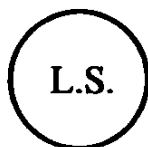


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HONG KONG**ORDINANCE NO. 24 OF 1993**

I assent.

Christopher PATTEN,
*Governor.**22 April 1993*

An Ordinance to amend the Crimes Ordinance and other Ordinances to repeal the death penalty and make other amendments consequential to that repeal.

[23 April 1993]

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

1. Short title

This Ordinance may be cited as the Crimes (Amendment) Ordinance 1993.

2. Treason

Section 2(2) of the Crimes Ordinance (Cap. 200) is amended by repealing “on conviction upon indictment shall be sentenced to death” and substituting “shall be liable on conviction on indictment to imprisonment for life”.

3. Unlawful oaths to commit capital offences

Section 15(a) is amended by repealing “any offence punishable with death” and substituting “an offence of murder, treason or piracy with violence”.

4. Piracy with violence

Section 19 is amended by repealing “on conviction upon indictment shall be sentenced to death” and substituting “shall be liable on conviction on indictment to imprisonment for life”.

Consequential Amendments

Offences against the Person Ordinance

5. Murder

Section 2 of the Offences against the Person Ordinance (Cap. 212) is amended by repealing "suffer death" and substituting "be imprisoned for life".

6. Sentence for murder

Section 3 is repealed.

7. Burial of body of person executed

Section 4 is repealed.

Criminal Procedure Ordinance

8. Trial of offences

Section 51(1)(c) of the Criminal Procedure Ordinance (Cap. 221) is amended by repealing "or pleads guilty to a charge of a capital offence,".

9. Limitation on imposition of death penalty

Section 70 is repealed.

10. Proceedings and sentence in case of expectant mother convicted of capital offence

Section 77 is repealed.

11. Initiating procedure

Section 83Q is amended—

- (a) by repealing subsections (4) and (5); and
- (b) in subsection (6)(a), by repealing "to death or".

12. Recording of pardon

Section 117 is amended—

- (a) in subsection (1)—
 - (i) by repealing "or to issue any warrant for the commutation of any sentence of death"; and
 - (ii) by repealing "or warrant" where it twice appears; and
- (b) in subsection (2), by repealing "and warrant".

Interpretation and General Clauses Ordinance

13. Reference to an offence to include attempts, etc.

Section 82(2) of the Interpretation and General Clauses Ordinance (Cap. 1) is amended—

- (a) by repealing “apply to any offence for which a sentence of death may be imposed, or”; and
- (b) in the Chinese version, by repealing “並不適用於可判處死刑的罪行，亦”。

14. Punishment of misdemeanors, including conspiracies and incitements

Section 90 is amended—

- (a) by repealing subsection (3); and
- (b) in the Chinese version, by repealing subsection (3).

Jury Ordinance

15. Majority verdicts

Section 24 of the Jury Ordinance (Cap. 3) is amended—

- (a) in subsection (3), by repealing “Subject to subsection (4), in a criminal trial” and substituting “In a criminal trial”; and
- (b) by repealing subsection (4).

16. Death or discharge of juror

Section 25(4) is repealed and the following substituted—

“(4) In any civil or criminal trial, the jury shall consist of not less than 5 persons.”.

Coroners Ordinance

17. Executions and deaths in prison, etc.

Section 7(1) of the Coroners Ordinance (Cap. 14) is repealed.

Mental Health Ordinance

18. Medical reports on persons on remand

(1) Section 56(1) of the Mental Health Ordinance (Cap. 136) is amended—

- (a) by repealing paragraph (a); and
- (b) in paragraph (b), by repealing “whether the prisoner is charged with a capital offence or not,”.

(2) Section 56(2) is amended by repealing “has been committed in custody for trial charged with a capital offence or if he”.

Prisons Ordinance

19. Judgment of death to be executed within precincts of prison

Section 13 of the Prisons Ordinance (Cap. 234) is repealed.

20. Burial of body

Section 14 is repealed.

21. General saving

Section 15 is repealed.

Rehabilitation of Offenders Ordinance

22. Protection of rehabilitated individual

Section 2(1)(a) of the Rehabilitation of Offenders Ordinance (Cap. 297) is amended by repealing “death,”.

Homicide Ordinance

23. Form of sentence of death

Section 6 of the Homicide Ordinance (Cap. 339) is repealed.

Emergency Regulations Ordinance

24. Penalties

Section 3 of the Emergency Regulations Ordinance (Cap. 241) is amended—

- (a) in subsection (1), by adding “a maximum penalty of mandatory life imprisonment but excluding” after “including”; and
- (b) by repealing subsection (3).