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Chapter:	132A	Title:	ABATTOIRS REGULATION	Gazette Number:	L.N. 320 of 1999
Section:	2	Heading:	Interpretation	Version Date:	01/01/2000

In this Regulation, unless the context otherwise requires- (78 of 1999 s. 7)

"abattoir" (屠場) means an abattoir specified in Schedule 1;

"authorized officer" (獲授權人員) means-

(a) a health inspector; and

(b) a public officer appointed under section 3(1); (L.N. 279 of 1991; 78 of 1999 s. 7)

"carcass" (屠體) means the body of a dead food animal; (L.N. 210 of 1972; L.N. 279 of 1991)

"Director" (署長) means the Director of Food and Environmental Hygiene; (78 of 1999 s. 7)

"dressed carcass" (去臟的屠體) means, in respect of a bovine animal, sheep or soliped, a carcass from which the offal, hide and head have been removed and, in respect of a swine or goat, a carcass from which the offal has been removed; (L.N. 279 of 1991)

"entry permit" (入場許可證) means an entry permit issued under section 34(1); (L.N. 279 of 1991; 78 of 1999 s. 7)

"food animal" (食用牲口) means live bovine animal, swine, goat, sheep or soliped; (L.N. 279 of 1991)

"lairage" (牲口欄) means a part of an abattoir which is used for the confinement of food animals; (L.N. 279 of 1991)

"licensed slaughterhouse" (持牌屠房) means a slaughterhouse in respect of which a licence has been issued under section 9 of the Slaughterhouses Regulation (Cap 132 sub. leg.); (L.N. 329 of 1990; 78 of 1999 s. 7)

"manager" (經理) means a person appointed by the Director to manage or assist in the management of an abattoir; (L.N. 143 of 1976)

"offal" (什臟) means any part of a carcass which is removed therefrom during the process of dressing it, but does not include the hide or skin; (L.N. 210 of 1972; L.N. 279 of 1991)

"waiting lairage" (待宰欄) means a lairage in which food animals are confined while awaiting slaughter. (L.N. 279 of 1991)

(78 of 1999 s. 7)



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Chapter: 132A Title: ABATTOIRS Gazette Number: L.N. 320 of
REGULATION 1999
Section: 3 Heading: **Appointment of authorized officers** Version Date: 01/01/2000

(1) The Director may appoint any public officer to be an authorized officer in an abattoir for the purposes of such of this Regulation as he may specify.

(2) In the exercise of his powers and functions under this Regulation an authorized officer shall be subject to the directions of the manager of the abattoir.

(78 of 1999 s. 7)

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Chapter:	132A	Title:	ABATTOIRS REGULATION	Gazette Number:	L.N. 320 of 1999
Section:	12	Heading:	Power of authorized officer to affix tags or marks to food animals	Version Date:	01/01/2000

(1) An authorized officer may affix to a food animal which has been admitted to an abattoir a tag or mark for the purpose of recording its admission and disposal in the abattoir.

(2) Any person in an abattoir who, without the consent of the manager, removes, alters or interferes with a tag or mark affixed to a food animal under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine at level 4 and to imprisonment for 6 months. (L.N. 284 of 1987; L.N. 177 of 1996; 78 of 1999 s. 7)

(L.N. 279 of 1991)

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Chapter:	132A	Title:	ABATTOIRS REGULATION	Gazette Number:	L.N. 320 of 1999
Section:	13	Heading:	Power of authorized officer to give directions as to handling of food animals	Version Date:	01/01/2000

(1) An authorized officer may give to-

- (a) the owner of a food animal in an abattoir; and
- (b) any person appearing to the authorized officer to be in charge of a food animal in an abattoir,

such directions as he thinks fit as to-

- (i) the placing or tying of the food animal in any stall, pen, or lairage in the abattoir; and
- (ii) the movement of the food animal from any place to any other place in the abattoir.

(1A) An authorized officer may give such directions he thinks fit as to-

- (a) the priority; and
- (b) the number,

of food animals admitted to any part of an abattoir. (L.N. 33 of 1975)

(2) Any person who fails to comply with a direction given to him under subsection (1) or (1A) shall be guilty of an offence. (L.N. 33 of 1975; 78 of 1999 s. 7)

(L.N. 279 of 1991)

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Chapter:	132A	Title:	ABATTOIRS REGULATION	Gazette Number:	L.N. 320 of 1999
Section:	15	Heading:	Power of authorized officer to have diseased or injured food animals segregated and slaughtered	Version Date:	01/01/2000

If an authorized officer has reason to suspect that a food animal admitted to an abattoir is suffering from disease or injury, he may cause the food animal to be segregated from the other food animals in the abattoir and, if he thinks it is necessary to do so, may cause the food animal to be slaughtered.
(L.N. 279 of 1991)

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Chapter:	358	Title:	WATER POLLUTION CONTROL ORDINANCE	Gazette Number:	
Section:	36	Heading:	Authorized officers	Version Date:	30/06/1997

(1) Subject to subsection (2), the Authority may in writing authorize public officers to exercise the powers conferred on an authorized officer by sections 37 and 38, or such of those powers as the Authority may specify.

(2) The Authority shall under subsection (1), authorize only a public officer of or above the rank specified to exercise the following powers-

(a) the powers in section 38(b) and (c), an officer of or above the rank of Environmental Protection Officer; (Amended 58 of 1987 s. 15(2))

(b) any other power conferred by section 37 or 38 on an authorized officer, an officer of or above the rank of Environmental Protection Inspector. (Amended 58 of 1987 s. 15(2); 83 of 1993 s. 23)

(3) An authorized officer exercising any power in section 37 or 38 may take with him such persons as he reasonably requires to assist him in the discharge of his duties.

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Chapter:	358	Title:	WATER POLLUTION CONTROL ORDINANCE	Gazette Number:	
Section:	37	Heading:	Powers of authorized officers to enter premises etc.	Version Date:	30/06/1997

(1) Subject to subsection (2), an authorized officer may, for the purposes of this Ordinance, without a warrant enter any place or premises or stop and board any vessel-

- (a) from or on which he has reason to suspect that, in contravention of section 8(1) or (1A), matter has been or is being discharged or deposited into the waters of Hong Kong or inland waters, or, in contravention of section 9(1), matter has been or is being discharged or deposited into any communal sewer or communal drain;
- (b) from or on which matter is being discharged or deposited as mentioned in paragraph (a) pursuant to a licence, whether or not there is a suspected contravention of section 8 or 9;
- (c) on which he has reason to believe there is any thing likely to be, or to contain, evidence of an offence against this Ordinance. (Amended 67 of 1990 s. 22)

(2) An authorized officer shall not under subsection (1) enter domestic premises (other than that part of such premises on which there is a private wastewater treatment facility) or board any vessel used wholly or principally for dwelling purposes without a warrant issued by a magistrate under subsection (3). (Amended 83 of 1993 s. 24)

(3) A magistrate may issue a warrant empowering any authorized officer to enter domestic premises or to board any vessel used wholly or principally for dwelling purposes if the magistrate is satisfied by information on oath that there is reasonable ground for suspecting that-

- (a) contrary to section 8(1) or (1A), any matter is being or has been discharged or deposited into the waters of Hong Kong or inland waters from those premises or that vessel; or
- (b) contrary to section 9(1), any matter is being or has been discharged or deposited from those premises or that vessel into any communal sewer or communal drain;
- (c) there is on those premises or on that vessel any thing likely to be, or to contain, evidence of an offence against this Ordinance. (Amended 67 of 1990 s. 22)

(3A) Where an authorized officer or authorized agent has reasonable grounds for believing that it is necessary for the purpose of carrying out any work under section 13A or authorized under the

regulations, he may without warrant enter any place or premises on which any inspection, survey or work is to be carried out or through which access is needed for that purpose. (Added 83 of 1993 s. 24)

(3B) An authorized officer or authorized agent shall not under subsection (3A) enter domestic premises without a warrant issued by a magistrate under subsection (3C). (Added 83 of 1993 s. 24)

(3C) A magistrate may issue a warrant empowering an authorized officer or authorized agent to enter any premises if he is satisfied by information on oath that the entry is required for the purpose of section 13A or for the purposes authorized under the regulations. (Added 83 of 1993 s. 24)

(4) An authorized officer or authorized agent who enters any place or premises or boards any vessel-

(a) shall, if so required, produce evidence of his identity and of his authorization by the Authority under this Ordinance; and

(b) shall, if a warrant is under subsection (3) or (3C) required for entry, produce that warrant. (Amended 83 of 1993 s. 24)

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Chapter:	358	Title:	WATER POLLUTION CONTROL ORDINANCE	Gazette Number:	
Section:	38	Heading:	Further powers of authorized officers	Version Date:	30/06/1997

An authorized officer who has pursuant to section 37 or any warrant issued thereunder, entered any place or premises or boarded any vessel, or who has been admitted to any place, premises or vessel in the course of his duties, may-

(a) inspect any plant or equipment or observe any process or procedure which he has reason to suspect is being, or has been, or is intended to be, used in connection with-

(i) a discharge or deposit which is being, or has been, made contrary to section 8(1) or (1A) or 9(1), or is made pursuant to a licence;

(ii) the treatment of any matter which is being, or is intended to be, discharged or deposited into the waters of Hong Kong or inland waters or into any communal sewer or communal drain,

and may require any person in charge of the place, premises or vessel to do anything which the officer reasonably considers to be necessary for facilitating the inspection or observation; (Amended 67 of 1990 s. 22)

(b) require the person in charge of the place, premises or vessel to produce for examination any drawing, record or document which is in the possession of such person, or which he can reasonably obtain, relating to any plant or equipment referred to in paragraph (a) or to any discharge or deposit to which section 8(1) or (1A) or 9(1) applies or the officer has reason to suspect may apply; (Amended 67 of 1990 s. 22)

(ba) if there are reasonable grounds for believing that it is necessary for the purpose of carrying out his duties or for the effective enforcement of this Ordinance, require a person present at the place or premises or by or on board the vessel to produce his identity card for inspection, to give his address and telephone number and to produce evidence to that effect for inspection; (Added 83 of 1993 s. 25)

(c) seize, remove and detain any drawing, record or document referred to in paragraph (b) or any other article or thing if he has reason to suspect that it is, or contains, evidence of an offence under this Ordinance;

(d) examine and make copies of records kept pursuant to a condition of the kind mentioned in paragraph 9 of the First Schedule;

(e) install sampling devices for and take samples of any matter which is within the description in paragraph (a)(ii) or which he has reason to believe may come

within that description. (Amended 83 of 1993 s. 25)

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Chapter:	358	Title:	WATER POLLUTION CONTROL ORDINANCE	Gazette Number:	
Section:	40	Heading:	Offences in relation to sections 37 and 38	Version Date:	30/06/1997

A person who-

- (a) wilfully obstructs an authorized officer in the exercise of any power conferred on such officer by or under section 37 or 38; or
- (b) fails without reasonable excuse to comply with any requirement duly made by an officer under those sections; or
- (c) in compliance or purported compliance with any such requirement produces any drawing, document or record which he knows to be incorrect or inaccurate in a material particular or does not believe to be correct and accurate,

commits an offence and is liable to a fine of \$10000.

(Amended 67 of 1990 s. 18)

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Chapter:	528	Title:	COPYRIGHT ORDINANCE	Gazette Number:	
Section:	278	Heading:	Commissioner may authorize officers	Version Date:	30/06/1997

General

The Commissioner may authorize any public officer to exercise any of the powers and perform any of the duties conferred or imposed on an authorized officer under this Ordinance.

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Chapter:	528	Title:	COPYRIGHT ORDINANCE	Gazette Number:	L.N. 235 of 1998
Section:	122	Heading:	Powers of investigating officers	Version Date:	29/05/1998

(1) An authorized officer may-

(a) (i) subject to section 123, enter and search any place; (Amended 22 of 1998 s. 45)

(ii) stop, board and search any vessel (other than a ship of war) or any aircraft (other than a military aircraft); or

(iii) stop and search any vehicle (other than a military vehicle), in which he reasonably suspects that there is-

(A) an article which is an infringing copy of a copyright work;

(B) an article specifically designed or adapted for making copies of a particular copyright work which article is used or intended to be used for making infringing copies of any such work; or

(C) anything which appears to him to be or to contain, or to be likely to be or to contain, evidence of an offence under this Part; and

(b) seize, remove or detain-

(i) any article which appears to him to be an infringing copy of a copyright work or an article specifically designed or adapted for making copies of a particular copyright work which appears to him to be intended for use for making infringing copies of any such work;

(ii) anything which appears to him to be or to contain, or to be likely to be or to contain, evidence of an offence under this Part; and

(iii) any vessel, aircraft or vehicle (other than a ship of war or a military aircraft or vehicle) which he reasonably suspects to be or, has been used in connection with an offence under this Part.

(2) An authorized officer may-

(a) break into and forcibly enter any place which he is empowered or authorized by this Part to enter and search; (Amended 22 of 1998 s. 45)

(b) forcibly board any vessel, aircraft or vehicle which he is empowered by this Part to stop, board and search;

(c) remove by force any person or thing obstructing him in the exercise of any power conferred on him by this Part;

(d) detain any person found in any place which he is empowered or authorized by

this Part to search until such place has been searched;
(e) prevent any person from approaching or boarding any vessel, aircraft or vehicle which he is empowered by this Part to stop, board and search until it has been searched.

(3) An authorized officer may call upon any authorized officer to assist him in the exercise of any of his powers under this section. (Added 22 of 1998 s. 45)

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Chapter:	528	Title:	COPYRIGHT ORDINANCE	Gazette Number:	L.N. 235 of 1998
Section:	123	Heading:	Authority to issue warrant for entry and search	Version Date:	29/05/1998

(1) A magistrate may, if he is satisfied by information on oath that there are reasonable grounds for suspecting that there is in any place any article or thing which may be seized, removed or detained under section 122(1)(b), issue a warrant authorizing an authorized officer to enter and search the place.

(2) Subject to subsection (3), an authorized officer shall not enter and search any place under section 122(1)(a)(i) except under the authority of a warrant issued under this section.

(3) An authorized officer may enter and search any place under section 122(1)(a)(i) without a warrant issued under this section if the delay necessary to obtain a warrant could result in the loss or destruction of evidence or for any other reason it would not be reasonably practicable to obtain a warrant.

(Replaced 22 of 1998 s. 46)

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Chapter:	528	Title:	COPYRIGHT ORDINANCE	Gazette Number:	
Section:	124	Heading:	Obstruction of investigating officers	Version Date:	30/06/1997

(1) Without prejudice to any other Ordinance, any person who-

- (a) wilfully obstructs an authorized officer in the exercise of his powers or the performance of his duties under this Ordinance;
- (b) wilfully fails to comply with any requirement properly made to him by any such authorized officer; or
- (c) without reasonable excuse, fails to give such authorized officer any other assistance which he may reasonably require to be given for the purpose of exercising his powers or performing his duties under this Ordinance,

is guilty of an offence and is liable on conviction to a fine at level 4 and to imprisonment for 3 months.

(2) Any person who, when required to give information to an authorized officer in the exercise of his powers or the performance of his duties under this Ordinance, knowingly gives false or misleading information to any such authorized officer is guilty of an offence and is liable on conviction to a fine at level 4 and to imprisonment for 3 months.

(3) Nothing in this section requires any person to give any information which may incriminate him.

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Chapter:	544	Title:	PREVENTION OF COPYRIGHT PIRACY ORDINANCE	Gazette Number: L.N. 46 of 2001
Section:	2	Heading:	Interpretation	Version Date: 01/04/2001

(1) In this Ordinance, unless the context otherwise requires-

"authorized officer" (獲授權人員) means a public officer authorized by the Commissioner under section 32;

"building" (建築物) includes any fixed structure, and a part of a building or fixed structure; (Added 64 of 2000 s. 20)

"Commissioner" (關長) means the Commissioner of Customs and Excise and any Deputy or Assistant Commissioner of Customs and Excise;

"court" (法院) includes a magistrate;

"licence" (特許) means a licence granted under section 5;

"licensed premises" (獲批特許的處所), in relation to a licensee, means any premises specified in his licence in which optical discs are authorized to be manufactured;

"licensee" (特許持有人) means a person to whom a licence is granted, and includes any person to whom a licence is transferred in accordance with section 8;

"manager" (管理人), in relation to a place of public entertainment, means the person responsible for the control or management of that place at the material time; (Added 64 of 2000 s. 20)

"manufacturer's code" (製造者代碼) means a manufacturer's code assigned to a licensee under section 5(2)(a) or 8(3)(b);

"optical disc" (光碟) includes-

(a) any medium or device listed in Schedule 1; and

(b) any other medium or device on which data may be stored in digital form and read by means of a laser,

and, for greater certainty, includes any such medium or device manufactured for any purpose and whether or not any data readable by means of a laser has been stored on it;

"performance" (表演) includes the meanings assigned to it by sections 27(2) and 200(2) of the Copyright Ordinance (Cap 528); (Added 64 of 2000 s. 20)

"place" (地方) means any area on land or water and includes any building, structure or enclosure, whether moveable or not;

"place of public entertainment" (公眾娛樂場所) means any building that is-

- (a) used primarily as a cinema, theatre or concert hall for the showing or playing of films or the performance of literary, dramatic or musical works; and
- (b) required to be licensed under the Places of Public Entertainment Ordinance (Cap 172),

and includes any building that is used as described in paragraph (a) the management and control of which is vested in the Government, but does not include a foyer; (Added 64 of 2000 s. 20)

"register" (登記冊) means the register kept by the Commissioner under section 31;

"video recording equipment" (攝錄器材) means any device that is capable of making a recording, on any medium, from which a moving image may by any means be produced or that may enable such recordings to be made, either in the same place at which it is used, or by electronic or other transmission at another place. (Added 64 of 2000 s. 20)

(2) For the purpose of this Ordinance, a person manufactures optical discs in Hong Kong if he owns, directs, manages or otherwise has control of a business in Hong Kong which includes the manufacturing of optical discs in Hong Kong.

(3) All other words and expressions used in this Ordinance and defined in the Copyright Ordinance (Cap 528) have the same meaning as in that Ordinance.

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Chapter: 544 Title: PREVENTION OF COPYRIGHT PIRACY ORDINANCE Gazette Number: L.N. 46 of 2001

Section: 32 Heading: **Appointment of authorized officers** Version Date: 01/04/2001

PART IV

GENERAL

(Added 64 of 2000 s. 32)

The Commissioner may authorize in writing any public officer to exercise any of the powers and perform any of the duties conferred or imposed on an authorized officer by this Ordinance.

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▼	Chapter: 544	Title: PREVENTION OF COPYRIGHT PIRACY ORDINANCE	Gazette Number: L.N. 46 of 2001
	Section: 17	Heading: Power of authorized officers to inspect licensed premises, etc.	Version Date: 01/04/2001

Inspection and enforcement

(1) Every authorized officer shall for the purposes of this Part have power to do all or any of the following things- (Amended 64 of 2000 s. 24)

- (a) to enter at all reasonable times (or, if specially authorized in writing by the Commissioner, at any time) any licensed premises;
- (b) to inspect and search the licensed premises and every part thereof;
- (c) to require the production of any licence relating to the operation of the licensed premises or the business concerned, whether granted under this Part or otherwise; (Amended 64 of 2000 s. 24)
- (d) to require the production of any book or document relating to the business concerned, including any licence or other document relating to a person's right to manufacture optical discs;
- (e) to inspect, remove and detain for the purpose of examination for so long as the Commissioner may consider necessary and to examine and copy any such licence, book or document;
- (f) to remove and detain for the purpose of examination for so long as the Commissioner may consider necessary and to examine samples of optical discs found in the licensed premises;
- (g) to make such examination and inquiry as may be necessary to ascertain whether-
 - (i) the provisions of this Part or any regulations made for the purposes of this Part;
 - (ii) the provisions of the Copyright Ordinance (Cap 528); or
 - (iii) the conditions of any licence granted under this Part, are being, or have been, complied with; and (Replaced 64 of 2000 s. 24)
- (h) to exercise such other powers as may be necessary for giving effect to the provisions of this Part. (Amended 64 of 2000 s. 24)

(2) A licensee and the employees, servants or agents of a licensee shall furnish the means required by an authorized officer to enable him to exercise his powers or perform his duties under this section.

(3) If in pursuance of this section any authorized officer, having demanded admission into any place

and declared his name and business at any entrance thereof, is not immediately admitted, he and any person acting in his aid may break into and forcibly enter the place.

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Chapter:	544	Title:	PREVENTION OF COPYRIGHT PIRACY ORDINANCE	Gazette Number: L.N. 46 of 2001
Section:	18	Heading:	Power of authorized officers to enter and search, etc.	Version Date: 01/04/2001

(1) An authorized officer may-

- (a) subject to section 19, enter and search any place; and
- (b) stop, board and search any vessel, aircraft or vehicle (other than a ship of war, military aircraft or military vehicle),

in which he reasonably suspects that there is-

- (i) any optical disc which has been manufactured in contravention of this Part; or
- (ii) any machinery, equipment or other thing which may be or may contain, or which may likely be or contain, evidence of an offence under this Part. (Amended 64 of 2000 s. 25)

(2) An authorized officer may, in exercising his powers under subsection (1), seize, remove or detain-

- (a) any optical disc which appears to him to have been, or to be likely to have been, manufactured in contravention of this Part; and
- (b) any machinery, equipment or other thing which appears to him to be or to contain, or to be likely to be or to contain, evidence of an offence under this Part. (Amended 64 of 2000 s. 25)

(3) An authorized officer may seize, remove or detain any vessel, aircraft or vehicle (other than a ship of war, military aircraft or military vehicle) which he is empowered by this section to stop, board and search and which he reasonably suspects is being used, or to have been used, in connection with an offence under this Part. (Amended 64 of 2000 s. 25)

(4) An authorized officer may-

- (a) break into and forcibly enter any place which he is empowered by this section to enter and search;
- (b) forcibly board any vessel, aircraft or vehicle which he is empowered by this

section to stop, board and search;

(c) remove by force any person or thing obstructing him in the exercise of any power conferred on him by this section;

(d) detain any person found in any place which he is empowered by this section to enter and search until such place has been searched; and

(e) prevent any person from approaching or boarding any vessel, aircraft or vehicle which he is empowered by this section to stop, board and search until it has been searched.

(5) Where it is not practicable to remove any machinery, equipment or other thing pursuant to subsection (2)(b), an authorized officer may seal the machinery, equipment or other thing or the place where it is kept so as to prevent its use without breaking the seal.

(6) Where a place is sealed under subsection (5), the period for which the place is sealed shall not exceed 14 days unless an order has been made under subsection (8).

(7) The Commissioner may apply to a magistrate for an order that the period under subsection (6) be extended or further extended for such period as specified in the application.

(8) Upon an application made under subsection (7), the magistrate may, if having regard to all the circumstances of the case he thinks proper so to do, make an order extending or further extending the period under subsection (6) for such period as he thinks fit.

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Chapter:	544	Title:	PREVENTION OF COPYRIGHT PIRACY ORDINANCE	Gazette Number: L.N. 46 of 2001
Section:	19	Heading:	Authority to issue warrant for entry and search	Version Date: 01/04/2001

(1) A magistrate may, if he is satisfied by information on oath that there are reasonable grounds for suspecting that there is in any place-

- (a) any optical disc which has been manufactured in contravention of this Part; or
- (b) any machinery, equipment or other thing which may be or may contain, or which may likely be or contain, evidence of an offence under this Part,

issue a warrant authorizing an authorized officer to enter and search the place. (Amended 64 of 2000 s. 25)

(2) Subject to subsection (3), an authorized officer shall not enter and search any place under section 18(1)(a) except under the authority of a warrant issued under this section.

(3) An authorized officer may enter and search any place under section 18(1)(a) without a warrant issued under this section if the delay necessary to obtain a warrant could result in the loss or destruction of evidence or for any other reason it would not be reasonably practicable to obtain a warrant.

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Chapter:	544	Title:	PREVENTION OF COPYRIGHT PIRACY ORDINANCE	Gazette Number: L.N. 46 of 2001
Section:	31F	Heading:	Power of authorized officers to enter and search, etc.	Version Date: 01/04/2001

(1) An authorized officer may, with the consent of the manager or any person authorized in that behalf by the manager, and without a warrant and without payment of any admission fee or other charge, enter and search any place of public entertainment.

(2) An authorized officer may enter and search any place of public entertainment without a warrant and without the consent of the manager or any other person, and without payment of any admission fee or other charge, if-

(a) the authorized officer has reason to suspect that any offence under this Part has been or is being committed; and

(b) the delay necessary to obtain a warrant could result in the loss or destruction of evidence or for any other reason it would not be reasonably practicable to obtain a warrant.

(3) An authorized officer may, in exercising his powers under subsection (1) or (2)-

(a) search any person if he has reason to suspect that the person has in his actual possession any video recording equipment in respect of which an offence has been committed under section 31C; and

(b) seize, remove or detain any video recording equipment or other thing which appears to him to be or to contain, or to be likely to be or to contain, evidence of an offence under this Part.

(4) An authorized officer may-

(a) use reasonable force to remove any person or thing obstructing him in the exercise of any power conferred on him by this section;

(b) detain any person found in any place which he is empowered by this section to enter and search if, after inquiry, he has reasonable grounds for believing the person is connected with the subject-matter of the search and he considers it necessary to detain the person in order to be able to adequately perform the search; and

(c) require the manager of the place or any other person who appears to be at the time responsible for the control or management of the place to give information or render assistance that may be necessary to enable the authorized officer to carry out his functions under this section.

(Part III added 64 of 2000 s. 31)

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Chapter:	544	Title:	PREVENTION OF COPYRIGHT PIRACY ORDINANCE	Gazette Number: L.N. 46 of 2001
Section:	33A	Heading:	Obstruction of authorized officers	Version Date: 01/04/2001

(1) Without prejudice to any other Ordinance, any person who-

- (a) wilfully obstructs an authorized officer in the exercise of his powers or the performance of his duties under this Ordinance;
- (b) wilfully fails to comply with any requirement properly made to him by any such authorized officer;
- (c) without reasonable excuse, fails to give such authorized officer any other assistance which he may reasonably require to be given for the purpose of exercising his powers or performing his duties under this Ordinance; or
- (d) breaks or interferes with a seal affixed by an authorized officer under section 18(5),

commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 year.

(2) Any person who, when required to give information to the Commissioner or an authorized officer in the exercise of his powers or the performance of his duties under this Ordinance, knowingly gives false or misleading information commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 1 year.

(3) Nothing in this section requires any person to give any information which may incriminate him.

(4) No person commits an offence under subsection (1)(d) if he breaks or interferes with a seal affixed by an authorized officer under section 18(5)-

- (a) in the bona fide belief that it is necessary immediately to break or interfere with the seal in order to prevent injury being suffered by any person or damage being incurred to any premises, place, machinery, equipment or other thing; or
- (b) in the exercise of his duties as a public officer.

(Added 64 of 2000 s. 33)

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Chapter:	595	Title:	HAZARDOUS CHEMICALS CONTROL ORDINANCE	Gazette Number:
Section:	2	Heading:	Interpretation	Version Date:

Remarks:
not yet in operation

(1) In this Ordinance, unless the context otherwise requires—

“authorized officer” (獲授權人員) means the Director or any public officer appointed to be an authorized officer under section 38;

“container” (容器) includes a packet;

“court” (法院) includes a magistrate;

“Director” (署長) means the Director of Environmental Protection;

“export” (出口), in relation to a scheduled chemical, means to take the chemical, or cause the chemical to be taken, out of Hong Kong by air, land or water;

“hazardous chemical” (有毒化學品) means any chemical that—

(a) is not a pesticide; and

(b) has potentially harmful or adverse effect on human health or the environment, including any such chemical that is subject to the regulation of the Rotterdam Convention or the Stockholm Convention;

“import” (進口), in relation to a scheduled chemical, means to bring the chemical, or cause the chemical to be brought, into Hong Kong by air, land or water;

“notice of cancellation” (取消通知) means a notice referred to in section 19;

“part” (部分), in relation to any thing, means any part of that thing, whether or not that part is a constituent element of that thing;

“permit” (許可證) means a permit issued or renewed under section 10;

“permit holder” (許可證持有人), where the context requires, includes a holder of a permit which—

(a) has been or is to be cancelled or suspended under section 19 or 27; or

(b) has been or is to be partially cancelled or suspended under section 31;

“pesticide” (除害劑) means a pesticide as defined in section 2 of the Pesticides Ordinance (Cap

133);

“premises” (處所) includes any place and in particular includes any aircraft, vehicle or vessel;

“prescribed fee” (訂明費用), in relation to any matter, means the fee payable under this

Ordinance in relation to that matter and prescribed by any regulation made under section 46;

“Rotterdam Convention” (《鹿特丹公約》) means the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade adopted on 10 September 1998 as amended from time to time and as applied to Hong Kong;

“scheduled chemical” (受管制化學品) means a Type 1 chemical or Type 2 chemical;

“Secretary” (局長) means the Secretary for the Environment;

“Stockholm Convention” (《斯德哥爾摩公約》) means the Stockholm Convention on Persistent Organic Pollutants adopted on 22 May 2001 as amended from time to time and as applied to Hong Kong;

“thing” (物品) includes a substance;

“Type 1 chemical” (第1類化學品) means a hazardous chemical specified in Part 1 of Schedule 1;

“Type 2 chemical” (第2類化學品) means a hazardous chemical specified in Part 1 of Schedule 2;

“vary” (更改)—

(a) in relation to the conditions of a permit, means—

(i) to modify any of those conditions;

(ii) to substitute any condition for any of those conditions;

(iii) to add any condition to those conditions;

(iv) to cancel any of those conditions; or

(v) to do 2 or more of the acts mentioned in subparagraphs (i), (ii), (iii) and (iv); or

(b) in relation to the directions given under section 22, means—

(i) to modify any of those directions;

(ii) to substitute any direction for any of those directions;

(iii) to add any direction to those directions;

(iv) to cancel any of those directions; or

(v) to do 2 or more of the acts mentioned in subparagraphs (i), (ii), (iii) and (iv).

(2) In this Ordinance, unless the context otherwise requires, a reference to manufacture, in relation to a scheduled chemical, includes causing the chemical to be manufactured.

(3) For the avoidance of doubt, a scheduled chemical is not regarded as having been manufactured if it is produced incidentally in the course of the manufacture of any other thing.

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Chapter: 595 Title: HAZARDOUS CHEMICALS CONTROL ORDINANCE Gazette Number:
 Section: 38 Heading: **Appointment of authorized officers** Version Date:

Remarks:
not yet in operation

PART 6

MISCELLANEOUS PROVISIONS

The Director may in writing appoint any public officer to be an authorized officer for the purposes of this Ordinance.

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Chapter:	595	Title:	HAZARDOUS CHEMICALS CONTROL ORDINANCE	Gazette Number:
Section:	32	Heading:	Power to enter non- domestic premises, etc. for routine inspection	Version Date:

Remarks:
not yet in operation

PART 5

ENFORCEMENT POWERS, ETC.

(1) For the purposes of ascertaining whether this Ordinance has been or is being complied with, an authorized officer may, at any reasonable time, enter any premises, other than domestic premises, which he reasonably believes is used for manufacturing any scheduled chemical or for facilitating the export, import or use of any such chemical.

(2) After entering any premises under subsection (1), an authorized officer may, at the premises, exercise any or all of the following powers—

- (a) to require the production of, inspect and examine—
 - (i) any thing that is or he reasonably believes to be a scheduled chemical; or
 - (ii) any thing that contains or he reasonably believes to contain any such chemical, including any thing that he reasonably believes to have any such chemical as its part;
- (b) to require the production or provision of, inspect and examine—
 - (i) any permit or other document to which any scheduled chemical relates, including any document that relates to the origin or nature of such chemical; and
 - (ii) any other document or information or any other thing that he reasonably believes to be relevant to an offence under section 6, 7, 8 or 9;
- (c) to take and make copies of any permit, document and information referred to in paragraph (b);
- (d) to take, without payment but subject to the issue of a receipt for it, such sample of any thing as he may reasonably require for the purposes of examination and investigation to determine whether an offence may have been committed under section 6, 7, 8 or 9.

(3) A person commits an offence if he—

- (a) without reasonable excuse, fails to comply with a requirement made under subsection (2)(a) or (b); or
- (b) wilfully obstructs an authorized officer in the exercise of any power conferred under subsection (1) or (2).

(4) A person who commits an offence under subsection (3) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

(5) Where a sample of any thing is taken away by an authorized officer under subsection (2) for the purposes of examination and investigation, the Director may, after the examination and investigation, direct that the sample be returned to its owner or to the premises from which it was taken or disposed of in such other way as he considers appropriate.

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Chapter:	595	Title:	HAZARDOUS CHEMICALS CONTROL ORDINANCE	Gazette Number:
Section:	33	Heading:	Power to enter any premises, etc. in other cases	Version Date:

Remarks:
not yet in operation

(1) Where a warrant has been issued under section 34 in respect of any premises, an authorized officer may enter the premises and exercise any or all of the following powers—

- (a) to stop and search any person found at the premises whom he reasonably believes to have committed or is committing an offence under section 6, 7, 8 or 9;
- (b) to require the production of, inspect and examine—
 - (i) any thing that is or he reasonably believes to be a scheduled chemical; or
 - (ii) any thing that contains or he reasonably believes to contain any such chemical, including any thing that he reasonably believes to have any such chemical as its part;
- (c) to require the production or provision of, inspect and examine—
 - (i) any permit or other document to which any scheduled chemical relates, including any document that relates to the origin or nature of such chemical; and
 - (ii) any other document or information or any other thing that he reasonably believes to be or contain evidence of the commission of an offence under section 6, 7, 8 or 9;
- (d) to take and make copies of any permit, document and information referred to in paragraph (c);
- (e) to seize, remove and detain any thing that he reasonably believes to be or contain evidence of the commission of an offence under section 6, 7, 8 or 9.

(2) A person commits an offence if he—

- (a) without reasonable excuse, fails to comply with a requirement made under subsection (1)(b) or (c); or
- (b) wilfully obstructs an authorized officer in the exercise of any power conferred under subsection (1).

(3) A person who commits an offence under subsection (2) is liable on conviction to a fine at level 3 and to imprisonment for 6 months.

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Chapter:	595	Title:	HAZARDOUS CHEMICALS CONTROL ORDINANCE	Gazette Number:
Section:	34	Heading:	Warrants to be obtained for exercising powers under section 33	Version Date:

Remarks:
not yet in operation

(1) A court may issue a warrant in respect of any premises if it is satisfied by information on oath that there are reasonable grounds for believing that—

- (a) an offence under section 6, 7, 8 or 9 has been or is being committed at the premises; or
- (b) there is or may be at the premises any thing that is or contains, or is likely to be or contain, evidence of the commission of an offence under section 6, 7, 8 or 9.

(2) A warrant issued under subsection (1) may authorize an authorized officer—

- (a) to enter, by force if necessary, and search the premises specified in the information; and
- (b) to take with him such assistants as may be necessary.

(3) A warrant issued under subsection (1) continues in force until the purpose for which the entry is necessary has been satisfied.

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