

27. (由 1993 年第 3 號第 66 條廢除)

28. 再度受聘任職時暫停支付退休金

(1) 如具有資格領取退休金或已獲批予退休金的人員，再度受聘擔任公職，或受聘於補助機構服務，而該項服務屬行政長官藉憲報公告決定就本條而言屬公職服務者，則有關的退休金可在該人員再度受聘或受聘(視屬何情況而定)之後的服務期間，暫停支付。(由 1999 年第 28 號第 3 條修訂)

(2) 根據第 (1) 款暫停支付的退休金，須自該人員再度受聘或受聘之後的服務終止之日起支付。

29. 不批予、取消或扣減退休金的權力

(1) 經考慮司法人員推薦委員會的意見，並在符合第 32 條的規定下—— (由 1995 年第 79 號第 50 條修訂)

- (a) 如有向指定人員證明某人員故意隱瞞某些對批予退休金具關鍵性的事實，指定人員可拒絕批予該人員退休金；或
- (b) 如有向指定人員證明某人員藉故意隱瞞某些事實而獲得退休金，或退休金是在不知某些事實的情況下而批予的，而此等事實假若在該人員退休前被知悉退休金的全部或部分即不會批予，則指定人員可取消或扣減已批予該人員的退休金。

(2) 經考慮司法人員推薦委員會的意見，並在符合第 32 條的規定下，如有向指定人員證明第 7(1)(a)、(b)、(k) 或 (j) 條適用的任何人員有以下的情況—— (由 1995 年第 79 號第 50 條修訂)

- (i) 該人員在政府有紀律處分程序針對他進行期間退休，或為逃避紀律處分程序而已經辭職；並且
- (ii) 假若完成或進行上述的紀律處分程序，該等紀律處分程序會被司法人員推薦委員會認為會導致該人員被革職，或導致該人員遭行使紀律懲處權而迫令退休，並會扣減已批予他的退休金利益。(由 1995 年第 79 號第 50 條修訂)

則指定人員可——

- (a) 拒絕批予該人員退休金；或

27. (Repealed 3 of 1993 s. 66)

28. Suspension of pension on re-appointment to the service

(1) If an officer who is eligible for a pension or to whom a pension has been granted is re-appointed to the public service, or appointed to service in any subvented organization which is determined to be public service for the purposes of this section by the Chief Executive by notice in the Gazette, the payment of the pension may be suspended during the period of his service after his re-appointment or appointment, as the case may be. (Amended 26 of 1999 s. 3)

(2) A pension that is suspended under subsection (1) is payable with effect from the date on which the service of the officer after his re-appointment or appointment ceases.

29. Power not to grant, or to cancel or reduce, pension

(1) After taking into consideration the advice of the Judicial Officers Recommendation Commission, and subject to section 32, a designated officer may— (Amended 79 of 1995 s. 50)

- (a) refuse to grant a pension to an officer if it is shown to the designated officer that the officer wilfully suppressed facts that are material to the grant of a pension; or
- (b) cancel or reduce a pension granted to an officer if it is shown to the designated officer that the pension was obtained by the wilful suppression by the officer of facts, or that it was granted in ignorance of facts, which were such that had they been known before the retirement of the officer the pension would not have been granted in full or in part.

(2) After taking into consideration the advice of the Judicial Officers Recommendation Commission and subject to section 32, a designated officer may— (Amended 79 of 1995 s. 50)

- (a) refuse to grant a pension; or
- (b) cancel or reduce a pension granted,

to an officer to whom section 7(1)(a), (b), (k) or (j) applies, if it is shown to the designated officer that—

- (i) the officer retired during any disciplinary proceedings brought against him, or resigned from the service to avoid disciplinary proceedings; and

(b) 取消或扣減已批予該人員的退休金。

(3) 根據第 (1)(b) 或 (2)(b) 款作出的取消或扣減退休金，須由指定人員所決定的日期起生效；如屬扣減退休金，扣減的款額須由指定人員釐定，但不得超過退休金的 25% 為限。

(4) 凡指定人員拒絕向某人或某人員批予退休金，即據此而不得批予該人或該人員該退休金。

30. 退休金於破產後停止

(1) 已獲批予退休金的人，如被法院藉判決而判定破產或宣布無力償債，則在不抵觸第 (5) 款的條文下，該項退休金的支付須自該人被如此判定當日起停止。

(2) 任何人如被判定破產或被宣布無力償債——

(a) 倘判決或宣布是在該人退休之後但獲批予退休金之前作出的，而該人是在具有領取退休金的資格的情況下退休的，則任何終於批予該人的退休金，須自判決或宣布(視屬何情況而定)作出當日起停止；或

(b) 倘判決或宣布是在該人退休之前作出的，而該人在退休當日仍未獲對破產或無力償債的解除，則可批予該人退休金，但在不抵觸第 (5) 款的條文下，退休金的支付須隨即停止。

(3) 凡退休金根據第 (1) 或 (2) 款停止，行政長官可在該人的有生之年，或在行政長官認為適合的一段或多於一段連續或不連續的較短期間內，不時指示將該人若非被判定破產或宣布無力償債即本會有權以退休金方式獲得的款項的全部或任何部分，以特惠金的方式按行政長官認為適合的比例及形式，向所有下述的人或向這些人之中摒除其他人後的任何人支付，或為其贍養或利益而運用該等款項，而下述的人即該人，其任何配偶、子女，或行政長官決定是該人的受養人的其他人，該等款項並須據此支付或運用。(由 1999 年第 26 號第 3 條修訂)

(4) 就本條而言，為使退休金根據第 (1) 或 (2) 款停止的人解除債務而運用的款項，須視作為該人的利益而運用。

(ii) had the proceedings been completed or taken place they would in the opinion of the Judicial Officers Recommendation Commission have led to the dismissal of the officer from the service or compulsory retirement in the exercise of disciplinary powers of punishment with a reduction of the pension benefits granted to him. (Amended 79 of 1995 s. 50)

(3) A cancellation or reduction of pension under subsection (1)(b) or (2)(b) shall be effective as from a date the designated officer shall determine, and in the case of a reduction of pension the reduction shall be by an amount, not exceeding 25% of the pension, as the designated officer shall determine.

(4) Where a designated officer refuses to grant a pension to a person or officer, a pension shall not be granted to the person or officer.

30. Pension to cease on bankruptcy

(1) If a person to whom a pension has been granted is adjudicated bankrupt or is declared insolvent by judgment of a court, subject to subsection (5), payment of the pension shall cease as from the date on which he is so adjudicated.

(2) If a person is adjudicated bankrupt or declared insolvent—

(a) after retirement in circumstances in which he is eligible for pension but before the pension is granted, any pension eventually granted to him shall cease as from the date of adjudication or declaration, as the case may be; or

(b) before his retirement, and he has not obtained his discharge from bankruptcy or insolvency at the date of his retirement, a pension may be granted to him, but, subject to subsection (5), payment of the pension shall forthwith cease.

(3) Where a pension ceases under subsection (1) or (2), the Chief Executive may, from time to time during the remainder of the person's life, or during such shorter period or periods, either continuous or discontinuous, as the Chief Executive thinks fit, direct that ex gratia payment of all or any part of the money to which the person would have been entitled by way of pension had he not been adjudicated bankrupt or declared insolvent be paid to, or applied for the maintenance or benefit of all or any, to the exclusion of the other or others, of the following, that is to say, the person and any spouse, child or children of the person, or other of his dependants that the Chief Executive may determine, in proportions and manner that the Chief Executive thinks fit, and the money shall be paid or applied accordingly. (Amended 26 of 1999 s. 3)

(4) Money applied for the discharge of the debts of the person whose pension has ceased under subsection (1) or (2) shall, for the purposes of this section, be regarded as applied for his benefit.

(5) 凡獲批予退休金的人，由於第(1)或(2)款而不獲支付退休金，如該人獲得對破產的解除或對無力償債的解除(視屬何情況而定)，則退休金須自該人獲得該項解除的當日起恢復支付予該人。

31. 經定罪後退休金利益可予取消、暫停支付或扣減

(1) 凡某已獲批予退休金的人員——

- (a) 被裁定犯了任何與任職於政府的公職服務相關的罪行，而該罪行是行政長官核證為已對香港造成嚴重損害或可能令人對公職服務大失信心者；(由 1999 年第 26 號第 3 條修訂)
- (b) 被裁定犯了《防止賄賂條例》(第 201 章)第 II 部所訂的某項罪行，而該罪行是關乎該人過往任職於政府的公職服務的；或
- (c) 被裁定犯了《刑事罪行條例》(第 200 章)第 2 條所訂的叛逆，

則有關的退休金可予取消、暫停支付或扣減。

(2) 如任何人員在具有資格領取退休金利益的情況下退休但在批予退休金利益前，一如第(1)款所指明般被定罪及判處，則任何終於批予該人員的退休金利益，均可予取消、暫停支付或扣減。

(3) 凡某人員在被裁定犯了第(1)款所提述的罪行後遭行使紀律懲處權而迫令退休，其可獲批予的延付退休金可予取消、暫停支付或扣減，或不會獲得批予延付退休金。

(4) 為施行第(1)、(2)及(3)款，指定人員在符合第 32 條的規定下，可決定以下事項——

- (a) 退休金利益是否須取消、暫停支付或扣減，或不得批予(視屬何情況而定)；
- (b) 開始取消、暫停支付或扣減退休金利益的日期；及
- (c) 如屬扣減退休金利益，則決定所扣減的款額，但以不超過退休金利益的 25% 為限。

32. 向指定人員提出申述

(1) 行政長官可為施行本條例而委任一名人員為指定人員，該項委任可一般地作出，或可為使該名人員(如他認為適合)能就該項委任所指明的個別情況行使本條例所賦予指定人員的任何權力而作出。(由 1999 年第 26 號第 3 條修訂)

(5) Where, by virtue of subsection (1) or (2), payment to a person of a pension granted to him is not being made and the person obtains his discharge from bankruptcy or insolvency, as the case may be, payment of the pension shall be restored to him as from the date on which he is so discharged.

31. Pension benefits may be cancelled, suspended or reduced on conviction, etc.

(1) Where an officer to whom a pension has been granted—

- (a) is convicted of an offence in connection with public service under the Government, and that offence is certified by the Chief Executive to have been gravely injurious to Hong Kong or to be liable to lead to serious loss of confidence in the public service; (Amended 26 of 1999 s. 3)
- (b) is convicted of an offence under Part II of the Prevention of Bribery Ordinance (Cap. 201), and that offence is related to the person's previous public service under the Government; or
- (c) is convicted of treason under section 2 of the Crimes Ordinance (Cap. 200),

the pension may be cancelled, suspended or reduced.

(2) If after the retirement of an officer in circumstances in which he is eligible for pension benefits but before the pension benefits are granted he is convicted as specified in subsection (1), and sentenced, any pension benefits eventually granted to him may be cancelled, suspended or reduced.

(3) Where an officer is compulsorily retired in the exercise of disciplinary powers following a conviction of any offence referred to in subsection (1), the deferred pension which may be granted to him may be cancelled, suspended or reduced, or he may not be granted a deferred pension.

(4) For the purposes of subsections (1), (2) and (3), a designated officer may, subject to section 32, determine—

- (a) whether pension benefits shall be cancelled, suspended or reduced, or shall not be granted, as the case may be;
- (b) the date from which pension benefits shall be cancelled, suspended or reduced; and
- (c) in the case of a reduction in pension benefits, the amount of the reduction not exceeding 25% of the pension benefits.

32. Representations to designated officer

(1) The Chief Executive may appoint an officer to be a designated officer for the purposes of this Ordinance and the appointment may be made either generally or for the purpose of enabling the officer, should he think fit, to exercise as regards a particular case specified in the appointment, any of the powers conferred on a designated officer by this Ordinance. (Amended 26 of 1999 s. 3)

(2) 指定人員在行使第 29 或 31 條所賦予他的權力前，須藉致予有關的人員或其他人的書面通訊，告知對方指定人員正考慮對他行使該項權力，並述明為何會考慮行使該項權力。

(3) 通訊須述明在通訊所指明的一段期限內(該段期限不得在發出通訊的日期後 30 天或在指定人員所容許的較長期限內之前完結)，通訊所致予的人員或其他人，可就第 29 或 31 條所賦予指定人員的權力對他行使一事，向指定人員提出申述。

(4) 通訊所致予的人，如有意提出申述，須以書面通知指定人員，表示他有此意圖。

(5) 通訊所致予的人員或其他人，在通訊所指明的期限內或在指定人員所容許的較長期限內，須獲給予機會就為何不應對他行使第 29 或 31 條所賦予指定人員的權力一事，作出或由他人代為作出書面陳述。

(6) 凡——

- (a) 第(2)款所提述的通訊已發出；
- (b) 通訊所指明的期限已經屆滿；
- (c) 指定人員並無接獲由通訊所致予的人發出的第(4)款所提述的通知；及
- (d) 並無接獲要求將通訊所指明的期限延長的申請，或雖接獲延長申請，申請卻不獲准。

則即使並無第(3)款所提述的申述，指定人員仍可向該人行使第 29 或 31 條所賦予指定人員的權力。

(7) 指定人員未就依據本條由有關的人員或其他人向他呈交的或代有關的人員或其他人而向他呈交的陳詞(如有的話)作出考慮之前，不得行使第 29 或 31 條所賦予他的權力。

(8) 凡指定人員行使第 29 或 31 條所賦予他的權力，指定人員須隨即以書面通知有關的人員或其他人。

33. 向行政長官提交呈請

(1) 任何人如因指定人員行使根據第 29 或 31 條所賦予的權力而作出的決定感到受屈，可在將該決定通知他當日起計 30 天內，或在行政長官所准許的較長期限內，向行政長官提交呈請反對該決定。

(2) Before a designated officer exercises a power conferred on him by section 29 or 31, he shall by a communication in writing addressed to the officer or other person concerned inform him that exercise of such a power in relation to him is being considered and why it is being considered.

(3) The communication shall state that, within a period specified in the communication (being a period ending not earlier than 30 days after the date of the communication or a longer period that the designated officer may allow), the officer or other person to whom it is addressed may make representations to the designated officer as regards the exercise in relation to him of a power conferred on the designated officer by section 29 or 31.

(4) A person to whom the communication is addressed shall notify in writing the designated officer of his intention to make representations.

(5) The officer or other person to whom the communication is addressed shall, within the period specified in the communication (or a longer period that the designated officer may allow), be afforded an opportunity of stating in writing, or having so stated on his behalf, why any of the powers conferred by section 29 or 31 should not be exercised in relation to him.

(6) Where—

- (a) a communication referred to in subsection (2) is issued;
- (b) the period specified in the communication has expired;
- (c) a notification referred to in subsection (4) is not received by the designated officer from the person to whom the communication is addressed; and
- (d) an application to extend the period specified in the communication is not received, or where an application to extend is received but is disallowed,

notwithstanding the absence of representations referred to in subsection (3), the designated officer may exercise in relation to the person a power conferred on the designated officer by section 29 or 31.

(7) A designated officer shall not exercise a power conferred on him by section 29 or 31 without having had regard to the submission (if any) made to him by or on behalf of the officer or other person concerned pursuant to this section.

(8) Where a designated officer exercises a power conferred on him by section 29 or 31, he shall forthwith notify in writing the officer or other person concerned.

33. Petition to Chief Executive

(1) A person who is aggrieved by a decision of a designated officer made in the exercise of a power under section 29 or 31 may, within the period of 30 days beginning on the date of the notification of the decision, or a longer period that the Chief Executive may permit, petition the Chief Executive against the decision.

(2) 凡行政長官接獲根據第 (1) 款提交的呈請，行政長官可藉致函根據《退休金利益條例》(第 99 章) 第 29B 條設立的小組的其中一名成員，規定該小組就該呈請作出考慮並向他提交報告；凡行政長官作出此項規定——

(a) 該小組即須遵從該規定；及

(b) 行政長官就該呈請作出裁定之前，須考慮小組的報告。

(3) 行政長官在就根據第 (2) 款所提交的呈請作出裁定時，如認為適合，可確認、更改或推翻呈請所關乎的決定。

(4) 凡按照第 31 條將退休金利益取消或暫停支付，行政長官可指示，將有關人員或其他人若非被定罪或退休即本會有權以退休金利益方式獲得的款項的全部或任何部分，在各方面均依照第 30(3) 條規定的方式予以支付或運用；凡行政長官有此指示，指示所涉及的款項即須按照指示而予以支付或運用。

(5) 凡按照第 31 條被取消、暫停支付或扣減退休金利益的人獲得赦免，則該人若非被定罪即本會有權獲得的退休金利益必須恢復付予該人，並且須追溯至該項退休金利益被取消、暫停支付或扣減之日；但在決定該項退休金利益是否有任何未付款項須付予該人，以及在計算該筆未付款項的款額時，須計及所有已根據第 (4) 款支付或運用的款項，如退休金利益曾作扣減，則須計及所有已作為經扣減的退休金利益而支付的款項。

(6) 凡按照第 31 條被取消、暫停支付或扣減退休金利益的人，已按照定罪所判處的監禁期服刑完畢，行政長官可指示將該人若非被定罪即本會有權獲得的退休金利益，由該人服滿監禁期當日起，或由行政長官在指示中所指明的較後日期起，恢復付予該人；凡行政長官有此指示，指示所涉及的退休金利益即須按照指示恢復付予該人。

(7) 凡指定人員行使第 29 或 31 條所賦予他的權力，有關的取消、暫停支付或扣減(視屬何情況而定)——

(a) 如無人根據第 (1) 款提交呈請，則在提交該呈請的期限屆滿之前不得實施；或

(b) 如有人提交呈請，則在就該呈請作出裁定或在該呈請被撤回之前不得實施。

(由 1999 年第 26 號第 3 條修訂)

(2) Where the Chief Executive receives a petition under subsection (1), he may, by a letter addressed to a member of the Panel established by section 29B of the Pension Benefits Ordinance (Cap. 99), require the Panel to consider and report to him on the petition, and where the Chief Executive does so—

(a) the Panel shall comply with the requirement; and

(b) before he determines the petition, the Chief Executive shall have regard to the report of the Panel.

(3) In determining a petition under subsection (2) the Chief Executive may, as he thinks fit, confirm, vary or reverse the decision to which the petition relates.

(4) Where pension benefits are cancelled or suspended in accordance with section 31, the Chief Executive may direct that all or any part of the money to which the officer or other person concerned would have been entitled by way of pension benefits had he not been convicted or retired be paid or applied in the same manner and in all respects as provided for in section 30(3), and when the Chief Executive so directs, the money to which the direction relates shall be paid or applied in accordance with the direction.

(5) Where a person whose pension benefits have been cancelled, suspended or reduced, in accordance with section 31, receives a free pardon, the pension benefits to which he would have been entitled had he not been convicted shall be restored to him with retrospective effect as from the date of cancellation, suspension or reduction; but in determining whether any arrears of the pension benefits are payable to him and in computing the amount of the benefits account shall be taken of all money paid or applied under subsection (4) or, where pension benefits have been reduced, paid as reduced pension benefits.

(6) Where a person whose pension benefits have been cancelled, suspended or reduced, in accordance with section 31, has served a sentence of imprisonment imposed on conviction, the Chief Executive may direct that the pension benefits to which he would have been entitled had he not been convicted shall be restored to him as from the date on which he completes serving the sentence of imprisonment or any later date as the Chief Executive shall specify in the direction, and where the Chief Executive so directs, the pension benefits to which the direction relates shall be restored in accordance with the direction.

(7) Where a designated officer exercises a power conferred on him by section 29 or 31, the relevant cancellation, suspension or reduction, as the case may be, shall not come into operation—

(a) in case no petition is brought under subsection (1), until the time for bringing the petition has expired; or

(b) in case a petition is brought, before the petition is either determined or withdrawn.

(Amended 26 of 1999 s. 3)

34. 退休後從事某些職業可致使退休金暫停支付

(1) 任何獲批予退休金的人，如於退休後 2 年內，事先沒有行政長官書面准許而——

- (a) 自行從事業務；
- (b) 成為某合夥的合夥人；
- (c) 成為某公司的董事；或
- (d) 成為僱員，

而行政長官又認為該業務或該合夥或公司的業務的主要部分，或該人受僱的主要工作，是在香港進行的，則行政長官可指示將批予該人的退休金，自行政長官指明的日期起暫停支付，而終審法院首席法官須隨即以書面將指示通知有關的人。(由 1998 年第 25 號第 2 條修訂)

(2) 行政長官如認為適合，可就第 (1) 款的施行而指明一段多於 2 年的期間，而終審法院首席法官須隨即以書面將該段指明的期間通知有關的人。(由 1998 年第 25 號第 2 條修訂)

(3) 任何人如因根據第 (1) 款作出的指示或根據第 (2) 款作出的指明感到受屈，可在將該項指示或指明通知他當日起計 30 天內，或在行政長官就個別情況而准許的較長期間內，向行政長官提交呈請，反對該項指示或指明；行政長官可按他認為適合者而確認、更改或推翻該項指示或指明。

(4) 凡退休金已根據第 (1) 款暫停支付的人，不再具有該款所指明的任何身分，行政長官如信納該人不再具有該身分，可指示將退休金恢復付予該人，並且須追溯至該人不再具有該身分之日，或追溯至行政長官所指明的任何較後日期，而該項退休金即須據此恢復支付。

(由 1999 年第 26 號第 3 條修訂)

35. 退休金利益不得轉付

(1) 除非《公職人員 (轉付薪酬) 條例》(第 363 章) 另有規定，否則批予人員的退休金利益不得轉付或轉讓，但為以下目的者則屬例外——

- (a) 清償到期須付予政府的債項 (全部或部分)；或
- (b) 履行法院命令，向人員的配偶、前任配偶或未成年子女付款，作為贍養，

34. Pension may be suspended on certain post-retirement employment

(1) The Chief Executive may direct that a pension granted to a person shall be suspended as from a date the Chief Executive shall specify if the person has, within 2 years after his retirement and without the prior permission in writing of the Chief Executive--

- (a) entered business on his own account;
- (b) become a partner in a partnership;
- (c) become a director of a company; or
- (d) become an employee,

if the principal part of the business or the business of the partnership or company or of his employment is, in the opinion of the Chief Executive, carried on in Hong Kong, and the Chief Justice shall forthwith notify in writing the person concerned of the direction.

(2) The Chief Executive may specify a period of more than 2 years for the purposes of subsection (1) where he thinks fit, and the Chief Justice shall forthwith notify in writing the person concerned of the specified period.

(3) A person who is aggrieved by a direction under subsection (1) or a specification under subsection (2) may, within 30 days after the notification to him of the direction or specification or a longer period that the Chief Executive may in any particular case permit, petition the Chief Executive against the direction or specification and the Chief Executive may confirm, vary or reverse the direction or specification as he thinks fit.

(4) Where a person whose pension has been suspended under subsection (1) ceases to be engaged in any of the capacities specified in that subsection, the Chief Executive may, if he is satisfied that the person has so ceased to be engaged, direct that the pension shall be restored to him with retrospective effect as from the date of cessation of the engagement or any later date the Chief Executive may specify, and the pension shall be restored accordingly.

(Amended 26 of 1999 s. 3)

35. Pension benefits not assignable

(1) Except as otherwise provided by the Public Officers (Assignment of Emoluments) Ordinance (Cap. 363), pension benefits granted to an officer are not assignable or transferable except for the purpose of--

- (a) satisfying, either in whole or in part, a debt due to the Government; or
- (b) satisfying an order of a court for the payment of money towards the maintenance of the spouse or former spouse or minor child of the officer,

防止賄賂條例 (香港法例第 201 章)

PREVENTION OF BRIBERY ORDINANCE (Chapter 201)

1992 年接受利益 (總督許可) 公告

ACCEPTANCE OF ADVANTAGES (GOVERNOR'S PERMISSION) NOTICE 1992

本公告乃總督為執行防止賄賂條例第 3 條的
規定而頒布

Given by the Governor for the purposes of
section 3 of the Prevention of Bribery Ordinance

[生效日期：1992 年 12 月 4 日]

[Commencement: 4 December 1992]

1. 釋義

1. Interpretation

在本公告內，除按照上下文另具意義者外——「授權當局」一詞：

In this notice, unless the context otherwise requires—‘approving authority’ means:—

- (a) 對身為政府部門首長或擔任同等職位的政府僱員或身為行政局當然議員的政府僱員而言，指政務司司長或公務員事務局局長；(1997 年第 362 號法律公告)
- (b) 對其他政府僱員而言，指該名政府僱員獲贈、索取或接受該項利益時所受僱部門的首長。

(a) in relation to a Crown servant who is the Head of a Department or holds a post of equivalent status, or is an ex officio member of the Executive Council, the Chief Secretary for Administration or the Secretary for the Civil Service; (*L.N. 362 of 1997*)

(b) in relation to any other Crown servant, the Head of the Department in which that Crown servant is employed at the time when the advantage is offered to or solicited or accepted by the Crown servant.

「折扣」一詞包括任何書明有金錢價值，並可藉以換取與票面價值相等的貨品的憑單或贈券，以及包括所換得的貨品在內。

‘discount’ includes vouchers or coupons expressed to have a monetary value in exchange for which goods to that value may be obtained and also includes goods so obtained.

2. 總督的一般及特別許可

2. General and special permission of the Governor

為執行防止賄賂條例 (香港法例第 201 章) 第 3 條的規定，根據本公告：

For the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201), by this notice:—

- (a) 凡政府僱員均獲得總督的一般許可接受任何利益，但第 3 至第 7 段規定不准接受的禮物、折扣、貸款或旅費則不在此列；
- (b) 凡政府僱員如根據第 8 或第 9 段獲得授權當局准許索取或接受某一項利益，即作為獲得總督的特別許可接受該項利益論。

- (a) the general permission of the Governor is given to all Crown servants in respect of any advantage, other than gifts, discounts, loans of money or passages not permitted by paragraphs 3 to 7;
- (b) the special permission of the Governor is given to any Crown servant in respect of any advantage for the solicitation or acceptance of which that Crown servant has been given the permission of the approving authority under paragraph 8 or 9.

3. 親屬給予的利益

(1) 凡政府僱員均獲准向親屬索取或接受親屬所給予的禮物 (包括金錢及其他禮物)、折扣、貸款、機費、船費及車費。

(2) 上文第 (1) 款所述的「親屬」指：

- (a) 配偶 (包括妾侍)；
- (b) 與該政府僱員共同生活，一如夫婦的任何人士；
- (c) 未婚夫、未婚妻；
- (d) 父母、繼父母、合法監護人；
- (e) 配偶的父母、配偶的繼父母、配偶的合法監護人；
- (f) 祖父母、曾祖父母；
- (g) 子女、由法庭判令受其監護者；
- (h) 配偶的子女、由法庭判令受配偶監護者；
- (i) 男女孫及男女外孫；
- (j) 子女的配偶；
- (k) 兄弟、姊妹；
- (l) 配偶的兄弟、配偶的姊妹；
- (m) 異父或異母兄弟、異父或異母姊妹；
- (n) 繼父與前妻或繼母與前夫所生的子女；
- (o) 兄弟的配偶、姊妹的配偶；
- (p) 兄弟的子女、姊妹的子女；
- (q) 父母的兄弟、父母的姊妹；
- (r) 父母的兄弟的配偶、父母的姊妹的配偶；
- (s) 父母的兄弟的子女、父母的姊妹的子女。

4. 商人等給予的利益

(1) 除下文第 (2) 款另有規定外，凡政府僱員均獲准在下列情況下以私人身分向商人、商號、公司、機構或會社索取或接受其所給予的任何禮物 (包括金錢及其他禮物)、折扣、貸款、機費、船費或車費：

- (a) 僱員的配偶、父母、或子女的受僱條件規定可享有此等利益者；或
- (b) 因僱員本人、或其配偶、父母或子女為某機構或會社的成員而可享有此等利益者；或
- (c) 僱員本人、或其配偶、父母或子女身為長期顧客而可享有此等利益者；或
- (d) 在正常運作情況下可享有此等利益者。

(2) 上文第 (1) 款所給予政府僱員的許可，只限於：

3. Advantages from relations

(1) A Crown servant is permitted to solicit or accept from a relation any gift (whether of money or otherwise), any discount, any loan of money or any air, sea or overland passage.

(2) In sub-paragraph (1) 'relation' means:—

- (a) spouse (including a concubine);
- (b) any person with whom the Crown servant is living in a regular union as if man and wife;
- (c) fiancé, fiancée;
- (d) parent, step-parent, lawful guardian;
- (e) spouse's parent, spouse's step-parent, spouse's lawful guardian;
- (f) grandparent, great-grandparent;
- (g) child, ward of court;
- (h) spouse's child, spouse's ward of court;
- (i) grandchild;
- (j) child's spouse;
- (k) brother, sister;
- (l) spouse's brother, spouse's sister;
- (m) half-brother, half-sister;
- (n) step-brother, step-sister;
- (o) brother's spouse, sister's spouse;
- (p) brother's child, sister's child;
- (q) parent's brother, parent's sister;
- (r) parent's brother's spouse, parent's sister's spouse;
- (s) parent's brother's child, parent's sister's child.

4. Advantages from tradesmen, etc.

(1) Subject to sub-paragraph (2) a Crown servant is permitted to solicit or accept any gift (whether of money or otherwise), any discount, any loan of money or any air, sea or overland passage given to or made available to a Crown servant in his private capacity by a tradesman, firm, company, organization or association:—

- (a) by virtue of the terms on which the Crown servant's spouse, parent or child, is employed; or
- (b) by virtue of the membership of any organization or association of the Crown servant or the Crown servant's spouse, parent or child; or
- (c) by virtue of the Crown servant or the Crown servant's spouse, parent or child being a regular customer; or
- (d) in the course of normal business.

(2) The permission given under sub-paragraph (1) shall only apply where:—

- (a) 非政府僱員亦可按照同等條件享用該等利益；及
- (b) 給予利益的人士與有關政府僱員並無公事往來。

5. 私交友好給予的利益

- (1) 除下文第 (2) 款另有規定外，凡政府僱員均獲准：
 - (a) 向私交友好要求貸款或接受其所給予的貸款，每次以不超過 2,000 元為限，但必須在 14 天內清還；
 - (b) 接受 (但不得索取) 私交友好於該政府僱員的生辰、結婚、結婚周年紀念、訂婚或洗禮等場合，或於傳統上有致送或交換禮物習慣的節日所饋贈的一份或多份禮物 (包括金錢及其他禮物)、機費、船費或車費，但每人在每一場合或節日所饋贈的禮物、多份禮物及／或旅費的總值或表面總值不得超過 2,000 元；
 - (c) 接受 (但不得索取) 私交友好在 (b) 項所述以外任何場合所饋贈的一份或多份禮物 (包括金錢及其他禮物)、機費、船費、車費，但每人在每一場合所饋贈的禮物、多份禮物及／或旅費的總值或表面總值不得超過 400 元。
- (2) 上文第 (1) 款所給予政府僱員的許可只在下述情況下適用：
 - (a) 有關的私交友好與該政府僱員所服務的部門並無公事往來；
 - (b) 倘有關的私交友好與該政府僱員在同一政府部門工作，則該友好須非該僱員的下屬；
 - (c) 倘屬第 1 款 (b) 或 (c) 項所指的禮物或旅費，該政府僱員須非以官方身分或因當時所任職位出席有關場合而接受該禮物或旅費。

6. 其他人士給予的利益

- (1) 凡政府僱員均獲准：
 - (a) 向任何人士要求貸款或接受該人士所給與的貸款 (第 4 及第 5 段所指的貸款除外)，每次以不超過 1,000 元為限，但必須在 14 天內清還；

- (a) the advantage is equally available on equal terms to persons who are not Crown servants; and
- (b) the donor of the advantage has no official dealings with the Crown servant.

5. Advantages from close personal friends

- (1) Subject to sub-paragraph (2) a Crown servant is permitted to:—
 - (a) solicit or accept a loan of money from a close personal friend so long as the loan does not exceed \$2,000 on any one occasion and is repaid within 14 days;
 - (b) accept, but not solicit, a gift or gifts (whether of money or otherwise) or any air, sea or overland passage from a close personal friend given on an occasion such as the Crown servant's birthday, wedding, wedding anniversary, engagement or baptism or on any other occasion when gifts are traditionally given or exchanged, so long as the value or apparent value in total of the gift, gifts and/or passage does not exceed \$2,000 from any one person on any one occasion;
 - (c) accept, but not solicit, a gift or gifts (whether of money or otherwise) or any air, sea or overland passage from a close personal friend on any occasion other than one referred to in sub-sub-paragraph (b), so long as the value or apparent value in total of the gift, gifts and/or passage does not exceed \$400 from any one person on any one occasion.
- (2) The permission under sub-paragraph (1) shall only apply so long as:—
 - (a) the close personal friend has no official dealings with the department in which the Crown servant works;
 - (b) in the case of a close personal friend working in the same department as the Crown servant, the close personal friend is not subordinate to the Crown servant;
 - (c) in the case of a gift or passage to which sub-sub-paragraph (b) or (c) of sub-paragraph (1) applies, the Crown servant does not attend the occasion on which the gift or passage is given in his official capacity or by virtue of the official position he holds at the time he attends the occasion.

6. Advantages from other persons

- (1) A Crown servant is permitted to:—
 - (a) solicit or accept a loan of money from any person (not being a loan to which paragraph 4 or 5 applies) so long as the loan does not exceed \$1,000 on any one occasion and is repaid within 14 days;

- (b) 除第 4 及第 5 段所指的禮物或旅費外，接受(但不得索取)任何人士在該政府僱員的生辰、結婚、結婚周年紀念、訂婚或洗禮等場合，或其他傳統上有致送或交換禮物習慣的節日所給予的一份或多份禮物(包括金錢及其他禮物)、機費、船費或車費，但每人在每一場合或節日所饋贈的禮物、多份禮物及／或旅費的總值或表面總值不得超過 1,000 元。
- (2) 上文第 (1) 款所給予政府僱員的許可只在下述情況下適用：
- (a) 擬給予貸款或饋贈禮物或旅費的人士與該政府僱員所服務的部門並無公事往來；
- (b) 倘該人與該政府僱員在同一政府部門工作，則該人須非該政府僱員的下屬；
- (c) 倘屬第 1 款 (b) 項所指的禮物或旅費，該政府僱員須非以官方身分或因當時所任職位出席有關場合而接受該禮物或旅費。

7. 政府給予的利益

凡政府僱員均獲准：

- (a) 接受(但不得索取)公務員事務規例准許政府僱員於退休或其他情況下接受的禮物(不包括金錢饋贈，但包括機費、船費及車費)；
- (b) 索取或接受由任何政府僱員福利基金撥給或支付或政府根據公務員事務規例准許接受的金錢饋贈、貸款、津貼、或墊款；
- (c) 索取或接受根據公務員事務規例提供任何的機費、船費或車費。

8. 向授權當局申請准予接受旅費以外的利益

- (1) (a) 政府僱員如欲接受非第 3 至第 7 段所准許接受的任何禮物(不論屬金錢或其他形式的禮物，但不包括機費、船費及車費)、折扣或貸款，則須在對方提出致送或正式致送該禮物或折扣、或提出給予或正式給予該貸款

- (b) accept, but not solicit, a gift or gifts (whether of money or otherwise) or any air, sea or overland passage from any person (not being a gift or passage to which paragraph 4 or 5 applies) given on an occasion such as the Crown servant's birthday, wedding, wedding anniversary, engagement or baptism or on any other occasion when gifts are traditionally given or exchanged, so long as the value or apparent value in total of the gift, gifts and/or passage does not exceed \$1,000 from any one person on any one occasion.

- (2) The permission under sub-paragraph (1) shall apply so long as:—
- (a) the person offering the loan, gift or passage has no official dealings with the department in which the Crown servant works;
- (b) in the case of such a person working in the same department as the Crown servant, that person is not subordinate to the Crown servant;
- (c) in the case of a gift or passage to which sub-sub-paragraph (b) of sub-paragraph (1) applies, the Crown servant does not attend the occasion on which the gift or passage is given in his official capacity or by virtue of the official position he holds at the time he attends the occasion.

7. Advantages from the Government

A Crown servant is permitted to:—

- (a) accept, but not solicit, a gift (other than a gift of money, but including an air, sea or overland passage) given on the Crown servant's retirement, or on other occasions, which the Crown servant has been permitted to accept under any Civil Service Regulations;
- (b) solicit or accept any gift of money or loan of money or other allowance or advance made or given out of any Government staff welfare fund or permitted by the Government under any Civil Service Regulations;
- (c) solicit or accept any air, sea or overland passage provided in accordance with any Civil Service Regulations.

8. Permission in respect of advantages other than passages

- (1) (a) If a Crown servant wishes to accept any gift (whether of money or otherwise but not including an air, sea or overland passage), discount or loan of money which he does not have permission to accept under paragraphs 3 to 7, he must, before or as soon as is

- 前，或在其後的合理期間內盡速請求授權當局批准接受該禮物、折扣或貸款。
- (b) 政府僱員如欲索取非第 3 至第 7 段所准許索取的任何禮物 (不論屬金錢或其他形式的禮物，但不包括機費、船費及車費)、折扣或貸款，則須於索取該禮物、折扣或貸款前，請求授權當局給予批准。
- (2) 就禮物 (不包括金錢) 而言，授權當局可：
- (a) 批准該政府僱員無條件或按照授權當局所指定的條件索取或接受該禮物；或
- (b) 拒絕批准該員索取或接受該禮物；如該禮物已致送該員，則
- (i) 飭令該員將禮物交回饋贈人；或
- (ii) 飭令將禮物轉送往由該員提議而經授權當局認可的慈善機構；或
- (iii) 飭令該員按照授權當局所指示的其他方式處置該禮物。
- (3) 就折扣而言，授權當局可：
- (a) 批准該政府僱員無條件或按照授權當局所指定的條件索取或接受該折扣或享有該折扣的利益；或
- (b) 拒絕批准該員索取或接受該折扣或享有該折扣的利益；如該員已接受該折扣或享有該折扣的利益，則飭令該員將相等於所獲折扣價值的款額付還饋贈人。
- (4) 就金錢饋贈及貸款而言，授權當局可：
- (a) 批准該政府僱員無條件或按照授權當局所指定的條件索取或接受該金錢饋贈或貸款；或
- (b) 拒絕批准該員索取或接受該筆款項；如該筆款項已交予該員，則
- (i) 飭令該員將該筆款項交回饋贈人或放債人；或
- (ii) 飭令該員按照授權當局所指示的其他方式處置該筆款項。
- (5) 政府僱員如已遵照第 (1)(a) 款的規定辦理，可暫行保有該禮物或貸款、或享有該折扣的利益，直至授權當局將根據第 (2)，(3) 或 (4) 款所作的決定通知該員。

- reasonably possible after being offered or presented with the gift, discount, or loan of money, seek the permission of the approving authority to accept it.
- (b) If a Crown servant wishes to solicit any gift (whether of money or otherwise but not including an air, sea or overland passage), discount or loan of money which he does not have permission to solicit under paragraphs 3 to 7, he must, before soliciting the gift, discount or loan of money, seek the permission of the approving authority to solicit it.
- (2) In the case of gifts other than money, the approving authority may:—
- (a) permit the Crown servant to solicit or accept the gift either unconditionally or subject to such conditions as the approving authority may specify; or
- (b) refuse him permission to solicit or accept the gift and, if the gift is already in his possession,
- (i) require him to return it to the donor; or
- (ii) require the gift to be handed to a charitable organisation nominated by the Crown servant and approved by the approving authority; or
- (iii) require him to dispose of the gift in such other manner as the approving authority may direct.
- (3) In the case of discounts, the approving authority may:—
- (a) permit the Crown servant to solicit or accept or take the benefit of the discount either unconditionally or subject to such conditions as the approving authority may specify; or
- (b) refuse him permission to solicit or accept or take the benefit of the discount and, if he has already accepted or taken the benefit of the discount, require him to pay to the donor of the discount an amount equal to the value of the discount.
- (4) In the case of gifts of money or loans of money, the approving authority may:—
- (a) permit the Crown servant to solicit or accept the gift of money or loan of money either unconditionally or subject to such conditions as the approving authority may specify; or
- (b) refuse him permission to solicit or accept the money and, if the money is already in his possession,
- (i) require him to return the money to the donor or lender; or
- (ii) require him to dispose of the money in such other manner as the approving authority may direct.
- (5) The Crown servant may, if he has complied with sub-paragraph (1)(a), retain the gift or loan in his possession or take the benefit of the discount until a decision under sub-paragraphs (2), (3) or (4) has been notified to him.

9. 接受旅費的許可

- (1) (a) 政府僱員如欲接受非第 3 至第 7 段所准許接受的機費、船費或車費，則須在對方提出給予該旅費，或致送有關的票券或憑單前，或在其後的合理期間內，盡速請求政務司司長、公務員事務局局長或該名政府僱員當時所受僱部門的首長批准接受該旅費。
- (b) 政府僱員如欲索取非第 3 至第 7 段所准許索取的機費、船費或車費，則須在索取該旅費前，請求政務司司長、公務員事務局局長或該名政府僱員當時所受僱部門的首長批准索取該旅費。(1997 年第 362 號法律公告)
- (2) 下文第 4 款指明的授權當局可：
 - (a) 批准該政府僱員無條件或按照所指定的條件索取或接受該旅費；
 - (b) 拒絕批准該員索取或接受該旅費，如該員已持有有關的票券或憑單，則飭令該員按照所指示的其他方式處置該旅費。
- (3) 凡政府僱員，如已向下文第 4 款指明的授權當局請求批准索取或接受旅費，則在未獲通知有關決定前，不得索取或享用該旅費或使用有關的票券或憑單。
- (4) 為執行第 9 段的規定，授權當局一詞：
 - (a) 對首長級的政府僱員而言，指政務司司長或公務員事務局局長；(1997 年第 362 號法律公告)
 - (b) 對其他政府僱員而言，指該名政府僱員索取或接受該旅費時所受僱部門的首長。

10. (已失時效而略去)

9. Permission in respect of passages

- (1) (a) If a Crown servant wishes to accept any air, sea or overland passage which he does not have permission to accept under paragraphs 3 to 7, he must, before or as soon as is reasonably possible after being offered the passage or presented with the tickets or vouchers to which the passage relates, seek the permission of the Chief Secretary for Administration, the Secretary for the Civil Service or the Head of the Department in which that Crown servant is employed at the time to accept the passage.
- (b) If a Crown servant wishes to solicit any air, sea or overland passage which he does not have permission to solicit under paragraphs 3 to 7, he must, before soliciting the passage, seek the permission of the Chief Secretary for Administration, the Secretary for the Civil Service or the Head of the Department in which that Crown servant is employed at the time to solicit the passage. (L.N. 362 of 1997)
- (2) The approving authority referred to in sub-paragraph 4 below may:—
 - (a) permit the Crown servant to solicit or accept the passage either unconditionally or subject to such conditions as he may specify;
 - (b) refuse him permission to solicit or accept the passage, and if the tickets or vouchers to which the passage relates are already in his possession, require him to dispose of the passage in such other manner as he may direct.
- (3) Where a Crown servant has sought the permission of the approving authority referred to in sub-paragraph 4 below to solicit or accept a passage and the decision has not been notified to him, he shall not solicit or make the passage or use the tickets or vouchers to which the passage relates.
- (4) The approving authority for the purpose of paragraph 9 means:
 - (a) in relation to a Crown servant who is at the directorate level, the Chief Secretary for Administration or the Secretary for the Civil Service; (L.N. 362 of 1997)
 - (b) in relation to any other Crown servant, the Head of the Department in which that Crown servant is employed at the time when the passage is solicited or accepted by the Crown servant.

10. (Omitted as spent)