

- 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) Sedition Ordinance (Cap 217, 1970 Ed.)

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Heading	Short title	Back to Individual Section Format	

This Ordinance may be cited as the Crimes Ordinance.

Section Num:	2	Version Date	30/06/1997
Heading	Treason	Back to Individual Section Format	

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).

(2) Any person who commits treason shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for life.

(Amended 24 of 1993 s. 2)

[cf. 1351 c. 2 U.K.; 1795 c. 7 s. 1 U.K.; 1817 c. 6 s. 1 U.K.]

Section Num:	3	Version Date	30/06/1997
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Heading Reasonable offences

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(1) Any person who forms an intention to effect any of the following purposes, that is to say-

(a) 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;

(b) to levy war against Her Majesty within the United Kingdom or any British territory 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; or

(c) to instigate any foreigner with force to invade the United Kingdom or any British territory,

and manifests such intention by an overt act or by publishing any printing or writing, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for life. [cf. 1848 c. 12 s. 3 U.K.]

(2) It shall be no defence to a charge under this section that any act proved against the person charged amounts to treason under section 2;

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.]

Section Num:	4	Version Date	30/06/1997
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Heading [Limitations as to trial for treason, etc.](#) [Back to Individual Section Format](#)

(1) A person shall not be prosecuted for any offence under section 2 or 3 unless the prosecution is commenced within 3 years after the offence is committed. [cf. 1695 c. 3 s. 6 U.K.]

(2) This section does not apply to cases in which the overt act alleged is the killing of Her Majesty, or a direct attempt to endanger the life of Her Majesty. [cf. 1800 c. 93 s. 1 U.K.]

(3) The procedure on trials for treason or misprision of treason shall be the same as the procedure on trials for murder. [cf. 1967 c. 58 s. 12(6) U.K.]

Section Num:	5	Version Date	30/06/1997
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Heading [Assaults on the Queen](#) [Back to Individual Section Format](#)

Any person who wilfully-

(a) produces or has near Her Majesty any arms or destructive or dangerous thing with intent to use the same to injure Her Majesty;

(b) with intent to alarm or to injure Her Majesty, or to provoke a breach of the peace or whereby a breach of the peace is likely to be caused-

(i) discharges, or points, aims or presents any arms at or near Her Majesty;

(ii) causes any explosive substance to explode near Her Majesty;

(iii) assaults Her Majesty; or

(iv) throws anything at or upon Her Majesty,

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

[cf. 1842 c. 51 s. 2 U.K.]

Section Num:	6	Version Date	30/06/1997
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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.]

Section Num:	7	Version Date	01/07/1997
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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) (Repealed 20 of 1997 s. 25)
- (ba) any member of the Government Flying Service; (Added 54 of 1992 s. 19)
- (c) any police officer; or
- (d) any member of the Royal Hong Kong Auxiliary Police Force, from his duty or allegiance to Her Majesty shall be guilty of an offence.

[cf. 1934 c. 56 s. 1 U.K.]

- (2) Any person who-
- (a) knowing that any member or officer mentioned in subsection (1) is about to desert or absent himself without leave, assists him in so doing; or

(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.]

Section Num:	8	Version Date	30/06/1997
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Heading [Power to search and prevent offences under section 7](#)

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(1) If a judge is satisfied by information on oath that there is reasonable ground for suspecting that an offence under section 7 has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may grant a search warrant authorizing a police officer not below the rank of inspector, together with any other police officers-

(a) to enter the premises or place at any time within 1 month from the date of the warrant, if necessary by force;

(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) (which makes provision for the disposal of property connected with offences) shall apply to property which has come into the possession of the police under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that section.

[cf. 1934 c. 56 s. 2(2) U.K.]

Section Num:	9	Version Date	30/06/1997
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Heading Seditious intention

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(1) A seditious intention is an intention-

(a) to bring into hatred or contempt or to excite disaffection

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)

Section Num:	10	Version Date	30/06/1997
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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 believe that it is seditious,

shall be guilty of an offence and shall be liable for a first offence to a fine of \$5000 and to imprisonment for 2 years, and for a subsequent offence to imprisonment for 3 years; and any seditious publication shall be forfeited to the Crown. (13 of 1938 s. 4 incorporated. Amended 22 of 1950 Schedule; 30 of 1970 s. 3)

(2) Any person who without lawful excuse has in his possession any seditious publication shall be guilty of an offence and shall be liable for a first offence to a fine of \$2000 and to imprisonment for 1 year, and for a subsequent offence to imprisonment for 2 years; and such publication shall be forfeited to the Crown. (13 of 1938 s. 4 incorporated. Amended 22 of 1950 Schedule)

(3) Where any person has been convicted of an offence under subsection (1) or (2) in respect of any seditious publication, the court may order the seizure and forfeiture of any copies of the seditious publication in the possession of-

- (a) the person convicted; or
- (b) any other person named in the order, if the court is satisfied by evidence on oath that the copies are in the possession of the other person for the use of the person convicted. (60 of 1971 s. 19 incorporated) [cf. 1819 c. 8 ss. 1 & 2 U.K.]

(4) Any copies seized under subsection (3) shall be disposed of as the court may direct; but no copies shall be destroyed until the expiration of the period within which an appeal may be lodged or, if an appeal is lodged, until the appeal has been finally determined or abandoned. (60 of 1971 s. 19 incorporated)

(5) In this section-

"seditious publication" (煽動刊物) means a publication having a seditious intention;

"seditious words" (煽動文字) means words having a seditious intention. (13 of

1938 s. 2 incorporated)

Section Num:	11	Version Date	01/07/1997
Heading	Legal proceedings	Back to Individual Section Format	

(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)

Section Num:	12	Version Date	30/06/1997
Heading	Evidence	Back to Individual Section Format	

No person shall be convicted for an offence under section 10 on the uncorroborated testimony of one witness.

(13 of 1938 s. 6 incorporated)

Section Num:	13	Version Date	30/06/1997
Heading	Search warrant	Back to Individual Section Format	

If a magistrate is satisfied by information on oath that there is reasonable cause to believe that an offence under section 10 has been or is about to be committed he may grant a search warrant authorizing any police officer to enter any premises or place named in the warrant, with such assistance as may be necessary, and if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place which the officer has reasonable ground for suspecting to be evidence of an offence under section 10.

(13 of 1938 s. 7 incorporated)

Section Num:	14	Version Date	30/06/1997
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Heading [Power to remove seditious publications](#) [Back to Individual Section Format](#)

- (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.
- (30 of 1970 s. 4 incorporated)

Section Num:	15	Version Date	30/06/1997
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Heading [Unlawful oaths to commit capital offences](#) [Back to Individual Section Format](#)

- Any person who-
- (a) administers, or is present at and consents to the administering of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to commit an offence of murder, treason or piracy with violence; or (Amended 24 of 1993 s. 3)
 - (b) takes any such oath or engagement, not being compelled to do so,

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
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 of, any oath or engagement in the nature of an oath, purporting to bind the person who takes it to act in any of the following ways, that is to say-
- (i) to engage in any mutinous or seditious enterprise;
 - (ii) to commit any offence not punishable with death;
 - (iii) to provoke a breach of the peace;
 - (iv) to be of any association or society, formed for the purpose of doing any act mentioned in subparagraph (i), (ii) or (iii);
 - (v) to obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
 - (vi) not to inform or give evidence against any associate or other person;
 - (vii) not to reveal or discover any unlawful association or society or any illegal act done or to be done, or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person, or the import of any such oath or engagement; or
- (b) takes any such oath or engagement, not being compelled to do so,

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

[cf. 1797 c. 123 ss. 1 & 5 U.K.]

Section Num:	17	Version Date	30/06/1997
Heading	Compulsion in taking unlawful oaths	Back to Individual Section Format	

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.]

Section Num:	18	Version Date	30/06/1997
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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 indictment to imprisonment for life. (Amended 24 of 1993 s. 4)

[cf. 1837 c. 88 s. 2 U.K.]

Section Num:	19A	Version Date	01/07/1997
Heading	Interpretation (Part III)		Back to Individual Section Format

Remarks

Adaptation amendments retroactively made - see 28 of 1998 s. 2; 13 of 1999 s. 3 Due to technical constraints, sections 19A of this Ordinance are placed after section 18 in the BLIS system. The correct sequence of the sections should be "18, 19A, 19".

PART III

PIRACY AND OTHER OFFENCES AT SEA

(Amended 89 of 1990 s. 2)

In this Part-

"Hong Kong ship" (香港船舶) means a ship which is registered or licensed in Hong Kong; (Added 13 of 1999 s. 3)

"resident of the Hong Kong Special Administrative Region" (香港特別行政區居民)

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)
