

~~(8) 根據第(5)款刊登的材料不是附屬法例。~~

(9) 在本條中，“公司審查員”(companies inspector)就香港以外任何地方而言指根據該地方的法律，所具有的職能包括調查在該地方經營業務的法團的事務的人

~~(8) Any matter published under subsection (5) is not subsidiary legislation.~~

(9) In this section, “companies inspector” (公司審查員), in relation to a place outside Hong Kong, means a person whose functions under the laws of that place include the investigation of the affairs of a corporation carrying on business in that place.

187. 導致入罪的證據在法律程序中的使用

(1) 凡——

(a) 第179條所指的獲授權人根據該條要求任何人提供或作出解釋、陳述或說明；或

(b) 調查員根據第183條要求任何人提供解釋或進一步詳情或回答問題，該獲授權人或調查員(視屬何情況而定)須確保該人已先獲告知或提醒(視屬何情況而定)關於第(2)款就該要求及該解釋或陳述或說明、該解釋或詳情或該問題及答案(視屬何情況而定)作為證據的可接納性所訂下的限制。

(2) 不論本條例其他條文有任何規定，凡——

(a) 第179條所指的獲授權人根據該條要求任何人提供或作出解釋、陳述或說明；或

(b) 調查員根據第183條要求任何人提供解釋或進一步詳情或回答問題，而該解釋或陳述或說明、該解釋或詳情或該答案(視屬何情況而定)可能會導致該人入罪，而該人在提供或作出該解釋或陳述或說明、提供該解釋或詳情或給予該答案(視屬何情況而定)前又聲稱如此，則該要求及該解釋或陳述或說明、該解釋或詳情或該問題及答案(視屬何情況而定)不得在法院進行的刑事法律程序中接納為針對該人的證據，但如該人就該解釋或陳述或說明、該解釋或詳情或該答案(視屬何情況而定)而被控犯第179(13)、(14)或(15)或184條或第219(2)(a)、253(2)(a)或254(6)(a)或(b)條或《刑事罪行條例》(第200章)第V部所訂罪行或被控犯作假證供罪，則就該等罪行而進行的刑事法律程序屬例外。

187. Use of incriminating evidence in proceedings

(1) Where—

(a) an authorized person within the meaning of section 179 requires a person to provide or make an explanation or statement under that section; or

(b) an investigator requires a person to give an explanation or further particulars or to give an answer to any question under section 183,

the authorized person or the investigator (as the case may be) shall ensure that the person has first been informed or reminded (as the case may be) of the limitations imposed by subsection (2) on the admissibility in evidence of the requirement and of the explanation or statement, the explanation or further particulars, or the question and answer (as the case may be).

(2) Notwithstanding any other provisions of this Ordinance, where—

(a) an authorized person within the meaning of section 179 requires a person to provide or make an explanation or statement under that section; or

(b) an investigator requires a person to give an explanation or further particulars or to give an answer to any question under section 183,

and the explanation or statement, the explanation or further particulars, or the answer (as the case may be) might tend to incriminate the person and the person so claims before providing or making the explanation or statement, giving the explanation or further particulars, or giving the answer (as the case may be), then the requirement as well as the explanation or statement, the explanation or further particulars, or the question and answer (as the case may be) shall not be admissible in evidence against the person in criminal proceedings in a court of law other than those in which the person is charged with an offence under section 179(13), (14) or (15) or 184, or under section 219(2)(a), 253(2)(a) or 254(6)(a) or (b), or under Part V of the Crimes Ordinance (Cap. 200), or for perjury, in respect of the explanation or statement, the explanation or further particulars, or the answer (as the case may be).