

~~(7) 凡證監會從香港以外地方的主管當局、規管機構或公司審查員接獲一筆款項根據本條提供協助所招致的費用或開支而支付的款額，而所有或部分該等費用或開支是由立法會所撥款項支付的，則證監會須將該款額支付予司長，但以上述撥款的款額為限。~~

~~(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，所具有的職能及職責包括調查在該地方經營業務的法團的事務的大~~

#### 180. 導致入罪的答案在法律程序中的使用

(1) 凡——

(a) 第 172 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 176 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關於第 (2) 款就該要求及該解釋、陳述、說明、詳情、問題或答案(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 172 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 176 條要求任何人提供解釋或進一步詳情或回答問題，該人必須提供或作出解釋、陳述、說明、進一步詳情或答案(視屬何情況而定)，但如該解釋、陳述、說明、詳情或答案(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、陳述、說明、詳情或答案(視屬何情況而定)前又聲稱如此，則該要求及該解釋、陳述、說明、詳情、問題或答案(視屬何情況而定)——

~~(7) Where the Commission receives from an authority, regulatory organization or companies inspector outside Hong Kong an amount paid in respect of any costs or expenses incurred in providing assistance under this section, and all or any of the costs or expenses have been paid out of moneys provided by the Legislative Council, the Commission shall pay to the Financial Secretary the amount received to the extent that it has already been paid out of moneys provided by the Legislative Council.~~

~~(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.~~

#### 180. Use of incriminating answers in proceedings

(1) Where—

(a) an authorized person within the meaning of section 172 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 176,

the authorized person or the investigator (as the case may be) shall ensure that the person has first been informed 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 172 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 176,

the person is obliged to provide or make the explanation or statement, to give the explanation or further particulars, or to give the answer (as the case may be), but if the explanation or statement, the explanation or further particulars, or the answer (as the case may be) might tend to incriminate the person, and he 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), the requirement and the explanation or statement, the explanation or further particulars, or the question and answer (as the case may be)—

- (i) 除第 (ii) 段另有規定外，不得在法庭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、陳述、說明、詳情或答案(視屬何情況而定)而被控犯第 172(13)、(14) 或 (15) 或 177 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，就該等罪行而進行的刑事法律程序則屬例外；
- (ii) 可為第 XIII 部的所有目的(包括根據或依據該部提起的民事或刑事法律程序)而接納為證據。

#### ~~181. 聲稱對紀錄或文件擁有的留置權~~

凡任何人管有根據本部要求交出的任何紀錄或文件，而該人聲稱對該等紀錄或文件有留置權，則——

- (a) 交出該等紀錄或文件的要求，並不受該留置權影響；
- (b) 無須因該項交出或就該項交出而支付任何費用；及
- (c) 交出該等紀錄或文件並不損害該留置權。

#### 182. 交出電腦資料

凡任何資料或材料載於根據本部要求交出的紀錄或文件，但並非以可閱讀形式記錄，則本部所授予要求交出紀錄或文件的權力，包括要求交出以下述形式將該等資料或材料或其有關部分重現而製成的版本的權力——

- (a) (如記錄該等資料或材料的方式能使該等資料或材料以可閱讀形式重現) 以可閱讀形式；及
- (b) (如該等資料或材料記錄於電腦) 以能使該等資料或材料以可閱讀形式重現的形式。

#### 183. 查閱被檢取的紀錄或文件等

凡調查員或第 172、173 或 174 條所指的獲授權人根據本部管有任何紀錄或文件，他須在符合他就保安或其他方面而施加的合理條件下，准許如該等紀錄或文件沒有根據本部被他管有便會有權查閱該等紀錄或文件的人，在任何合理時間查閱該等紀錄或文件，及將該等紀錄或文件複印或以其他方式記錄其中的細節。

- (i) are, subject to subparagraph (ii), not admissible in evidence against him in criminal proceedings in a court of law other than those in which he is charged with an offence under section 172(13), (14) or (15) or 177 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);
- (ii) are admissible in evidence for all the purposes of Part XIII (including any proceedings (civil or criminal) instituted under or pursuant to that Part).

#### ~~181. Lien claimed on records or documents~~

Where the person in possession of any record or document required to be produced under this Part claims a lien on the record or document—

- (a) the requirement to produce the record or document shall not be affected by the lien;
- (b) no fees shall be payable for or in respect of the production; and
- (c) the production shall be without prejudice to the lien.

#### 182. Production of computerized information

Where any information or matter contained in any record or document required to be produced under this Part is recorded otherwise than in a legible form, any power conferred by this Part to require the production of the record or document includes the power to require the production of a reproduction of the recording of the information or matter or of the relevant part of it—

- (a) where the recording enables the information or matter to be reproduced in a legible form, in a legible form; and
- (b) where the information or matter is recorded in a computer, in a form which enables the information or matter to be reproduced in a legible form.

#### 183. Inspection of records or documents seized, etc.

Where an authorized person within the meaning of section 172, 173 or 174 or an investigator has taken possession of any record or document under this Part, the authorized person or the investigator (as the case may be) shall, subject to any reasonable conditions he imposes as to security or otherwise, permit a person who would be entitled to inspect the record or document had he not taken possession of it under this Part, to inspect it and to make copies or otherwise record details of it at all reasonable times.