

OIL (CONSERVATION AND CONTROL) ORDINANCE
- CHAPTER 264

Long title VerDate:30/06/1997

To provide for the control of the supply and use of oil, the conservation of oil supplies and for purposes connected therewith.

[10 May 1979]

(Originally 27 of 1979)

SECT 1

Short title VerDate:30/06/1997

PART I

PRELIMINARY

This Ordinance may be cited as the Oil (Conservation and Control) Ordinance.

SECT 2

Interpretation VerDate:01/09/1999

In this Ordinance, unless the context otherwise requires-

"authorized officer" means a person authorized by the Director under section 4;

"dealer" means a supplier carrying on the business of supplying oil as a retailer;

"Director" means the Director of Oil Supplies appointed under section 3;

"ferry" has the meaning assigned to it in the Ferries Ordinance*;

"oil" means mineral oil, products obtained by means of refining mineral oil and liquified petroleum gas;

"requisition" means, in relation to any oil, take possession of the oil or require the oil to be placed at the disposal of the Director;

"road" includes the Cross-Harbour Tunnel as named in the Schedule to the Road Tunnels (Government) Ordinance (Cap 368); (Amended L.N. 198 of 1999)

"supplier" means a person carrying on the business of supplying oil;

"vehicle" means any mechanically propelled vehicle intended or adapted for use on roads but does not include a tram.

Note:

* Cap 104, 1977 R. Edition (now repealed, see 30 of 1982).

SECT 3

Appointment of Director of Oil Supplies VerDate:01/07/1997

Adaptation amendments retroactively made - see 61 of 2000 s. 3

The Chief Executive may appoint a public officer to be the Director of Oil Supplies and every such appointment shall be notified in the Gazette.

(Amended 61 of 2000 s. 3)

SECT 4

Power of Director to appoint authorized officer VerDate:30/06/1997

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

SECT 5

Supply etc. of oil, electricity or gas VerDate:01/07/1997

Adaptation amendments retroactively made - see 61 of 2000 s. 3

PART II

REGULATION OF CONSUMPTION AND SUPPLY

(1)The Chief Executive in Council may by order regulate or prohibit- (Amended 61 of 2000 s. 3)

- (a) the storage, supply, acquisition, disposal or consumption of oil; or
- (b) the supply or consumption of electricity or gas.

(2)Any order made under subsection (1) may provide that a contravention or breach thereof shall be an offence and shall be punishable by such fine not exceeding \$50000 or by such term of imprisonment not exceeding 1 year as may be specified in the order or by both such fine and imprisonment.

SECT 6

Directions as to oil VerDate:30/06/1997

(1)The Director or an authorized officer may give to any supplier of, or dealer in, oil such directions as to the storage, supply, use or disposal by him of any oil as he may think fit.

(2)Directions under subsection (1) may in particular-

- (a) require any oil to be supplied, in accordance with any such requirements as may be specified by the directions, to such persons as may be so specified;
- (b) prohibit or restrict the supply of any oil to persons specified in the directions, or to persons other than those to be supplied in accordance with a requirement specified in the directions; and
- (c) regulate the price at which oil may be supplied or sold.

(3)Any supplier or dealer who contravenes or fails to comply with any directions given to him under subsection (1) commits an offence and is liable to a fine of \$100000 and to imprisonment for 2 years.

SECT 7

Electricity and gas supply VerDate:30/06/1997

(1)The Director or an authorized officer may give to any electricity supply company or to any gas supply company such directions as he thinks necessary or expedient for conserving and making the best use of supplies of oil available for the generation of electricity or the manufacture of gas.

(2)Directions given under subsection (1) may in particular-

- (a) regulate the time and place during or at which electricity or gas may be supplied;
 - (b) require electricity or gas to be supplied, in accordance with any such requirements as may be specified by the directions, to such persons as may be so specified; and
 - (c) prohibit or restrict the supply of electricity or gas to persons specified in the directions, or to persons other than those to be supplied in accordance with a requirement specified in the directions.
- (3) An electricity supply company or gas supply company may disregard or otherwise breach any obligation imposed by or under any enactment to give or continue to give supplies of electricity or gas so long as, in so doing, it is acting under and in accordance with any directions given to it under this section.
- (4) Any company that contravenes or fails to comply with any direction given to it under this section commits an offence and is liable to a fine of \$100000.

SECT 8

Transport VerDate:01/07/1997

Adaptation amendments retroactively made - see 61 of 2000 s. 3

- (1) The Chief Executive in Council may by order regulate the use of vehicles on roads and the use of aircraft, vessels, trains and trams.
(Amended 61 of 2000 s. 3)
- (2) An order made under subsection (1) may in particular-
- (a) determine the routes to be followed by any particular class of vehicles proceeding on roads, either generally or in such circumstances as may be specified in the order;
 - (b) prohibit or regulate the use of vehicles or any class of vehicles on roads or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be specified in the order; or
 - (c) require persons or goods to be carried to and from places specified in the order.
- (3) Without prejudice to the power conferred by subsection (1) the Director or an authorized officer may give to any person carrying on the business of operating public passenger transport vehicles, trams or a ferry directions regulating the use of such vehicles, trams or ferry and the services provided by such vehicles, trams or ferry.
- (4) Directions given under subsection (3) may in particular-
- (a) determine the routes to be followed by public passenger transport vehicles, or any class thereof, or by any ferry vessel, or class thereof;
 - (b) prohibit or regulate the use of public passenger transport vehicles or ferry vessels, or any class thereof, or trams, either generally or in such circumstances as may be specified in the directions;
 - (c) require persons to be carried to and from places specified in the directions; or
 - (d) prohibit the carriage of persons to and from places specified in the directions.

(5) A person carrying on the business of operating public passenger transport vehicles, trams or a ferry under or in accordance with any enactment, licence or franchise may disregard or otherwise breach any obligation imposed on him by or under such enactment, licence or franchise to provide services for the transport of passengers so long as, in so doing he is acting under and in accordance with any order made or direction given to him under this section.

(6) Any order made under subsection (1) may provide that a contravention or breach thereof shall be an offence and shall be punishable by such fine not exceeding \$50000 or by such term of imprisonment not exceeding 1 year as may be specified in the order or by both such fine and imprisonment.

(7) Any person who contravenes or fails to comply with any direction given to him under subsection (3) commits an offence and is liable to a fine of \$50000 and to imprisonment for 1 year.

SECT 9

Requisitioning of oil VerDate:30/06/1997

(1) The Director may, if it appears to him to be necessary or expedient for conserving and making the best use of supplies of oil in Hong Kong, requisition any stock of oil and may give such directions as appear to him to be necessary or expedient in connection with the requisition.

(2) Where the Director requisitions any stock of oil under this section, the Director may use or deal with, or authorize the use of, or dealing with, the oil for such purpose and in such manner as he thinks expedient for the purposes mentioned in subsection (1) and may hold, or sell or otherwise dispose of, the oil as if he were the owner thereof and as if the oil were free from the rights of any other person.

(3) Where any stock of oil is requisitioned under this section, there shall be paid to the owner of the oil, and to any other person interested in the oil who suffers damage owing to the requisition, such compensation as may be agreed or as may, in default of agreement, be determined by arbitration to be just having regard to all the circumstances of the particular case.

(4) Any compensation payable under this section shall be paid from the general revenue of Hong Kong.

SECT 10

Power of Director as to keeping of books, making of returns, entry and inspection VerDate:30/06/1997

PART III

MISCELLANEOUS

(1) The Director may, for the purposes of this Ordinance or any order, direction or requirement made or given thereunder, by notice in writing require any person-

(a) to keep such books, accounts and records relating to any business as may be specified in the notice; and

(b) to furnish, at such times, in such manner and in such form as may be so specified, such estimates, returns or information as may be so specified, and if such person fails to comply with any such requirement, he shall be guilty of an offence and shall be liable to a fine of \$10000 and to imprisonment for 6 months.

(2) Subject to subsection (6), any authorized officer may for the purposes of this Ordinance or any order or direction made or given thereunder-

(a) enter and search any premises-

(i) for the purpose of enabling the Director to exercise any of the powers conferred on him by this Ordinance or any order made thereunder, or to determine whether, and if so in what manner, any of those powers ought to be exercised;

(ii) for the purpose of securing compliance with any order, direction or requirement made or given under this Ordinance;

(iii) for the purpose of ascertaining whether an offence under this Ordinance, or any order or direction made or given thereunder, has been or is being committed in or on the premises;

(iv) if he suspects that there is in or on the premises, any article in respect of which an offence has been committed under this Ordinance, or any order or direction made or given thereunder or which is, or contains evidence of the commission of such offence;

(v) for the purpose of verifying any information furnished to the Director; or

(vi) for the purpose of securing that the work carried on in such premises is performed in such manner as the Director considers best calculated to conserve and make best use of supplies of oil available for the carrying on that work;

(b) stop, board, search and detain any vehicle, vessel, aircraft, train or tram;

(c) require the production of-

(i) any licence or permit;

(ii) any document which relates to the origin or nature of any oil;

or

(iii) any book, account or record required to be kept under this Ordinance or any order, direction or requirement made or given thereunder;

(d) examine and take copies of any licence, permit, book, account, record or document referred to in paragraph (c);

(e) take, without payment, such sample of any oil as may be required by the Director for the purpose of examination and investigation;

or

(f) seize any article-

(i) in respect of which he suspects that an offence has been committed under this Ordinance, or any order or direction made or given thereunder; or

(ii) which he suspects to be, or to contain, evidence of the commission of such an offence.

(3) No vessel having a tonnage exceeding 250 gross tons shall be detained under subsection (2)(b) for more than 12 hours without the consent of the Director, who may, by order in writing, detain such a vessel for further periods of not more than 12 hours at a time.

(4) No aircraft shall be detained under subsection (2)(b) for more than 6 hours without the consent of the Director, who may, by order in writing, detain an aircraft for further periods of not more than 6 hours at a time. (Amended L.N. 235 of 1996)

(5) Any order made by the Director under subsection (3) or (4) shall state the times from which and for which the order shall be effective.

(6) Domestic premises shall not be entered or searched by an authorized officer except with the approval of the Director.

SECT 11

Power of arrest of authorized officers VerDate:30/06/1997

(1) 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 or under any order made or direction given under this Ordinance.

(2) Any authorized officer who arrests any person under subsection

(1) shall take the person to a police station, or first to any office of the Director and then to a police station, there to be dealt with in accordance with the Police Force Ordinance (Cap 232):

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 authorized officer may use such force as is reasonably necessary to effect the arrest.

(4) If 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 authorized officer, allow him free entry thereto and afford all reasonable facilities to search for the suspected offender.

(5) If entry to such premises or place cannot be obtained under subsection (4) an authorized officer 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.

SECT 12

Ancillary powers of investigation VerDate:30/06/1997

Any authorized officer may-

(a) use such force as is reasonably necessary to enter any place or premises which he is empowered by this Ordinance to enter and search;

(b) use such force as is reasonably necessary to stop, board, detain and search any vehicle, vessel, aircraft, train or tram which he is empowered by this Ordinance to stop, board, detain and search;

(c) use such force as is reasonably necessary to remove any person or thing obstructing him in the exercise of any power conferred on him by this Ordinance or any order made thereunder;

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

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

SECT 13

Obstruction of authorized officers VerDate:30/06/1997

(1) Any person who-

(a) obstructs an authorized officer in the exercise of any power or the performance of any duty conferred or imposed on authorized officers by this Ordinance; or

(b) fails to comply with any requirement, direction or demand given or made by an authorized officer in the exercise or performance of any such power or duty, commits an offence and is liable to a fine of \$10000 and to imprisonment for 6 months.

(2) Any person who knowingly makes a report which is false in a material particular, or furnishes any information which is false or misleading in a material particular, to the Director or to any authorized officer in the performance of his duties under this Ordinance commits an offence and is liable to a fine of \$10000 and to imprisonment for 6 months.

SECT 14

Provisions as to order and directions VerDate:30/06/1997

Any power of giving directions conferred by any provision of this Ordinance may be exercised by means of an order applicable to all persons to whom directions may be given under that provision, or to such of them as fall within any class or description specified in the order.

SECT 15

Director and authorized officers to be subject to Chief Executive's directions VerDate:01/07/1997

Adaptation amendments retroactively made - see 61 of 2000 s. 3

(1) The Chief Executive may give such directions as he thinks fit, either generally or in any particular case, with respect to the exercise or performance by the Director or any authorized officer of any powers or functions under this Ordinance or any order made thereunder.

(2) The Director and every authorized officer shall, in the exercise or performance of any power or functions under this Ordinance, comply with any directions given by the Chief Executive under subsection

(1).

(Amended 61 of 2000 s. 3)

SECT 16

Power to change Hong Kong Time VerDate:01/07/1997

Adaptation amendments retroactively made - see 61 of 2000 s. 3

For the purpose of conserving oil, the Legislative Council may by resolution determine that for the whole or part of a year or for any period, Hong Kong Time shall be such period in advance of Universal Standard Time as shall be specified in the resolution.

(Amended 61 of 2000 s. 3)