

Chapter:	51	Title:	GAS SAFETY ORDINANCE	Gazette Number:	
Section:	12	Heading:	Powers of entry, etc.	Version Date:	30/06/1997

- (1) Subject to this section, an authorized officer may-
- (a) enter, inspect and examine any place or premises in which any gas is manufactured, stored, supplied or used and every part of such place or premises, at all times by day and by night, but so as not unnecessarily to impede or obstruct the work in such place or premises, and may make inquiries as to the observance of any requirements under this Ordinance and all matters and things relating to the safety of members of the public or of the persons employed in or about such place or premises;
 - (b) require the responsible person for any place or premises which he is entitled under this section to enter, or a person employed in such place or premises by the responsible person, to give him samples of any substance in such place or premises;
 - (c) enter and search any place or premises in which he has reasonable grounds for suspecting that there may be anything which is liable to seizure under paragraph (e);
 - (d) stop, board and search any ship, vehicle or aircraft in which he has reasonable grounds for suspecting that there may be anything which is liable to seizure under paragraph (e); (Amended 3 of 1996 s. 4)
 - (e) seize, remove and detain-
 - (i) anything in respect of which he has reasonable grounds for suspecting that any offence against this Ordinance has been committed; or
 - (ii) any other thing which appears to him likely to be, or to contain, evidence of any such offence; and (Amended 3 of 1996 s. 4)
 - (f) enter upon the site of and inspect any works in the vicinity of a gas pipe. (Added 3 of 1996 s. 4)
- (2) An authorized officer may-
- (a) ~~break open any outer~~ or inner door of any place or premises which he is empowered to enter and search;
 - (b) forcibly enter any ship, vehicle or aircraft which he is empowered to stop, board and search and every part thereof;
 - (c) remove by force any material obstruction to, or any person obstructing any arrest, detention, entry, search, inspection, seizure or removal which he is empowered to make;
 - (d) detain any person found in any place or premises which he is empowered to enter and search until such place or premises have been searched; and
 - (e) detain any ship, vehicle or aircraft which he is empowered to stop, board and search and any person on board such vessel or vehicle and prevent any person from approaching or boarding such vessel or vehicle until such vessel or vehicle has been searched.
- (3) Without prejudice to any power of entry or search conferred by any other enactment, no authorized officer shall enter or search any domestic premises except-
- (a) by virtue of a warrant issued by a magistrate, where the magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Ordinance has been, is being or is about to be committed in such premises or there is in such premises anything likely to be or to contain evidence of such offence; or
 - (b) without warrant, where the authorized officer is of the opinion, having regard to the circumstances of the case, that the matter to which the entry or the search relates is an imminent danger to any person or property.
- (4) An authorized officer may exercise any of his powers under this section with the assistance of such other persons as he thinks fit.
- (5) For the purposes of this section, "authorized officer" (特准人員) means-
- (a) an inspector; or
 - (b) a police officer not below the rank of inspector in the Royal Hong Kong Police Force.

(Enacted 1990)

Chapter:	60	Title:	IMPORT AND EXPORT ORDINANCE	Gazette Number:	
Section:	23	Heading:	Powers of arrest of authorized officers and members of the Customs and Excise Service	Version Date:	30/06/1997

(1) Any member of the Customs and Excise Service and any authorized officer may, subject to subsection (2), arrest or detain for further inquiries without warrant any person whom he reasonably suspects of having committed any offence under this Ordinance.

(2) Any member of the Customs and Excise Service and any authorized officer who arrests any person under subsection (1) shall take the person to a police station or, if further inquiries are necessary, first to the office of the Customs and Excise Service or the office of an authorized officer and then to a police station, there to be dealt with in accordance with the provisions of the Police Force Ordinance (Cap 232): (Amended 62 of 1993 s. 7)

Provided that in no case shall any person be detained for more than 48 hours without being charged and brought before a magistrate.

(3) If any person forcibly resists or attempts to evade arrest under this section, the member of the Customs and Excise Service or the authorized officer may use such force as is reasonably necessary to effect the arrest.

(4) If any member of the Customs and Excise Service or any authorized officer has reason to believe that a person whom he intends to arrest (hereinafter in this section referred to as the suspected offender) has entered into or is in any place or premises, any person residing in or in charge of such place or premises shall, on demand by the member or authorized officer, allow him free entry thereto and afford all reasonable facilities to search for the suspected offender therein.

(5) If entry to such premises or place cannot be obtained under subsection (4) a member of the Customs and Excise Service or an authorized officer, in any case in which a warrant to enter and search such premises or place may issue but cannot be obtained without affording the suspected offender an opportunity to escape, may enter the premises or place and therein search for the suspected offender and for the purpose of entry or search may break open any outer or inner door or window of the premises or place.

Chapter:	82	Title:	COMMODITY EXCHANGES (PROHIBITION) ORDNANCE	Gazette Number:	
Section:	5	Heading:	Power of entry and search, etc.	Version Date:	30/06/1997

- (1) Any police officer not below the rank of superintendent may, without warrant and with the assistance of such other police officers as may be necessary-
- (a) enter and search any premises in which he reasonably suspects that an offence against section 4 is being or has been committed; and
 - (b) remove and detain any equipment, books, records, accounts or other documents which he reasonably suspects to be, or to contain, evidence of the commission of that offence.
- (2) Any such police officer may-
- (a) ~~break open any outer~~ or inner door of any premises which he is empowered to enter under subsection (1);
 - (b) remove by force any person or thing obstructing him in the exercise of his powers under subsection (1);
 - (c) detain any person found in such premises until the premises have been searched.

Chapter:	98	Title:	POST OFFICE ORDINANCE	Gazette Number:	
Section:	23	Heading:	Power of search and seizure	Version Date:	30/06/1997

(1) It shall be lawful for any public officer who may, either generally or in a particular case, be authorized in writing by the Postmaster General in that behalf to search for, seize, remove and detain any postal article in respect of which such public officer may have reason to believe that any offence against this Ordinance has been committed.

(2) Such officer may, with or without assistance, if necessary-

- (a) ~~break open any outer~~ or inner door of any house, building or place and enter thereinto;
- (b) forcibly board and enter any ship (not being or having the status of a ship of war) and every part thereof;
- (c) search any person found in such house, building or place, or on board such ship:
Provided that no person shall be searched except by a person of the same sex;
(Amended 67 of 1995 s. 91(2))
- (d) remove by force any material obstruction to, or any person obstructing, any such entry, search, seizure, removal and detention as he is empowered to effect; and
- (e) open and examine any postal article found in such house, building or place, or on board such ship.

(3) No person shall delay or obstruct any entry, search, seizure, removal or detention which is authorized by this Ordinance.

(4) It shall be lawful for any public officer who in the execution of his duty discovers any postal article in respect of which he may have reason to believe that any offence whatsoever has been or is about to be committed to seize and detain any such postal article. (Amended 33 of 1939; G.N. 840 of 1940 Supp. Schedule)

Chapter:	106	Title:	TELECOMMUNICATION ORDINANCE	Gazette Number:	
Section:	35	Heading:	Power of Authority	Version Date:	30/06/1997

(1) The Authority, or any public officer authorized in writing in that behalf by the Authority, may-

- (a) arrest any person whom he reasonably suspects of being guilty of an offence under this Ordinance;
- (b) subject to subsection (2), enter and search any place, or board and search any vessel (other than a ship of war) or any aircraft (other than a military aircraft) or search any vehicle, in which he reasonably suspects that there is anything liable to seizure under paragraph (c);
- (c) seize, remove and detain-
 - (i) anything in respect of which he reasonably suspects that an offence under this Ordinance has been committed;
 - (ii) anything that appears to him to be or to be likely to be, or to contain, evidence of an offence under this Ordinance;
- (d) enter and inspect the premises at or from which any person manufactures, sells or otherwise deals in apparatus that may be used for telecommunication and require the production to him of any books or documents relating to such apparatus.

(2) Where he is satisfied by information on oath that there is reasonable ground for suspecting that there is in any premises used for dwelling purposes anything that is liable to seizure under subsection (1)(c), a magistrate may issue his warrant authorizing such premises to be entered and searched by the Authority or any other public officer, and no premises used for dwelling purposes shall be entered or searched under this Ordinance except pursuant to the warrant of a magistrate issued under this subsection.

(3) The ~~Authority or any public officer~~ may-

- (a) ~~break open any outer~~ or inner door of any place that he is empowered or authorized by or under this Ordinance to enter and search;
- (b) forcibly board any vessel, aircraft or vehicle that he is empowered by this Ordinance to board and search;
- (c) remove by force any person or thing obstructing any arrest, detention, search, inspection, seizure or removal that he is empowered by this Ordinance to make;
- (d) detain any person found in any place that he is empowered or authorized by or under this Ordinance to search until such place has been searched;
- (e) detain any vessel or aircraft that he is empowered by this Ordinance to board and search, and prevent any person from approaching or boarding such vessel or aircraft, until it has been searched;
- (f) detain any vehicle that he is empowered by the Ordinance to search until it has been searched.

Chapter:	109	Title:	DUTIABLE COMMODITIES	Gazette Number:	
			ORDINANCE		
Section:	14	Heading:	Search of place or ship with warrant or authority or by police officer	Version Date:	30/06/1997

(1) Where it appears to any magistrate upon the oath of any person that there is reasonable cause to believe that in any place there are concealed or deposited any goods subject to forfeiture under this Ordinance, or with respect to which an offence has been committed or is about to be committed against the provisions of this Ordinance, the magistrate may, by his warrant directed to any member of the Customs and Excise Service or to any police officer, empower such member or officer by day or by night- (Amended 3 of 1970 s. 36)

(a) to enter the place named in the warrant and there to search for and seize, remove and detain any such goods; and

(b) to arrest any person being in such place in whose possession such goods may be found, or whom such member or officer may reasonably suspect of having concealed or deposited any such goods there or thereabout. (Amended 66 of 1986 s. 11)

(2) Such member or officer may, if necessary-

(a) ~~break open any outer~~ or inner door of the place and enter thereinto;

(b) forcibly enter the place and every part thereof;

(c) remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect;

(d) detain every person found in such place and prevent every person from approaching or entering the same, until the search is complete;

(e) seize, remove and detain any such goods, whether in such place or in any place whatever within Hong Kong, in the possession, custody or control of any of the persons against whom his warrant has been issued. (Amended 66 of 1986 s. 11)

(3) Whenever it appears to any member of the Customs and Excise Service generally or specially authorized in writing by the Commissioner for the purposes of this section, or to any police officer not below the rank of inspector, that there is reasonable cause to believe that in any place there are concealed or deposited goods liable to forfeiture under this Ordinance, or with respect to which an offence has been committed or is about to be committed against this Ordinance, and he has reasonable ground for believing that unless the place is searched forthwith the goods are likely to be removed, the said officer in virtue of his office may exercise in, upon and in respect of such place all the powers mentioned in this section as if he were empowered to do so by warrant. (Amended 66 of 1986 s. 11)

(4) (Repealed 66 of 1986 s. 11)

Chapter:	115	Title:	IMMIGRATION ORDINANCE	Gazette Number:	28 of 1998 s. 2(2)
Section:	56	Heading:	Miscellaneous powers of immigration officers and immigration assistants	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 28 of 1998 s. 2(2)

(1) For the purposes of this Ordinance, an immigration officer or immigration assistant may- (Amended 15 of 1980 s. 8)

- (a) board and search any ship, aircraft, vehicle or train which has arrived in Hong Kong (not being a ship of war or a military aircraft);
- (b) search any person being examined under section 4(1), other than a person who enjoys the right of abode in Hong Kong, or has the right to land in Hong Kong by virtue of section 2AAA, and any property belonging to such person or under his control; (Amended 31 of 1987 s. 24; 88 of 1997 s. 19; 28 of 1998 s. 2(2))
- (c)-(d) (Repealed 15 of 1980 s. 8)
- (e) seize, remove and detain any thing which may be forfeited under this Ordinance or which is or contains evidence of the commission of an offence under this Ordinance or of the landing of any person in Hong Kong unlawfully; (Amended 75 of 1981 s. 10)
- (f) (Repealed 15 of 1980 s. 8)
- (g) search any person who is or has been or may be arrested or detained under this Ordinance and any property belonging to him or under his control.

(1A) For the purposes of this Ordinance, an immigration officer or immigration assistant may- (Amended 31 of 1984 s. 12)

- (a) detain for not more than 7 days any document-
 - (i) produced pursuant to a requirement under section 5(6)(b); or
 - (ii) found on any person searched under subsection (1)(b);
- (b) arrest and detain any person if he has reason to suspect that such person has committed an offence under this Ordinance, or has landed in Hong Kong unlawfully and has not been authorized by the Director to remain; (Amended 75 of 1981 s. 10)
- (c) board and search any ship, aircraft, vehicle or train (not being a ship of war or a military aircraft), if he has reason to suspect that there is therein- (Amended 68 of 1995 s. 55)
 - (i) any person who may be arrested under this Ordinance; or
 - (ii) any thing which may be seized under this Ordinance; (Added 15 of 1980 s. 8)
- (d) enter and search any premises or place if he has reason to suspect that there is therein any person who may be arrested under this Ordinance; (Added 68 of 1995 s. 55)
- (e) without a warrant where it would not be reasonably practicable to obtain one, enter and search any premises or place if he has reason to suspect that there is therein any thing which may be seized under this Ordinance. (Added 68 of 1995 s. 55)

(2) For the purposes of this Ordinance, any public officer may-

- (a) ~~break open any outer~~ or inner door of or in any premises or place which he is empowered to enter and search;
- (b) stop and forcibly board any ship, aircraft, vehicle or train which he is empowered to board and search;
- (c) stop any person whom he is empowered to search;
- (d) remove by force any person or thing obstructing any arrest, boarding, entry, search, seizure, removal or detention which he is empowered to make;
- (e) detain every person found in any premises or place which he is empowered to search until the same has been searched;
- (f) detain every person on board any ship, aircraft, vehicle or train which he is empowered to

search, and prevent any person from approaching or boarding such ship, aircraft, vehicle or train, until it has been searched.

(3) No person shall be searched under this section except by a person of the same sex and no person shall be searched under this section in a public place if he objects to being so searched. (Amended 67 of 1995 s. 91(2))

(4) Where a document is detained under subsection (1A)(a), the person by whom it was produced or on whom it was found shall be supplied with a photographic copy of such document if he so requests and makes payment therefor, and the copy so supplied to a person shall be made in his presence. (Amended 31 of 1984 s. 12)

Chapter:	134	Title:	DANGEROUS DRUGS ORDINANCE	Gazette Number:	L.N. 362 of 1997
Section:	52	Heading:	Powers of authorized officers	Version Date:	01/07/1997

(1) For the purposes of this Ordinance, any police officer and any member of the Customs and Excise Service may-

- (a) stop, board and search any ship, aircraft, vehicle or train which has arrived in Hong Kong (not being a ship of war or a military aircraft), and remain thereon as long as it remains in Hong Kong;
- (b) search any person arriving in Hong Kong or about to depart from Hong Kong;
- (c) search any thing imported into or to be exported from Hong Kong;
- (d) stop, board and search any ship, aircraft, vehicle or train if he has reason to suspect that there is therein an article liable to seizure;
- (e) without a warrant issued under subsection (1E) where it would not be reasonably practicable to obtain such a warrant, enter and search any place or premises if he has reason to suspect that there is therein an article liable to seizure; or (Amended 62 of 1994 s. 8)
- (f) stop and search any person, and search the property of any person, if-
 - (i) he has reason to suspect that such person has in his actual custody an article liable to seizure; or
 - (ii) such person is found in any ship, aircraft, vehicle, train, place or premises in which an article liable to seizure is found.

(1A) For the purposes of enabling a person to be searched under subsection (1)(f)(i), a police officer of or above the rank of inspector or a member of the Customs and Excise Service of or above the rank of inspector may request a registered medical practitioner or nurse registered or enrolled or deemed to be registered or enrolled under the Nurses Registration Ordinance (Cap 164), to examine the body cavities of that person. (Added 40 of 1982 s. 3)

(1B) A medical practitioner or nurse requested to examine the body cavities of a person under subsection (1A) may search the rectum, vagina, ears and any other body cavity of that person. (Added 40 of 1982 s. 3)

(1C) A medical practitioner or nurse carrying out an examination of a person at the request, under subsection (1A), of a police officer or member of the Customs and Excise Service who appears to be lawfully engaged in the performance of his duty shall not be bound to inquire whether or not the police officer or member is acting lawfully or within the scope of his duty. (Added 40 of 1982 s. 3)

(1D) A police officer or member of the Customs and Excise Service may detain a person in respect of whom a request is to be or has been made to a medical practitioner or nurse under subsection (1A) for such time as may reasonably be necessary to permit a medical practitioner or nurse to complete an examination of the body cavities of that person under this section. (Added 40 of 1982 s. 3)

(1E) Where it appears to any magistrate upon the oath of any person that there is reasonable cause to suspect that in any place there is an article liable to seizure under this Ordinance, or with respect to which an offence has been committed or is about to be committed against the provisions of this Ordinance, the magistrate may, by his warrant directed to any police officer or to any member of the Customs and Excise Service, empower such officer or member by day or by night to enter the place named in the warrant and there to search for and seize, remove and detain any such article. (Added 62 of 1994 s. 8)

(2) For the purpose of enabling a ship or aircraft to be searched under subsection (1)-

- (a) the Commissioner of Customs and Excise or the Commissioner of Police may by order in writing under his hand detain a ship for not more than 12 hours or an aircraft for not more than 6 hours; and (Amended 40 of 1985 s. 9)
- (b) the Chief Secretary for Administration may, by order in writing under his hand, detain a ship or aircraft for further periods of not more than 12 hours in the case of a ship or not

more than 6 hours in the case of an aircraft. (Amended L.N. 362 of 1997)

Any order made under this subsection shall state the times from which and for which the order is effective.

(3) Any public officer may seize, remove and detain any thing if he has reason to suspect that such thing is an article liable to seizure.

(4) Any public officer authorized in writing by the Director may uproot, seize, remove and destroy any plant of the genus cannabis or the opium poppy.

(5) For the purposes of this Ordinance, any public officer authorized in writing by the Director may-

(a) enter, inspect and search any place or premises occupied by-

(i) a person authorized by virtue of section 22(1)(a), (b) or (c) or (5A) or by virtue of section 24(1); (Amended 2 of 1992 s. 11)

(ii) a person whose authorization as aforesaid has been withdrawn under section 33 and the withdrawal suspended;

(iii) a person by whom any such person as aforesaid is employed; or

(iv) a person to whom a licence has been issued under this Ordinance;

(b) require the production of, and inspect, any register, record, book, prescription or other document kept or made pursuant to the requirements, or for the purposes, of this Ordinance or any other document relating to dealings in a dangerous drug by or on behalf of any such person as aforesaid; and

(c) inspect any stocks of a dangerous drug in the possession of any such person as aforesaid.

(6) For the purposes of this Ordinance, any public officer authorized in writing by the Director may-

(a) enter, inspect and search a hospital or institution specified in the Second Schedule or any place or premises occupied for the purposes of any such hospital or institution;

(b) require the production of, and inspect, any register, record, book, prescription or other document kept or made in any such hospital or institution pursuant to the requirements, or for the purposes, of this Ordinance or any other document relating to dealings in a dangerous drug for the purposes of such hospital or institution; and

(c) inspect any stocks of a dangerous drug in any such hospital or institution or in any such place or premises.

(7) An authorization given by the Director under this section may be given to a police officer, member of the Customs and Excise Service or public officer by name or may be given to any police officer, member of the Customs and Excise Service or other public officer for the time being holding such rank or public office as the Director may specify, and may extend to all the powers specified in subsection (2), (4) or (5), as the case may be, or to such of those powers as the Director may specify.

(8) Any public officer may-

(a) ~~break open any outer~~ or inner door of or in any place or premises which he is empowered by this section to enter and search;

(b) forcibly board any ship, aircraft, vehicle or train which he is empowered by this section to board and search;

(c) remove by force any person or thing who or which obstructs any entry, search, inspection, seizure, removal or detention which he is empowered by this section to make;

(d) detain every person found in any place or premises which he is empowered by this section to search until the same has been searched; and

(e) detain every person on board any ship, aircraft, vehicle or train which he is empowered by this section to search, and prevent any person from approaching or boarding such ship, aircraft, vehicle or train, until it has been searched.

(9) (a) (i) An examination of the body cavities of a person under this section shall, unless that person otherwise consents, be carried out by a medical practitioner or nurse of the same sex as that person.

(ii) Where a female has consented, under sub-paragraph (i), to an examination of her

body cavities by a medical practitioner or nurse of the opposite sex, such examination shall be in the presence of another female.

- (b) Subject to paragraph (a), no female shall be searched under this section except by a female.
- (c) No person shall be searched under this section in a public place if he objects to being so searched. (Replaced 40 of 1982 s. 3)

(9A) The provisions of this Ordinance (including section 56) which could, but for this subsection, apply to a thing seized under this section shall not apply to the thing if it has been so seized on the ground that it is suspected to be specified property referred to in paragraph (d) of the definition of "article liable to seizure". (Added 89 of 1995 s. 35)

(9B) For the avoidance of doubt, it is hereby declared that where a thing referred to in subsection (9A) is released under section 24C(4) of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405), that subsection shall not operate to prevent the application of the provisions of this Ordinance (including this section and section 56) to that thing at any time on or after such release. (Added 89 of 1995 s. 35)

(10) In this section-

"article liable to seizure" (可予扣押的物件) means-

- (a) any dangerous drug referred to in section 55;
- (b) any money or thing liable to forfeiture under this Ordinance or forfeiture or confiscation under a corresponding law; (Amended 89 of 1995 s. 35)
- (c) any thing which is or contains evidence of-
 - (i) an offence under this Ordinance or a corresponding law;
 - (ii) a drug trafficking offence within the meaning of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405); (Replaced 89 of 1995 s. 35)
- (d) any specified property within the meaning of Part IVA of the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405); (Added 89 of 1995 s. 35)

"Commissioner of Customs and Excise" (香港海關關長) includes a Deputy Commissioner of Customs and Excise and an Assistant Commissioner of Customs and Excise; (Added 40 of 1985 s. 9. Amended L.N. 362 of 1997)

"Commissioner of Police" (警務處處長) includes a deputy or assistant commissioner of police.

Chapter:	145	Title:	CONTROL OF CHEMICALS	Gazette Number:
			ORDINANCE	
Section:	12	Heading:	Powers of search and seizure	Version, Date: 30/06/1997

(1) For the purposes of this Ordinance any police officer or any member of the Customs and Excise Service may- (Amended 46 of 1977 s. 18)

- (a) stop, board and search any vessel (other than a ship of war), aircraft (other than a military aircraft) or vehicle which has arrived in Hong Kong and remain thereon as long as it remains in Hong Kong;
- (b) stop, board and search any vessel (other than a ship of war), aircraft (other than a military aircraft) or vehicle if he has reason to suspect that there is therein an article liable to seizure;
- (c) subject to subsection (6), enter and search any place or premises if he has reason to suspect that there is therein an article liable to seizure;
- (d) stop and search any person, and search the property of any person if-
 - (i) he has reason to suspect that such person has in his actual custody an article liable to seizure;
 - (ii) such person is found in any vessel, aircraft, vehicle, place or premises in which an article liable to seizure is found.

(2) Any public officer may seize, remove and detain anything if he has reason to suspect that such thing is an article liable to seizure.

(3) For the purposes of this Ordinance and subject to subsection (6), any public officer authorized in writing by the Commissioner may- (Amended L.N. 294 of 1982)

- (a) enter, inspect and search any place or premises occupied by a person to whom a licence or permit has been issued under this Ordinance;
- (b) require the production of any register, record, book or other document relating to dealings in a controlled chemical; (Amended 64 of 1994 s. 11)
- (c) inspect any such register, record, book or other document;
- (d) inspect any stocks of a controlled chemical in the possession of such person. (Amended 64 of 1994 s. 11)

(4) Any public officer may-

- (a) ~~break open any outer~~ or inner door of or in any place or premises 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 board and search;
- (c) remove by force any person or thing who or which obstructs any entry, search, inspection, seizure, removal or detention which he is empowered by this section to make;
- (d) detain any person found in any place or premises which he is empowered by this section to search, and prevent any person from approaching or boarding such vessel, aircraft or vehicle until it has been searched.

(5) No person shall be searched under this section except by a person of the same sex and no person shall be searched under this section in a public place if he objects to being so searched. (Amended 67 of 1995 s. 91(2))

(6) No domestic premises shall be entered and searched under this section unless a member of the Customs and Excise Service of or above the rank of Inspector or a police officer of or above the rank of Inspector is present. (Amended 46 of 1977 s. 18; 68 of 1995 s. 2)

(7) In this section, "article liable to seizure" (可予檢取的物品) means-

- (a) controlled chemical referred to in section 13; (Amended 64 of 1994 s. 11)
- (b) any money or thing which is liable to forfeiture under this Ordinance; and
- (c) anything which is or contains evidence of an offence under this Ordinance.

Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	
Section:	125	Heading:	Search warrants and seizures	Version Date:	30/06/1997

(1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Ordinance has been committed, the magistrate may issue a warrant empowering any police officer to enter and search any premises specified in the warrant.

(2) A police officer to whom a warrant is issued under subsection (1) may-

- (a) ~~break open any outer~~ or inner door of or in any premises which he is empowered by the warrant to enter and search;
- (b) inspect, seize and remove anything which the police officer has reasonable grounds for believing to be or to contain evidence of an offence under this Ordinance; and
- (c) remove by force any person who obstructs any entry, search, inspection, seizure or removal which he is empowered by this subsection to make.

(3) A person from whom any books, accounts or other documents have been seized and removed under subsection (2) shall, pending any proceedings for an offence under this Ordinance, be entitled to take copies of or extracts from such books, accounts or other documents.

(4) Any person who obstructs a police officer in the exercise of any power conferred on him by subsection (2) commits an offence and is liable on conviction upon indictment or on summary conviction to a fine at tier 5 and to imprisonment for 6 months. (Amended 4 of 1997 s. 27)

25. 罰款的追討

(1) 管理局根據第 24 條施加的任何罰款，可作為民事債項而由管理局在任何具司法管轄權的法院追討。

(2) 任何看來是由管理局作出的證明書，表明根據第 24 條施加的罰款尚欠管理局，即為該項事實的表面證據。

△ 25A. 持牌人須將更正或道歉包括在聲音廣播服務內

(1) 除第 (3) 款另有規定外，管理局可在第 (2) 款所描述的情況下，藉送達持牌人的書面通知，指示持牌人以該局所批准的格式並以該通知所指明的方式，將更正或道歉包括在該通知所指明的聲音廣播服務內或同時包括兩者。

(2) 管理局如信納持牌人沒有遵從——

(a) 牌照條件；

(b) 本條例所訂並適用於該持牌人的規定；

(c) 根據本條例發出並適用於該持牌人的指示或命令，或根據本條例作出並適用於該持牌人的裁定；或

(d) 業經守則內適用於該持牌人的條文，

可根據第 (1) 款發出指示。

(3) 除非持牌人已獲給予合理機會就覆投訴的事宜向管理局作出書面申述，否則管理局不得根據第 (1) 款發出指示。

(4) 持牌人如根據本條執行某項指示，可宣布是依據該項指示行事。

25. Recovery of financial penalty

(1) Any financial penalty imposed by the Authority under section 24 shall be recoverable by the Authority as a civil debt in any court of competent jurisdiction.

(2) Any certificate in writing purporting to be made by the Authority to the effect that a financial penalty imposed under section 24 is owing to the Authority shall be prima facie evidence of that fact.

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25A. Licensee to include correction or apology in sound broadcasting service

(1) Subject to subsection (3), the Authority may, in a case described in subsection (2), direct a licensee by a notice in writing served on it, to include in a sound broadcasting service specified in the notice, a correction or apology, or both, in a form approved by the Authority, in such manner as is specified in the notice.

(2) The Authority may issue a direction under subsection (1) if it is satisfied that the licensee did not comply with—

(a) a licence condition;

(b) a requirement under this Ordinance applicable to the licensee;

(c) a direction or order issued, or determination made, under this Ordinance applicable to it; or

(d) a provision in a Code of Practice applicable to it.

(3) The Authority shall not issue a direction under subsection (1) unless the licensee has been given a reasonable opportunity to make representations in writing to the Authority regarding the matter complained of.

(4) Where the licensee carries out a direction under this section, it may announce that it is doing so pursuant to the direction.