

**EXECUTIVE COUNCIL.****No. 775.****Hong Kong.**

*Regulations made by the Governor in Council under section 2 of the Emergency Regulations Ordinance, 1922, Ordinance No. 5 of 1922, on the 28th day of September, 1938.*

WHEREAS by section 2 of Ordinance No. 5 of 1922, intituled the Emergency Regulations Ordinance, 1922, it is provided among other things that on any occasion which the Governor in Council may consider to be an occasion of emergency or public danger, he may make any regulations whatsoever which he may consider desirable in the public interest :

AND WHEREAS the Governor in Council considers that such an occasion of emergency or public danger exists :

NOW THEREFORE by virtue and in exercise of the powers conferred by the said section 2 of the Emergency Regulations Ordinance, 1922, and of all other powers enabling him in that behalf, the Governor in Council makes the following regulations :—

**REPEAL.**

1. The regulations made under section 2 of the Emergency Regulations Ordinance, 1922, and published as Government Notification 621 in the Gazette of 2nd October, 1931, are repealed.

**OBSTRUCTION, ARREST AND EXPULSION.**

2. No person shall obstruct any person in the exercise of any power conferred on him by any regulation made under the Emergency Regulations Ordinance, 1922.

3. It shall be lawful for any public officer to arrest any person whom he may suspect of having contravened any regulation made under the Emergency Regulations Ordinance, 1922.

4. The Commissioner of Police and any police officer authorized by him, either generally or specially, shall have power to arrest and detain any person who appears to him to have no regular employment in the Colony, and the Commissioner of Police shall have power to order any such person to leave the Colony forthwith. Any order made under this regulation shall be sufficient authority to all police officers and to the master and crew of any ship or the guards and attendants of any train to use within the Colony and the territorial waters thereof such force and restraint as may be necessary to carry out such order.

## MEETINGS AND PROCESSIONS.

5. It shall be lawful for the Governor in Council, by order published in the Gazette, to prohibit the holding of any meeting which, in his opinion, is likely to be conducted in a seditious or disorderly manner, or at or during which, in his opinion, seditious or disorderly words are likely to be uttered or seditious or disorderly publications are likely to be exhibited or at or during which a general strike is likely to be advocated or promoted.

6. It shall be lawful for the Governor in Council, by order published in the Gazette, to prohibit the holding of any meeting whatsoever at any specified place or places on any specified date or dates, or to prohibit the holding of any meeting whatsoever except between specified hours, either generally or at any specified place or places.

7. Except under and in accordance with a permit in writing from the Secretary for Chinese Affairs no meeting whatsoever shall be held on board any vessel (not being or having the status of a ship of war), or on any pier or wharf whether public or private.

8. No person shall take part in any meeting prohibited under regulation 5 or regulation 6 or by regulation 7.

9. No person shall without lawful authority or excuse be present at any meeting prohibited under regulation 5 or regulation 6 or by regulation 7.

10.—(1) It shall be lawful for the Governor in Council, by order published in the Gazette, to prescribe any condition whatsoever which he may think fit in connexion with any meeting.

(2) No person who takes part in or is present at any such meeting shall contravene any such condition.

(3) No person shall take part in any meeting at or in connexion with which any such condition has been or is being contravened.

(4) No person shall without lawful authority or excuse be present at any meeting at or in connexion with which any such condition has been or is being contravened.

11.—(1) In any case in which he may consider that the urgency of the occasion so requires it shall be lawful for the Governor, without consulting the Executive Council and without publication of the order in the Gazette, to make any order which might have been made by the Governor in Council under regulation 5, 6 or 10, or to prohibit the continuance of any meeting already begun.

(2) Any such order may be proved in any legal proceedings by the production of a certificate under the hand of the Colonial Secretary, and judicial notice shall be taken of such signature on such certificate.

12. It shall be lawful for any police officer to use any force, and to effect any entry or boarding, which may appear to be reasonably necessary for the purpose of preventing the holding of any meeting prohibited under or by these regulations, or for the purpose of dispersing any meeting

prohibited under or by these regulations, or for the purpose of dispersing any meeting at or in connexion with which any condition prescribed under regulation 10 or 11 has been or is being contravened, and also to search any premises entered or vessel boarded, and to seize any thing which may appear to be evidence of any offence.

**13.** It shall be lawful for any police officer to stop, divert, divide or disperse any procession whatsoever, or any part thereof, or to divide or disperse any crowd or assembly whatsoever or any part thereof.

**14.** Every person taking part in any procession, crowd or assembly, shall disperse when called upon by any police officer to do so.

**15.** In these regulations—

(a) "Meeting" includes every assembly, entertainment, gathering, celebration, service and ceremony, whether open to the public or not, and every procession;

(b) "seditious words" and "seditious publications" have the same meanings respectively as in the Sedition Ordinance, 1938.

#### PREVENTION OF DISORDER.

**16.** The Governor in Council shall have power to proscribe within the Colony, for the purposes of these regulations, any organization whatsoever, whether such organization be within or without the Colony, which in the opinion of the Governor in Council is an organization which has among its aims, or is being used for, the promotion of a general strike, or of disorder of any kind, or of the spread of sedition, within the Colony. Any association which has been previously proscribed under any repealed regulation made under the Emergency Regulations Ordinance, 1922, shall continue to be proscribed.

**17.** No person shall do any act in furtherance of the objects of any such proscribed organization.

**18.** No person shall without lawful authority or excuse have in his possession any badge, ticket or document, or any other thing whatsoever, which purports to have been, or which appears to have been, issued by any such proscribed organization, whether before or after such proscription, or which purports to be, or which appears to be, or which appears to be intended as, evidence of membership of, or any authority from, or any association with, any such proscribed organization.

**19.** No person shall do any act in furtherance of the promotion of a general strike, or of disorder of any kind, or of the spread of sedition, within the Colony.

**20.** It shall be lawful for any police officer to seize any thing whatsoever which may appear to belong to, or to be

connected with, or to be intended to be used for the purposes of, any proscribed organization, and it shall be lawful for a magistrate, upon such notice (if any) as he shall think fit, to order any such thing to be forfeited. Any thing so forfeited shall be disposed of in such manner as the Commissioner of Police may direct.

#### NEWSPAPERS, ETC.

**21.** No person shall print, publish or distribute any newspaper, placard or pamphlet containing any matter in the Chinese language (other than a *bonâ fide* trade advertisement) which has not been previously submitted to and passed by the Secretary for Chinese Affairs, nor shall any person print, publish or distribute any news-sheet in the Chinese language as an extra, nor shall any person post up any placard purporting to contain in the Chinese language any portion of the contents of any newspaper, or any announcement relating to the contents of any newspaper, unless the printing, publishing or distribution of such extra or the posting up of such placard has been authorized and unless the form and arrangement of, as well as the matter contained in such extra and placard have been previously approved by the Secretary for Chinese Affairs or any Assistant Secretary for Chinese Affairs.

**22.** No person shall import, print, publish, reproduce, have in his possession or under his control, post up or distribute any newspaper, placard, pamphlet, writing or pictorial representation calculated or tending to persuade or induce any person or persons, whether individually or as members of the general public—

(1) to refrain from dealing with, trading with, working for or hiring any person or persons in the course of trade, business, occupation or employment;

(2) to do any act calculated or tending to cause a breach of the peace;

(3) to interfere with the administration of the law or with the maintenance of law and order.

**23.** No person shall, without the permission of the Secretary for Chinese Affairs, import any newspaper, placard or pamphlet containing any matter in the Chinese language other than a *bonâ fide* trade advertisement. No person shall have in his possession any newspaper, placard or pamphlet imported without such permission.

**24.** The Governor in Council shall have power to suppress for such period as he may think fit or until further order the printing and publication of any newspaper. Any newspaper which has been previously suppressed under any repealed regulation made under the Emergency Regulations Ordinance, 1922, shall continue to be suppressed.

**25.** Upon the making of any order for the suppression of any newspaper the Commissioner of Police shall seize and detain all the machinery, type, appliances, paper, printing materials, writing materials, books, documents, writings, effects and things of or pertaining to the suppressed newspaper, with power to remove the same or any part thereof to such place or places within the Colony as he may in his discretion see fit, and there to keep the same so long as such order shall subsist. All expenses incurred by the Commis-

sioner of Police shall be repaid to him before the return by him of the property, effects and things seized, and in default of payment of such expenses, or any part thereof, within one month from the withdrawal of the order for suppression, the property, effects and things seized shall be sold by him to satisfy such expenses, and he shall apply the net proceeds of sale in the first place in or towards satisfaction of such expenses, in the next place in payment of any rent in respect of which a distress for rent might have been levied, and in the next place he shall refund the balance (if any) to the person entitled thereto.

MAGISTRATES' POWERS RELATING TO POSSESSION, ETC., OF  
SEDITIONOUS PUBLICATIONS, OFFENSIVE WEAPONS, ETC.

**26.** Every person who—

(1) by violence or threats of violence prevents or endeavours to prevent any other person from doing any act which he is legally entitled to do; or

(2) commits any offence against the provisions of section 18 of the Summary Offences Ordinance, 1932,

shall be liable upon summary conviction before a magistrate to the penalties provided by section 3 of the Emergency Regulations Ordinance, 1922.

**27.** Whenever it is proved to the satisfaction of a magistrate that any printing press, machine, tool, instrument, type, block, paper, material or thing has in any manner been used or prepared for use for or in connexion with the printing or production of any seditious publication as defined in the Sedition Ordinance, 1938, or any matter the possession of which would be an offence under regulation 22 of these regulations, it shall be lawful for such magistrate, upon the application of the Commissioner of Police or some person authorized by him, to order such printing press, machine, tool, instrument, type, block, paper, material or thing to be forfeited to the Crown, whether any person has been charged or convicted or may hereafter be charged or convicted of any offence in connexion therewith, or not.

SPECIAL CONSTABLES.

**28.** It shall be lawful for the Governor to authorize the enrolment of any number of special constables for the purposes of these regulations in the manner provided in the Peace Preservation Ordinance, 1886, and the provisions of that Ordinance, with such modifications as may be necessary, shall apply to such enrolment.

**29.** Every person who has been enrolled or appointed as a special constable or hereafter may be enrolled or appointed as a special constable, whether voluntarily or otherwise, as from the date of his enrolment or appointment and until such enrolment or appointment shall be cancelled or determined by the Governor or some person authorized by the Governor, shall be deemed to have had and he shall have all the powers, privileges, protection and immunities

mentioned or referred to in section 3 of the Peace Preservation Ordinance, 1886, but with the like exception as to pay and pension or other reward.

**30.** Every such special constable shall be and shall from the date of his enrolment or appointment be deemed to have been subject to the orders of the Governor, the magistrates, the Commissioner of Police, and any other person authorized by the Governor or the Commissioner of Police to act in that behalf.

**31.** Every such special constable shall be and shall from the date of his enrolment or appointment be deemed to have been subject to punishment, as mentioned in section 5 of the Peace Preservation Ordinance, 1886, for refusal or neglect, without reasonable excuse, to serve or to obey such lawful orders and directions as have been or may be given to him for the performance of the duties of his office.

#### ENTRY.

**32.** It shall be lawful for any person empowered by any regulation made under the Emergency Regulations Ordinance, 1922, to do anything to effect any entry which he may consider necessary to enable him to exercise such power.

#### RESTRICTIONS ON REPAIRING, OR SUPPLYING STORES TO, CERTAIN VESSELS.

**33.** During the continuance of hostilities between China and Japan no person shall, without the authorization of the Harbour Master or any public officer authorized by him in that behalf—

(a) sell, supply or deliver any fuel or food or any stores whatsoever on board any vessel, whether armed or not, employed in the naval or military service of either of those countries, or to any other person for the use of such vessel;

(b) carry out repairs to any such vessel or proceed on board any such vessel for the purpose of carrying out repairs thereto:

Provided that the immediately preceding sub-clause (b) shall not apply to members of the ship's company of any such vessel.

T. MEGARRY,  
*Clerk of Councils.*

COUNCIL CHAMBER,  
28th September, 1938.