

- CAP 200A SUPPRESSION OF PIRACY REGULATIONS

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(Cap 200 section 23)*

[16th March 1928]

(G.N. 134 of 1928)

Note:

* These regulations were made under the repealed Suppression of Piracy Ordinance (Cap 218, 1964 Ed.) and, by virtue of section 36(1) of the Interpretation and General Clauses Ordinance, continue to have the like effect as if they had been made under the Crimes Ordinance (enacted in 1971 and Cap 200 in this edition).

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These regulations may be cited as the Suppression of Piracy Regulations.

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In these regulations, unless the context otherwise requires-

"passenger" (乘客) means any person carried in a vessel, other than the owner, charterer and licensee, their families, agents, servants and workmen, and the master, pilot, officers, staff and crew;

"ship" (船舶) includes any description of vessel used in navigation in the propulsion of which use is made of any mechanical means other than oars and sails, also any description of junk or craft, howsoever propelled or moved, used or intended to be used for carrying any passenger; and

"vessel" (船隻) includes any ship or boat, and any other description of craft used in navigation.

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The Commissioner of Police shall have power to search any vessel, and after search to make further searches, and to detain any vessel for such purpose, and he may delegate his powers under this regulation.

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Remarks

Amendments retroactively made - see 13 of 1999 s. 3

Every vessel in the waters of Hong Kong shall stop when hailed by the police.

(13 of 1999 s. 3)

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Remarks

Amendments retroactively made - see 13 of 1999 s. 3

The owners, agents, charterers and licensees shall notify the Commissioner of Police confidentially beforehand on any occasion when it is expected that treasure will be carried on a ship from or through the waters of Hong Kong.

(13 of 1999 s. 3)

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While any ship is lying alongside a wharf in the harbour of Victoria, no person, except persons concerned in the loading or unloading of the cargo of the ship, shall be permitted to come on board the ship on the side of the ship away from the wharf, and no person whatsoever shall be permitted to bring or put on board anything, except cargo, on the side of the ship away from the wharf.

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Remarks

Amendments retroactively made - see 13 of 1999 s. 3

When the master of any ship propelled by any mechanical means other than oars and sails in the waters of Hong Kong has any cause whatever to believe that any vessel may be in need of assistance in respect of a piratical attack, it shall be his duty, as far as reasonably may be, to approach such vessel as closely as possible, to stand by it, to prevent the access of pirates thereto, to assist in rescue work, to call other ships to the aid of the vessel attacked, and do all such other acts as may be necessary or advisable to assist the said vessel in repelling the attack, and after the attack, and he shall act accordingly.

(13 of 1999 s. 3)

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The owner, charterer, agent or licensee of any vessel not required by or under these regulations to undergo search may apply to the Commissioner of Police for police search of the vessel; the Commissioner of Police may refuse to comply with any such application, or may impose conditions on which any such application will be granted; every search undertaken pursuant to this regulation shall be deemed to be an authorized search under these regulations.

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No ship required under these regulations to undergo police search shall commence or attempt to commence a voyage or trip except from a place and at an hour previously notified to and approved by the Commissioner of Police. Such approval may be conveyed to masters and others in charge of

ships by special or general instructions issued from time to time by the Commissioner of Police.

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Remarks

Amendments retroactively made - see 13 of 1999 s. 3

Subject to exemption granted under these regulations, no ship shall carry or attempt to carry any passenger from Hong Kong or through the waters of Hong Kong on a voyage to or including any port or place- (13 of 1999 s. 3)

- (a) on the Canton River; or
- (b) on the West River or any river or estuary in the province of Kwangtung or the province of Kwangsi; or
- (c) in either of the said provinces; or
- (d) in Taiwan; or
- (e) on the east coast of Asia south of Shanghai and north of Singapore,

unless and until a search thereof, conducted in such manner as the Commissioner of Police may direct and approve, shall have been carried out, nor until the master or other person in charge thereof shall have received a certificate in writing signed by the Commissioner of Police, or by some police officer authorized by the Commissioner of Police in that behalf, from which it shall appear that such search has been completed. Such certificate shall contain a concise statement of the result of the search.

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Remarks

Amendments retroactively made - see 13 of 1999 s. 3

Subject to exemption granted under these regulations and to the provisos herein contained, no ship shall carry any passenger or attempt to carry any passenger from the harbour of Victoria on any voyage in the waters surrounding the Island of Hong Kong within the following boundaries-

- (a) on the east: a north and south line drawn through the Fat Tong Mun Pass;
- (b) on the west: a north and south line drawn through the Kap Shui Mun Pass; and
- (c) on the south: an east and west line drawn through the centre of Lo Chau or Beaufort Island, and continued until it meets the east and west boundaries (hereinafter referred to as the local trade limits)

or leave or attempt to leave any place of mooring or place of call in the waters of Hong Kong and outside the said harbour, while carrying or for the purpose of carrying any passenger to any place within the local trade limits, unless and until a search of the nature mentioned in regulation 10 has been carried out, nor until the master or other person in charge thereof shall have obtained a certificate in writing of the kind mentioned in regulation 10: (13 of 1999 s. 3)

Provided that this regulation shall not apply-

- (a) in the case of any launch or motor boat on occasions when it is used solely for purposes of pleasure; and
- (b) to any ship anchoring solely for purposes of navigation.

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No ship to which regulation 11 applies shall call at any place en route unless such place of call and the intended hour of departure therefrom have been notified to and approved by the Commissioner of Police. Approved hours of departure shall be adhered to.

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Remarks

Amendments retroactively made - see 13 of 1999 s. 3

Except with the permission of the Commissioner of Police, or in saving life or rescue work at sea, no person shall be allowed to embark on and nothing shall be brought on board any ship after delivery of the certificate required by regulations 10 and 11 and before leaving the waters of Hong Kong, or arrival at the first place of call therein (notified and approved as aforesaid), as the case may be.

(13 of 1999 s. 3)

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(1) Every police officer in carrying out or taking part in any search required or authorized by these regulations shall have power to search any vessel and its stores and equipment, and the master, officers, staff and crew, and their belongings, the passengers and their goods and baggage, and the cargo, and every person and thing on board, and every person who may apparently be about to go on board and everything which apparently is about to be put on board, and may do all such acts and things as may be reasonably necessary in order to carry out such search effectually.

(2) The police officer in charge of any search party, and any police officer superior to him, shall have power to detain any vessel until in his opinion the searching shall have been completed.

(3) It shall be lawful for the police officer in charge of any searching party, and any officer superior to him, to order that no passenger or thing shall embark or be brought on board without his express consent while the search is proceeding; no person shall act contrary to such order; any such order shall be in force as soon as the same shall have been communicated to the master or other person in charge of the vessel.

(4) No person shall obstruct any such search or detention.

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The master or other person in charge of a ship shall take effective measures to cause, and he shall cause, the movements of his ship to be in accordance with these regulations, and he shall take effective measures to prevent, and he shall prevent, the coming on board or embarkation of any person and the bringing on board of anything contrary to or not in accordance with these regulations.

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The Commissioner of Police shall have power, in his discretion, to exempt any vessel from any provision or requirement of these regulations, either generally, or during any period, or on any occasion, and to impose conditions of exemption. Every condition imposed under this regulation shall be duly performed and observed by the grantee.

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These regulations shall not apply to any vessel being or having the status of a ship of war.

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Any person who contravenes any of the regulations 4, 5, 6, 7, 9, 10, 11, 12, 13, 14(4) and 15 shall be liable to a fine of two thousand dollars or to imprisonment for six months.

(G.N.A. 93 of 1951)

