

**9A. 署長就被作為寵物飼養的  
指明禽鳥發出豁免許可證  
的權力等**

- (1) 在本條中，“豁免許可證”(exemption permit)指署長根據第(2)款發出的許可證。
- (2) 在符合本條的規定下，署長可就飼養任何在緊接 2006 年 2 月 13 日之前已被作為寵物飼養的指明禽鳥發出許可證。
- (3) 署長只有在以下情況下方可發出豁免許可證——
- (a) 有人提供證據令他信納有關的指明禽鳥在緊接 2006 年 2 月 13 日之前已被作為寵物飼養；及
- (b) 他信納在將會用作飼養有關的指明禽鳥的處所內飼養的指明禽鳥(包括有關的指明禽鳥)的總數目不超過 20 隻。
- (4) 署長可就豁免許可證施加他認為適合的條件。
- (5) 如根據第(4)款就某豁免許可證施加的任何條件遭違反，署長可撤銷該豁免許可證。
- (6) 任何人為了取得豁免許可證而提供他知道或他理應知道在要項上是虛假或不正確的證據或資料，即屬犯罪，可處第 3 級罰款。  
(2006 年第 20 號法律公告及 2006 年第 65 號法律公告)

**9A. Power of Director to issue exemption  
permit in respect of specified  
bird kept as pet, etc.**

- (1) In this section, “exemption permit” (豁免許可證) means a permit issued by the Director under subsection (2).
- (2) Subject to this section, the Director may issue a permit in respect of the keeping of any specified bird that has been kept as a pet immediately before 13 February 2006.
- (3) The Director may issue an exemption permit only if—
- (a) evidence to his satisfaction is furnished to establish that the relevant specified bird has been kept as a pet immediately before 13 February 2006; and
- (b) he is satisfied that the total number of specified birds (including the relevant specified bird) kept in or on the premises where the relevant specified bird will be kept does not exceed 20.
- (4) The Director may impose such conditions as he sees fit in respect of an exemption permit.
- (5) The Director may revoke an exemption permit if any condition imposed in respect of the exemption permit under subsection (4) has been contravened.
- (6) A person who, for the purpose of obtaining an exemption permit, furnishes any evidence or information which he knows or reasonably ought to know to be false or incorrect in a material particular commits an offence and is liable to a fine at level 3.

(L.N. 20 of 2006 and L.N. 65 of 2006)

第 XVI 部

廣告、申述及“銀行”稱號的使用

92. 發出關於存款的廣告等的罪行

(1) 除第(2)款另有規定外，任何人如知道某廣告、邀請或文件屬於或載有一項邀請，邀請公眾人士——

(a) 作出任何存款；或

(b) 訂立或要約訂立作出任何存款的協議，

即不得在香港或其他地方發出該廣告、邀請或文件，或為在香港或其他地方發出該廣告、邀請或文件的目的而管有該廣告、邀請或文件。

(2) 第(1)款在——

(a) 任何廣告、邀請或文件屬於或載有以下邀請的範圍內——

(i) 邀請公眾人士在某認可機構作出存款；或

(ii) 邀請公眾人士訂立或要約訂立在某認可機構作出存款的協議；

(b) 《證券及期貨條例》(第 571 章)第 103(1)條憑藉該條例第 103(3)(f)、(g)、(h) 或 (i) 條而不適用於任何廣告、邀請或文件的範圍內或該廣告、邀請或文件的發出是根據該條例第 105(1)條獲認可的範圍內；(由 2002 年第 5 號第 407 條代替)

(c) 任何廣告、邀請或文件屬於或載有符合附表 5 所指明適用於訂明廣告的規定的訂明廣告的範圍內；或

(d) 任何廣告、邀請或文件是關乎存款的接受而第 III 部憑藉第 3(1) 或 (2) 條不適用於該項接受的範圍內，

不適用於該廣告、邀請或文件。

(7) 在本條及附表 5 中——

“訂明廣告”(prescribed advertisement)指任何屬於或載有就以下事宜作出邀請的廣告、邀請或文件——

(a) 在香港以外作出存款；或

(b) 訂立協議或要約訂立協議在香港以外作出存款；

PART XVI

ADVERTISEMENTS, REPRESENTATIONS AND USE OF TITLE "BANK"

92. Offence to issue advertisements, etc. relating to deposits

(1) Subject to subsection (2), no person shall issue, or have in his possession for the purposes of issue, whether in Hong Kong or elsewhere, an advertisement, invitation or document which to his knowledge is or contains an invitation to members of the public—

(a) to make any deposit; or

(b) to enter into, or offer to enter into, any agreement to make any deposit.

(2) Subsection (1) shall not apply in relation to any advertisement, invitation or document—

(a) to the extent that the advertisement, invitation or document is or contains an invitation to members of the public—

(i) to make a deposit with an authorized institution; or

(ii) to enter into, or offer to enter into, any agreement to make a deposit with an authorized institution;

(b) to the extent to which section 103(1) of the Securities and Futures Ordinance (Cap. 571) does not apply to the advertisement, invitation or document by virtue of section 103(3)(f), (g), (h) or (i) of that Ordinance or the issue of which is authorized under section 105(1) of that Ordinance; (Amended 5 of 2002 s. 407)

(c) to the extent that the advertisement, invitation or document is or contains any prescribed advertisement which complies with the requirements specified in the Fifth Schedule applicable to the prescribed advertisement; or

(d) to the extent that the advertisement, invitation or document relates to the taking of a deposit which is not, by virtue of section 3(1) or (2), a taking to which Part III applies.

(7) In this section and the Fifth Schedule—

“prescribed advertisement”(訂明廣告)means any advertisement, invitation or document which is or contains an invitation—

(a) to make any deposit outside Hong Kong; or

(b) to enter into, or offer to enter into, any agreement to make any deposit outside Hong Kong.

附表 5 [第 92(2)(c) 及 (7)  
及 135(3) 條]  
(由 2001 年第 32 號第 26 條修訂)

FIFTH SCHEDULE [ss. 92(2)(c) &  
(7) & 135(3)]  
(Amended 32 of 2001 s. 26)

適用於訂明廣告的規定

REQUIREMENTS APPLICABLE TO  
PRESCRIBED ADVERTISEMENTS

1. 釋義

- (1) 在本附表中——  
“全名”(full name) 就一名人士而言，指該名人士經營業務時採用的姓名或名稱，如有不同並如該名人士是法人團體，則指該法人團體的名稱；  
“負債”(liabilities) 包括準備金，而該等準備金是並未從資產的價值中扣減的；  
“接受存款人”(deposit-taker) 就訂明廣告而言，指藉該廣告而邀請向某名人士作出存款的該名人士。  
(2) 凡在本附表中提述就存款支付利息，包括提述就該存款而支付任何溢價，以及將利息記入該存款的貸方以構成本金的增益。  
(3) 就本附表而言，如訂明廣告中載有的資料是意圖或可合理地推定為意圖直接或間接引致作出存款的，須視作猶如載有一項作出存款的邀請；凡提述一項作出存款的邀請，須據此解釋。

2. 警告

每項訂明廣告，須載有顯著的警告，意指接受存款人並非本條例所指的認可機構，並因此不受金融管理專員監管。

(由 1992 年第 82 號第 25 條修訂)

3. 訂明廣告的一般規定

每項訂明廣告，須述明——

- (a) 接受存款人的全名；
- (b) 接受存款人的主要營業地點所在的國家或地區，並如此描述；及
- (c) 如接受存款人是法人團體，其成立為法團的國家或地區，並如此描述，除非該國家或地區與 (b) 分節提述的相同。

1. Interpretation

- (1) In this Schedule—  
“deposit-taker” (接受存款人), in relation to a prescribed advertisement, means the person with whom the deposits which are invited by the advertisement are to be made;  
“full name” (全名), in relation to a person, means the name under which that person carries on business and, if different and if that person is a body corporate, its corporate name;  
“liabilities” (負債) includes provisions where such provisions have not been deducted from the value of assets.  
(2) A reference in this Schedule to the payment of interest in respect of a deposit includes a reference to the payment of any premium in respect of the deposit, and to the crediting of interest to the deposit so as to constitute an accretion to the principal.  
(3) For the purposes of this Schedule, a prescribed advertisement which contains information which is intended or might reasonably be presumed to be intended to lead directly or indirectly to the making of a deposit shall be treated as if it contained an invitation to make a deposit, and references to an invitation to make a deposit shall be construed accordingly.

2. Warning

Every prescribed advertisement shall contain a prominent warning to the effect that the deposit-taker is not an authorized institution within the meaning of this Ordinance and is therefore not subject to the supervision of the Monetary Authority.

(Amended 82 of 1992 s. 25)

3. General requirements for prescribed advertisements

Every prescribed advertisement shall state—

- (a) the full name of the deposit-taker;
- (b) the country or territory in which the deposit-taker's principal place of business is situated, described as such; and
- (c) if the deposit-taker is a body corporate, the country or territory in which it is incorporated, described as such, unless this is the same as the country or territory referred to in subparagraph (b).