibit him from being in Hong Kong at any time thereafter or during such period as may be specified in the order.

(6) If a deportation order is in force against a person who has the right to land in Hong Kong by virtue of section 8(1), such right shall cease while the deportation order is in force.

(7) A deportation order made against a person shall invalidate any permission or authority to land or remain in Hong Kong given to that person before the order is made or while it is in force.

(8) For the purposes of this section and section 21, the question whether an offence is one for which a person is punishable with imprisonment shall be determined without regard to any Ordinance restricting the imprisonment of young offenders.

21. (1) Where an adult United Kingdom belonger who is liable to deportation under section 20(2) or an adult Chinese resident has been found guilty of an offence punishable with imprisonment for not less than two years, any court having power to sentence him for that offence may recommend that a deportation order be made against him.

Recommendation by court for deportation.

(2) A court shall not recommend that a deportation order be made against a person unless that person has been given not less than seven days notice in writing stating that such person will be given an opportunity to make to the court representations with respect to the making of such a recommendation; and, for the purpose of enabling a notice to be given under this subsection or, if a notice was given less than seven days previously, for the purpose of enabling the required seven days to elapse, the court

may adjourn the proceedings and, if such person is not detained pursuant to the sentence or order of any court, may remand such person in custody.

(3) In determining whether or not to recommend that a deportation order be made against any person, a court shall have regard to any representations which may be made by or on behalf of such person and in particular to any evidence which such person may adduce as to his character or circumstances.

(4) Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a recommendation for deportation may be made in respect of an offender who is sentenced to imprisonment for life.

(5) A recommendation that a deportation order be made against a person shall be treated as a sentence for the purpose of any Ordinance providing an appeal against sentence; and where a court recommends or purports to recommend that a deportation order be made against a person, the validity of the recommendation shall not be called in question except on an appeal against the recommendation or the finding of guilty on which it was made.

(6) A deportation order shall not be made on the recommendation of a court so long as an appeal or further appeal is pending against the recommendation or against the finding of guilty on which it was made; and for this purpose an appeal or further appeal shall be treated as pending (where one is competent but has not been brought) until the expiry of the time for bringing that appeal.

(7) A person shall be treated as an adult for the purposes of this section if he is of or over the age of sixteen years.

Appointment
of Deportation
Tribunal.

22. (1) Where it is proposed that—

(a) a removal order should be made under section 19(1)(c) against an immigrant who is a United Kingdom believer; or

(b) a deportation order should be made against a United Kingdom believer or a Chinese resident,

and the Governor has not certified that the departure from Hong Kong of such person is necessary in the interest of the security of Hong Kong or for political reasons affecting the relations of Her Majesty's Government in the United Kingdom with another

country, the Chief Justice shall, on application by the Attorney General, appoint a Deportation Tribunal to hold an inquiry under section 23.

(2) Every Deportation Tribunal shall consist of a judge or a district judge, who shall be the president of the Tribunal, and two other members selected by the Chief Justice from the panel appointed under subsection (3).

(3) The Governor may appoint such person as he thinks fit to be members of a panel for the purposes of this section.

23. (1) A person in whose case a Deportation Tribunal is to hold an inquiry under this section shall, not less than seven days before the day appointed for the holding of the inquiry, be served with a notice in writing—

- (a) notifying him that a Deportation Tribunal is to hold such inquiry and of the day on which it will be held; and
- (b) containing a statement of the ground on which it is proposed that a removal order or a deportation order should be made.

(2) Every inquiry under this section shall be held in chambers and the practice and procedure on the inquiry shall be such as may be prescribed.

(3) The Deportation Tribunal shall, after inquiry in accordance with this section, make a report to the Governor setting out its findings of fact and, if it sees fit, stating whether or not in its opinion a removal order or a deportation order should be made.

Inquiry by
Deportation
Tribunal.

PART VI.

SUPPLEMENTARY PROVISIONS AS TO REMOVAL AND DEPORTATION.

24. (1) Where a person is to be removed from Hong Kong under section 18 in a ship or aircraft, an immigration officer may give directions—

- (a) to the captain of the ship or aircraft in which that person arrived in Hong Kong requiring him to remove that person from Hong Kong in that ship or aircraft;
- (b) to the owners or agents of the ship or aircraft in which that person arrived in Hong Kong requiring them to remove that person from Hong Kong in any ship or aircraft specified or indicated in the directions, being a ship or aircraft of which they are the owners or agents;

Removal by
immigration
officer under
section 18.

- (c) to the said owners or agents requiring them to make arrangements for the removal of that person from Hong Kong in any ship or aircraft specified or indicated in the directions to a specified country;
- (d) to the owners or agents of any ship or aircraft requiring them to make arrangements for the removal of that person from Hong Kong in any ship or aircraft specified or indicated in the directions to a specified country, notwithstanding that such person did not arrive in Hong Kong in a ship or aircraft of which they are the owners or agents or in any ship or aircraft.

(2) A person in respect of whom directions are given under subsection (1) may be placed under the authority of an immigration officer on board any ship or aircraft in which he is to be removed in accordance with the directions.

(3) Where the ship in which a person arrived in Hong Kong is a ship not exceeding five hundred gross tons—

- (a) the captain of that ship may be required under subsection (1)(a) to remove that person from Hong Kong forthwith in that ship; and
- (b) an immigration officer may take such steps as he thinks necessary to procure the immediate departure of that ship from Hong Kong.

(4) A person may be removed from Hong Kong under section 18 by land to a specified country; and for that purpose may be taken in the custody of an immigration officer or police officer to the place at which he is to be removed.

(5) The expenses of or incidental to the removal from Hong Kong of a person who is removed in accordance with directions under subsection (1)(d) shall be met from moneys provided by the Legislative Council, but save as aforesaid the expenses of or incidental to the removal from Hong Kong of a person who is removed in accordance with directions under subsection (1) shall be met by the owners of the ship or aircraft.

25. (1) A person in respect of whom a removal order or a deportation order is in force may be removed from Hong Kong in accordance with this section.

(2) The Director may give directions—

- (a) to the captain of any ship or aircraft about to leave Hong Kong requiring him to remove such person from Hong Kong to a specified country;

(b) to the owners or agents of any ship or aircraft requiring them to make arrangements for the removal of such person from Hong Kong in a ship or aircraft specified or indicated in the directions to any such country.

(3) A person in respect of whom directions are given under subsection (2) may be placed under the authority of an immigration officer or police officer on board any ship or aircraft in which he is to be removed in accordance with the directions.

(4) A person in respect of whom a removal order or a deportation order is in force may be removed by land to a specified country, and for that purpose may be taken in the custody of an immigration officer or police officer to the place at which he is to be removed.

(5) The Colonial Secretary may apply in or towards payment of the expenses of or incidental to—

(a) the voyage from Hong Kong of a person in respect of whom a removal order or a deportation order is in force; or

(b) the maintenance until departure of such a person and his dependants, if any,

any money belonging to that person; and except so far as they are paid as aforesaid the expenses of or incidental to the removal from Hong Kong of a person in respect of whom a removal order or a deportation order is in force shall be met from moneys provided by the Legislative Council.

PART VII.

DETENTION.

26. Without prejudice to any other provision of this Ordinance—

(a) where any member of the Immigration Service of or above the rank of chief immigration officer or any police officer of or above the rank of assistant superintendent is satisfied—

(i) that inquiry for the purposes of this Ordinance, other than the provisions relating to deportation, is necessary in the case of any person; and

(ii) that such person may abscond if he is not detained,

such person may be detained for not more than forty-eight hours; and

Power to
detain for
inquiry.

- (b) where any member of the Immigration Service of or above the rank of principal immigration officer or any police officer of or above the rank of assistant commissioner of police is so satisfied, such person may be detained for not more than a further five days.

Detention pending examination and decision as to landing.

27. A person who may be examined under section 4(1)(a) or is required to submit to further examination following an examination under section 4(1)(a) may be detained under the authority of an immigration officer—

- (a) for not more than twenty-four hours pending the examination; and
 (b) for not more than a further twenty-four hours pending a decision to give or refuse him permission to land.

Detention pending determination of objection.

28. A person who has lodged an objection under section 53(1) may be detained under the authority of the Director pending the determination of the objection.

Detention for inquiry as to deportation.

29. (1) If it appears to the Governor—

- (a) that there are reasonable grounds for inquiry as to whether a person ought to be deported under section 20; and
 (b) that such person should be detained for the purposes of or during such inquiry,

he may issue a warrant in the prescribed form authorizing the detention of such person for a period of fourteen days.

(2) If it appears to the Governor that it is desirable that a person detained under a detention warrant should be further detained—

- (a) for the purposes referred to in subsection (1);
 (b) for the purpose of inquiries into activities, whether of that person or another person, which are prejudicial to the security of Hong Kong, being inquiries which in the opinion of the Governor should be conducted before the proceedings for the deportation of such person are completed; or

(c) while proceedings for his deportation are completed, the Governor may from time to time issue further warrants in the prescribed form authorizing the detention of such person for periods of seven days.

(3) Any police officer may arrest a person in respect of whom a detention warrant is in force.

(4) The Governor may at any time direct that a person detained under a detention warrant be released.

30. Where a court has recommended that a deportation order be made against a person, and such person is not detained pursuant to the sentence or order of any court, he may, unless the court by which the recommendation is made otherwise directs, be detained for not more than twenty-eight days pending the decision of the Governor in Council as to whether or not a deportation order should be made against him.

Power to detain following recommendation of court for deportation.

31. (1) If—

(a) a person who is in Hong Kong in contravention of a deportation order in force in respect of him is to be removed from Hong Kong under section 25; and

(b) it appears to the Governor—

Detention of deportee for inquiries.

(i) that the continued presence of such person in Hong Kong is necessary for the time being in connexion with inquiries being carried on into activities, whether of that person or another person, which are prejudicial to the security of Hong Kong; and

(ii) that such person may abscond if he is not detained,

the Governor may issue a warrant in the prescribed form authorizing the detention of such person for a period of fourteen days.

(2) If it appears to the Governor that a person detained under a warrant issued under subsection (1) or this subsection should be further detained for such purpose, he may from time to time issue further warrants in the prescribed form authorizing the detention of such person for periods of seven days.

(3) The Governor may at any time direct that a person detained under a warrant issued under subsection (1) or subsection (2) be no longer detained thereunder.

32. (1) A person who is to be removed from Hong Kong under section 18—

(a) may be detained until he is so removed, and may be so detained for not more than forty-eight hours under the authority of an immigration officer and thereafter under the authority of the Director; and

(b) may, if he is on board a ship or aircraft, be removed therefrom under the authority of an immigration officer for detention under this subsection.

Detention pending removal or deportation.

(2) A person may be detained under the authority of the Colonial Secretary—

- (a) for not more than fourteen days pending the making of an application for a removal order in respect of that person; and
- (b) for not more than a further fourteen days pending the decision of the Governor as to whether or not a removal order should be made in respect of that person.

(3) A person in respect of whom a removal order or a deportation order is in force may be detained under the authority of the Colonial Secretary pending his removal from Hong Kong under section 25.

Detention of persons on board ships or aircraft.

33. (1) The captain of a ship or aircraft shall, if so required by an immigration officer or police officer, take such steps as may be necessary for preventing—

- (a) a person who arrived in the ship or aircraft and has been refused permission to land in Hong Kong; or
- (b) a person placed on board the ship or aircraft under section 24(2) or section 25(3),

from landing from the ship or aircraft before it leaves Hong Kong.

(2) For the purpose of preventing any such person from landing from the ship or aircraft, the captain of the ship or aircraft may detain that person in custody on board the ship or aircraft.

Detention of person arrested under section 54(3).

34. A person who is arrested under section 54(3) may be detained—

- (a) by any police officer for the purpose of inquiries for not more than forty-eight hours; and
- (b) under the authority of the Colonial Secretary for not more than a further twenty-eight days pending the decision of the Governor in Council as to whether or not the suspension of the deportation order made against him should be rescinded.

General provisions as to detained persons.

35. (1) Save as otherwise provided in this Ordinance, persons required or authorized to be detained by or under this Ordinance may be detained in such places as the Governor may by order direct; and the Governor may by order provide for the treatment of persons so detained.

(2) The Governor may direct that—

- (a) a person required or authorized to be detained by or under this Ordinance; or

(b) persons of such class or description as he may specify, being persons required or authorized to be detained by or under this Ordinance,

may be detained in such other place as he may specify, and—
 (i) a person in respect of whom such a direction has been given; or

(ii) a person of any class or description in respect of which such a direction has been given,

may be detained in such place.

(3) Without prejudice to any other Ordinance—

(a) any person detained by virtue of this Ordinance; and

(b) any person who, being detained in pursuance of the sentence or order of a court, would otherwise be liable to be detained by virtue of this Ordinance,

may be taken in the custody of an immigration officer or police officer to and from any place where his attendance is required for any purpose of this Ordinance.

(4) Any person required or authorized to be detained by or under this Ordinance may be arrested without warrant by an immigration officer or police officer; and any person who is—

(a) detained by virtue of this Ordinance;

(b) being removed from one place in which he is detained by virtue of this Ordinance to another place in which he may be so detained; or

(c) being taken to any place in the custody of an immigration officer or police officer in accordance with this Ordinance,

shall be deemed to be in lawful custody.

36. (1) An immigration officer and any police officer may require a person—

(a) who is detained under section 27, 28, 30, 32 or 34; or

(b) who, being liable to be detained under any of those sections, is not for the time being so detained,

Recognizance
as alternative
to detention.

to enter into a recognizance in the prescribed form in such amount and with such number of sureties as the Director or such police officer may reasonably require; and where a person who is so detained enters into such a recognizance he may be released.

(2) A person may be detained under section 27, 28, 30, 32 or 34 notwithstanding that he has entered into a recognizance pur-

suant to a requirement under subsection (1); and where such person is so detained otherwise than in consequence of or following a breach of the recognizance, the recognizance shall thereupon cease to have effect.

Recovery of cost of maintaining person detained under section 32(1).

37. If a person who is detained under section 32(1) pending his removal from Hong Kong under section 18 arrived in Hong Kong in a ship or aircraft, the Director of Immigration may require the owner of the ship or aircraft or his agent to pay to the Government the expense incurred by it in maintaining that person during his detention.

PART VIII.

OFFENCES AND FORFEITURE.

Prohibition of landing and remaining without permission, and penalty for carrying illegal immigrant.

38. (1) Subject to subsection (2), a person who—

- (a) being a person who by virtue of section 7 may not land in Hong Kong without the permission of an immigration officer, lands in Hong Kong without such permission; or
- (b) having landed in Hong Kong unlawfully, remains in Hong Kong without the authority of the Director,

shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for three years.

(2) A person may land in Hong Kong, without the permission of an immigration officer, for the purpose of examination under section 4(1)(a) in accordance with arrangements in that behalf approved by the Director, and if he submits himself forthwith to such examination shall be deemed for the purposes of subsection (1) not to have landed unless and until permission to land is granted to him.

(3) The Governor may by order provide that subsection (1) shall not apply to an immigrant who lands from a ship or aircraft in such circumstances as may be specified in the order.

(4) If a person lands from a ship in contravention of subsection (1)(a)—

- (a) the captain of the ship; and
- (b) the owner of the ship and his agent,

shall be guilty of an offence and shall be liable—

- (i) on conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for seven years; and

(ii) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for three years, unless he proves that all reasonable steps had been taken to ensure that persons did not land from the ship in contravention of subsection (1).

39. If a person on board a ship is seeking to land from the ship in contravention of section 38(1)(a), the captain of the ship shall be guilty of an offence and shall be liable—

(a) on conviction on indictment, to a fine of one hundred thousand dollars and to imprisonment for seven years; and

(b) on summary conviction, to a fine of one hundred thousand dollars and to imprisonment for three years,

unless he proves that he did not know and had no reason to suspect that such person was seeking to land in contravention of section 38(1)(a).

40. If a passenger who arrives in Hong Kong in an aircraft does not have a valid travel document, the owner of the aircraft and his agent shall be guilty of an offence and shall be liable on conviction to a fine of one thousand dollars.

41. Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence and shall be liable on conviction to a fine of five thousand dollars and to imprisonment for two years.

42. (1) Any person who makes or causes to be made—

(a) to an immigration officer or any other person lawfully acting under or in the execution of Part II, III or IV of this Ordinance;

(b) in any document furnished to the Director or any other immigration officer pursuant to this Ordinance or a requirement made thereunder; or

(c) for the purpose of obtaining, whether for himself or any other person, any travel document, entry permit or re-entry permit,

any statement or representation which he knows to be false or does not believe to be true shall be guilty of an offence.

(2) Any person who—

(a) alters without lawful authority or forges any travel document, entry permit or re-entry permit or any document whatsoever issued, kept or made under or for the purposes of Part II, III or IV of this Ordinance;

Liability of captain of ship carrying persons seeking to land unlawfully.

Aircraft passengers arriving without valid travel document.

Breach of condition of stay.

False statements, forgery of documents and use and possession of forged documents.

- (b) uses for the purposes of Part II, III or IV of this Ordinance any forged, false or unlawfully obtained or altered travel document, entry permit, re-entry permit or other document;
- (c) has in his possession—
 - (i) any forged, false or unlawfully obtained or altered travel document, entry permit or re-entry permit; or
 - (ii) any forged, false or unlawfully altered document whatsoever intended for use for the purposes of Part II, III or IV of this Ordinance,

shall be guilty of an offence.

(3) A travel document, entry permit or re-entry permit shall be deemed to be unlawfully obtained for the purposes of this section if any person made a false statement or representation for the purposes of or in connexion with an application for the issue or renewal of the same.

(4) Any person who is guilty of an offence under this section shall be liable—

- (a) on conviction on indictment, to a fine of ten thousand dollars and to imprisonment for seven years; and
- (b) on summary conviction, to a fine of five thousand dollars and to imprisonment for two years.

(5) In this section, “false” means false in a material particular.

Breach of deportation order, and landing from ship or aircraft in which removal to be effected.

43. (1) Subject to subsection (2), if—

- (a) any person in respect of whom a deportation order is in force is in Hong Kong in contravention of the order; or
- (b) any person who has been placed on board a ship or aircraft under section 25(3) lands from the ship or aircraft before it leaves Hong Kong,

he shall be guilty of an offence and shall be liable—

- (i) on conviction on indictment, to imprisonment for seven years; and
- (ii) on summary conviction, to imprisonment for three years.

(2) A person who has not been given notice—

- (a) of a deportation order made against him;
- (b) of the rescission of a suspension of the deportation order made against him,

shall not be guilty of an offence under subsection (1)(a).

44. Any person who without reasonable excuse knowingly contravenes—

Miscellaneous offences.

(a) section 3(1), (3), (4) or (5), section 5(4) or (5), section 6(1), (2) or (4), section 14(1), section 16(1), section 17(1), (2) or (3) or section 33(1);

(b) any requirement made under section 3(2), section 5(1), (3), (6) or (7), section 6(3), section 11(8) or section 15(1);

(c) any directions given under section 5(8), section 24(1) or section 25(2); or

(d) any condition imposed under section 13,

shall be guilty of an offence and shall be liable on conviction to a fine of twenty thousand dollars.

45. Where a person is convicted of an offence under section 44 consisting of a contravention of section 14(1) and the contravention continues after the conviction, then, unless he has a reasonable excuse for the continuance of the contravention, he shall be guilty of a further offence under section 44 and shall be liable on conviction to be punished accordingly.

Continuance of an offence.

46. A complaint may be made or an information laid in respect of an offence under this Ordinance punishable only on summary conviction within two years from the time when the matter of such complaint or information respectively arose.

Limitation of time for prosecution of summary offences.

47. (1) Where the captain of a ship not exceeding to hundred and fifty gross tons is guilty of an offence under section 38(4) or section 39, the ship shall be liable to forfeiture, whether or not the captain is convicted in respect of such offence.

Forfeiture of ships and vehicles.

(2) Any vehicle which has been used in the commission of—

(a) an offence under section 38(1); or

(b) an offence under section 90(1) of the Criminal Procedure Ordinance where the arrestable offence which a person has committed is an offence under section 38(1) of this Ordinance,

shall be liable to forfeiture, whether or not any person has been convicted in respect of such offence.

(3) Within twenty-one days of the seizure of any ship or vehicle which appears to him to be liable to forfeiture under subsection (1) or subsection (2), the Director may serve notice of such seizure on the owner of the ship or vehicle:

Provided that where there is more than one owner of a ship or vehicle it shall be sufficient for the purposes of this subsection to give notice to one of the owners.

(4) A notice under subsection (3) shall be deemed to have been duly served if—

- (a) it is delivered to the person on whom it is to be served;
- (b) it is sent by registered post addressed to such person at the place of residence or business of such person, if any, known to the Director; or
- (c) where it cannot be served in accordance with paragraph (a) or (b), the notice is exhibited in the Immigration Department in a place to which the public have access for a period of not less than seven days commencing within twenty-one days of the seizure of the ship or vehicle.

(5) Within seven days after the service under subsection (3) of a notice of seizure, notice of the seizure of the ship or vehicle shall be published—

- (a) in the *Gazette*; and
- (b) in one newspaper published in Hong Kong in the English language and in one newspaper so published in the Chinese language.

(6) Where a notice of seizure has been served under subsection (3), any person who has a claim (hereinafter referred to as the claimant) may within thirty days after—

- (a) the date of the notice, if it was served under subsection 4(a) or (b); or
- (b) the first day on which the notice was exhibited, if it was served under subsection 4(c),

give notice in writing to the Director that he claims that the ship or vehicle is not liable to forfeiture.

(7) If, on the expiry of the appropriate period of time specified in subsection (6) for the giving of a notice of claim, no such notice has been given in writing to the Director, the ship or vehicle shall be forfeited forthwith to the Crown.

(8) A person has a claim for the purposes of this section and section 48 if—

- (a) he is the owner of the ship or vehicle or the agent of the owner; or
- (b) he was in possession of the ship or vehicle at the time it was seized.

Determination
of applications
for forfeiture.

48. (1) Where a notice of claim is given under section 47(6), the Director shall apply in the prescribed form to a magistrate for the forfeiture of the ship or vehicle and shall state in the application the name and address of the claimant as specified in the notice of claim.

(2) When any such application is made to a magistrate, the magistrate shall issue a summons in the prescribed form to the claimant, requiring him to appear before a magistrate on the hearing of the application, and shall cause a copy of the summons to be served on the Director.

(3) If, on the hearing of an application under this section—

(a) neither the claimant nor any other person appears before the magistrate to make a claim and the magistrate is satisfied that the summons was duly served; or

(b) neither the claimant nor any other person satisfies the magistrate that he has a claim,

and the magistrate is satisfied that the ship or vehicle is liable to forfeiture, the magistrate shall order that the ship or vehicle be forfeited to the Crown.

(4) If, on the hearing of an application under this section—

(a) a person satisfies the magistrate that he has a claim; and

(b) the magistrate is satisfied that the ship or vehicle is liable to forfeiture,

the magistrate may order that the ship or vehicle be—

(i) forfeited to the Crown; or

(ii) delivered to the owner thereof or his agent.

(5) If, on the hearing of an application under this section, the magistrate is not satisfied that the ship or vehicle is liable to forfeiture, he shall order that it be delivered to the owner thereof or his agent.

(6) On the hearing of an application under this section—

(a) a certified true copy of the record of the proceedings, including the decision of the court, in any proceedings in respect of the offence under section 38(1) or (4) or section 39 of this Ordinance or section 90(1) of the Criminal Procedure Ordinance shall be admissible in evidence; and

(b) a certificate purporting to be signed by the Director of Marine and—

(i) certifying that the gross tonnage of a ship does not exceed two hundred and fifty tons; or

(ii) specifying the gross tonnage of a ship, shall be admitted in evidence on its production by or on behalf of the Director without further proof, and—

(iii) until the contrary is proved, it shall be presumed that the certificate is signed by the Director of Marine; and

(iv) such certificate shall be *prima facie* evidence of all matters contained therein.

(7) Subject to the provisions of this Ordinance, an application under this section shall be deemed for the purposes of the Magistrates Ordinance to be a complaint to which section 8 of that Ordinance applies.

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Security in lieu of detention where application made for forfeiture of ship or vehicle.

49. (1) Where an application has been made under section 48, a magistrate may, on payment into court by way of security of a sum of money not less in amount than the value of the ship as assessed by the Director of Marine or the value of the vehicle as assessed by the Director, order that the ship or vehicle be delivered to the claimant, subject to a condition that it be re-delivered into the custody of the Director before the date of hearing of the application.

(2) If a ship or vehicle which has been delivered to a claimant under subsection (1) is not re-delivered to the Director before the date of hearing of the application under section 48, the magistrate hearing the application may, in lieu of ordering that the ship or vehicle be forfeited to the Crown, order that the money paid into court under subsection (1) be forfeited to the Crown.

(3) Save as provided in subsection (2), the magistrate hearing the application shall, at the conclusion of the proceedings, order that the amount of the money paid into court under subsection (1) shall be repaid to the person who paid it into court.

Claims for return of forfeited ships, vehicles or money.

50. (1) The owner of any ship or vehicle forfeited to the Crown under section 47 or section 48 or his agent or the person by whom money forfeited to the Crown under section 49 was paid into court may within six weeks after—

(a) the ship, vehicle or money was forfeited to the Crown; or

(b) the determination of any appeal against the order for its forfeiture,

give notice in writing to the Director of his intention to submit to the Governor a moral claim in respect of the forfeited ship, vehicle or money.

(2) Where the owner of a forfeited ship or vehicle or the person by whom forfeited money was paid into court has given notice in writing to the Director under subsection (1) and has submitted a moral claim to the Governor by lodging it with the Colonial Secretary within one month from the date of such notice, the Governor may—

(a) order the return of the forfeited ship or vehicle to the owner or his agent or the return of the forfeited money to the person by whom it was paid into court, as the case may be; or

(b) direct that the claim be referred to the Governor in Council.

(3) The Governor in Council, on considering a claim referred to him under subsection (2), may—

(a) order the return of the forfeited ship or vehicle to the owner or his agent or the return of the forfeited money to the person by whom it was paid into court, as the case may be; or

(b) reject the claim.

PART IX.

MISCELLANEOUS.

51. (1) The Governor may give such directions as he thinks fit (either generally or in any particular case) with respect to the exercise or performance by any public officer, not being a judge, a district judge or a magistrate, of any powers, functions or duties under this Ordinance.

Public officers to be subject to Governor's directions.

(2) Any public officer shall, in the exercise or performance of any powers, functions or duties under this Ordinance, comply with any directions given by the Governor under subsection (1).

52. (1) The Director of Immigration may give such directions as he thinks fit (either generally or in any particular case) with respect to the exercise or performance by any other immigration officer of any powers, functions or duties under this Ordinance.

Immigration officers to be subject to directions of Director of Immigration.

(2) Any immigration officer shall, in the exercise or performance of any powers, functions or duties under this Ordinance,

comply with any directions given by the Director of Immigration under subsection (1) in addition to complying with directions given by the Governor under section 51(1).

(3) Directions given under subsection (1) shall not be inconsistent with directions given by the Governor under section 51(1).

Review of
decisions of
public officers.

53. (1) Any person aggrieved by a decision, act or omission of any public officer taken, done or made in the exercise or performance of any powers, functions or duties under this Ordinance may by notice in writing lodged with the Colonial Secretary within the time prescribed in subsection (2) object to that decision, act or omission.

(2) An objection under subsection (1) shall be lodged within the period hereinafter specified after the person aggrieved was informed of the decision, act or omission or the same became known to him (whichever is the earlier), that is to say—

(a) within twenty-four hours, in the case of a person who, having committed an offence under section 38(1) (whether or not he has been convicted of that offence), has been in Hong Kong in the opinion of the Director for less than ten days;

(b) within fourteen days, in any other case.

(3) An objection under subsection (1) by a person referred to in subsection (2)(a) shall be considered by the Governor; any other objection under subsection (1) shall be considered by the Governor in Council.

(4) On consideration of an objection under subsection (1), the Governor or the Governor in Council, as the case may be, may confirm, vary or reverse the decision, act or omission of the public officer or substitute therefor such other decision or make such other order as he thinks fit.

(5) The Governor in Council may at any time of his own motion vary or reverse any decision, act or omission of any public officer taken, done or made in the exercise or performance of any powers, functions or duties under this Ordinance or substitute therefor such other decision or make such other order as he thinks fit.

(6) Nothing in this section entitles a person to object under this section to any decision, act or omission of the Governor, the Governor in Council or any court or entitles the Governor in Council to review any decision, act or omission of a court.

(7) For the removal of doubt, it is hereby declared that the lodging of an objection does not give the person by whom or on

whose behalf it is lodged any right to land or remain in Hong Kong pending the decision on the objection of the Governor or the Governor in Council.

54. (1) The Governor may suspend the deportation order made against any person on such conditions as he thinks fit, and during the continuance of the suspension the deportation order shall not be in force.

Suspension of deportation orders.

(2) The Governor in Council may rescind the suspension of a deportation order, whereupon the deportation order shall again be in force in respect of the person against whom it was made.

(3) Any police officer who has reason to suspect that a person has contravened any condition subject to which the deportation order made against that person is suspended may arrest such person.

(4) If a person who has been arrested under subsection (3) is charged with any offence, he shall be brought before a magistrate within forty-eight hours after his arrest.

55. (1) The Governor in Council may rescind the deportation order made against any person, but the rescission of the deportation order shall not affect the power of the Governor in Council to make another such order against that person.

Rescission of deportation orders.

(2) In lieu of making a police supervision order under section 3(2) of the Police Supervision Ordinance, the Governor in Council may, on rescinding the deportation order made against any person, require that person to enter into a recognizance in the prescribed form in such amount and with such sureties as the Governor in Council may specify.

(Cap. 224.)

(3) A requirement under subsection (2) shall be deemed for the purposes of the provisions of the Magistrates Ordinance relating to recognizances to be an order under section 61(1) of that Ordinance.

(Cap. 227.)

56. (1) For the purposes of this Ordinance, an immigration officer may—

(a) board and search any ship, aircraft, vehicle or train which has arrived in Hong Kong (not being a ship of war or a military aircraft);

(b) search any person being examined under section 4(1), other than a person who has the right to land in Hong Kong by virtue of section 8(1), and any property belonging to such person or under his control;

Miscellaneous powers of immigration officers.

- (c) detain for not more than seven days any document—
 - (i) produced pursuant to a requirement under section 5(6)(b); or
 - (ii) found on any person searched under paragraph (b) of this subsection;
 - (d) arrest and detain any person if he has reason to suspect that such person has committed an offence under this Ordinance;
 - (e) seize, remove and detain any thing which may be forfeited under this Ordinance or which is or contains evidence of the commission of an offence under this Ordinance;
 - (f) board and search any ship, aircraft, vehicle or train (not being a ship of war or a military aircraft), or enter and search any premises or place, if he has reason to suspect that there is therein—
 - (i) any person who may be arrested under this Ordinance; or
 - (ii) any thing which may be seized under this Ordinance;
 - (g) search any person who is or has been or may be arrested or detained under this Ordinance and any property belonging to him or under his control.
- (2) For the purposes of this Ordinance, any public officer may—
- (a) break open any outer or inner door of or in any premises or place which he is empowered to enter and search;
 - (b) stop and forcibly board any ship, aircraft, vehicle or train which he is empowered to board and search;
 - (c) stop any person whom he is empowered to search;
 - (d) remove by force any person or thing obstructing any arrest, boarding, entry, search, seizure, removal or detention which he is empowered to make;
 - (e) detain every person found in any premises or place which he is empowered to search until the same has been searched;
 - (f) detain every person on board any ship, aircraft, vehicle or train which he is empowered to search, and prevent any person from approaching or boarding such ship, aircraft, vehicle or train, until it has been searched.

(3) No female shall be searched under this section except by a female and no person shall be searched under this section in a public place if he objects to being so searched.

(4) Where a document is detained under subsection (1)(c), the person by whom it was produced or on whom it was found shall be supplied with a photographic copy of such document if he so requests and makes payment therefor, and the copy so supplied to a person shall be made in his presence.

57. (1) Any police officer authorized in writing by the Commissioner of Police may exercise the powers conferred on an immigration officer by section 3(2), section 4(1), section 5(3), (6) or (7), section 11(1) or (2), section 18(1)(a), section 24(1)(a) or (3), section 27, section 32(1) or section 56(1).

(2) An authorization given by the Commissioner of Police under subsection (1) may be given to a police officer by name or may be given to any police officer holding such rank or performing such duties as the Commissioner may specify, and may extend to all the powers specified in subsection (1) or to such of those powers as the Commissioner may specify.

(3) The Commissioner of Police may, after consultation with the Director of Immigration, give such directions as the Director may specify to police officers authorized under this section to exercise any of the powers of an immigration officer.

(4) A police officer shall, in the exercise of any powers which he is authorized under this section to exercise, comply with any directions given by the Commissioner of Police under subsection (3) in addition to complying with directions given by the Governor under section 51(1).

(5) Directions given under subsection (3) shall not be inconsistent with directions given by the Governor under section 51(1).

(6) In this section, "Commissioner of Police" includes any deputy commissioner of police, senior assistant commissioner of police or assistant commissioner of police.

58. (1) For the purposes of this Ordinance, the officer in command of any of Her Majesty's ships of war and any person under his command may board and search any ship, not exceeding five hundred gross tons and not being a ship of war, which is proceeding through the waters of Hong Kong.

(2) Where the officer in command of one of Her Majesty's ships of war has reason to suspect that any ship not exceeding five hundred gross tons is being or has been used in the commis-

Exercise by
police officers
of certain
powers of
immigration
officer.

Powers of
Her Majesty's
naval officers.

sion of an offence under section 38(1) or that any person on board such a ship is seeking to land in contravention of section 38(1)(a), such officer and any person under his command may—

- (a) seize the ship and detain it until it can be delivered to an immigration officer or police officer; and
 - (b) detain any person found on the ship until he can be delivered into the custody of an immigration officer or police officer.
- (3) Any such officer and any person under his command may—
- (a) stop and forcibly board any ship which he is empowered to board and search;
 - (b) remove by force any person or thing obstructing any boarding, search, seizure or detention which he is empowered to make;
 - (c) detain any person found on any ship which he is empowered to search until it has been searched.

Power to make regulations.

59. The Governor in Council may make regulations for all or any of the following purposes—

- (a) providing for any matter or thing which is to be or may be prescribed under this Ordinance;
- (b) the issue, in such form as the Director of Immigration may determine, of certificates of identity, emergency passports, entry permits, re-entry permits and other documents;
- (c) the fees payable in respect of the issue or renewal of documents issued by or on behalf of the Director of Immigration or in respect of visas or any other matters arising under this Ordinance;
- (d) generally for the better carrying out of the purposes of this Ordinance.

Designation of approved immigration anchorages and approved landing places.

60. The Governor may by order designate the places which shall be approved immigration anchorages and approved landing places for the purposes of this Ordinance.

Travel document to bear visa.

61. (1) Subject to subsection (2) and without prejudice to any other provision of this Ordinance, a travel document shall not be valid for the purposes of this Ordinance unless it bears a visa which was issued by or on behalf of the Director of Immigration and is in force on the date on which the person to whom the travel document relates arrives in Hong Kong.

(2) The Director of Immigration may exempt from subsection (1) any person or any class or description of person.

62. (1) For any of the purposes of this Ordinance, if a person who by virtue of section 7 may not land in Hong Kong without the permission of an immigration officer does not produce an identity card relating to himself when required to do so by an immigration officer or police officer, such person shall be deemed, until the contrary is proved, to have landed in Hong Kong unlawfully.

Presumptions.

(2) For any of the purposes of this Ordinance, if a person who by virtue of section 7 may not land in Hong Kong without the permission of an immigration officer is on board a ship proceeding through the waters of Hong Kong, such person shall be deemed to be seeking to land in contravention of section 38(1)(a) unless it is proved that—

- (a) he was a member of the crew of the ship;
- (b) he was ordinarily resident in Hong Kong;
- (c) he was in possession of a travel document, entry permit or re-entry permit; or
- (d) the ship was leaving Hong Kong.

63. (1) Any document purporting to be—

- (a) a removal order or a deportation order signed by the Governor or the Clerk of Councils; or
- (b) a copy of a removal order or a deportation order certified by the Colonial Secretary or the Clerk of Councils to be a true copy of the removal order or deportation order,

Evidence of certain acts under Ordinance.

shall be admitted in evidence in any proceedings on its production without further proof, and until the contrary is proved it shall be presumed that the removal order or deportation order was made against the person named and on the date specified therein.

(2) A certificate purporting to be made for the purposes of this subsection and to set out—

- (a) a requirement made in writing under section 5(1), (3) or (7), section 6(3) or section 15(1);
- (b) directions given in writing under section 5(8) or section 24(1); or
- (c) any exemption granted under section 5(9), section 11(9) or section 14(2) to any class or description of persons,

and purporting to be signed by the Director of Immigration shall be admitted in evidence in any proceedings on its production without further proof, and—

- (i) until the contrary is proved, it shall be presumed that the certificate was signed by the Director of Immigration and that the requirement was made or the directions given to the person named and on the date specified in the certificate or that the exemption was granted and was in force on the date so specified, as the case may be; and
- (ii) the certificate shall be *prima facie* evidence of the requirement, directions or exemption.

(3) A certificate purporting to be made for the purposes of this subsection and to set out directions given in writing under section 25(2) and purporting to be signed by the Director of Immigration shall be admitted in evidence in any proceedings on its production without further proof, and—

- (a) until the contrary is proved, it shall be presumed that the certificate was signed by the Director of Immigration and that the directions were given to the person named and on the date specified in the certificate; and
- (b) the certificate shall be *prima facie* evidence of the directions.

64. If—

- (a) in any proceedings for an offence under this Ordinance or in any other proceedings under this Ordinance; or
- (b) in any proceedings with reference to any act done or proposed to be done under this Ordinance,

a person claims that he—

- (i) is a Hong Kong believer;
- (ii) is not an alien;
- (iii) is a United Kingdom believer;
- (iv) is a resident United Kingdom believer;
- (v) is a Chinese resident;
- (vi) has been ordinarily resident in Hong Kong for three years or more than three years;
- (vii) is exempt from any provision of this Ordinance or belongs to a class or description of persons who are exempt from any provision of this Ordinance;
- (viii) is an alien to whom section 14(1) or section 16(1) does not apply;

Burden of proving certain matters.

(ix) is a person to whom section 38(1)(a) does not apply by virtue of an order under subsection (3) of that section, the onus of proving the same shall lie on that person.

65. Any sum of money due under a recognizance entered into in accordance with a requirement under section 11(8) or section 36(1) may be recovered in the District Court as a debt due to the Crown.

Recovery of moneys due under recognizance.

66. The Ordinances specified in the First Schedule are amended in the manner specified therein.

Repeals and amendments. First Schedule.

67. The Second Schedule shall have effect for the purposes of transition to the provisions of this Ordinance from the provisions of the Ordinances hereby repealed.

Transitional provisions. Second Schedule.

FIRST SCHEDULE.

[s. 66.]

REPEALS AND AMENDMENTS.

Chapter.	Ordinance.	Repeal or amendment.
136	Mental Health Ordinance.	Section 53(2) is amended by deleting paragraph (f) and substituting the following— “(f) detained in any place by virtue of the Immigration Ordinance 1971.”.
177	Registration of Persons Regulations.	Regulation 20 is revoked.
224	Police Supervision Ordinance.	1. Section 2 is amended by inserting the following definition after the definition of “court”— ““deportation order” means a deportation order under the Immigration Ordinance 1971;”.
		2. Section 3 is amended by deleting subsections (1) and (2) and substituting the following— “(1) Where the Governor in Council is satisfied that a deportation order may be made against any person, he may, in lieu of making the deportation order, make a police supervision order against that person.

<i>Chapter.</i>	<i>Ordinance.</i>	<i>Repeal or amendment.</i>
		<p>(2) When—</p> <p>(a) the Governor in Council rescinds the deportation order made against any person; or</p> <p>(b) the Governor suspends the deportation order made against any person, the Governor in Council may make a police supervision order against that person.”.</p>
		<p>3. Section 5 is amended by deleting subsection (4) and substituting the following—</p> <p>“(4) If—</p> <p>(a) a deportation order is made against a person against whom a police supervision order has been made; or</p> <p>(b) a police supervision order has been made against a person on the suspension of the deportation order made against him and the suspension is rescinded by the Governor in Council,</p> <p>the police supervision order shall cease to have effect.”.</p>
		<p>4. Section 6 is amended in the proviso to subsection (1) by deleting “the Governor,”.</p>
		<p>5. Section 12 is amended by deleting subsection (3) and substituting the following—</p> <p>“(3) A person who is prohibited from re-entering the Colony by virtue of subsection (2)(b) shall be deemed for the purposes of the Immigration Ordinance 1971 to be a person in respect of whom a deportation order for life is in force and to have had notice thereof before his departure from the Colony.”.</p>
		<p>6. Section 17 is amended by deleting “the Colonial Secretary,” wherever it occurs.</p>

Ordinance.

Repeal or amendment.

Chapter.
234

Prison Rules.

1. Rule 188(1) is amended by deleting sub-paragraph (ea) and substituting the following—

“(ea) on their detention by virtue of the Immigration Ordinance 1971;”.

2. Rule 215 is amended by deleting paragraph (a).

239

Deportation (British Subjects) Ordinance.

The Ordinance is repealed.

240

Deportation of Aliens Ordinance.

The Ordinance is repealed.

241

Emergency (Royal Navy) Police Powers Regulations.

The Regulations are revoked.

243

Immigration (Control and Offences) Ordinance.

The Ordinance is repealed.

280

Training Centres Ordinance.

Section 8(4) is amended by deleting “, other than the Deportation of Aliens Ordinance.”.

SECOND SCHEDULE.

[s. 67.]

TRANSITIONAL PROVISIONS.

1. In this Schedule—

“commencement date” means the date on which this Ordinance comes into operation;

“Deportation (British Subjects) Ordinance”, “Deportation of Aliens Ordinance” and “Immigration (Control and Offences) Ordinance” mean respectively the Deportation (British Subjects) Ordinance, the Deportation of Aliens Ordinance and the Immigration (Control and Offences) Ordinance repealed by this Ordinance.

2. Section 4(1)(a) shall have effect as if it included a reference to a person who arrived in Hong Kong before the commencement date, being a person who immediately before the commencement date was being examined or further examined under section 11 of the Immigration (Control and Offences) Ordinance or was about to be so examined or further examined; and the provisions of this Ordinance shall apply to any such person accordingly.

Section 4(1)(a).

3. The references in section 5(4)(a) and 5(5)(a) to an entry permit and a re-entry permit include references to an entry permit and a re-entry permit issued under the Immigration (Control and Offences) Ordinance.

Section 5(4)(a) & (5)(a).

- Section 9(1)(b). 4. Section 9(1)(b) shall have effect as if the references to a person having been refused permission to land in Hong Kong and having been given permission to land in Hong Kong included references to having been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance or the repealed Immigrants Control Ordinance and to having been given permission to enter Hong Kong under either of those Ordinances.
- Section 10(2). 5. Section 10(2) shall have effect as if it included a reference to a serviceman who ceased to be such before the commencement date, being a serviceman who had not made an application under section 38 of the Immigration (Control and Offences) Ordinance before that date or whose application had not been determined under the said Ordinance before that date.
- Section 11(2). 6. Any conditions imposed in respect of a person who entered Hong Kong before the commencement date under section 15 of the Immigration (Control and Offences) Ordinance and in force immediately before that date (whether the same were imposed at the time of entry or subsequent thereto) shall, subject to section 8(2), continue in force and have effect as if they were conditions of stay imposed under section 11(2) of this Ordinance; and the provisions of this Ordinance shall apply accordingly.
- Section 14(1). 7. Section 14(1) shall have effect as if it included a reference to an alien who is in Hong Kong on the commencement date, being an alien who had become liable before that date to comply with section 25(1) of the Immigration (Control and Offences) Ordinance but had not complied therewith.
- Section 16. 8. Section 16 shall have effect as if the references to particulars furnished in an arrival card and to particulars furnished in the prescribed form pursuant to section 14(1) include respectively references to corresponding particulars furnished to the Director or to the former immigration officer or to the former Registrar of Aliens in accordance with the Immigration (Control and Offences) Ordinance or the repealed Immigrants Control Ordinance or a requirement made under either of those Ordinances.
- Sections 18, 24 & 32(1). 9. Sections 18, 24 and 32(1) shall apply to a person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who before the commencement date has been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance as they apply to a person who is refused permission to land under this Ordinance.
- Section 18(1)(b). 10. Section 18(1)(b) shall have effect, except in the case of a person who has the right to land in Hong Kong by virtue of section 8(1), as if it included a reference to a condition imposed under section 15 of the Immigration (Control and Offences) Ordinance and in force immediately before the commencement date, being a condition making the same requirement as the condition of stay referred to in the said section 18(1)(b); and the provisions of this Ordinance shall apply accordingly.
- Section 19(1)(b). 11. Section 19(1)(b) shall have effect as if it included a reference to a person who has contravened section 3(1)(a)(ii) or (b) of the Immigration (Control and Offences) Ordinance or any condition imposed under section 15 of the said Ordinance and in force immediately before the commencement date (whether such condition was imposed at the time of entry or subsequent thereto), but in whose case an order has not been made under

section 43(4) of the said Ordinance; and the provisions of this Ordinance shall apply accordingly.

12. Any order made in respect of a person under section 43(4) of the Immigration (Control and Offences) Ordinance, not being a person who has the right to land in Hong Kong by virtue of section 8(1), shall, if in force immediately before the commencement date, continue in force and have effect for all purposes of this Ordinance as if it were a removal order made in respect of that person under section 19 of this Ordinance.

Section 19.

13. Any deportation order made against a person under the Deportation (British Subjects) Ordinance or the Deportation of Aliens Ordinance and in force immediately before the commencement date shall continue in force and have effect for all purposes of this Ordinance as if it were a deportation order made under section 20(1) of this Ordinance.

Section 20(1).

14. Sections 19(4) and 20(7) shall have effect as if—

- (a) the reference to permission to land in Hong Kong included a reference to permission to enter Hong Kong given under the Immigration (Control and Offences) Ordinance;
- (b) the reference to authority to remain in Hong Kong included a reference to a permit of the Director granted under the Immigration (Control and Offences) Ordinance.

Sections 19(4) and 20(7).

15. A person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who immediately before the commencement date is on board a ship or aircraft, having been placed thereon with a view to his removal from Hong Kong in accordance with the Immigration (Control and Offences) Ordinance, the Deportation (British Subjects) Ordinance or the Deportation of Aliens Ordinance or any order or requirement made or issued thereunder, shall be deemed to have been placed thereon under section 24(2) or section 25(3), as the case may be, and it shall be presumed that an immigration officer or police officer has made a requirement under section 33 of this Ordinance; and the provisions of this Ordinance shall apply accordingly.

Sections 24(2), 25(3) & 33.

16. Any person who immediately before the commencement date is detained under section 13(1)(a) of the Immigration (Control and Offences) Ordinance may, if any member of the Immigration Service of or above the rank of chief immigration officer or a police officer of or above the rank of assistant commissioner of police is satisfied as to the matters referred to in section 26(a), be detained on the authority of such member or police officer for a total period of seven days, taking account of the period for which such person had been detained before the commencement of this Ordinance.

Section 26.

17. A person who is being detained immediately before the commencement date—

Section 29(2).

- (a) following his arrest on a warrant issued under section 5(3) of the Deportation (British Subjects) Ordinance; or
 - (b) in accordance with the direction of a judge, court or magistrate given under section 7 of that Ordinance,
- may continue to be detained as if a detention warrant had been issued in respect of him on the commencement date under section 29(2); and the provisions of this Ordinance shall apply accordingly.

- Section 29(2). 18. A person who is being detained immediately before the commencement date under the authority of a warrant issued under section 4 or 5 of the Deportation of Aliens Ordinance may continue to be detained as if a detention warrant had been issued in respect of him on the commencement date under section 29(2); and the provisions of this Ordinance shall apply accordingly.
- Section 32(3). 19. A person who is being detained immediately before the commencement date under section 9(2) of the Deportation (British Subjects) Ordinance or section 8(2) of the Deportation of Aliens Ordinance may continue to be detained as if his detention had been authorized by the Colonial Secretary under section 32(3) of this Ordinance.
- Section 32(3). 20. A person who is being detained immediately before the commencement date under section 43(4) of the Immigration (Control and Offences) Ordinance may, unless he is a person who has the right to land in Hong Kong by virtue of section 8(1), continue to be detained as if his detention had been authorized by the Colonial Secretary under section 32(3) of this Ordinance.
- Section 33. 21. Section 33 shall apply to a person, not being a person who has the right to land in Hong Kong by virtue of section 8(1), who before the commencement date has been refused permission to enter Hong Kong under the Immigration (Control and Offences) Ordinance as it applies to a person who has been refused permission to land in Hong Kong under this Ordinance; and it shall be presumed that an immigration officer has made a requirement under the said section.
- Section 38(1)(b). 22. The reference in section 38(1)(b) to the authority of the Director includes a reference to a permit of the Director granted under the Immigration (Control and Offences) Ordinance.
- Section 42(2)(a). 23. The reference in section 42(2)(a) to a travel document, entry permit, re-entry permit or other document issued, kept or made under or for the purposes of Part II, III or IV of this Ordinance includes a reference to a travel document, entry permit, re-entry permit or other document issued, kept or made under or for the purposes of the Immigration (Control and Offences) Ordinance.
- Section 42(2)(b) & (c). 24. The references in section 42(2)(b) and (c) to a travel document, entry permit or re-entry permit include references to a travel document, entry permit or re-entry permit issued under the Immigration (Control and Offences) Ordinance.
- Section 47(1) & (2). 25. Section 47(1) and (2) shall have effect as if they included, respectively, a reference to a ship not exceeding two hundred and fifty gross tons, and a vehicle, which has been used in the contravention or attempted contravention of any of the provisions of the Immigration (Control and Offences) Ordinance (whether or not any person has been convicted of such contravention or attempted contravention), being a ship or vehicle in respect of which notice of seizure has not been served before the commencement date under section 46(2) of the said Ordinance; and the provisions of this Ordinance shall apply accordingly.
- Section 55(2). 26. Any condition imposed under section 17(3) of the Deportation of Aliens Ordinance and in force immediately before the commencement date shall, if it has not been complied with, be deemed to be a requirement under section 55(2) of this Ordinance; and any recognizance entered

into in accordance with an order under the said section 17(3) and in force immediately before the commencement date shall be deemed to be a recognizance entered into in accordance with a requirement under section 55(2) of this Ordinance and shall continue in force for the remainder of the period for which it would have continued in force in accordance with the order under the said section 17(3).

27. References in section 56(1)(d) and (e) to an offence under this Ordinance include references to an offence under the Immigration (Control and Offences) Ordinance.

28. Any police supervision order made under section 3(1) or (2) of the Police Supervision Ordinance and in force immediately before the commencement of this Ordinance shall continue in force and have effect for all purposes of the Police Supervision Ordinance as if it were made under section 3(1) or (2) of that Ordinance as amended by section 66.

Section 56(1)(d)
& (e).

Police
Supervision
Ordinance—
s. 3(1) & (2).

Passed by the Hong Kong Legislative Council this 13th day of October, 1971.

R. J. FRAMPTON,
Clerk to the Legislative Council.

This printed impression has been carefully compared by me with the bill, and is found by me to be a true and correctly printed copy of the said bill.

R. J. FRAMPTON,
Clerk to the Legislative Council.