

立法會

Legislative Council

LC Paper No. LS 13/01-02

**Paper for the Subcommittee on
Public Health (Animals and Birds) (Chemical Residues) Regulation and
Harmful Substances in Food (Amendment) Regulation 2001**

**List of legislation with provisions for
holding the management strictly liable**

**(A) Legislation providing same defence as section 21 of the Public Health
(Animals and Birds) (Chemical Residues) Regulation (L.N. 146 of 2001)**

Section	Ordinance
Chapter 137 Section 10	Antibiotics Ordinance Offences and penalties
Chapter 173 Section 2(2)	Civil Aviation (Births, Deaths and Missing Persons) Ordinance Power for the Chief Executive to make regulations for recording and registration of births and deaths, etc.
Chapter 211 Section 27B	Aerial Ropeways (Safety) Ordinance Liability for offences by body corporate
Chapter 262 Section 9	Chit-Fund Businesses (Prohibition) Ordinance Liability of directors, managers, etc., under sections 3 and 4
Chapter 355 Section 4	Pyramid Selling Prohibition Ordinance Liability of directors, partners etc.
Chapter 406 Section 56	Electricity Ordinance Major offences

Chapter 448 (sub. leg.) Regulation 31	Air Transport (Licensing of Air Services) Regulations Proceedings for an offence against the regulations
Chapter 449 Section 36	Amusement Rides (Safety) Ordinance Liability for offences by body corporate
Chapter 560 Section 51	Entertainment Special Effects Ordinance Liability for offences by body corporate, etc.

(B) Legislation providing different defence

Section	Ordinance	Provision
Chapter 295 Section 16 Chapter 303 Section 23 Chapter 327 Section 31	Dangerous Goods Ordinance Liability of directors, etc. where offence committed by company Radiation Ordinance Liability of directors, etc. where offence committed by company Lifts and Escalators (Safety) Ordinance Liability of directors, etc. where offence committed by company	Where a person by whom an offence under this Ordinance has been committed is a company, every director and every officer concerned in the management of the company shall be guilty of the like offence unless he proves that the act constituting the offence took place without his knowledge or consent.
Chapter 60 Section 36A(1)	Import and Export Ordinance Offences by directors, partners, etc.	Where an offence under section 36 is committed by a body corporate, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, shall be guilty of the like offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

<p>Chapter 384 Section 5</p>	<p>Dangerous Goods (Consignment by Air) (Safety) Ordinance Liability of directors, etc. where offence committed by company</p>	<p>Where a person by whom an offence under this Ordinance is committed is a company, every director and every officer concerned in the management of the company may be convicted of the like offence unless he proves to the satisfaction of the court or magistrate that—</p> <ul style="list-style-type: none">(a) the act or omission constituting the offence occurred without his knowledge or consent; and(b) he exercised all such reasonable supervision and reasonable diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
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