

EXECUTIVE COUNCIL.

No. 361.

Hong Kong.

ORDINANCE No. 35 of 1923. PASSPORTS.

In exercise of the powers conferred by section 2 of the Passports Ordinance, 1923, the Passport Regulations, contained in the Schedule to the said Ordinance as amended by the Regulation published by Government Notification No. 348 in the Gazette of the 22nd June, 1928, are altered and amended by the Governor in Council and shall be as follows:—

Passport Regulations.

1. No person shall enter the Colony unless he has in his possession and brings with him into the Colony a valid passport: Provided that no person shall be convicted of an offence against this regulation if he proves that he had in his possession and brought with him into the Colony some other valid document establishing his nationality and identity and authorising him to travel to and enter the Colony issued or endorsed, in the case of a British subject or British protected person by a competent British Official, and in other cases by an official having authority to issue or endorse such a document in respect of the person in question.

2.—(1) No passport or travel document shall be deemed to be valid unless—

(a) an indication, either in general terms or specific, which is not invalidated by any other endorsement, appears thereon that the passport or travel document is valid for Hong Kong; and

(b) it was issued or renewed to the holder, in the case of a passport by or on behalf of the Government of the state of which he is a subject or citizen and in the case of a travel document by a competent official, not more than five years before his arrival in the Colony and is still within the period of its validity if any such period be stated; and

(c) it has a photograph of the person or persons to whom it relates so affixed as to obviate the possibility of its removal and the substitution of another photograph, but this condition shall not apply in the case of any Pardaniashin or Gosha woman; and

(d) in the case of a person who is neither a British subject nor a British protected person, it bears a visa, by a British Consular Officer in a foreign state or by a duly authorised public officer in some part of His Majesty's dominions, which was granted not more than one year before the arrival of such person in the Colony and is still within the period of its validity, and which is either generally or specifically applicable to the journey on which the holder is engaged or which he has completed by his arrival in the Colony; but this condition shall not apply in the case of a person included in any agreement, applicable to the Colony, between His Majesty's Government or the Government of this Colony and any other Government, for the mutual abolition or waiver of visas.

(2) Neither the possession of a valid passport or travel document, as defined in paragraph (1) of this regulation, nor any visa or endorsement thereon, shall be deemed to imply that the holder will be permitted to land in the Colony, or, if allowed to land, that he will be permitted to stay in the Colony; nor will they serve as any excuse for disobeying any banishment, deportation or expulsion order.

3. The holder of a passport or travel document with a visa authorising transit only through the Colony shall not remain in the Colony longer than is reasonably necessary to enable him to tranship or to find other means by which to proceed to his destination, and the holder of a passport or travel document with a visa authorising direct transit only shall proceed to his destination by the earliest means of transport of which he can reasonably avail himself: Provided that in either case the duration of the stay in the Colony of any such holder may be extended with the consent in writing of the Inspector General of Police, for which there shall be charged either the fee of \$5 or a fee equal to the difference between the cost of a transit visa and the cost of an ordinary visa in the case in question, whichever fee be the higher.

4. Every person who possesses a passport, or other official document establishing his nationality and identity, shall upon demand by any police officer, produce such passport or such other document forthwith for the inspection of such police officer.

5.—(1) If any person is convicted of an offence against Regulation 1 or Regulation 3 of these Regulations, it shall be lawful for any magistrate to order that such person shall be expelled from the Colony.

(2) Any such order shall have the effect of authorising any police officer to arrest and detain such person and to do all such other acts as may be necessary to enable such person to be expelled from the Colony by such ship or route as the Governor may determine.

6. These regulations shall not apply to the following:—

(1) persons of or under the age of fifteen years;

(2) persons of Chinese race;

(3) persons who pass through the waters of the Colony without landing in the Colony.

(4) persons employed in any capacity in the service of any ship, who arrive in the Colony and leave in the same ship on her next departure.

D. W. TRATMAN,
Clerk of Councils.

COUNCIL CHAMBER,
2nd June, 1932.