Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill

Examples of pre-existing rights and obligations covered or not covered by paragraph 1(d) of Schedule 2 to the Bill

Purpose

Pursuant to Members' request at the Bills Committee meeting on 16 March 2007, this paper discusses whether certain pre-existing rights and obligations are covered by paragraph 1(d) of Schedule 2 to the Bill.

Background

- 2. Clause 9 deals with certain pre-existing rights or obligations arising from the exercise or performance of statutory powers or duties. Such rights and obligations are set out in Schedule 2 to the Bill. If such a right or obligation has a territorial limit confined to, or including, Hong Kong, then, pursuant to clause 9(1), its territorial limit is extended to include the Hong Kong Port Area (HKPA). Hence, a pre-existing warrant of arrest can be enforced in the HKPA; a qualified doctor or other recognized professionals will be qualified to carry out duties in the HKPA; and a driving licence issued by the Transport Department will cover the HKPA.
- 3. Paragraph 1(d) of Schedule 2 to the Bill (i.e. the provision in question) covers a pre-existing licence, permit, approval, certification, registration, enrolment, authorization or any other authority (howsoever described) or exemption (howsoever described) issued or given by the exercise or performance of a statutory power or duty described in Schedule 3, including (but not limited to) a warrant or order that authorizes the arrest (howsoever described) of a person made or issued under an enactment.

Examples of pre-existing rights and obligations

- 4. Examples of pre-existing rights and obligations covered by paragraph 1(d) of Schedule 2 to the Bill are given below –
- (a) a full driving *licence* issued by the Commissioner of Transport under regulation 11 of the Road Traffic (Driving Licences) Regulations (Cap. 374B) (Annex A);
- (b) a *permit* to import any animal, carcass or animal product issued by an authorized officer ¹ under section 12 of the Rabies Regulation (Cap. 421A) (Annex B);
- (c) an *approval* of an approved screening device (for the purpose of indicating whether the proportion of alcohol in a person's breath is likely to exceed the prescribed limit) under section 39F of the Road Traffic Ordinance (Cap. 374) (Annex C);
- (d) a practicising *certificate* issued by the Registrar under section 20A(2) of the Medical Registration Ordinance (Cap. 161) (Annex D);
- (e) a *registration* made by the Registrar (being the Director of Health) under section 14(3) of the Medical Registration Ordinance (Cap. 161) (Annex E);
- (f) a *registration* made by the Architects Registration Board under section 8 of the Architects Registration Ordinance (Cap. 408) (Annex F);

¹ According to section 2 of the Rabies Ordinance (Cap. 421), "authorized officer" means a person authorized by the Director (defined as Director of Agriculture, Fisheries and Conservation, the Deputy Director of Agriculture, Fisheries and Conservation or an Assistant Director of Agriculture, Fisheries and Conservation) under section 5 of the Ordinance.

- (g) a *registration* made by the Engineers Registration Board under section 7 of the Engineers Registration Ordinance (Cap. 409) (Annex G);
- (h) a *registration* made by the Surveyors Registration Board under section 7 of the Surveyors Registration Ordinance (Cap. 417) (Annex H);
- (i) a *registration* made by the Planners Registration Board under section 7 of the Planners Registration Ordinance (Cap. 418) (Annex I);
- (j) a *registration* made by the Landscape Architects Registration Board under section 7 of the Landscape Architects Registration Ordinance (Cap. 516) (Annex J);
- (k) an *enrolment* made by the Nursing Council of Hong Kong under section 15 of the Nurses Registration Ordinance (Cap. 164) (Annex K);
- (1) an *authorization* to delegate the power of the Commissioner of Police of Hong Kong or a deputy commissioner under section 67(7) of the Police Force Ordinance (Cap. 232) (Annex L);
- (m) an *authorization* given by the Director of Health to a public officer or a member of the Immigration Service, Auxiliary Medical Service or Civil Aid Service under section 27B(1) of the Prevention of the Spread of Infectious Diseases Regulations (Cap. 141B) (Annex M);

- (n) a warrant to authorize the apprehension of a person to attend before the Legislative Council or the committee under section 12 of the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) (Annex N);
- (o) an *exemption* from the requirements of all or any part of the Security and Guarding Services Ordinance (Cap. 460) granted under section 8 of the Ordinance (Annex O).
- 5. Referring to the examples suggested by Members at the meeting on 16 March 2007, our observations are set out below.

(a) Bylaw 30 of the Mass Transit Railway By-laws (Cap. 556B)

- 6. Under this bylaw, the Mass Transit Railway Corporation may authorize a person to sell or expose or offer for sale any goods, wares or services in or upon any railway premises (Annex P).
- 7. It is not a general authorization in relation to any premises in Hong Kong. As such, the territorial limit of the pre-existing right under such authorization given in relation to railway premises will not be extended by paragraph 1(d) of Schedule 2 to the Bill to cover the HKPA.

(b) Section 31(1) of the Urban Renewal Authority Ordinance (Cap. 563)

8. Under this section, the Secretary for Housing, Planning and Lands may authorize a person to enter and inspect any land or premises on it situated within the boundaries of a development scheme or a development project (Annex O).

9. The authorization is given only in relation to land or premises situated within designated boundaries (i.e. the boundaries of a particular development scheme or development project). It is not a general authorization in relation to any land or premises in Hong Kong. As such, the territorial limit of the pre-existing right under the authorization to enter and inspect land or premises within the said designated boundaries will not be extended by paragraph 1(d) of Schedule 2 to the Bill to cover the HKPA.

(c) Section 9(2) of the Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115)

- 10. Section 9(2) of Cap. 1115 provides that the contracts of insurance which the Hong Kong Export Credit Insurance Corporation (the "Corporation") may enter into are contracts of insurance with, or for the benefit of, persons carrying on business in Hong Kong, being contracts of insurance against risk of monetary loss or other monetary detriment attributable to circumstances outside the control of the person suffering the loss or detriment and resulting from failure to receive payment in connexion with, or otherwise arising out of, acts or transactions in the course of, or for the purpose of, trade with places outside Hong Kong (Annex R).
- 11. Contracts of insurance issued by the Corporation will not qualify as "a licence, permit, approval, certification, registration, enrolment, authorization or any other authority (howsoever described) or exemption (howsoever described) issued or given by exercise or performance of a statutory power or duty" within the meaning of paragraph 1(d) of Schedule 2 to the Bill. And the Corporation does not consider such contracts relevant to the HKPA insofar as paragraph 1(d) of Schedule 2 to the Bill is concerned.

(d) Certificate of Road Worthiness (COR) issued by a car testing centre

12. According to the Transport Department, COR is a certificate issued by a car testing centre in respect of a private car or light goods vehicle found to be roadworthy upon examination at a car testing centre. COR is an administrative tool and is not issued by exercise or performance of a statutory power or duty. COR will not give rise to any right or obligation that has a territorial limit confined to, or including, Hong Kong. It does not fall within paragraph 1(d) of Schedule 2 to the Bill.

Security Bureau 2 April 2007

Annex A

售語法例資料系統 ilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

374B

Title:

ROAD TRAFFIC

Gazette Number: 49 of 2000

(DRIVING LICENCES)

REGULATIONS

Regulation: 11

Heading:

Issue of full driving

Version Date: 01/10/2000

licences

Remarks:

Adaptation amendments retroactively made - see 3 of 2002 s. 15

- (1) Subject to paragraphs (2), (3), (3A) and (4) and regulations 6, 7, 8 and 9, the Commissioner shall issue a full driving licence (other than a full driving licence to drive a motor cycle or motor tricycle) to an applicant if he has passed, within 3 years prior to the date of his application, a driving test in respect of the class of motor vehicle to which his application relates. (L.N. 259 of 1984; 49 of 2000 s.5
- (1A) The Commissioner shall issue a full driving licence to drive a motor cycle or motor tricycle to an applicant for such licence if he has complied with regulation 12F. (49 of 2000 s. 5)
- (2) The Commissioner shall issue a full driving licence to an applicant to drive a motor vehicle of the class to which his application relates if the applicant holds a valid full driving licence for a class of motor vehicle which the Commissioner accepts as evidence of his competence to drive a motor vehicle of the class to which his application relates.
- (3) Subject to paragraph (4), the Commissioner may issue a full driving licence to an applicant if the Commissioner is satisfied that-
 - (a) some time within 3 years before the date on which the applicant makes the application he had held a driver's certificate or licence issued by a competent authority in any country or place listed in the Fourth Schedule authorizing him to drive motor vehicles of the class which he would be authorized to drive by the licence for which he has applied; and
 - (b) the certificate or licence was originally issued to the applicant after successful completion of a test of competence to drive motor vehicles of the class or description concerned conducted by or on behalf of the competent authority which issued the certificate or licence; and
 - (c) (i) the certificate or licence was originally issued to the applicant during a period of residence of not less than 6 months in the country or place of issue;
 - (ii) the certificate or licence was originally issued to the applicant not less than 5 years immediately prior to the application; or
 - (iii) the applicant is the holder of a passport or other equivalent travel document issued in the country or place in which the certificate or licence was issued. (3 of 2002 s. 15)

- (3A) Subject to paragraph (4), the Commissioner may issue a full driving licence to an applicant who is a consular officer or consular employee (as defined in the Schedule to the Consular Relations Ordinance (Cap 557)) if the Commissioner is satisfied- (16 of 2000 s. 15)
 - (a) that some time within 3 years before the date on which the applicant makes the application he had held a driver's certificate or licence issued by a competent authority in the country or place of which he is a consular officer or consular employee authorizing him to drive motor vehicles of the class which he would be authorized to drive by the licence for which he has applied; and (3 of 2002 s. 15) (b) as regards the requirements of paragraph (3)(b) and (c)(iii). (L.N. 259 of 1984)
- (4) No driving licence shall be issued under paragraph (3) authorizing any person to drive-
 - (a) a public bus or private bus;
 - (b) a medium goods vehicle;
 - (c) a heavy goods vehicle; (L.N. 259 of 1984)
 - (ca) an articulated vehicle; or (L.N. 259 of 1984)
 - (d) a special purpose vehicle.
- (5) (Repealed 89 of 1994 s. 29)
- (6) A full driving licence-
 - (a) may, subject to paragraph (6A), be issued on payment of the fee prescribed in the Second Schedule; and
 - (b) shall be valid-
 - (i) in the case of a driving licence issued to an applicant who is at or less than the age of 60 on the date of application, for a period of 10 years from the date of issue;
 - (ii) in the case of a driving licence issued to an applicant who is over the age of 60 but less than the age of 70 on the date of application, for-
 - (A) a period from the date of issue up to the day before he attains the age of 70; or
 - (B) a period of 3 years from the date of issue, whichever is the longer;
 - (iii) in the case of a driving licence issued to an applicant who is at or over the age of 70 on the date of application, for a period of one year or 3 years from the date of issue as the applicant chooses. (L.N. 183 of 1997)
- (6A) No fee shall be payable in respect of a full driving licence issued to a disabled person. (L.N. 183 of 1997)
- (7) The Commissioner shall specify in a full driving licence the class of motor vehicle, or the type within any class, that the licence holder is authorized to drive.

Previous section of enactment

Next section of enactment

Switch language

Annex B

養語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

421A

Title:

RABIES REGULATION

Gazette Number:

Section:

12

Heading:

Issue and extension of

Version Date:

30/06/1997

permits

- (1) An authorized officer may, upon application made to him in writing, containing such particulars as he may require, and payment of the appropriate permit fee (if any) prescribed in Part I of Schedule 1, issue a permit to import any animal, carcass or animal product.
- (2) A permit issued under subsection (1) shall-
 - (a) be in the specified form;
 - (b) specify the name and address of the holder of the permit;
 - (c) specify the quantity and kind of the animals, carcasses or animal products to which it relates;
 - (d) specify the conditions, if any, subject to which it is issued; and
 - (e) specify the period within which the importation shall be effected.
- (3) An authorized officer may, upon application to him and payment of the appropriate fee prescribed in Part I of Schedule 1, extend the period within which importation of any animal, carcass or animal product is required to be effected, or otherwise vary a permit issued under subsection (1).
 (4) A permit under this section may be issued, extended or varied subject to such conditions as the Director considers necessary or expedient to prevent the introduction or spread of rabies.

(Enacted 1994)

Previous section of enactment

Next section of enactment

Switch language

Annex C

都雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

374

Title:

ROAD TRAFFIC

Gazette Number:

Section:

39F

Heading:

Approval of instruments

Version Date:

30/06/1997

and operators

ORDINANCE

- (1) The Commissioner of Police may by notice in the Gazette approve types of instruments as-
 - (a) an approved breath analysing instrument to analyse the proportion of alcohol in a specimen of a person's breath;
 - (b) an approved screening device for the purpose of indicating whether the proportion of alcohol in a person's breath is likely to exceed the prescribed limit.
- (2) The Commissioner of Police may authorize in writing members of the police force as approved operators to carry out breath analysis using an approved breath analysing instrument.

(Added 39 of 1995 s. 7)

Previous section of enactment

Next section of enactment Switch language

Annex D

都雙語法例資料系統 以Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

161

Title:

MEDICAL

Gazette Number: 37 of 2000

REGISTRATION

ORDINANCE

Section:

20A

Heading:

Medical practitioner not to Version Date:

01/07/1997

practise without practising

certificate

Remarks:

Adaptation amendments retroactively made - see 37 of 2000 s. 3

- (1) Subject to this section, a registered medical practitioner shall not practise medicine, surgery or midwifery in Hong Kong, or any branch of medicine or surgery in Hong Kong, unless he is the holder of a practising certificate which is then in force.
- (2) On application made to the Registrar for the purpose of the issue of a practising certificate by a registered medical practitioner, and subject to-
 - (a) the payment of the prescribed fee for the issue of a practising certificate; and (b) the submission of evidence that the registered medical practitioner has not been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment,

the Registrar shall issue to the registered medical practitioner a certificate to the effect that he is, subject to any conditions and restrictions specified in the certificate, entitled to practise medicine, surgery and midwifery in Hong Kong. (Replaced 7 of 1996 s. 16)

- (3) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of that year, the certificate shall, subject to subsections (4A), (4B) and (5), be in force from the time of its issue until the end of that year. (Amended 7 of 1996 s. 16)
- (4) Where a practising certificate is issued pursuant to an application made during the course of a year in respect of the following year, the certificate shall, subject to subsections (4A), (4B) and (5), be in force for a period of 12 months commencing on 1 January in that following year. (Amended 7 of 1996 s. 16)
- (4A) Where a practising certificate for limited registration is issued or renewed under section 14A, the certificate shall, subject to subsection (5), be in force for the period specified in the certificate. (Added 38 of 1992 s. 7)
- (4B) Where a practising certificate is issued to a person registered under section 14B, the certificate shall, subject to subsection (5), be in force for the period specified in the certificate. (Added 7 of 1996 s. 16)
- (5) If at any time during the currency of a practising certificate issued under this section, the holder of the certificate ceases to be registered under this Ordinance, the certificate shall thereupon be deemed to be cancelled. (Amended 34 of 1995 s. 14)

- (6) Any person who is required under this section to be the holder of a practising certificate under this section shall be deemed
- to have obtained the certificate when he has duly applied to the Registrar and paid the prescribed fee for the issue of the practising certificate.
- (7) This section applies to any person registered under section 14, 14A or 14B, but does not apply to-
 - (a) any person provisionally registered under section 12;
 - (b) any person deemed to be registered as a medical practitioner by virtue of section 29(a) or (b);
 - (c) any person in respect of whom the Chief Executive has given consent under section 30; (Amended 37 of 2000 s. 3)
 - (d) any person to whom section 31 relates; or
 - (e) any qualified person in so far as he renders medical or surgical treatment to a person in an emergency. (Replaced 7 of 1996 s. 16)
- (8) A person who is required under this section to be the holder of a practising certificate shall not be entitled to recover any fees, costs or other remuneration unless he was, at the time when the cause of action arose, the holder of a valid practising certificate.

(Added 70 of 1975 s. 7. Amended 38 of 1992 s. 7)

Previous section of Next section of Switch language Back to the List of enactment enactment Laws

都雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

161

Title:

MEDICAL

Gazette Number: 25 of 1997 s. 4

REGISTRATION

ORDINANCE

Section:

14

Heading:

Registration

Version Date:

30/06/1997

- (1) Any person entitled to be registered under this section and section 35(7) may apply to the Registrar for registration. (Amended 87 of 1995 s. 13; 25 of 1997 s. 4)
- (2) Applications for registration under this section shall be made in such manner and form as the Registrar determines and shall be accompanied by such documents and particulars and by such fee as may be prescribed. (Amended 34 of 1995 s. 13. Replaced 7 of 1996 s. 9)
- (3) Where a person has complied with the provisions of subsection (2), he shall, subject to the provisions of this Ordinance, be registered by the Registrar who shall issue to him a licence of the Medical Council of Hong Kong in such form as the Registrar determines. (Amended 87 of 1995 s. 13; 7 of 1996 s. 44)
- (4) The Council may, if satisfied after due inquiry that an applicant for registration-
 - (a) has been convicted in Hong Kong or elsewhere of any offence punishable with imprisonment; or (Amended 25 of 1984 s. 10)
 - (b) has been guilty of misconduct in a professional respect; or (Amended 7 of 1996 s. 9)
 - (c) is not of good character, (Added 7 of 1996 s. 9)

order that the name of the applicant be not entered upon the General Register. (Added 95 of 1970 s.

3. Amended 33 of 1971 s. 2; 7 of 1996 s. 44)

(5) Such of the provisions of section 21 as are capable of application to an inquiry held for the purposes of this section shall apply to such inquiry, and any such provision may be construed with such modifications not affecting the substance as may be necessary to render it conveniently applicable. (Added 95 of 1970 s. 3)

Previous section of enactment

Next section of enactment

Switch language

Annex F

都雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment Switch language

Back to the List of

Laws

Contents of Section

Chapter:

408

Title:

ARCHITECTS

Gazette Number:

REGISTRATION

ORDINANCE

Section:

8

Heading:

Functions of the Board

Version Date:

30/06/1997

The Board shall-

- (a) establish and maintain a register of registered architects;
- (b) set and review the qualification standards for registration as a registered architect and related registration matters;
- (c) advise the Government and the Institute on registration matters;
- (d) examine and verify the qualifications of persons who apply for registration as registered architects;
- (e) receive, examine, accept or reject applications for registration and renewal of registration as a registered architect;
- (f) deal with disciplinary offences in accordance with this Ordinance;
- (g) keep proper records of its proceedings and accounts; and
- (h) carry out such other functions as this Ordinance may prescribe.

Previous section of enactment

Next section of enactment

Switch language

Annex G

都雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

409

Title:

ENGINEERS

Gazette Number:

REGISTRATION

ORDINANCE

Section:

7

Heading:

Functions of the Board

Version Date:

30/06/1997

The Board shall-

- (a) establish and maintain a register of registered professional engineers;
- (b) designate disciplines within the engineering profession under which a person may be registered as a registered professional engineer;
- (c) set and review the qualification standards for registration as a registered professional engineer and related registration matters;
- (d) advise the Government and the Institution on registration matters;
- (e) examine and verify the qualifications of persons who apply for registration as registered professional engineers;
- (f) receive, examine, accept or reject applications for registration and renewal of registration as a registered professional engineer;
- (g) deal with disciplinary offences in accordance with this Ordinance;
- (h) keep proper records of its proceedings and accounts; and
- (i) carry out such other functions as this Ordinance may prescribe.

Previous section of enactment Next section of enactment

Switch language

獨雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

417

Title:

SURVEYORS

Gazette Number:

REGISTRATION

ORDINANCE

Section:

7

Heading:

Functions of the Board

Version Date:

30/06/1997

The Board shall-

- (a) establish and maintain a register of registered professional surveyors;
- (b) designate divisions within the surveying profession under which a person may be registered as a registered professional surveyor;
- (c) set and review the qualification standards for registration as a registered professional surveyor and related registration matters;
- (d) advise the Government and the Institute on registration matters;
- (e) examine and verify the qualifications of persons who apply for registration as registered professional surveyors;
- (f) receive, examine, accept or reject applications for registration and renewal of registration as a registered professional surveyor;
- (g) deal with disciplinary offences in accordance with this Ordinance;
- (h) keep proper records of its proceedings and accounts; and
- (i) carry out such other functions as this Ordinance may prescribe.

(Enacted 1991)

Previous section of enactment

Next section of enactment

Switch language

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

418

Title:

PLANNERS

Gazette Number:

REGISTRATION

ORDINANCE

Section:

7

Heading:

Functions of the Board

Version Date:

30/06/1997

The Board shall-

- (a) establish and maintain a register of registered professional planners;
- (b) set and review the qualification standards for registration as a registered professional planner and related registration matters;
- (c) advise the Government and the Institute on registration matters;
- (d) examine and verify the qualifications of persons who apply for registration as registered professional planners;
- (e) receive, examine, accept or reject applications for registration and renewal of registration as a registered professional planner;
- (f) deal with disciplinary offences in accordance with this Ordinance;
- (g) keep proper records of its proceedings and accounts; and
- (h) carry out such other functions as this Ordinance may prescribe.

(Enacted 1991)

Previous section of enactment

Next section of enactment

Switch language

Annex J

獨雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment Switch language

Back to the List of Laws

Contents of Section

Chapter:

516

Title:

LANDSCAPE

Gazette Number:

ARCHITECTS

REGISTRATION

ORDINANCE

Section:

7

Heading:

Functions of the Board

Version Date:

30/06/1997

The Board shall-

- (a) establish and maintain a register of registered landscape architects;
- (b) set and review the qualification standards for registration as a registered landscape architect and related registration matters;
- (c) advise the Government and the Institute on registration matters;
- (d) examine and verify the qualifications of persons who apply for registration as registered landscape architects;
- (e) receive, examine, accept or reject applications for registration and renewal of registration as a registered landscape architect;
- (f) deal with disciplinary offences in accordance with this Ordinance;
- (g) keep proper records of its proceedings and accounts; and
- (h) carry out such other functions as this Ordinance may prescribe.

Previous section of enactment

Next section of enactment

Switch language

Annex K

都雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

164

Title:

NURSES REGISTRATION Gazette Number: L.N. 87 of

1999

Section:

15

Heading:

Enrolment

ORDINANCE

Version Date:

03/05/1999

- (1) Any person who considers himself qualified to be enrolled in any part of the roll may apply in the manner prescribed to the secretary for enrolment.
- (2) The name of a person qualified to be enrolled in accordance with section 14 who has complied with subsection (1) and with any regulations relating thereto shall, subject to payment of any prescribed fee and to subsection (3), be entered upon the roll by the Council. (Replaced 67 of 1985 s. 16. Amended 82 of 1997 s. 21)
- (3) If, after due inquiry, the Council is satisfied that a person applying under subsection (1) has in Hong Kong or elsewhere- (Amended 82 of 1997 s. 21)
 - (a) been convicted of an offence punishable with imprisonment; or
 - (b) been guilty of unprofessional conduct,

the Council may, in its discretion, refuse to enter the name of that person upon the roll. (Added 67 of 1985 s. 16. Amended 82 of 1997 s. 21)

(4) Such provisions of Part V as are capable of application to an inquiry held for the purposes of this section shall apply to any such inquiry, and any such provision may be construed with such modifications not affecting the substance thereof as may be necessary to render it applicable.

Previous section of enactment

Next section of enactment

Switch language

Annex L

售語法例資料系統

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

Chapter:

232

Title:

POLICE FORCE

Gazette Number:

ORDINANCE

Section:

Heading:

Power of Commissioner to Version Date:

30/06/1997

require information from banks and deposit-taking

companies

- (1) Where it appears to the Commissioner-
 - (a) that there is reasonable cause to suspect that an indictable offence has been committed; and
 - (b) that it is expedient for the purpose of investigating such offence or apprehending the offender to exercise the power conferred by this subsection,

the Commissioner may, by notice in writing, require any bank or deposit-taking company specified in the notice to notify him in such manner and within such reasonable period as may be so specified whether-

- (i) any person specified in the notice has or, so far as the bank's or company's records disclose, has had an account in Hong Kong with such bank or deposittaking company; or
- (ii) in the case of a bank, such bank-
 - (A) provides or, so far as the bank's records disclose, did provide a safety deposit box in Hong Kong for such person or to which such person is, according to the bank's records, permitted to have access; or
 - (B) holds or, so far as the bank's records disclose, has held in its custody in Hong Kong any property for such person or to which such person is, according to the bank's records, permitted to have access.
- (2) Before the period specified in a notice under subsection (1) expires, the Commissioner may by notice in writing extend such period by substituting therefor such longer period as he may deem appropriate; and a reference in subsection (4) to the requirements of a notice shall, in respect of a requirement relating to such period, be construed as a reference to a requirement relating to such period as so extended.
- (3) A notice under this section may be served by registered post, and any such notice shall be deemed to have been properly served on any bank or deposit-taking company if a letter containing the notice is sent by registered post addressed-

- (a) in the case of a bank or deposit-taking company incorporated in Hong Kong, to its registered office in Hong Kong;
- (b) in any other case, to any person resident in Hong Kong who is authorized to accept service of process in Hong Kong on behalf of the bank or deposit-taking company, at the address required to be delivered to the Registrar of Companies under Part XI of the Companies Ordinance (Cap 32):

Provided that where it is not practicable to serve, in the manner provided in paragraph (b), a bank or deposit-taking company which is not incorporated in Hong Kong, the notice may be served on the manager or other person in charge of any place of business established in Hong Kong by the bank or deposit-taking company.

- (4) If any bank or deposit-taking company on which a notice under this section is served, without reasonable excuse-
 - (a) fails to comply with any of the requirements of such notice; or
 - (b) in purported compliance with any such requirement, furnishes any information which is false in a material particular,

such bank or deposit-taking company shall be guilty of an offence and shall be liable-

- (i) on conviction upon indictment, to a fine of \$100000;
- (ii) on summary conviction, to a fine of \$50000.
- (5) Where a bank or deposit-taking company on which a notice under this section is served, at any time-
 - (a) fails to comply with any of the requirements of such notice; or
 - (b) in purported compliance with any such requirement, furnishes any information which is false in a material particular,

with the consent or connivance of any individual, the individual shall, whether or not an offence under subsection (4) is committed, be guilty of an offence under this subsection if at that time-

- (A) he is a director, manager, secretary or similar officer of the bank or deposittaking company; or
- (B) he is purporting to act as such officer or as agent of the bank or deposit-taking company; or
- (C) the bank or deposit-taking company is managed by its members, of whom he is one,

and shall be liable-

- (i) on conviction upon indictment, to a fine of \$50000 and to imprisonment for 1 year;
- (ii) on summary conviction, to a fine of \$10000 and to imprisonment for 6 months.
- (6) Where a notice under this section is served on a bank or deposit-taking company, any individual who wilfully causes or procures the bank or deposit-taking company-
 - (a) to fail to comply with any of the requirements of such notice; or(b) in purported compliance with any such requirement, to furnish any information which is false in a material particular,

shall, whether or not an offence under subsection (4) is committed, be guilty of an offence under this subsection and shall be liable-

- (i) on conviction upon indictment to a fine of \$50000 and to imprisonment for 1 year;
- (ii) on summary conviction to a fine of \$10000 and to imprisonment for 6 months.
- (7) Section 7 shall not apply in relation to the power conferred by subsection (1) or (2), but such power may be exercised by any police officer not below the rank of assistant commissioner or any member of the Customs and Excise Service not below the rank of assistant commissioner authorized in writing by the Commissioner in that behalf; and, for the purposes of this section, where such power is exercised by any such police officer or member of the Customs and Excise Service it shall be presumed unless the contrary is proved that such police officer or member is so authorized to exercise such power.
- (8) In this section-

"bank" (銀行) means a bank within the meaning of section 2 of the Banking Ordinance (Cap 155); "deposit-taking company" (接受存款公司) means a deposit-taking company or restricted licence bank within the meaning of section 2 of the Banking Ordinance (Cap 155). (Replaced 49 of 1995 s. 53)

(Added 54 of 1983 s. 2)

Previous section of enactment

Next section of enactment Switch language

Annex M

都雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment Next section of enactment Switch language

Back to the List of Laws

Contents of Section

Chapter:

141B

Title:

PREVENTION OF THE

Gazette Number:L.N. 107 of

SPREAD OF INFECTIOUS

2003

DISEASES

REGULATIONS

Regulation: 27B

Heading:

Power to stop and detain

Version Date:

17/04/2003

persons seeking to leave

Hong Kong in

contravention of regulation

27A

(1) Any-

(a) police officer or health officer;

(b) member of the Immigration Service, Auxiliary Medical Service or Civil Aid Service authorized by the Director of Health; or

(c) public officer authorized by the Director of Health,

may stop and detain any person seeking to leave Hong Kong in contravention of regulation 27A.

(2) A person detained under paragraph (1) may be removed by any person referred to in subparagraph (a), (b) or (c) of that paragraph to an infectious diseases hospital or such other place as appointed by a health officer.

(3) An authorization under paragraph (1)(b) or (c) may be given by the Director of Health to a member of the Services referred to in paragraph (1)(b), or a public officer referred to in paragraph (1)(c), by rank or office as specified by the Director.

(4) A person who obstructs the exercise of a power under paragraph (2) by a person referred to in paragraph (1)(a), (b) or (c) commits an offence and is liable to a fine of \$5000 and to imprisonment for 6 months.

(Part VIA added L.N. 107 of 2003)

Previous section of enactment

Next section of enactment

Switch language

Annex N

語法例資料系統

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of

Laws

Contents of Section

Chapter:

382

Title:

LEGISLATIVE COUNCIL Gazette Number: 71 of 2000

(POWERS AND

PRIVILEGES) **ORDINANCE**

Heading: Section: 12

Power to issue warrant to Version Date:

01/07/1997

compel attendance

Remarks:

Adaptation amendments retroactively made - see 71 of 2000 s. 3

- (1) Where a person to whom a summons is issued under section 10 does not attend before the Council or the committee at the time and place stated therein, the President may, if satisfied that the summons has been duly served or that such person has wilfully avoided service, direct the Clerk to issue a warrant in the prescribed form to apprehend him and bring him, at a time and place stated in the warrant, before the Council or committee, as the case may be.
- (2) Where a warrant is issued under this section, the President may, by ordering an appropriate endorsement on the warrant, direct that the person named in the warrant be brought before a magistrate after arrest and released on entering into such recognizance for his appearance before the Council or committee as may be specified in the endorsement.
- (3) A warrant issued under this section shall be executed by a police officer.
- (4) A magistrate may, when a person is brought before him under subsection (2), release that person upon his entering into such recognizance as may be specified in the endorsement on the warrant.
- (5) Every warrant and every endorsement on such warrant purporting to bear the signature of the Clerk under this section shall be deemed, unless the contrary is proved, to have been issued or made under the direction or order of the President under this section.
- (6) The Chief Executive may, by order in the Gazette, prescribe a form of warrant for the purposes of this section. (Amended 71 of 2000 s. 3)

(Enacted 1985)

Previous section of enactment

Next section of enactment

Switch language

Annex O

語法例資料系統

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of

Laws

Contents of Section

Chapter:

460

Title:

SECURITY AND

Gazette Number:

GUARDING SERVICES

ORDINANCE

Section:

8

Heading:

Power to grant temporary Version Date:

30/06/1997

exemption

- (1) If the Commissioner is of the opinion that the criteria specified under section 6(1)(b)(iv) are satisfied in respect of any person, he may by notice in writing to that person grant him an exemption from all or any part of this Ordinance for a period not exceeding 14 days.
- (2) The Authority may by notice in writing to the person extend an exemption granted under subsection (1) for one further period not exceeding 30 days.

(Enacted 1994)

Previous section of enactment

Next section of enactment

Switch language

雙語法例資料系統 Bilingual Laws Information System

Annex P

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of

Laws

Contents of Section

hapter:

556B

Title:

MASS TRANSIT RAILWAY

Gazette Number:

L.N. 136 of

BY-LAWS

2000; G.N. 3903

of 2000

ylaw:

30

Heading:

Hawking prohibited

Version Date:

30/06/2000

To person, unless authorized in writing by the Corporation, shall sell or expose or offer for sale any goods, wares or ervices in or upon any railway premises, and sections 86, 86A, 86C and 86D of the Public Health and Municipal ervices Ordinance (Cap 132) shall apply to an offence under this by-law as if such offence were a hawker offence within the meaning of section 83 of that Ordinance.

(Enacted 1986)

Previous section of enactment

Next section of enactment

Switch language

Annex Q

雙語法例資料系統 Bilingual Laws Information System

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of Laws

Contents of Section

hapter:

563

Title:

URBAN RENEWAL

Gazette Number: L.N. 92 of 2001

AUTHORITY ORDINANCE

ection:

31

Heading:

Power to enter and inspect

Version Date:

01/05/2001

- 1) The Secretary or any person authorized by him in writing may, at a reasonable time, enter and inspect any land r any premises on it situated within the boundaries of a development scheme or a development project for the urpose of preparing an assessment required by sections 25(3)(c) and 29(3)(b) and (c) and for connected purposes. 2) The Secretary may delegate to the Authority the powers to enter and inspect as provided under subsection (1).
- 3) An authorization issued under subsection (1) may authorize the Authority or any person authorized by the uthority in writing before the issue of the authorization to enter the land or any premises on it on such occasions nd at such times as may be necessary for the purpose for which the authorization was issued.
- 4) Where the Secretary, the Authority or any person authorized in writing by the Secretary or the Authority under elegated authority is unable to effect an entry to the land or into any premises on it in accordance with subsection 1), he may serve on the owner and occupier a notice in writing requiring permission to so enter and inspect and fter the expiry of 48 hours from the service of the notice he may, at any reasonable time during daylight, enter, sing such reasonable force as is necessary therefor, and inspect such land or premises and take such particulars as
- e thinks fit. 5) Where the Authority or any person authorized in writing by the Secretary or the Authority under delegated uthority enters any land or premises under an authorization issued under this section he shall produce his uthorization and may require any person present on that land or in those premises-
 - (a) to give details of his identity, name and address and produce his identity card issued under the Registration of Persons Ordinance (Cap 177) for inspection; or
 - (b) who appears at the time to be a person responsible for or in charge of that land or those premises to give such information or render such assistance as may be necessary for the purposes of this section.
- 6) An authorization issued under subsection (3) shall continue in force until the purpose for which the entry is ecessary has been satisfied.
- 7) Any person who-
 - (a) obstructs the Secretary, the Authority or any person authorized in writing by the Secretary or the Authority under delegated authority from entering or inspecting any land or any premises on it under this section;
 - (b) without reasonable excuse, refuses to give details of his identity, name and address and produce his identity card issued under the Registration of Persons Ordinance (Cap 177) for inspection when so required under subsection (5)(a);
 - (c) gives such information which he knows or reasonably ought to know to be false in a material particular; or
 - (d) without reasonable excuse, refuses to give such information or render such assistance as may be necessary for the purposes of this section when so required under subsection (5)(b),

- (i) on first conviction to a fine at level 1;(ii) on second or subsequent conviction to a fine at level 3.

Previous section of enactment

Next section of enactment

Switch language

都雙語法例資料系統 Bilingual Laws Information System

Annex R

Individual Section Mode

Previous section of enactment

Next section of enactment

Switch language

Back to the List of

Laws

Contents of Section

Chapter:

1115

Title:

HONG KONG EXPORT

Gazette Number:

66 of 2000

CREDIT INSURANCE

CORPORATION ORDINANCE

01/07/1007

Section:

9

Heading:

Business of the Corporation

Version Date:

01/07/1997

Remarks:

Adaptation amendments retroactively made - see 66 of 2000 s. 3

- (1) The Corporation may, subject to the provisions of this Ordinance, carry on the business of insurance, being insurance under the contracts of insurance specified in subsection (2), and the business of giving guarantees under section 9B. (Amended 8 of 1974 s. 2)
- (2) The contracts of insurance which the Corporation may enter into under this section are contracts of insurance with, or for the benefit of, persons carrying on business in Hong Kong, being contracts of insurance against risk of monetary loss or other monetary detriment attributable to circumstances outside the control of the person suffering the loss or detriment and resulting from failure to receive payment in connexion with, or otherwise arising out of, acts or transactions in the course of, or for the purpose of, trade with places outside Hong Kong. (Amended 66 of 2000 s. 3)
- (3) The Corporation shall not enter into contracts of insurance against risks that are normally insured with commercial insurers.
- (4) The Corporation shall pursue a policy directed towards securing revenue sufficient to meet all its expenditure properly chargeable to revenue account.

Previous section of enactment

Next section of enactment

Switch language