

- CAP 200 CRIMES ORDINANCE
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Chapter: 200	CRIMES ORDINANCE	Version Date	30/06/1997
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Long title

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CRIMES*

To consolidate certain penal enactments.

[19 November 1971]

(Originally 60 of 1971; 10 of 1865; 23 of 1913; 3 of 1916; 13 of 1920; 11 of 1922; 21 of 1922; 26 of 1935; 33 of 1935; 34 of 1935; 13 of 1938)

Note:

* This Ordinance consolidates, as at 31 December 1972, provisions which previously appeared in the following Ordinances-

- (1) Crimes Ordinance (Cap 200, 1971 Ed.)
- (2) Crimes (Amendment) Ordinance 1972 (No. 48 of 1972)
- (3) Coinage Offences Ordinance (Cap 204, 1964 Ed.)
- (4) Criminal Intimidation Ordinance (Cap 205, 1964 Ed.)
- (5) Explosive Substances Ordinance (Cap 206, 1966 Ed.)
- (6) False Personation Ordinance (Cap 207, 1964 Ed.)
- (7) Falsification of Documents Ordinance (Cap 208, 1964 Ed.)
- (8) Forgery Ordinance (Cap 209, 1964 Ed.)
- (9) Perjury Ordinance (Cap 214, 1970 Ed.)
- (10) Punishment of Incest Ordinance (Cap 216, 1964 Ed.)
- (11) Seditious Ordinance (Cap 217, 1970 Ed.)

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This Ordinance may be cited as the Crimes Ordinance.

Section Num:	2	Version Date	30/06/1997
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PART I

TREASON

- (1) A person commits treason if he-
 - (a) kills, wounds or causes bodily harm to Her Majesty, or imprisons or restrains Her;
 - (b) forms an intention to do any such act as is mentioned in paragraph (a) and manifests such intention by an overt act;
 - (c) levies war against Her Majesty-
 - (i) with the intent to depose Her Majesty from the style, honour and royal name of the Crown of the United Kingdom or of any other of Her

Majesty's dominions; or

(ii) in order by force or constraint to compel Her Majesty to change Her measures or counsels, or in order to put any force or constraint upon, or to intimidate or overawe, Parliament or the legislature of any British territory;

(d) instigates any foreigner with force to invade the United Kingdom or any British territory;

(e) assists by any means whatever any public enemy at war with Her Majesty; or

(f) conspires with any other person to do anything mentioned in paragraph (a) or (c).

but no person convicted or acquitted of an offence under this section shall afterwards be prosecuted for treason under section 2 upon the same facts. [cf. 1848 c. 12 s. 7 U.K.]

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Heading Incitement to mutiny

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PART II

OTHER OFFENCES AGAINST THE CROWN

Any person who knowingly attempts-

- (a) to seduce any member of Her Majesty's forces from his duty and allegiance to Her Majesty; or (Amended 54 of 1992 s. 19; 20 of 1997 s. 25)
- (b) to incite any such person-
 - (i) to commit an act of mutiny or any traitorous or mutinous act; or
 - (ii) to make or endeavour to make a mutinous assembly,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.

[cf. 1797 c. 70 s. 1 U.K.]

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Heading Incitement to disaffection

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- (1) Any person who knowingly attempts to seduce-
 - (a) any member of Her Majesty's forces;

(b) knowing such member or officer to be a deserter or absentee without leave, conceals him or assists him in concealing himself or assists in his rescue from custody, shall be guilty of an offence.

(3) Any person who, with intent to commit or to aid, abet, counsel or procure the commission of an offence under subsection (1), has in his possession any document of such a nature that the dissemination of copies thereof among the members or officers mentioned in subsection (1) would constitute such an offence, shall be guilty of an offence. [cf. 1934 c. 56 s. 2(1) U.K.]

(4) Any person guilty of an offence under this section shall be liable on conviction upon indictment to a fine of \$5000 and to imprisonment for 2 years. [cf. 1934 c. 56 s. 3(1) U.K.]

(5) The court by or before which a person is convicted of an offence under this section may order any documents connected with the offence to be destroyed or dealt with in such other manner as may be specified in the order; but no documents shall be destroyed before the expiration of the period within which an appeal may be lodged, and if an appeal is lodged no document shall be destroyed until after the appeal has been finally determined or abandoned. [cf. 1934 c. 56 s. 3(4) U.K.]

(6) No prosecution for an offence under this section shall be instituted without the consent of the Secretary for Justice. (Amended L.N. 362 of 1997) [cf. 1934 c. 56 s. 3(2) U.K.]

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(b) to search the premises or place and any person found therein;
and

(c) to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence.

(2) A woman shall not be searched, in pursuance of a warrant granted under subsection (1), except by a woman.

(3) Notwithstanding anything contained in subsection (1)-

(a) a warrant shall only be granted under subsection (1) in respect of an offence suspected to have been committed within the 3 months prior to the laying of the information thereof;

(b) if a warrant under subsection (1) has been executed on any premises, the police officer who has conducted or directed the search shall-

(i) notify the occupier that the search has taken place, and supply him on request with a list of any documents or other objects which have been removed from the premises; and

(ii) where any documents have been removed from any other person, supply that person with a list of such documents;

(c) anything seized under subsection (1) may be retained for a period not exceeding 1 month, or if within that period proceedings are commenced for an offence under section 7, until the conclusion of those proceedings; and

(d) section 102 of the Criminal Procedure Ordinance (Cap 221)

against the person of Her Majesty, or Her Heirs or Successors, or against the Government of Hong Kong, or the government of any other part of Her Majesty's dominions or of any territory under Her Majesty's protection as by law established; (Replaced 28 of 1938 s. 2)

(b) to excite Her Majesty's subjects or inhabitants of Hong Kong to attempt to procure the alteration, otherwise than by lawful means, of any other matter in Hong Kong as by law established; or

(c) to bring into hatred or contempt or to excite disaffection against the administration of justice in Hong Kong; or

(d) to raise discontent or disaffection amongst Her Majesty's subjects or inhabitants of Hong Kong; or

(e) to promote feelings of ill-will and enmity between different classes of the population of Hong Kong; or

(f) to incite persons to violence; or (Added 30 of 1970 s. 2)

(g) to counsel disobedience to law or to any lawful order. (Added 30 of 1970 s. 2)

(2) An act, speech or publication is not seditious by reason only that it intends- (Amended 28 of 1938 s. 2)

(a) to show that Her Majesty has been misled or mistaken in any of Her measures; or

(b) to point out errors or defects in the government or constitution of Hong Kong as by law established or in legislation or in the administration of justice with a view to the remedying of such errors or defects; or

(c) to persuade Her Majesty's subjects or inhabitants of Hong Kong to attempt to procure by lawful means the alteration of any matter in Hong Kong as by law established; or

(d) to point out, with a view to their removal, any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of the population of Hong Kong. (Amended 28 of 1938 s. 2)

(3) (Repealed 74 of 1992 s. 2)
(13 of 1938 s. 3 incorporated)

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Heading Offences

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- (1) Any person who-
 - (a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act with a seditious intention; or
 - (b) utters any seditious words; or
 - (c) prints, publishes, sells, offers for sale, distributes, displays or reproduces any seditious publication; or
 - (d) imports any seditious publication, unless he has no reason to

1938 s. 2 incorporated)

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Heading Legal proceedings

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(1) No prosecution for an offence under section 10 shall be begun except within 6 months after the offence is committed.

(2) No prosecution for an offence under section 10 shall be instituted without the written consent of the Secretary for Justice.

(Amended L.N. 362 of 1997)

(13 of 1938 s. 5 incorporated)

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Section Num:	14	Version Date	30/06/1997
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Heading Power to remove seditious publications

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- (1) Any police officer or public officer may-
 - (a) enter any premises or place;
 - (b) stop and board any vehicle, tramcar, train or vessel, and remove therefrom or obliterate any seditious publication.
- (2) Any police officer or public officer may-
 - (a) break open any outer or inner door of any premises or place which he is empowered by this section to enter;
 - (b) remove by force any person or thing obstructing any removal or obliteration which he is empowered by this section to make;
 - (c) detain any vehicle, tramcar, train or vessel until any seditious publication has been removed or obliterated therefrom;
 - (d) remove any person from any vehicle, tramcar, train or vessel while any seditious publication is removed or obliterated.
- (3) Notwithstanding anything contained in subsection (1)(a), the powers conferred thereby shall, if the seditious publication is not visible from a public place, only be exercised-
 - (a) with the prior permission of the occupier of the premises or place; or
 - (b) under and in accordance with a warrant issued by a magistrate for such purpose.

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life.

[cf. 1812 c. 104 ss. 1 & 6 U.K.]

Section Num:	16	Version Date	30/06/1997
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Heading Other unlawful oaths to commit offences [Back to Individual Section Format](#)

Any person who-

- (a) administers, or is present at and consents to the administering

It shall be no defence to a charge under section 15 or 16 that the person charged was compelled to take any oath or engagement mentioned therein, unless-

- (a) within 14 days after taking it; or
- (b) if prevented by actual force or sickness, within 14 days after the termination of such prevention,

the person charged declares-

- (i) by information on oath before a magistrate; or
- (ii) if he is on actual service in Her Majesty's forces, either by such information or by informing his commanding officer, of all he knows concerning the matter, including any person by whom and in whose presence, and the place where, and the time when, the oath or engagement was administered or taken.

[cf. 1797 c. 123 s. 2 U.K.; 1812 c. 104 s. 2 U.K.]

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Heading Unlawful drilling

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(1) Any person who-

- (a) without the permission of the Governor or the Commissioner of Police, trains or drills any other person in the use of arms or the practice of military exercises or evolutions; or
- (b) is present at any meeting of persons, held without the permission of the Governor or the Commissioner of Police for the purpose of training or drilling any other persons in the use of arms or the practice of military exercises or evolutions,

shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 7 years.

(2) Any person who-

- (a) at any meeting mentioned in subsection (1) is trained or drilled in the use of arms or the practice of military exercises or evolutions; or
- (b) is present at any such meeting for the purpose of being so trained or drilled,

shall be guilty of an offence and shall be liable on conviction upon

indictment to imprisonment for 2 years.

[cf. 1819 c. 1 s. 1 U.K.]

Section Num:	19	Version Date	30/06/1997
Heading	Piracy with violence	Back to Individual Section Format	

Any person who with intent to commit or at the time of or immediately before or immediately after committing the offence of piracy in respect of any vessel-

- (a) assaults with intent to murder any person on board of or belonging to the vessel; or
 - (b) wounds any such person; or
 - (c) unlawfully does any act by which the life of any such person may be endangered,
- shall be guilty of an offence and shall be liable on conviction on

"resident of the Hong Kong Special Administrative Region" ()

means-

(a) a permanent resident of the Hong Kong Special Administrative Region; and

(b) a person who is qualified to be issued with an identity card under the Registration of Persons Ordinance (Cap 177) but has no right of abode in Hong Kong under the Immigration Ordinance (Cap 115).

(Added 28 of 1998 s. 2)
