

For discussion  
on 26 March 2012

**Panel on Administration of Justice and Legal Services**

**Editorial Record 1 of 2012 (compiled in accordance with section 2B of the  
Laws (Loose-leaf Publication) Ordinance 1990)**

**Proposed Amendments to the Legislation Publication Ordinance (Cap. 614)  
and the Laws (Loose-leaf Publication) Ordinance 1990**

**Legislation Publication (Revision) Order 2012**

**Introduction**

This paper provides information on the exercise of the editorial powers by the Secretary for Justice (“SJ”) under the new section 2A of the Laws (Loose-leaf Publication) Ordinance 1990 (“Loose-leaf Ordinance”) and the publication of editorial records (“ER”) pursuant to the new section 2B of the Loose-leaf Ordinance.<sup>1</sup> We also take the opportunity to brief members on two legislative proposals relating to editorial powers under the Loose-leaf Ordinance and the Legislation Publication Ordinance (Cap. 614) (“LPO”) and the exercise of revision powers under the LPO.

**Background**

2. The Legislation Publication Bill (the “Bill”) was passed in June 2011 after eight Bills Committee meetings. During the scrutiny of the Bill, we agreed to tighten the scope of editorial powers in response to members’ concern. For example, the power to omit provisions is limited to enacting, expired or spent provisions and the power to re-arrange items is limited to a list of definitions or unnumbered items only. Certain proposed editorial powers (e.g. amending a provision heading, changing a reference to a date, gender-neutral amendments) were also transferred to the regime of revision order under section 17 of the LPO so that the amendments will be subject to negative vetting by the Legislative Council (“LegCo”).

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<sup>1</sup> The new sections 2A and 2B were added by section 21 of the Legislation Publication Ordinance (Cap. 614) and came into operation on 16 January 2012 (Please see L.N.164 of 2011 for details).

3. On the basis of the above tightly-drawn scope of editorial powers and the overriding principle that any editorial amendment must not change the legal effect of a provision, members agreed that no scrutiny would be required for editorial amendments.

4. In order to speed up the updating of the statute book to the new format and to facilitate the future migration of the legislation data to the new database to be established under the LPO (“Database”), our proposal to apply the same editorial powers under the Database regime to the Loose-leaf Edition of the Laws of Hong Kong (“loose-leaf edition”) was supported by members. We have incorporated safeguards similar to those for the Database regime to the loose-leaf edition (i.e. SJ must compile a record containing descriptions of the editorial amendments made and the amendments should only take effect on or after publication of the record).

### **Editorial Amendments and Publication of ER**

5. According to section 2B of the Loose-leaf Ordinance, the editorial record compiled by SJ must be published in the loose-leaf edition. The loose-leaf edition is currently updated twice a year, with a cut-off date around February and August respectively. The first ER, namely “E.R. 1 of 2012” was published in the loose-leaf edition on 9 February 2012 to tie in with the February cut-off date of the loose-leaf edition. A copy of E.R. 1 of 2012 is in **Annex A** for information.

6. It is impractical to make editorial amendments under section 2A of the Loose-leaf Ordinance to all Ordinances in one go. In the first exercise of the editorial powers in February 2012, we only made editorial amendments to those Ordinances in respect of which legislative amendments would commence before the February cut-off date. These Ordinances (or part of them) will have to be reprinted in the next issue of the loose-leaf edition (i.e. Issue 47). We are therefore of the view that they are suitable Ordinances for exercising the editorial powers so that they will be presented in the new legislative format (e.g. with larger fonts and wider line spacing) in the reprint.<sup>2</sup> Appropriate annotations (e.g. “Amended E.R. 1 of 2012”) will be added for readers’ information if there are editorial amendments made to a provision.

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<sup>2</sup> After balancing conflicting factors (including consistency within an Ordinance, number of pages involved and the existing resources), our policy is –  
(a) for shorter Ordinances, to update the format of the whole Ordinance; and  
(b) for lengthy Ordinances, to update on a “Part /Schedule” basis.

## **Examples of Editorial Amendments**

7. To help members understand the editorial amendments made, we have extracted a few examples from E.R. 1 of 2012—

- (a) To correct a grammatical, clerical or typographical error

The words “**with in**” are repealed and substituted by “**within**” in the English text of section 7F of the Human Organ Transplant Ordinance (Cap. 465) so that the amended provision now reads as “.... by giving a notice of appeal in such manner and **within** such period as the Secretary may prescribe by regulation.”.

- (b) To alter the text of a provision to reflect an amendment to the provision deemed to have been made by another provision

The fine amount, i.e. “**\$20,000**” in section 70(1) of the Mental Health Ordinance (Cap. 136) was replaced by its corresponding fine level i.e. “**level 4**”. Without the amendment, the provision would have to be read together with section 113C(2) of the Criminal Procedure Ordinance (Cap. 221).

Section 113C(2) of Cap. 221 provides that where an Ordinance provides for a fine, other than an excluded fine, for an offence expressed as an amount of money, the fine shall be **deemed** to be a fine at the level relevant to the amount of the fine in the following table—

<b>Fine</b>	<b>Level Applied</b>
\$1 to \$2 000	Level 1
\$2 001 to \$5 000	Level 2
\$5 001 to \$10 000	Level 3
\$10 001 to \$25 000	Level 4
\$25 001 to \$50 000	Level 5
\$50 001 to \$100 000	Level 6

Section 113C(3) of Cap. 221 further provides that where a provision in an Ordinance specifies a fine, other than an excluded fine, expressed as an amount of money that may be prescribed under subsidiary legislation, the fine shall be **deemed** to be a fine at the level relevant to the amount of the fine in the above table.

Replacing a fine amount with the corresponding fine level in relevant provisions is to reflect the effect of the above deeming provisions in Cap. 221. These editorial amendments will not change the legal effect of the penalty provisions and will not pre-empt the LegCo's power to amend them in the future.

- (c) To omit enacting, expired and spent provisions

The enacting provision of the Legislation Publication Ordinance (Cap. 614) was omitted and part of the commencement provision (i.e. section 1(3)) was also omitted as spent. Omission of enacting, expired and spent provisions is part of the law consolidation process in common law jurisdictions.

- (d) To change the sequence of definitions

The definitions in the Chinese text of section 2 of the Smoking (Public Health) Ordinance (Cap. 371) were re-arranged according to their respective number of strokes to facilitate searching.

- (e) To change the format, layout, printing style or any other presentation aspects

The relevant Ordinance was updated to the current legislative styles and format which have been adopted in all new and amending legislation since July 2010. For example —

- (i) changing chapter titles from all capitals to upper and lower cases (e.g. “**PRISONS ORDER**” to “**Prisons Order**”);
- (ii) removing the double quotation marks around defined terms and printing them in italicized and bold format (e.g. ““specified person ”” to “***specified person***”);
- (iii) changing heading numbers to Arabic numerals (e.g. “**FIRST SCHEDULE**” to “**Schedule 1**”; “**PART III**” to “**Part 3**”);
- (iv) changing other aspects such as adjusting font sizes and attributes (e.g. bold or italics) and line spacing, and replacing out-denting of the text of provisions by in-denting.

Samples of the loose-leaf pages (both before and after the editorial amendments) of the above amended provisions are in **Annex B** for members' reference.

### **Incorporation of the Editorial Amendments**

#### ***Loose-leaf Edition***

8. The editorial amendments recorded in E.R. 1 of 2012 will be incorporated in the next issue of the loose-leaf edition (i.e. Issue 47), which will be published in mid 2012.

#### ***BLIS***

9. To facilitate public access to the ERs, we will upload all ERs (in searchable PDF format) onto the BLIS website under the new icon "Editorial Records" (<http://www.legislation.gov.hk/eng/editrec.htm>) for information. We have uploaded E.R. 1 of 2012 onto the BLIS on its publication in the loose-leaf edition on 9 February 2012.

10. We have already incorporated all textual editorial amendments into the relevant provisions in the BLIS with appropriate annotations. We would also incorporate the remaining pure formatting editorial amendments in the BLIS as far as practicable.

### **Proposed Amendments to the LPO and the Loose-leaf Ordinance**

11. In the course of preparing the first ER, we find that it would be beneficial for SJ to have a few more editorial powers so that certain desirable changes could also be effected editorially. We would like to make the ambit of editorial powers for the loose-leaf edition to be in line with the Database regime. The power to replace (or insert) a reference to a chapter number is also required so that we could, for example, replace "(3 of 2011)" with the chapter number assigned i.e. "(Cap. 611)".

12. At present, we only have the power to insert the Chinese / English equivalent after an item. To be more informative, we would like to extend the power to definitions so that they will appear in bilingual form.

13. We would like to include the above proposed amendments to the LPO and the Loose-leaf Ordinance in the upcoming Statute Law (Miscellaneous Provisions) Bill 2012 to facilitate the editorial work of the Law Drafting Division in preparing and updating the Laws of Hong Kong.

### **Legislation Publication (Revision) Order 2012**

14. Some minor amendments cannot be achieved by editorial amendments. We will therefore introduce revision Orders made by the Secretary for Justice under section 17 of the LPO. For example, we will make use of section 17(f) to change “Tuen Mun New Territories Land Registry” in item (az) of paragraph 3 of the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice (Cap. 53, sub. leg. B) to “Land Registry” to reflect the change of name. Section 17(a) will also be used to update some legislative provisions to secure uniformity of expression. We will table the first Order, the Legislation Publication (Revision) Order 2012 within this legislative session for negative vetting. In the future, revision Orders will be introduced on a regular basis.

### **Conclusion**

15. It is our duty to improve the readability and presentation of our legislation whenever possible. The power to make editorial amendments and revision pursuant to the LPO and the Loose-leaf Ordinance will not only facilitate the consolidation of Hong Kong legislation, but also enhance the efficiency of the mechanism to rectify minor errors.

**Department of Justice  
March 2012**

**編輯修訂紀錄  
(2012 年第 1 號編輯修訂紀錄)  
EDITORIAL RECORD  
(E.R. 1 of 2012)**

本編輯修訂紀錄按照《1990 年法例(活頁版)條例》(1990 年第 51 號)第 2B 條編訂。  
This editorial record is compiled in accordance with section 2B of the Laws (Loose-leaf Publication) Ordinance 1990  
(51 of 1990).

生效日期  
2012 年 2 月 9 日  
Effective Date  
9 February 2012

頁數 : 30  
No. of pages: 30

載於本編輯修訂紀錄中的修訂會納入第 47 期的活頁版中。  
**Amendments contained in this editorial record will be incorporated  
in Issue 47 of the Loose-leaf Edition.**



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**編輯修訂**

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
第 1 章	第 XIII 部	改變第 XIII 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
	附表 1 至 7	改變附表 1 至 7 的格式、內容鋪排、印刷文體和其他版面方面的安排。
	附表 6，中文文本	廢除“福利”；代以“福利”。
第 32L 章	整項公告	改變公告的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
第 53B 章	整項公告	改變公告的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 59V 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 8(1)條	廢除“第 II 部”；代以“第 2 部”。
	第 14(1)及(2)條	廢除“罰款\$50,000”；代以“第 5 級罰款”。

**Editorial Amendments**

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
Cap. 1	Part XIII	Change the format, layout, printing style and other presentational aspects of Part XIII.
	Schedules 1 to 7	Change the format, layout, printing style and other presentational aspects of Schedules 1 to 7.
	Schedule 6, Chinese text	Repeal “福利”；Substitute “福利”.
Cap. 32L	Whole Notice	Change the format, layout, printing style and other presentational aspects of the Notice.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 53B	Whole Notice	Change the format, layout, printing style and other presentational aspects of the Notice.
Cap. 59V	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
	Section 8(1)	Repeal “Part II”；Substitute “Part 2”.
	Sections 14(1) and (2)	Repeal “of \$50,000”；Substitute “at level 5”.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	第 14(3)條	廢除“罰款\$10,000”； 代以“第 3 級罰款”。
	第 14(3A)條	廢除“罰款\$50,000”； 代以“第 5 級罰款”。
第 60 章	整條條例	將對《進出口(一般)規例》(第60章，附屬法例A)的部(包括附表的部)的提述內的標題號碼，改為阿拉伯數字。
		將對《進出口(一般)規例》(第60章，附屬法例A)的附表的提述內的標題號碼(英文文本)，改為阿拉伯數字。
第 60A 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
		將對規例的部(包括附表的部)的提述內的標題號碼，改為阿拉伯數字。
		將對規例的附表的提述內的標題號碼(英文文本)，改為阿拉伯數字。
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Section 14(3)	Repeal “of \$10,000”; Substitute “at level 3”.
	Section 14(3A)	Repeal “of \$50,000”; Substitute “at level 5”.
Cap. 60	Whole Ordinance	Change the numbers in the references to Parts (including those in the Schedules) of the Import and Export (General) Regulations (Cap. 60 sub. leg. A) to Arabic numerals.
		Change the numbers in the references to Schedules to the Import and Export (General) Regulations (Cap. 60 sub. leg. A) (English text) to Arabic numerals.
Cap. 60A	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
		Change the numbers in the references to Parts (including those in the Schedules) of the Regulations to Arabic numerals.
		Change the numbers in the references to Schedules to the Regulations (English text) to Arabic numerals.
	Regulation 2, Chinese text	Rearrange the defined terms according to the number of strokes.

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成文法則	條文	修訂
	附表 7， 英文文本	廢除“Cote d’Ivoire”； 代以“Côte d’Ivoire”。
	附表 7， 中文文本	按筆劃數目順序，重新排列項目。
第 60B 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 3 條	略去該條。
	附表，第 12 項	廢除“第 IIIA 部”； 代以“第 3A 部”。
	附表，第 15 項，(a)段	廢除“第 VI 部”； 代以“第 6 部”。
第 60G 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	附表 1，詞語定義，中文文本	按筆劃數目順序，重新排列定義詞。
第 60L 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。

Enactments	Provisions	Amendments
	Schedule 7, English text	Repeal “Cote d’Ivoire”; Substitute “Côte d’Ivoire”.
	Schedule 7, Chinese text	Rearrange the items according to the number of strokes.
Cap. 60B	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
	Regulation 3	Omit the regulation.
	Schedule, item 12	Repeal “Part IIIA”; Substitute “Part 3A”.
	Schedule, item 15, paragraph (a)	Repeal “Part VI”; Substitute “Part 6”.
Cap. 60G	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
	Schedule 1, Definition of terms, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 60L	Whole Regulation	Change the format, layout, printing style and other presentational aspects of the Regulation.
	Enacting provision	Omit the enacting provision.

成文法則	條文	修訂
	第 1 條	略去該條。
第 81B 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 84D 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 112 章	整條條例	<p>改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。</p> <p>將對條例的部(包括附表的部)的提述內的標題號碼，改為阿拉伯數字。</p>
	第 2(1)、 9A(8)、 14A(4)、16(3) 及 16EA(11) 條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 16EA(11) 條，中文文本， <b>最長保護限期</b> 的定義	廢除句號； 代以分號。

Enactments	Provisions	Amendments
	Section 1	Omit the section.
Cap. 81B	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
Cap. 84D	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
Cap. 112	Whole Ordinance	<p>Change the format, layout, printing style and other presentational aspects of the Ordinance.</p> <p>Change the numbers in the references to Parts (including those in the Schedules) of the Ordinance to Arabic numerals.</p>
	Sections 2(1), 9A(8), 14A(4), 16(3) and 16EA(11), Chinese text	Rearrange the defined terms according to the number of strokes.
	Section 16EA(11), Chinese text, definition of <b>最長保護限期</b>	Repeal the full stop; Substitute a semi-colon.

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成文法則	條文	修訂	Enactments	Provisions	Amendments
	第 16EA(11)條，中文文本， <b>註冊商標</b> 的定義	廢除分號；代以句號。		Section 16EA(11), Chinese text, definition of <b>註冊商標</b>	Repeal the semi-colon; Substitute a full stop.
	第 16EC(8)及 16G(6)條，中文文本	按筆劃數目順序，重新排列定義詞。		Sections 16EC(8) and 16G(6), Chinese text	Rearrange the defined terms according to the number of strokes.
	第 16G(6)條，中文文本， <b>指明資本開支</b> 的定義	廢除句號；代以分號。		Section 16G(6), Chinese text, definition of <b>指明資本開支</b>	Repeal the full stop; Substitute a semi-colon.
	第 16G(6)條，中文文本， <b>訂明固定資產</b> 的定義	廢除“資產；”；代以“資產。”。		Section 16G(6), Chinese text, definition of <b>訂明固定資產</b>	Repeal “資產；”； Substitute “資產。”。
	第 16H(1)、19CA(5)、23A(3)及 23B(12)條，中文文本	按筆劃數目順序，重新排列定義詞。		Sections 16H(1), 19CA(5), 23A(3) and 23B(12), Chinese text	Rearrange the defined terms according to the number of strokes.

成文法則	條文	修訂
	第 23B(12)條，中文文本， <b>營運</b> 的定義	廢除句號；代以分號。
	第 23B(12)條，中文文本， <b>豁免款項</b> 的定義，(b)段	廢除“運作；”；代以“運作。”。
	第 23C(5)條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 23C(5)條，中文文本， <b>營運</b> 的定義	廢除句號；代以分號。
	第 23C(5)條，中文文本， <b>總空運利潤</b> 的定義	廢除分號；代以句號。
	第 23D(8)條，中文文本	按筆劃數目順序，重新排列定義詞。

Enactments	Provisions	Amendments
	Section 23B(12), Chinese text, definition of <b>營運</b>	Repeal the full stop; Substitute a semi-colon.
	Section 23B(12), Chinese text, definition of <b>豁免款項</b> , paragraph (b)	Repeal “運作；”; Substitute “運作。”.
	Section 23C(5), Chinese text	Rearrange the defined terms according to the number of strokes.
	Section 23C(5), Chinese text, definition of <b>營運</b>	Repeal the full stop; Substitute a semi-colon.
	Section 23C(5), Chinese text, definition of <b>總空運利潤</b>	Repeal the semi-colon; Substitute a full stop.
	Section 23D(8), Chinese text	Rearrange the defined terms according to the number of strokes.

成文法則	條文	修訂	Enactments	Provisions	Amendments
	第 23D(8)條，中文文本， <b>營運</b> 的定義	廢除句號；代以分號。		Section 23D(8), Chinese text, definition of <b>營運</b>	Repeal the full stop; Substitute a semi-colon.
	第 23D(8)條，中文文本， <b>總空運利潤</b> 的定義	廢除分號；代以句號。		Section 23D(8), Chinese text, definition of <b>總空運利潤</b>	Repeal the semi-colon; Substitute a full stop.
	第 39E(5)及 40(1)條，中文文本	按筆劃數目順序，重新排列定義詞。		Sections 39E(5) and 40(1), Chinese text	Rearrange the defined terms according to the number of strokes.
	第 40(1)條，中文文本， <b>該類器械或工業裝置、類別的機械或工業裝置</b> 的定義	廢除句號；代以分號。		Section 40(1), Chinese text, definition of <b>該類器械或工業裝置、類別的機械或工業裝置</b>	Repeal the full stop; Substitute a semi-colon.
	第 40(1)條，中文文本， <b>資本開支</b> 的定義	廢除“開支；”；代以“開支。”。		Section 40(1), Chinese text, definition of <b>資本開支</b>	Repeal “開支；”； Substitute “開支。”.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	第 59(1B)(b) 條，英文文本	廢除“the Fourth Schedule”；代以“Schedule 4”。
第 123 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 2(1)條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 2(4)條	廢除“第 I 或 VII 部”；代以“第 1 或 7 部”。
	第 30(4)條	廢除“第 IV、V、VI 部”；代以“第 4、5、6 部”。
	第 53G(3)條	廢除所有“第 VI 部”；代以“第 6 部”。
第 123A 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 123B 章	標題及第 I 部	改變規則的標題及第 I 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 2 條，中文文本	按筆劃數目順序，重新排列定義詞。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Section 59(1B)(b), English text	Repeal “the Fourth Schedule”; Substitute “Schedule 4”.
Cap. 123	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Section 2(1), Chinese text	Rearrange the defined terms according to the number of strokes.
	Section 2(4)	Repeal “Part I or VII”; Substitute “Part 1 or 7”.
	Section 30(4)	Repeal “Parts IV, V and VI”; Substitute “Parts 4, 5 and 6”.
	Section 53G(3)	Repeal “Part VI” (wherever appearing); Substitute “Part 6”.
Cap. 123A	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
Cap. 123B	Title and Part I	Change the format, layout, printing style and other presentational aspects of the title of the Regulations and Part I.
	Enacting provision	Omit the enacting provision.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.

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<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
第 123F 章	標題及第 I 及 VIA 部	改變規例的標題及第 I 及 VIA 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 2(1)條，中文文本	按筆劃數目順序，重新排列定義詞。
第 123H 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 2 條，中文文本	按筆劃數目順序，重新排列定義詞。
第 123M 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
第 132 章	附表 4、14 及 16	改變附表 4、14 及 16 的格式、內容鋪排、印刷文體和其他版面方面的安排。
	附表 4 及 14，中文文本	按筆劃數目順序，重新排列項目。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
Cap. 123F	Title and Parts I and VIA	Change the format, layout, printing style and other presentational aspects of the title of the Regulations and Parts I and VIA.
	Section 2(1), Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 123H	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 123M	Whole Regulation	Change the format, layout, printing style and other presentational aspects of the Regulation.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 132	The Fourth and Fourteenth Schedules and Schedule 16	Change the format, layout, printing style and other presentational aspects of the Fourth and Fourteenth Schedules and Schedule 16.
	The Fourth and Fourteenth Schedules, Chinese text	Rearrange the items according to the number of strokes.

成文法則	條文	修訂
第 136 章	第 IVA 至 V 部	改變第 IVA 至 V 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 59H(3)及 65(1)條	廢除“罰款\$5,000”；代以“第 2 級罰款”。
	第 70(1)條	廢除“罰款\$20,000”；代以“第 4 級罰款”。
	附表	改變附表的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 155L 章	整條規則	改變規則的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
	第 2(1)、4、35 及 51 條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 61A 條，標題，中文文本	廢除“61A”；代以“61A.”。
	第 97(4)(c)(ii) 條，中文文本	廢除句號；代以逗號。

Enactments	Provisions	Amendments
Cap. 136	Parts IVA to V	Change the format, layout, printing style and other presentational aspects of Parts IVA to V.
	Sections 59H(3) and 65(1)	Repeal “of \$5,000”; Substitute “at level 2”.
	Section 70(1)	Repeal “of \$20,000”; Substitute “at level 4”.
	Schedule	Change the format, layout, printing style and other presentational aspects of the Schedule.
Cap. 155L	Whole Rules	Change the format, layout, printing style and other presentational aspects of the Rules.
	Enacting provision	Omit the enacting provision.
	Section 1	Omitted the section.
	Sections 2(1), 4, 35 and 51, Chinese text	Rearrange the defined terms according to the number of strokes.
	Section 61A, heading, Chinese text	Repeal “61A”; Substitute “61A.”.
	Section 97(4)(c)(ii), Chinese text	Repeal the full stop; Substitute a comma.

成文法則	條文	修訂
	第 139(1)、 227(1)及 281 條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 287(11)條， 中文文本， <b>ECAI 發債人 評級</b> 的定義， (b)段	廢除分號； 代以句號。
	第 323 條， 中文文本	按筆劃數目順序，重新排列定義詞。
第 155M 章	標題及第 1、 2、5、6 及 7 部	改變規則的標題及第 1、2、5、6 及 7 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。
第 172D 章	整項命令	改變命令的格式、內容鋪排、印刷文 體和其他版面方面的安排。

Enactments	Provisions	Amendments
	Sections 139(1), 227(1) and 281, Chinese text	Rearrange the defined terms according to the number of strokes.
	Section 287(11), Chinese text, definition of <b>ECAI 發債人 評級</b> , paragraph (b)	Repeal the semi-colon; Substitute a full stop.
	Section 323, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 155M	Title and Parts 1, 2, 5, 6 and 7	Change the format, layout, printing style and other presentational aspects of the title of the Rules and Parts 1, 2, 5, 6 and 7.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 172D	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
第 201 章	附表 1 及 2	改變附表 1 及 2 的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 215 章	第 14 及 72 條	廢除所有“第 VI 部”； 代以“第 6 部”。
第 221 章	第 VI 部	改變第 VI 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 234B 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 297 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 6(1)條	廢除“罰款\$20,000”； 代以“第 4 級罰款”。
	第 6(2)條	廢除“罰款\$50,000”； 代以“第 5 級罰款”。
第 312A 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 201	Schedules 1 and 2	Change the format, layout, printing style and other presentational aspects of Schedules 1 and 2.
Cap. 215	Sections 14 and 72	Repeal “Part VI” (wherever appearing); Substitute “Part 6”.
Cap. 221	Part VI	Change the format, layout, printing style and other presentational aspects of Part VI.
Cap. 234B	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
Cap. 297	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Section 6(1)	Repeal “of \$20,000”; Substitute “at level 4”.
	Section 6(2)	Repeal “of \$50,000”; Substitute “at level 5”.
Cap. 312A	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.

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成文法則	條文	修訂	Enactments	Provisions	Amendments
	第 2(1)條， <b>噪音標準合格證明書</b> 的定義	廢除“第 II 部”；代以“第 2 部”。		Regulation 2(1), definition of <i>noise certificate</i>	Repeal “Part II”; Substitute “Part 2”.
	第 10(2)條	廢除“罰款\$50,000”；代以“第 5 級罰款”。		Regulation 10(2)	Repeal “of \$50,000”; Substitute “at level 5”.
	第 10(4)(a)條	廢除“罰款\$10,000”；代以“第 3 級罰款”。		Regulation 10(4)(a)	Repeal “of \$10,000”; Substitute “at level 3”.
	第 10(4)(b)、11(2)、12 及 13(2)條	廢除“罰款\$50,000”；代以“第 5 級罰款”。		Regulations 10(4)(b), 11(2), 12 and 13(2)	Repeal “of \$50,000”; Substitute “at level 5”.
	第 15 條	廢除“第 III 部”；代以“第 3 部”。		Regulation 15	Repeal “Part III”; Substitute “Part 3”.
	第 17 條，英文文本	廢除“the Second Schedule”；代以“Schedule 2”。		Regulation 17, English text	Repeal “the Second Schedule”; Substitute “Schedule 2”.
	第 349C 章	整項命令 改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。  制定語式條文 略去制定語式條文。		Cap. 349C Whole Order Enacting provision	Change the format, layout, printing style and other presentational aspects of the Order.  Omit the enacting provision.
第 371 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。	Cap. 371 Whole Ordinance		Change the format, layout, printing style and other presentational aspects of the Ordinance.
		將對條例的部(包括附表的部)的提述內的標題號碼，改為阿拉伯數字。			Change the numbers in the references to Parts (including those in the Schedules) of the Ordinance to Arabic numerals.

成文法則	條文	修訂
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。
	附表 6， 第 2 部	略去該部。
第 371A 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 6(2)條	廢除“罰款\$2,000”； 代以“第 1 級罰款”。
	第 7 條，標題	廢除“第 IV 部”； 代以“第 4 部”。
	第 7 條	廢除“第 IV 部”； 代以“第 4 部”。
第 376C 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
第 384A 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
		將對規例附表的部的提述內的標題號碼，改為阿拉伯數字。
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。

Enactments	Provisions	Amendments
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
	Schedule 6, Part 2	Omit the Part.
Cap. 371A	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
	Regulation 6(2)	Repeal “of \$2,000”; Substitute “at level 1”.
	Regulation 7, heading	Repeal “Part IV”; Substitute “Part 4”.
	Regulation 7	Repeal “Part IV”; Substitute “Part 4”.
Cap. 376C	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
	Enacting provision	Omit the enacting provision.
Cap. 384A	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
		Change the numbers in the references to Parts of the Schedule of the Regulations to Arabic numerals.
	Regulation 2, Chinese text	Rearrange the defined terms according to the number of strokes.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	第 4(3)(ii)及 5(2)(b)條	廢除“罰款\$50,000”；代以“第 5 級罰款”。
	第 6(5)、7(2)、7A(2)及 7B(2)條	廢除“罰款\$20,000”；代以“第 4 級罰款”。
第 393 章	第 11 及 50 條	廢除“第 VI 部”；代以“第 6 部”。
第 436 章	第 10 條	廢除“第 VI 部”；代以“第 6 部”。
	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1(2)條	略去該條。
	第 28 條	廢除“罰款\$10,000”；代以“第 3 級罰款”。
	第 V 部	略去該部。
	附表，第 35 項，英文文本	廢除“Commission”；代以“Commissioner”。
	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Regulations 4(3)(ii) and 5(2)(b)	Repeal “of \$50,000”; Substitute “at level 5”.
	Regulations 6(5), 7(2), 7A(2) and 7B(2)	Repeal “of \$20,000”; Substitute “at level 4”.
Cap. 393	Sections 11 and 50	Repeal “Part VI”; Substitute “Part 6”.
Cap. 436	Section 10	Repeal “Part VI”; Substitute “Part 6”.
	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.
	Section 1(2)	Omit the section.
	Section 28	Repeal “of \$10,000”; Substitute “at level 3”.
	Part V	Omit the Part.
	Schedule, item 35, English text	Repeal “Commission”; Substitute “Commissioner”.
	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	制定語式條文	略去制定語式條文。
	第 1(2)條	略去該條。
	第 2 條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 5(1)及 6 條	廢除“罰款\$100,000”；代以“第 6 級罰款”。
	第 21(2)、(3)及 (4)(a)條	廢除“第 VII 部”；代以“第 7 部”。
	第 28(9)條	廢除“罰款\$5,000”；代以“第 2 級罰款”。
	第 33(4)條	廢除“罰款\$50,000”；代以“第 5 級罰款”。
	第 36 條	略去該條。
	第 448C 章	改變第 X 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 91(4)條	廢除“not exceeding \$2,500”；代以“at level 2”。
	第 91(5)及(6)條	廢除“not exceeding \$5,000”；代以“at level 2”。
	附表 16	改變附表 16 的格式、內容鋪排、印刷文體和其他版面方面的安排。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Enacting provision	Omit the enacting provision.
	Section 1(2)	Omit the section.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
	Sections 5(1) and 6	Repeal “of \$100,000”; Substitute “at level 6”.
	Section 21(2), (3) and (4)(a)	Repeal “Part VII”; Substitute “Part 7”.
	Section 28(9)	Repeal “of \$5,000”; Substitute “at level 2”.
	Section 33(4)	Repeal “of \$50,000”; Substitute “at level 5”.
	Section 36	Omit the section.
	Cap. 448C	
	Part X	Change the format, layout, printing style and other presentational aspects of Part X.
	Article 91(4)	Repeal “not exceeding \$2,500”; Substitute “at level 2”.
	Article 91(5) and (6)	Repeal “not exceeding \$5,000”; Substitute “at level 2”.
	Schedule 16	Change the format, layout, printing style and other presentational aspects of Schedule 16.

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<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
第 448D 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 459 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1(2)條	略去該條。
第 465 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1(2)條	略去該條。
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。
	第 7F 條， 英文文本	廢除“with in”； 代以“within”。
第 465A 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
Cap. 448D	Whole Regulations	Change the format, layout, printing style and other presentational aspects of the Regulations.
Cap. 459	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.
	Section 1(2)	Omit the section.
Cap. 465	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.
	Section 1(2)	Omit the section.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
	Section 7F, English text	Repeal “with in”; Substitute “within”.
Cap. 465A	Whole Regulation	Change the format, layout, printing style and other presentational aspects of the Regulation.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
第 474 章	第 10 條	廢除“第 VI 部”； 代以“第 6 部”。
第 485 章	第 4(1)條	廢除“第 I 部”； 代以“第 1 部”。
	第 4(2)條	廢除“第 II 部”； 代以“第 2 部”。
	附表 1 至 8	改變附表 1 至 8 的格式、內容鋪排、 印刷文體和其他版面方面的安排。
	附表 9	略去該附表。
第 485A 章	第 127(3)及 (4)、129(1)(b) 及 130(2)條	廢除“第 IV 部”； 代以“第 4 部”。
第 485E 章	整項命令	改變命令的格式、內容鋪排、印刷文 體和其他版面方面的安排。
		將對命令附表的部的提述內的標題 號碼，改為阿拉伯數字。
	制定語式條文	略去制定語式條文。
第 502 章	整條條例	改變條例的格式、內容鋪排、印刷文 體和其他版面方面的安排。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
Cap. 474	Section 10	Repeal “Part VI”; Substitute “Part 6”.
Cap. 485	Section 4(1)	Repeal “Part I”; Substitute “Part 1”.
	Section 4(2)	Repeal “Part II”; Substitute “Part 2”.
	Schedules 1 to 8	Change the format, layout, printing style and other presentational aspects of Schedules 1 to 8.
	Schedule 9	Omit the Schedule.
Cap. 485A	Sections 127(3) and (4), 129(1)(b) and 130(2)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 485E	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
		Change the numbers in the references to Parts of the Schedule of the Order to Arabic numerals.
	Enacting provision	Omit the enacting provision.
Cap. 502	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.

成文法則	條文	修訂
	制定語式條文	略去制定語式條文。
	第 1(2)條	略去該條。
	第 3(1)條，中文文本	按筆劃數目順序，重新排列定義詞。
第 503AH 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
第 506 章	第 24(1)條	廢除“第 III 部”；代以“第 3 部”。
第 509A 章	第 7(2)條	廢除“第 II 部”；代以“第 2 部”。
第 512A 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	附表，中文文本	按筆劃數目順序，重新排列項目。
第 525AC 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。

Enactments	Provisions	Amendments
	Enacting provision	Omit the enacting provision.
	Section 1(2)	Omit the section.
	Section 3(1), Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 503AH	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 506	Section 24(1)	Repeal “Part III”; Substitute “Part 3”.
Cap. 509A	Section 7(2)	Repeal “Part II”; Substitute “Part 2”.
Cap. 512A	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
	Enacting provision	Omit the enacting provision.
	Schedule, Chinese text	Rearrange the items according to the number of strokes.
Cap. 525AC	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.

成文法則	條文	修訂
	制定語式條文	略去制定語式條文。
	第1條	略去該條。
第537AT章	整條規例	略去整條規例。
第537AU章	制定語式條文	略去制定語式條文。
	第1條	略去該條。
	第2條, <b>軍火或相關的物資、特派團、船長、《第1961號決議》、禁制物品、機長、營運人及關長</b> 的定義	略去該等定義詞。

Enactments	Provisions	Amendments
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 537AT	Whole Regulation	Omit the whole Regulation.
Cap. 537AU	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
	Section 2, definitions of <i>arms or related material, Commissioner, master, operator, pilot in command, prohibited goods, Resolution 1961 and UNMIL</i>	Omit the definitions.

成文法則	條文	修訂
	第 2 條, <b>特許</b> 的定義, (a)及(b)段	略去該等段落。
	第 2 條,中文文本	按筆劃數目順序,重新排列定義詞。
	第 3、4、5 及 7 至 10 條	略去該等條文。
	第 5 部	略去該部。
第 541J 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
	第 2(1)條,中文文本	按筆劃數目順序,重新排列定義詞。
第 542 章	第 20X(e)(iii)條,英文文本	廢除“the Fourth Schedule”; 代以“Schedule 4”。
第 547 章	第 5(1)及(2)條	廢除“第 I 部”; 代以“第 1 部”。
	第 9(2)、(3)及(4)條	廢除“第 II 部”; 代以“第 2 部”。

Enactments	Provisions	Amendments
	Section 2, definition of <i>licence</i> , paragraphs (a) and (b)	Omit the paragraphs.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
	Sections 3, 4, 5 and 7 to 10	Omit the sections.
	Part 5	Omit the Part.
Cap. 541J	Whole Regulation	Change the format, layout, printing style and other presentational aspects of the Regulation.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
	Section 2(1), Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 542	Section 20X(e)(iii), English text	Repeal “the Fourth Schedule”; Substitute “Schedule 4”.
Cap. 547	Section 5(1) and (2)	Repeal “Part I”; Substitute “Part 1”.
	Section 9(2), (3) and (4)	Repeal “Part II”; Substitute “Part 2”.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	第 11(1)條	廢除“第 I 部”； 代以“第 1 部”。
	附表 3	改變附表 3 的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 547F 章	制定語式條文	略去制定語式條文。
	第 1 及 4 條	略去該等條文。
第 549F 章	制定語式條文	略去制定語式條文。
	標題及第 1 部	改變規則的標題及第 1 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
	第 1 條	略去該條。
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。
第 556 章	第 45(3)(a)及(b) 條	廢除“第 IV 部”； 代以“第 4 部”。
第 569 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Section 11(1)	Repeal “Part I”; Substitute “Part 1”.
	Schedule 3	Change the format, layout, printing style and other presentational aspects of Schedule 3.
Cap. 547F	Enacting provision	Omit the enacting provision.
	Sections 1 and 4	Omit the sections.
Cap. 549F	Enacting provision	Omit the enacting provision.
	Title and Part 1	Change the format, layout, printing style and other presentational aspects of the title of the Regulation and Part 1.
	Section 1	Omit the section.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 556	Section 45(3)(a) and (b)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 569	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.

成文法則	條文	修訂
	第 1(2)條	略去該條。
	第 2(1)條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 8 部	略去該部。
	附表，第 1 部，第 1(1)條，中文文本	按筆劃數目順序，重新排列定義詞。
	附表，第 4 部，第 1 分部，第 11(1)條，中文文本	按筆劃數目順序，重新排列定義詞。
第 569B 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
	第 2 條，中文文本	按筆劃數目順序，重新排列定義詞。
第 569C 章	整條規例	改變規例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。

Enactments	Provisions	Amendments
	Section 1(2)	Omit the section.
	Section 2(1), Chinese text	Rearrange the defined terms according to the number of strokes.
	Part 8	Omit the Part.
	Schedule, Part 1, section 1(1), Chinese text	Rearrange the defined terms according to the number of strokes.
	Schedule, Part 4, Division 1, section 11(1), Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 569B	Whole Regulation	Change the format, layout, printing style and other presentational aspects of the Regulation.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 569C	Whole Regulation	Change the format, layout, printing style and other presentational aspects of the Regulation.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
第 569D 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
第 571D 章	整條規則	改變規則的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
第 571Y 章	整條規則	改變規則的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
	第 4(10)條，中文文本	按筆劃數目順序，重新排列定義詞。
第 571Z 章	整項命令	改變命令的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
Cap. 569D	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 571D	Whole Rules	Change the format, layout, printing style and other presentational aspects of the Rules.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 571Y	Whole Rules	Change the format, layout, printing style and other presentational aspects of the Rules.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
	Section 4(10), Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 571Z	Whole Order	Change the format, layout, printing style and other presentational aspects of the Order.
	Enacting provision	Omit the enacting provision.

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<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	第 1 條	略去該條。
第 571AA 章	整條規則	改變規則的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
第 572 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1(2)條	略去該條。
	第 3 條，中文文本	按筆劃數目順序，重新排列定義詞。
第 577 章	第 18 條	廢除“第 VI 部”；代以“第 6 部”。
第 599A 章	第 3 至 5 部	改變第 3 至 5 部的格式、內容鋪排、印刷文體和其他版面方面的安排。
第 611 章	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Section 1	Omit the section.
Cap. 571AA	Whole Rules	Change the format, layout, printing style and other presentational aspects of the Rules.
	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
Cap. 572	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.
	Section 1(2)	Omit the section.
	Section 3, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 577	Section 18	Repeal “Part VI”; Substitute “Part 6”.
Cap. 599A	Parts 3 to 5	Change the format, layout, printing style and other presentational aspects of Parts 3 to 5.
Cap. 611	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	第 1(2)條	略去該條。
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。
	第 33 條	略去該條。
	附表 1，第 2(6) 條，中文文本	按筆劃數目順序，重新排列定義詞。
第 613 章	整條條例	改變條例的格式、內容鋪排、印刷文 體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 26 至 49 條	略去該等條文。
第 613A 章	制定語式條文	略去制定語式條文。
	第 1 條	略去該條。
	第 2 條， 中文文本	按筆劃數目順序，重新排列定義詞。
第 614 章	整條條例	改變條例的格式、內容鋪排、印刷文 體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 1(3)條	略去該條。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Section 1(2)	Omit the section.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
	Section 33	Omit the section.
	Schedule 1, section 2(6), Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 613	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.
	Sections 26 to 49	Omit the sections.
Cap. 613A	Enacting provision	Omit the enacting provision.
	Section 1	Omit the section.
	Section 2, Chinese text	Rearrange the defined terms according to the number of strokes.
Cap. 614	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.
	Section 1(3)	Omit the section.

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<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
	第 2(1)條，中文文本	按筆劃數目順序，重新排列定義詞。
	第 20、21、24 至 26 及 30 至 33 條	略去該等條文。
	第 7 部，第 5 及 6 分部	略去該等分部。
第 1167 章	第 10(3)(a)及(b)條	廢除“第 IV 部”；代以“第 4 部”。
第 1169 章	第 16(3)(a)及(b)條	廢除“第 IV 部”；代以“第 4 部”。
第 1171 章	第 9(3)(a)及(b)條	廢除“第 IV 部”；代以“第 4 部”。
第 1172 章	第 9(3)(a)及(b)條	廢除“第 IV 部”；代以“第 4 部”。
第 1174 章	第 10(3)及(4)條	廢除“第 IV 部”；代以“第 4 部”。
第 1176 章	第 9(3)(a)及(b)條	廢除“第 IV 部”；代以“第 4 部”。
第 1177 章	第 8(3)及(4)條	廢除“第 IV 部”；代以“第 4 部”。
第 1178 章	第 9(3)(a)及(b)條	廢除“第 IV 部”；代以“第 4 部”。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
	Section 2(1), Chinese text	Rearrange the defined terms according to the number of strokes.
	Sections 20, 21, 24 to 26 and 30 to 33	Omit the sections.
	Part 7, Divisions 5 and 6	Omit the divisions.
Cap. 1167	Section 10(3)(a) and (b)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 1169	Section 16(3)(a) and (b)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 1171	Section 9(3)(a) and (b)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 1172	Section 9(3)(a) and (b)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 1174	Section 10(3) and (4)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 1176	Section 9(3)(a) and (b)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 1177	Section 8(3) and (4)	Repeal “Part IV”; Substitute “Part 4”.
Cap. 1178	Section 9(3)(a) and (b)	Repeal “Part IV”; Substitute “Part 4”.

<b>成文法則</b>	<b>條文</b>	<b>修訂</b>
1990 年第 51 號	整條條例	改變條例的格式、內容鋪排、印刷文體和其他版面方面的安排。
	制定語式條文	略去制定語式條文。
	第 4、5 及 7 條	略去該等條文。

<b>Enactments</b>	<b>Provisions</b>	<b>Amendments</b>
51 of 1990	Whole Ordinance	Change the format, layout, printing style and other presentational aspects of the Ordinance.
	Enacting provision	Omit the enacting provision.
	Sections 4, 5 and 7	Omit the sections.

以上的編輯修訂是根據《1990 年法例(活頁版)條例》(1990 年第 51 號)第 2A(1)條作出，修訂於 2012 年 2 月 9 日生效。

The above editorial amendments are made under section 2A(1) of the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) and their effective date is 9 February 2012.

本編輯修訂紀錄按照《1990 年法例(活頁版)條例》(1990 年第 51 號)第 2B 條編訂。

This editorial record is compiled in accordance with section 2B of the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990).

## 2012年第1號編輯修訂紀錄

## 附註：

1. 進行編輯修訂的凌駕性原則是修訂不得改變任何條例的法律效力。如某條例根據《1990年法例(活頁版)條例》(1990年第51號)第2A(1)條被修訂，則在有關編輯修訂的生效日期當日及之後，就所有目的而言，該經修訂的條例在猶如該修訂是由在該日期生效的另一條例作出的情況下，具有效力。
2. 為求簡潔，法例章號採用縮寫表述。例如縮寫“第4A章”指“第4章，附屬法例A”。
3. 本編輯修訂紀錄所提述的格式、內容鋪排、印刷文體和其他版面方面的安排的改變，指改變至現行法例樣式，包括—
  - (a) 將法例標題由全大楷改為大小楷(例如：將“PRISONS ORDER”改為“Prisons Order”)；
  - (b) 移除標示定義詞的雙引號，並以粗斜體印刷(例如：將“指定人士”改為“**指定人士**”)；
  - (c) 以下列方式改變標題(為免生疑問，標題包括標題號碼(例如：第1部)及標題內容(例如：申請費用)兩部分，而改變標題包含改變標題的號碼及標題內容兩部分)，並以粗體印刷—
    - (i) 由全大楷改為大小楷；
    - (ii) 將標題號碼改為阿拉伯數字(例如：將“第III部”改為“第3部”)；
    - (iii) 在標題號碼和標題內容之間加入、廢除或修訂標點符號(例如：將**“第1分部 改為 “第1分部—費用”**；**費用**)；
    - (iv) 改變其他相似的格式、內容鋪排、印刷文體或版面方面的安排；及

## Notes:

1. Editorial amendments are subject to the overriding principle that they must not change the legal effect of any Ordinance. An Ordinance that is amended under section 2A(1) of the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) has effect for all purposes, on and after the effective date of the editorial amendment, as if the amendment had been made by another Ordinance that commenced on that date.
2. For simplicity sake, an abbreviated form is used for describing chapter numbers. For example, the abbreviated form “Cap. 4A” means “Cap. 4 sub. leg. A”.
3. Change of format, layout, printing style and other presentational aspects referred to in this editorial record means changing to current legislative styles which include –
  - (a) changing chapter titles from all capitals to upper and lower cases (e.g. “PRISONS ORDER” to “Prisons Order”);
  - (b) removing the double quotation marks around defined terms and printing them in italicized and bold format (e.g. “specified person” to **“specified person”**);
  - (c) changing headings in the following manner (to avoid doubt, a heading includes both the number (e.g. Part 1) and the text (e.g. Application Fee) and changes to a heading cover both the number and the text of the heading) and printing them in bold format –
    - (i) changing from all capitals to upper and lower cases (e.g. “APPLICATION FEE” to “Application Fee”);
    - (ii) changing heading numbers to Arabic numerals (e.g. “FIRST SCHEDULE” to “Schedule 1”; “PART III” to “Part 3”;

- (d) 改變其他方面的安排，例如調整字體和屬性(例如：粗體或斜體)及行距，以及將條文的內文以縮排取代凸排。
- (iii) adding, repealing or amending punctuation between the number and the text (e.g. “**Division 1** to “**Division 1—Fee**”); **Fee**”
- (iv) changing other similar format, layout, printing style or presentational aspects; and
- (d) changing other aspects such as adjusting font sizes and attributes (e.g. bold or italics) and line spacing, and replacing out-denting of the text of provisions by in-denting.
4. 就第3(c)(ii)段而言—
- (a) 在只對條例的某些部分作出格式改變的情況下，該條例的部的羅馬數字標題號碼未改變為阿拉伯數字；及
- (b) 在只對條例的部分附表作出格式改變的情況下，附表的序數標題號碼未改變為阿拉伯數字。
4. In relation to paragraph 3(c)(ii) -
- (a) in the case of format changes made to part of an Ordinance only, Part numbers in Roman numerals of Parts of the Ordinance have not been changed to Arabic numbers; and
- (b) in the case of format changes made to part of the Schedules to an Ordinance only, Schedules numbers in ordinal form have not been changed to Arabic numbers.

## 第 8 部

### 上訴委員會

#### 7F. 針對署長對豁免申請的決定而向上訴委員會作出上訴的權利

任何人因署長根據第 7C 或 7D 條所作的決定而感到受屈，可藉在局長以規例訂明的限期内和按如此訂明的方式給予上訴通知，而向上訴委員會提出上訴。

#### 7G. 上訴委員會的組成

- (1) 現設立一個上訴委員會，以聆訊和裁定根據第 7F 條提出的上訴。
- (2) 上訴委員會須按照本條組成。
- (3) 凡有人根據第 7F 條給予上訴通知，局長須從按照第 7I 條組成的上訴委員會備選團中委任 3 名成員，作為聆訊和裁定關於該通知的上訴的上訴委員會成員，而在第 7I(2)(a)、(b) 及 (c) 條描述的每組別中須各有一人被委任為該上訴委員會的成員。
- (4) 局長須在 3 名成員中委任一人擔任聆訊該項上訴的上訴委員會主席。
- (5) 局長須確保在某項上訴所涉及的事宜中有財務上或其他個人利害關係的人，不得擔任聆訊和裁定該項上訴的上訴委員會成員。

## Part 8

### Appeal Board

#### 7F. Right of appeal to Appeal Board against Director's decision on application for exemption

A person aggrieved by a decision of the Director under section 7C or 7D may appeal to the Appeal Board by giving a notice of appeal in such manner and within such period as the Secretary may prescribe by regulation.

(Amended E.R. I of 2012)

#### 7G. Constitution of Appeal Board

- (1) There is established an Appeal Board for the purpose of hearing and determining an appeal under section 7F.
- (2) The Appeal Board is to be constituted according to this section.
- (3) Where a notice of appeal is given under section 7F, the Secretary shall appoint 3 members from the Appeal Board Panel constituted according to section 7I, one from each group of members described in section 7I(2)(a), (b) and (c), to serve as members on the Appeal Board for the purpose of hearing and determining the appeal to which the notice relates.
- (4) The Secretary shall appoint one of those 3 members to be the Chairman of the Appeal Board in the hearing of that appeal.
- (5) The Secretary shall ensure that no person having a financial or other personal interest in the matter involved in an appeal is to serve as a member on the Appeal Board for hearing and determining that appeal.

(2) 署長須以掛號郵遞方式，向獲批給該項豁免的人給予關於根據第(1)款作出的決定的書面通知。該通知須包括一項陳述，列明作出該項決定的理由。

#### 7E. 豁免登記冊

- (1) 署長須以他決定的格式，備存一份列載根據本部批給、撤銷、更改或暫時吊銷的豁免的詳情的登記冊。
- (2) 署長須於一般辦公時間內在他的辦事處提供該登記冊讓公眾免費查閱。

### 第 8 部

#### 上訴委員會

#### 7F. 針對署長對豁免申請的決定而向上訴委員會作出上訴的權利

任何人因署長根據第 7C 或 7D 條所作的決定而感到受屈，可藉在局長以規例訂明的限期內和按如此訂明的方式給予上訴通知，而向上訴委員會提出上訴。

#### 7G. 上訴委員會的組成

- (1) 現設立一個上訴委員會，以聆訊和裁定根據第 7F 條提出的上訴。
- (2) 上訴委員會須按照本條組成。
- (3) 凡有人根據第 7F 條給予上訴通知，局長須從按照第 7I 條組成的上訴委員會備選團中委任 3 名成員，作為聆訊和裁定關於該通知的上訴的上訴委員會成員，而在第 7I(2)(a)、(b) 及 (c) 條描述的每組別中須各有一人被委任為該上訴委員會的成員。
- (4) 局長須在 3 名成員中委任一人擔任聆訊該項上訴的上訴委員會主席。
- (5) 局長須確保在某項上訴所涉及的事宜中有財務上或其他個人利害關係的人，不得擔任聆訊和裁定該項上訴的上訴委員會成員。

#### HUMAN ORGAN TRANSPLANT (AMENDMENT) ORDINANCE

Ord. No. 29 of 2004 A1765

(2) The Director shall give the person to whom the exemption is granted a written notice of any decision under subsection (1) by registered post. The notice shall include a statement setting out the reasons for the decision.

#### 7E. Register of exemptions

(1) The Director shall maintain a register in a form determined by him containing details of the exemptions granted, revoked, varied or suspended under this Part.

(2) The Director shall make the register available for inspection by the public, free of charge, during ordinary business hours at his office.

### PART 8

#### APPEAL BOARD

#### 7F. Right of appeal to Appeal Board against Director's decision on application for exemption

A person aggrieved by a decision of the Director under section 7C or 7D may appeal to the Appeal Board by giving a notice of appeal in such manner and with in such period as the Secretary may prescribe by regulation.

#### 7G. Constitution of Appeal Board

- (1) There is established an Appeal Board for the purpose of hearing and determining an appeal under section 7F.
- (2) The Appeal Board is to be constituted according to this section.
- (3) Where a notice of appeal is given under section 7F, the Secretary shall appoint 3 members from the Appeal Board Panel constituted according to section 7I, one from each group of members described in section 7I(2)(a), (b) and (c), to serve as members on the Appeal Board for the purpose of hearing and determining the appeal to which the notice relates.
- (4) The Secretary shall appoint one of those 3 members to be the Chairman of the Appeal Board in the hearing of that appeal.
- (5) The Secretary shall ensure that no person having a financial or other personal interest in the matter involved in an appeal is to serve as a member on the Appeal Board for hearing and determining that appeal.

人曾不真誠地行事或行事時缺乏合理程度的謹慎，否則不得給予許可。（由 1998 年第 25 號第 2 條修訂）

- (3) 凡根據第(2)款提出申請，必須向在擬提起的法律程序中屬被針對的人發出該申請的通知，而該人有權陳詞反對該項申請。

#### 70. 不當收容或羈留的罰則

- (1) 除第 69 條的條文另有規定外，任何人——  
 (a) 如非按照本條例的條文而將某名精神紊亂的人或某名被指稱為精神紊亂的人收容在或羈留在精神病院內；或  
 (b) 為了牟利而將 2 名或 2 名以上精神紊亂的人羈留在一處並非精神病院的地方，  
 即屬犯罪，一經循簡易程序定罪，可處第 4 級罰款及監禁 2 年。（由 1988 年第 46 號第 28 條修訂）  
 (2) 除非由律政司司長提出或經律政司司長同意，否則不得根據本條提出檢控。（由 1997 年第 362 號法律公告修訂）  
 (3) 對於已獲得《醫院管理局條例》（第 113 章）所指的醫院管理局所承認的全科醫院或護理院，本條例的條文並不阻止其收容和治療任何有需要並希望接受精神病治療的人。（由 1989 年第 76 號法律公告修訂；由 1990 年第 68 號第 24 條修訂）  
 (編輯修訂——2012 年第 1 號編輯修訂紀錄)

#### 71. 區域法院法官及裁判官的權力

為達致行使第 31 條所授予權力的目的，區域法院法官及裁判官均可行使由《裁判官條例》（第 227 章）所授予裁判官的權力，藉

proceedings. has acted in bad faith or without reasonable care.

- (3) Notice of any application under subsection (2) shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

#### 70. Penalty for improper reception or detention

- (1) Subject to the provisions of section 69 any person who—  
 (a) otherwise than in accordance with the provisions of this Ordinance receives or detains in a mental hospital a person who is or is alleged to be a mentally disordered person; or  
 (b) for gain detains in any place not being a mental hospital 2 or more mentally disordered persons,  
 shall be guilty of an offence and shall be liable on summary conviction to a fine at level 4 and to imprisonment for 2 years. (Amended 46 of 1988 s. 28)  
 (2) No prosecution under this section shall be instituted except by or with the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)  
 (3) Nothing in this section shall prevent any general hospital or nursing home which has been recognized as such by the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113) from receiving and treating any person who is in need of and is desirous of receiving psychiatric treatment. (Amended L.N. 76 of 1989; 68 of 1990 s. 24)

(Amended E.R. 1 of 2012)

#### 71. Powers of a District Judge and a magistrate

For the purpose of the exercise of the power conferred by section 31 a District Judge and a magistrate may exercise the powers conferred on a magistrate by the Magistrates Ordinance

根據本條例所作出的報告、申請書、建議書或證明書的報告、申請書、建議書或證明書，或曾以專業人士身分依據本條例作出任何事或提供任何意見，則不得以無司法管轄權為理由或由於其他理由而使該人須在民事或刑事法律程序中負上法律責任，除非該人曾不真誠地行事，或行事時缺乏合理程度的謹慎，則屬例外。

(2) 如無原訟法庭的許可，不得就第(1)款所述的事項在原訟法庭針對某人而提起民事或刑事法律程序，而除非原訟法庭信納有實質理由，以指稱該名在擬提起的法律程序中被針對的人曾不真誠地行事或行事時缺乏合理程度的謹慎，否則不得給予許可。 (由 1998 年第 25 號第 2 條修訂)

(3) 凡根據第(2)款提出申請，必須向在擬提起的法律程序中屬被針對的人發出該申請的通知，而該人有權陳詞反對該項申請。

## 70. 不當收容或羈留的罰則

(1) 除第 69 條的條文另有規定外，任何人——

- (a) 如非按照本條例的條文而將某名精神紊亂的人或某名被指稱為精神紊亂的人收容在或羈留在精神病院內；或
- (b) 為了牟利而將 2 名或 2 名以上精神紊亂的人羈留在一處並非精神病院的地方，

即屬犯罪，一經循簡易程序定罪，可處罰款 \$20,000 及監禁 2 年。 (由 1988 年第 46 號第 28 條修訂)

(2) 除非由律政司司長提出或經律政司司長同意，否則不得根據本條提出檢控。 (由 1997 年第 362 號法律公告修訂)

(3) 對於已獲得《醫院管理局條例》(第 113 章)所指的醫院管理局所承認的全科醫院或護理院，本條例的條文並不阻止其收容和治療任何有需要並希望接受精神病治療的人。 (由 1989 年第 76 號法律公告修訂；由 1990 年第 68 號第 24 條修訂)

## 71. 區域法院法官及裁判官的權力

為達致行使第 31 條所授予權力的目的，區域法院法官及裁判官均可行使由《裁判官條例》(第 227 章)所授予裁判官的權力，藉以令任何可協助他行使上述第 31 條所授權力的人到其席前，及藉以收取任何人經宣誓而作的證供。

(由 1969 年第 50 號第 4 條增補。由 1988 年第 46 號第 29 條修訂；由 1998 年第 25 號第 2 條修訂)

## CAP. 136 Mental Health

or done any act with a view to signing or carrying out, an order purporting to be an order for removal or detention, or any report, application, recommendation, or certificate purporting to be a report, application, recommendation, or certificate under this Ordinance, or has done anything or given any advice in a professional capacity in pursuance of this Ordinance, he shall not be liable to any civil or criminal proceedings whether on the ground of want of jurisdiction or on any other ground unless he has acted in bad faith or without reasonable care.

(2) No proceedings, civil or criminal, shall be brought against any person in any Court in respect of any such matter as is mentioned in subsection (1), without the leave of the Court, and leave shall not be given unless the Court is satisfied that there is substantial ground for the contention that the person, against whom it is sought to bring the proceedings, has acted in bad faith or without reasonable care.

(3) Notice of any application under subsection (2) shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.

## 70. Penalty for improper reception or detention

(1) Subject to the provisions of section 69 any person who—

- (a) otherwise than in accordance with the provisions of this Ordinance receives or detains in a mental hospital a person who is or is alleged to be a mentally disordered person; or
- (b) for gain detains in any place not being a mental hospital 2 or more mentally disordered persons,

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$20,000 and to imprisonment for 2 years. (Amended 46 of 1988 s. 28)

(2) No prosecution under this section shall be instituted except by or with the consent of the Secretary for Justice. (Amended L.N. 362 of 1997)

(3) Nothing in this section shall prevent any general hospital or nursing home which has been recognized as such by the Hospital Authority within the meaning of the Hospital Authority Ordinance (Cap. 113) from receiving and treating any person who is in need of and is desirous of receiving psychiatric treatment. (Amended L.N. 76 of 1989; 68 of 1990 s. 24)

## 71. Powers of a District Judge and a magistrate

For the purpose of the exercise of the power conferred by section 31 a District Judge and a magistrate may exercise the powers conferred on a magistrate by the Magistrates Ordinance (Cap. 227) of requiring the attendance before him of any person who may be able to assist him in the exercise of such power and of receiving on oath the evidence of any person. (Added 50 of 1969 s. 4. Amended 46 of 1988 s. 29)

## 第 614 章

### 《法例發布條例》

本條例旨在就設立一個法例電子資料庫、並認可一個可將該資料庫內的資料發布及供人取覽的網站，訂定條文；給予在認可網站發布的法例文本法律地位；就對條例作出編輯修訂及修正的權力，訂定條文；就為編製香港法例活頁版增訂編輯權力，訂定條文；就相關事宜，訂定條文；以及作出相應修訂。

[第 1 部、第 5 部及第 7 部第 1 分部、第 2 分部(第 27 條除外)、第 4 分部(第 29 及 30 條除外)及第 5 分部	2011 年 6 月 30 日
第 6 部(第 22 條除外)、第 30 條及第 7 部第 6 分部	2012 年 1 月 16 日 [2011 年第 164 號法律 公告]

(略去制定語式條文——2012 年第 1 號編輯修訂紀錄)

An Ordinance to provide for the establishment of an electronic database of legislation and approval of a website on which the information in the database may be published and accessed; to give legal status to copies of the legislation published on an approved website; to provide for powers to make editorial amendments and revisions to Ordinances; to provide for additional editorial powers for preparation of the loose-leaf edition of the Laws of Hong Kong; to provide for related matters; and to make consequential amendments.

[Part 1, Part 5 and Division 1, Division 2 (except section 27), Division 4 (except sections 29 and 30) and Division 5 of Part 7	30 June 2011
Part 6 (except section 22), section 30 and Division 6 of Part 7	16 January 2012 [L.N. 164 of 2011]

(*Enacting provision omitted—E.R. 1 of 2012*)

**第 1 部****導言****1. 簡稱及生效日期**

- (1) 本條例可引稱為《法例發布條例》。
- (2) 除第(3)款另有規定外，本條例由律政司司長以憲報公告指定的日期起實施。
- (3) (已失時效而略去——2012 年第 1 號編輯修訂紀錄)

**2. 釋義**

- (1) 在本條例中——

**刊憲文本** (*gazetted copy*) 就某條例而言，指該條例最初制定、訂立或作出時於憲報刊登的文本；

**官方核證標記** (*official verification mark*) 指法律草擬專員為施行第 2 部而在認可網站指明的符號、字或詞句或任何符號、字或詞句的組合；

**許可修訂** (*permitted amendment*) 就某條例而言，指——

- 另一條例對該條例作出的修訂；
- 對該條例作出的編輯修訂；或
- 根據《1990 年法例（活頁版）條例》（1990 年第 51 號）第 2A(1) 條對該條例作出的修訂；

**經核證文本** (*verified copy*)——見第 5(1) 條；

**資料庫** (*database*) 指根據第 3(a) 條設立的在香港適用的法例的電子資料庫；

**資料庫文書** (*database instrument*) 指條例、《基本法》、在香港實施的全國性法律或第 4(2)(b) 條所提述的材料或資料；

**Part 1****Preliminary****1. Short title and commencement**

- (1) This Ordinance may be cited as the Legislation Publication Ordinance.
- (2) Subject to subsection (3), this Ordinance comes into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.
- (3) (*Omitted as spent—E.R. I of 2012*)

**2. Interpretation**

- (1) In this Ordinance—

**approved website** (認可網站) means a website approved under section 3(b);

**consolidated copy** (編訂文本)，就某條例而言，指該條例最初制定、訂立或作出時於憲報刊登的文本；

**database** (資料庫) means the electronic database of the legislation applying in Hong Kong established under section 3(a);

**database instrument** (資料庫文書) means an Ordinance, the Basic Law, a national law applying in Hong Kong or an item of materials or information referred to in section 4(2)(b);

**editorial amendment** (編輯修訂) means an amendment to an Ordinance made under section 12;

**gazetted copy** (刊憲文本)，就某條例而言，指該條例最初制定、訂立或作出時於憲報刊登的文本；

**第 614 章****《法例發布條例》**

本條例旨在就設立一個法例電子資料庫，並認可一個可將該資料庫內的資料發布及供人取覽的網站，訂定條文；給予在認可網站發布的法例文本法律地位；就對條例作出編輯修訂及修正的權力，訂定條文；就為編製香港法例活頁版增訂編輯權力，訂定條文；就相關事宜，訂定條文；以及作出相應修訂。

[第 1 部、第 5 部及第 7 部第 1 分部、  
第 2 分部（第 27 條除外）、第 4 分  
部（第 29 及 30 條除外）及第 5 分  
部 ] 2011 年 6 月 30 日 ]

**第 1 部****導言****1. 簡稱及生效日期**

(1) 本條例可引稱為《法例發布條例》。

**Chapter 614****Legislation Publication Ordinance**

An Ordinance to provide for the establishment of an electronic database of legislation and approval of a website on which the information in the database may be published and accessed; to give legal status to copies of the legislation published on an approved website; to provide for powers to make editorial amendments and revisions to Ordinances; to provide for additional editorial powers for preparation of the loose-leaf edition of the Laws of Hong Kong; to provide for related matters; and to make consequential amendments.

[Part 1, Part 5 and Division 1, Division  
2 (except section 27), Division 4  
(except sections 29 and 30) and  
Division 5 of Part 7 ]

30 June 2011]

**Part 1****Preliminary****1. Short title and commencement**

(1) This Ordinance may be cited as the Legislation Publication Ordinance.

- (2) 除第(3)款另有規定外，本條例由律政司司長以憲報公告指定的日期起實施。
- (3) (已失時效而略去)

## 2. 釋義

(1) 在本條例中——

**刊憲文本** (*gazetted copy*) 就某條例而言，指該條例最初制定、訂立或作出時於憲報刊登的文本；

**官方核證標記** (*official verification mark*) 指法律草擬專員為施行第2部而在認可網站指明的符號、字或詞句或任何符號、字或詞句的組合；

**許可修訂** (*permitted amendment*) 就某條例而言，指——

- (a) 另一條例對該條例作出的修訂；
- (b) 對該條例作出的編輯修訂；或
- (c) 根據《1990年法例(活頁版)條例》(1990年第51號)第2A(1)條對該條例作出的修訂；

**資料庫** (*database*) 指根據第3(a)條設立的在香港適用的法例的電子資料庫；

**資料庫文書** (*database instrument*) 指條例、《基本法》、在香港實施的全國性法律或第4(2)(b)條所提述的材料或資料；

**經核證文本** (*verified copy*)——見第5(1)條；

**認可網站** (*approved website*) 指根據第3(b)條認可的網站；

**編訂文本** (*consolidated copy*) 就某條例而言，指顯示該條例的以下版本的內文的文本：經所有於該文本中指明的日期已生效的許可修訂所修訂的內文；

- (2) Subject to subsection (3), this Ordinance comes into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.
- (3) (*Omitted as spent*)

## 2. Interpretation

(1) In this Ordinance—

**approved website** (認可網站) means a website approved under section 3(b);

**consolidated copy** (編訂文本)，in relation to an Ordinance, means a copy of the Ordinance showing its text as amended by all permitted amendments that have taken effect as at a date specified in the copy;

**database** (資料庫) means the electronic database of the legislation applying in Hong Kong established under section 3(a);

**database instrument** (資料庫文書) means an Ordinance, the Basic Law, a national law applying in Hong Kong or an item of materials or information referred to in section 4(2)(b);

**editorial amendment** (編輯修訂) means an amendment to an Ordinance made under section 12;

**gazetted copy** (刊憲文本)，in relation to an Ordinance, means a copy of the Ordinance as originally enacted or made, and published in the Gazette;

**official verification mark** (官方核證標記) means a symbol, word or statement, or a combination of any of them, specified by the Law Draftsman on an approved website for the purposes of Part 2;

**permitted amendment** (許可修訂)，in relation to an Ordinance, means—

- (a) an amendment to the Ordinance made by another Ordinance;

## 第1部

### 導言

#### 1. 簡稱

本條例可引稱為《吸煙(公眾衛生)條例》。

#### 2. 釋義

在本條例中，除文意另有所指外——

**工作地方**(workplace)指——

- (a) 為進行業務或非牟利事業而被佔用；及
- (b) 自然人在自僱工作、受僱工作或受聘期間在內工作(不論是否獲得收入)，  
的地方，包括供該等人士在工作時段之間用膳或休息時使用的該地方的任何部分：(由2006年第21號第4條增補)

**公共升降機**(public lift)指公眾可乘用的升降機，並包括任何可通往個別佔用的樓宇單位、辦公室或其他住處單位的升降機及包括酒店升降機；

**公共交通工具**(public transport carrier)指附表1所述的任何公共巴士、公共小巴、的士、列車、輕便鐵路車輛、電車、纜車或渡輪；(由1992年第9號第2條增補。由2006年第21號第4條修訂)

**公眾地方**(public place)指——

- (a) 公眾於當其時有權進入或獲准進入(不論是憑繳費或其他方式)的地方；或
- (b) 任何處所的共用部分，即使公眾無權進入或不獲准進入該共用部分或該處所亦然；(由2006年第21號第4條增補)

## Part 1

### Preliminary

#### 1. Short title

This Ordinance may be cited as the Smoking (Public Health) Ordinance.

#### 2. Interpretation

In this Ordinance, unless the context otherwise requires—

**advertisement**(廣告)means any announcement to the public made or to be made in any manner;

**amusement game centre**(遊戲機中心)means—

- (a) an amusement game centre within the meaning of section 2(1) of the Amusement Game Centres Ordinance (Cap. 435);

- (b) any place that is the subject of an order under section 3(1)(a) of that Ordinance; or

- (c) any area that is specified in an order under section 3(1)(b) of that Ordinance: (Replaced 21 of 2006 s. 4)

**approved institution**(核准院舍)means an approved institution within the meaning of section 2(1) of the Probation of Offenders Ordinance (Cap. 298); (Added 21 of 2006 s. 4)

**bar**(酒吧)means any place that is exclusively or mainly used for the sale and consumption of intoxicating liquors as defined in section 53(1) of the Dutiable Commodities Ordinance (Cap. 109); (Added 21 of 2006 s. 4)

**bathhouse**(浴室)means a bathhouse—

- (a) that is within the meaning of section 3(1) of the Commercial Bathhouses Regulation (Cap. 132 sub. leg. I); and

**公眾泳池**(public swimming pool)指《公眾衛生及市政條例》(第132章)第2(1)條所指的公眾泳池；(由2006年第21號第4條增補)

**公眾遊樂場地**(public pleasure ground)指《公眾衛生及市政條例》(第132章)第2(1)條所指的公眾遊樂場地；(由2006年第21號第4條增補)

**出售、售賣、銷售、售**(sale, sell)包括藉以物相易或抽籤的方式處置，但不包括政府透過拍賣對被充公的沒有健康忠告的香煙的處置；(由1997年第93號第2條增補)

**刊登**(publish)、就廣告而言，指以任何方式使人獲悉廣告：

**卡拉OK場所**(karaoke establishment)指——

(a)《卡拉OK場所條例》(第573章)第2(1)條所指的卡拉OK場所；或

(b)該條例第3(1)條所提述的卡拉OK場所；(由2006年第21號第4條增補)

**尼古丁量**(nicotine yield)指調整為小數點後一個位並以毫克表示的每支香煙的尼古丁量；(由1997年第93號第2條增補)

**幼兒中心**(child care centre)指《幼兒服務條例》(第243章)第2(1)條所指的幼兒中心；(由2006年第21號第4條增補)

**收容所**(place of refuge)指《保護兒童及少年條例》(第213章)第2條所指的收容所；(由2006年第21號第4條增補)

**自動梯**(escalator)指《升降機及自動梯(安全)條例》(第327章)第2(1)條所指的自動梯；(由2006年第21號第4條增補)

**住宅**(domestic premises)指任何為供用作私人住宅而興建並實際用作私人住宅的處所；(由2006年第21號第4條增補)

(b) in respect of which a licence granted under that Regulation is in force; (Added 21 of 2006 s. 4)

**bathing beach**(冰灘)means any bathing beach specified in the Fourth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

**brand**(牌子), except in section 14(3), includes a brand product, that is to say a variety of a brand marketed as having qualities differing from another variety of that brand;

**child care centre**(幼兒中心)means a child care centre within the meaning of section 2(1) of the Child Care Services Ordinance (Cap. 243); (Added 21 of 2006 s. 4)

**cigar**(雪茄)means tobacco rolled up in tobacco, in such form as to be capable of immediate use for smoking; (Added 9 of 1994 s. 3)

**cigarette**(香煙)means tobacco rolled up in paper or in any other material except tobacco, in such form as to be capable of immediate use for smoking;

**cigarette tobacco**(香煙煙草)means tobacco packaged as being suitable for the making by the purchaser of cigarettes for his own use;

**cinema**(電影院), **theatre**(劇院) and **concert hall**(音樂廳) mean—

(a) any building or part of a building used primarily as a cinema, theatre or concert hall, as the case may be, whether or not it is being so used at the material time, other than the premises of any club, association or other body in which films are exhibited, or plays or music performed for the benefit primarily of the members thereof and their guests;

(b) any place of public entertainment licensed under the Places of Public Entertainment Ordinance (Cap. 172) while open to the public on account of any concert, stage play, stage performance or other musical, dramatic or theatrical entertainment or any cinematograph display; (Added 9 of 1992 s. 2)

**吸煙、吸用**(smoke)指吸入與呼出煙草或其他物質的煙；

**局長**(Secretary)指食物及衛生局局長；(由2002年第106號法律公告增補。由2007年第130號法律公告修訂)

**身分證明文件**(proof of identity)指為施行《入境條例》(第115章)第IVA部的身分證明文件；(由1997年第80號第103條修訂)

**拘留地方**(place of detention)指——

(a) 《入境(羈留地點)令》(第115章，附屬法例B)附表2所指明的羈留地點；或

(b) 《少年犯條例》(第226章)第2(1)條所指的拘留地方；(由2006年第21號第4條增補)

**泳灘**(bathing beach)指《公眾衛生及市政條例》(第132章)附表4所指明的任何泳灘；(由2006年第21號第4條增補)

**治療中心**(treatment centre)指《藥物倚賴者治療康復中心(發牌)條例》(第566章)第2條所指的治療中心；(由2006年第21號第4條增補)

**室內**(indoor)指——

(a) 有天花板或上蓋的、或有充當(不論是暫時性或永久性)天花板或上蓋的封蓋的；及

(b) 除有任何窗戶或門戶，或任何充當窗戶或門戶的可關閉的開啓口外，圍封程度(不論是暫時性或永久性)至少達各邊總面積的50%的；(由2006年第21號第4條增補)

**correctional facility**(懲教機構)means—

- (a) any of the sites and buildings specified in the Schedule to the Prisons Order (Cap. 234 sub. leg. B);
- (b) any of the buildings specified in the Schedule to the Prisons (Hostel) Order (Cap. 234 sub. leg. C); or
- (c) an addiction treatment centre within the meaning of section 2 of the Drug Addiction Treatment Centres Ordinance (Cap. 244); (Added 21 of 2006 s. 4)

**domestic premises**(住宅)means any premises that have been constructed to be used, and are used, as a private dwelling; (Added 21 of 2006 s. 4)

**escalator**(自動梯)means an escalator within the meaning of section 2(1) of the Lifts and Escalators (Safety) Ordinance (Cap. 327); (Added 21 of 2006 s. 4)

**hospital**(醫院)means any establishment for the care of the sick, injured or infirm or those who require medical treatment, including a nursing home—

- (a) whether or not it is a hospital to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies; or
- (b) whether or not it is a public hospital within the meaning of section 2(1) of the Hospital Authority Ordinance (Cap. 113); (Added 21 of 2006 s. 4)

**indoor**(室內)means—

- (a) having a ceiling or roof, or a cover that functions (whether temporarily or permanently) as a ceiling or roof; and
- (b) enclosed (whether temporarily or permanently) at least up to 50% of the total area on all sides, except for any window or door, or any closeable opening that functions as a window or door; (Added 21 of 2006 s. 4)

**按摩院** (massage establishment) 指符合以下說明的按摩院——

- (a) 屬《按摩院條例》(第 266 章)第 2 條所指的按摩院；及
- (b) 領有根據上述條例批出並正有效的經營牌照；(由 2006 年第 21 號第 4 條增補)

**指明教育機構** (specified educational establishment) 指《教育條例》(第 279 章)第 2 條所指明的機構；(由 2006 年第 21 號第 4 條增補)

**食肆處所** (restaurant premises) 指任何符合以下說明的處所——

- (a) 有人在該處所內或從該處所經營《食物業規例》(第 132 章，附屬法例 X)第 31(2) 條所指的工廠食堂或食肆；或
- (b) 有人在該處所內或從該處所經營目的為出售或供應供人於該處所內進食或飲用的膳食或非瓶裝的不含酒精飲品(包括涼茶)的任何其他行業或業務(不論該行業或業務是否由持有根據《小販規例》(第 132 章，附屬法例 AI)發給的牌照的人所經營)；(由 2006 年第 21 號第 4 條增補)

**香煙** (cigarette) 指用紙或用煙草以外的任何其他物料捲裹，並處於可供即時吸用狀態的煙草；

**香煙煙草** (cigarette tobacco) 指以適合購買者製造香煙自用的方式包裝的煙草；

**核准院舍** (approved institution) 指《罪犯感化條例》(第 298 章)第 2(1) 條所指的核准院舍；(由 2006 年第 21 號第 4 條增補)

**浴室** (bathhouse) 指符合以下說明的浴室——

- (a) 屬《商營浴室規例》(第 132 章，附屬法例 I)第 3(1) 條所指的浴室；及

**inspector** (督察) means an inspector appointed under section 15F; (*Added 21 of 2006 s. 4*)

**karaoke establishment** (卡拉OK場所) means—

- (a) a karaoke establishment within the meaning of section 2(1) of the Karaoke Establishments Ordinance (Cap. 573); or
- (b) a karaoke establishment referred to in section 3(1) of that Ordinance; (*Added 21 of 2006 s. 4*)

**mahjong-tin kau premises** (麻將天九耍樂處所) means any premises that are licensed under section 22 of the Gambling Ordinance (Cap. 148) for—

- (a) the playing therein of games in which mahjong tiles are used; or
- (b) the playing therein of games in which tin kau tiles are used; (*Added 21 of 2006 s. 4*)

**manager** (管理人), in relation to a no smoking area or a public transport carrier, means—

- (a) any person who is responsible for the management or is in charge or control of the no smoking area or public transport carrier, and includes an assistant manager and any person holding an appointment analogous to that of a manager or assistant manager; or
- (b) in the case where there is no such person in relation to any premises, the owner of the premises; (*Replaced 21 of 2006 s. 4*)

**massage establishment** (按摩院) means a massage establishment—

- (a) that is within the meaning of section 2 of the Massage Establishments Ordinance (Cap. 266); and
- (b) in respect of which a licence granted under that Ordinance is in force; (*Added 21 of 2006 s. 4*)

- (b) 領有根據上述規例批出並正有效的牌照；(由2006年第21號第4條增補)

**留產院**(maternity home)指任何用作或擬用作收容懷孕婦女或剛分娩婦女的處所——

- (a) 不論它是否《醫院、護養院及留產院註冊條例》(第165章)適用的留產院；或
- (b) 不論它是否作為《醫院管理局條例》(第113章)第2(1)條所指的公營醫院的一部分而經營的留產院，或是否由根據該條例設立的醫院管理局管理或掌管的留產院；(由2006年第21號第4條增補)

**酒吧**(bar)指純粹用作或主要用作售賣和飲用《應課稅品條例》(第109章)第53(1)條所界定的令人醺醉的酒類的地方；(由2006年第21號第4條增補)

**院舍**(residential care home)指——

- (a) 《安老院條例》(第459章)第2條界定的安老院；或
- (b) 《殘疾人士院舍條例》(第613章)第2條界定的殘疾人士院舍；(由2011年第12號第29條增補)

**商標**(trade mark)的涵義與《商標條例》(第559章)第3條中該詞的涵義相同；(由1997年第93號第2條增補。由2000年第35號第98條修訂)

**規例**(regulations)指根據第18條訂立的規例；

**雪茄**(cigar)指用煙草捲裹，並處於可供即時吸用狀態的煙草；(由1994年第91號第3條增補)

**maternity home**(留產院)means any premises used or intended to be used for the reception of pregnant women or of women immediately after childbirth—

- (a) whether or not it is a maternity home to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies; or
- (b) whether or not it is a maternity home that is run as part of a public hospital within the meaning of section 2(1) of the Hospital Authority Ordinance (Cap. 113), or managed or controlled by the Hospital Authority established under that Ordinance: (Added 21 of 2006 s. 4)

**newspaper**(報刊). **local newspaper**(本地報刊) and **printed document**(印刷文件) have the same meaning as in the Registration of Local Newspapers Ordinance (Cap. 268); (Amended 15 of 1987 s. 19)

**nicotine yield**(尼古丁量)means the nicotine yield per cigarette rounded off to one decimal place and expressed in milligrams; (Added 93 of 1997 s. 2)

**no smoking area**(禁止吸煙區)means an area designated as a no smoking area under section 3; (Replaced 9 of 1992 s. 2. Amended 93 of 1997 s. 2; 21 of 2006 s. 4)

**pipe**(煙斗)means a receptacle or other device designed for use for smoking tobacco in a form other than as a cigarette or cigar; (Added 91 of 1994 s. 3)

**pipe tobacco**(煙斗煙草)means tobacco packaged as being suitable for smoking in a pipe; (Added 91 of 1994 s. 3)

**place of detention**(拘留地方)means—

- (a) a place of detention specified in Schedule 2 to the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B); or
- (b) a place of detention within the meaning of section 2(1) of the Juvenile Offenders Ordinance (Cap. 226); (Added 21 of 2006 s. 4)

**麻將天九耍樂處所** (mahjong-tin kau premises) 指任何根據《賭博條例》(第148章)第22條獲發牌可在內進行以下博彩遊戲的處所——

- (a) 使用麻將牌的博彩遊戲；或
- (b) 使用天九牌的博彩遊戲； (由2006年第21號第4條增補)

**報刊** (newspaper)、**本地報刊** (local newspaper) 及**印刷文件** (printed document) 具有《本地報刊註冊條例》(第268章)給予各詞的涵義； (由1987年第15號第19條修訂)

**焦油量** (tar yield) 指調整為最接近的毫克整數的每支香煙的焦油量； (由1997年第93號第2條增補)

**牌子** (brand)，除在第14(3)條外，包括某一牌子的產品，即牌子相同但作為品質有異於同牌子的另一品種而銷售的品種；

**感化院** (reformatory school) 指《感化院條例》(第225章)第2條所指的感化院； (由2006年第21號第4條增補)

**煙斗** (pipe) 指設計用作吸用並非處於香煙或雪茄狀態的煙草的容器或裝置； (由1994年第91號第3條增補)

**煙斗煙草** (pipe tobacco) 指以適合在煙斗吸用的方式包裝的煙草； (由1994年第91號第3條增補)

**煙草產品** (tobacco product) 指任何香煙、香煙煙草、雪茄或煙斗煙草； (由1997年第93號第2條增補)

**煙草廣告** (tobacco advertisement) 具有第14條給予該詞的涵義； (由1994年第91號第3條增補)

**督察** (inspector) 指根據第15F條獲委任的督察； (由2006年第21號第4條增補)

**place of refuge** (收容所) means a place of refuge within the meaning of section 2 of the Protection of Children and Juveniles Ordinance (Cap. 213); (Added 21 of 2006 s. 4)

**proof of identity** (身分證明文件) means proof of identity for the purposes of Part IVA of the Immigration Ordinance (Cap. 115);

**public lift** (公共升降機) means a lift to which the public have access and includes any lift giving access to separately occupied flats, offices or other units of accommodation and a hotel lift;

**public place** (公眾地方) means—

- (a) any place to which for the time being the public are entitled or permitted to have access, whether on payment or otherwise; or
- (b) a common part of any premises notwithstanding that the public are not entitled or permitted to have access to that common part or those premises; (Added 21 of 2006 s. 4)

**public pleasure ground** (公眾遊樂場地) means a public pleasure ground within the meaning of section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

**public swimming pool** (公眾泳池) means a public swimming pool within the meaning of section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

**public transport carrier** (公共交通工具) means any public bus, public light bus, taxi, train, light rail vehicle, car, tramcar or ferry vessel mentioned in Schedule 1; (Added 9 of 1992 s. 2. Amended 21 of 2006 s. 4)

**publish** (刊登) in relation to an advertisement means making known an advertisement in any manner:

**禁止吸煙區**(no smoking area)指根據第3條指定為禁止吸煙區的區域：(由1992年第9號第2條代替。由1997年第93號第2條修訂；由2006年第21號第4條修訂)

**遊戲機中心**(amusement game centre)指——

- (a) 《遊戲機中心條例》(第435章)第2(1)條所指的遊戲機中心；
- (b) 屬根據該條例第3(1)(a)條發出的命令的標的之地方；或
- (c) 根據該條例第3(1)(b)條發出的命令所指明的地區；(由2006年第21號第4條代替)

**電影院**(cinema)、**劇院**(theatre)及**音樂廳**(concert hall)指——

- (a) 主要用作電影院、劇院或音樂廳(視屬何情況而定)的任何建築物或其中任何部分，不論它在關鍵時間是否作此用途，但用作主要為會員及其賓客放映電影、上演戲劇或演奏音樂的會社、社團或其他團體的處所除外；
- (b) 任何根據《公眾娛樂場所條例》(第172章)獲發牌照，並因舉行音樂會、演出舞台劇、作舞台表演或因提供其他音樂、戲劇或劇場方面的娛樂或因放映任何電影而正開放予公眾的公眾娛樂場所；(由1992年第9號第2條增補)

**零售盛器**(retail container)——

- (a) 就任何香煙而言，指適合用於香煙包的零售的盛器；或
- (b) 就任何雪茄、煙斗煙草或香煙煙草而言，指適合用於雪茄、煙斗煙草或香煙煙草的零售的盛器；(由2006年第21號第4條代替)

**reformatory school**(感化院)means a reformatory school within the meaning of section 2 of the Reformatory Schools Ordinance (Cap. 225); (Added 21 of 2006 s. 4)

**regulations**(規例)means regulations under section 18:

**residential care home**(院舍)means—

- (a) a residential care home as defined by section 2 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459); or
- (b) a residential care home for PWDs as defined by section 2 of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613); (Replaced 12 of 2011 s. 29)

**restaurant premises**(食肆處所)means any premises on or from which there is carried on—

- (a) a factory canteen or restaurant within the meaning of section 31(2) of the Food Business Regulation (Cap. 132 sub. leg. X); or
- (b) any other trade or business the purpose of which is for the sale or supply of meals or unbottled non-alcoholic drinks (including Chinese herb tea) for human consumption on the premises (whether or not it is carried on by a person who is the holder of a licence under the Hawker Regulation (Cap. 132 sub. leg. A1)); (Added 21 of 2006 s. 4)

**retail container**(零售盛器)——

- (a) in relation to any cigarette, means a container suitable for the retail marketing of cigarette packets; or
- (b) in relation to any cigar, pipe tobacco or cigarette tobacco, means a container suitable for the retail marketing of cigar, pipe tobacco or cigarette tobacco; (Replaced 21 of 2006 s. 4)

**sale, sell**(出售、售賣、銷售、售)includes the disposal by barter or raffling but excludes the disposal of confiscated

**管理人** (manager) 就禁止吸煙區或公共交通工具而言，指——

- (a) 任何掌管或控制或負責管理該禁止吸煙區或公共交通工具的人，並包括助理管理人及任何擔任類似管理人或助理管理人職位的人；或
- (b) (在就任何處所而言沒有以上所述的人的情況下) 有關處所的擁有人；(由 2006 年第 21 號第 4 條代替)

**廣告** (advertisement) 指以任何方式向公眾作出或行將向公眾作出的公告：

**學校** (school) 指《教育條例》(第 279 章) 第 3 條所指的學校；(由 2006 年第 21 號第 4 條增補)

**醫院** (hospital) 指任何照料病人、傷者或衰弱者或需要醫療的人的機構(包括護養院)——

- (a) 不論它是否《醫院、護養院及留產院註冊條例》(第 165 章) 適用的醫院；或
- (b) 不論它是否《醫院管理局條例》(第 113 章) 第 2(1) 條所指的公營醫院；(由 2006 年第 21 號第 4 條增補)

**懲教機構** (correctional facility) 指——

- (a) 《監獄令》(第 234 章，附屬法例 B) 的附表所指明的用地及建築物；
- (b) 《監獄(宿舍)令》(第 234 章，附屬法例 C) 的附表所指明的建築物；或

cigarettes without health warnings through auctions by the Government; (Added 93 of 1997 s. 2)

**school** (學校) means a school within the meaning of section 3 of the Education Ordinance (Cap. 279); (Added 21 of 2006 s. 4)

**Secretary** (局長) means the Secretary for Food and Health; (Replaced L.N. 106 of 2002. Amended L.N. 130 of 2007)

**smoke** (吸煙)、(吸用) means inhaling and expelling the smoke of tobacco or other substance;

**specified educational establishment** (指明教育機構) means any establishment specified in section 2 of the Education Ordinance (Cap. 279); (Added 21 of 2006 s. 4)

**stadium** (體育場) means a stadium within the meaning of section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

**tar yield** (焦油量) means the tar yield per cigarette rounded off to the nearest milligram; (Added 93 of 1997 s. 2)

**tobacco advertisement** (煙草廣告) has the meaning assigned to it by section 14. (Added 91 of 1994 s. 3)

**tobacco product** (煙草產品) means any cigarette, cigarette tobacco, cigar or pipe tobacco; (Added 93 of 1997 s. 2)

**trade mark** (商標) has the same meaning as in section 3 of the Trade Marks Ordinance (Cap. 559); (Added 93 of 1997 s. 2. Amended 35 of 2000 s. 98)

**treatment centre** (治療中心) means a treatment centre within the meaning of section 2 of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566); (Added 21 of 2006 s. 4)

**workplace** (工作地方) means a place—

- (a) that is occupied for conducting a business or non-profit making undertaking; and

(c) 根據《戒毒所條例》(第244章)第2條所指的戒毒所：  
(由2006年第21號第4條增補)

**體育場** (stadium) 指《公眾衛生及市政條例》(第132章)第2(1)條所指的體育場。(由2006年第21號第4條增補)

(由1992年第9號第2條修訂；由1994年第91號第3條修訂；  
由2006年第21號第4條修訂；由2011年第12號第29條修訂；  
編輯修訂——2012年第1號編輯修訂紀錄)

(b) in which natural persons work in the course of any self-employment, employment or engagement (whether for income or not),

including any part of the place that is set aside for use by those persons during any interval for taking a meal or rest. (Added 21 of 2006 s. 4)

(Amended 9 of 1992 s. 2; 91 of 1994 s. 3; 21 of 2006 s. 4)

## 第 371 章

## 吸煙 (公眾衛生) 條例

本條例旨在禁止在某些區域吸煙；就於煙草產品的封包或零售盛器上展示健康忠告及其他資料訂定條文；對煙草廣告作出限制；對煙草產品的售賣和給予作出限制；為執行本條例的某些條文而就督察的委任、權力及職責訂定條文；以及就附帶及有關事宜訂定條文。

(由 1994 年第 91 號第 2 條修訂；由 2006 年第 21 號第 3 條修訂)

[第 I 部、第 IV 部(第 11 及 12 條除外)及第 V 部 第 11 條	1982 年 8 月 13 日
第 II 部及第 12 條(與以霓虹燈標誌展示的廣告 有關者除外)	1982 年 11 月 15 日
第 12 條(與以霓虹燈標誌 展示的廣告有關)	1983 年 2 月 15 日
第 III 部	1983 年 5 月 15 日
	1983 年 8 月 15 日 [1982 年第 314 號法律公告]

## 第 I 部

## 導言

## 1. 簡稱

本條例可引稱為《吸煙 (公眾衛生) 條例》。

## 2. 釋義

在本條例中，除文意另有所指外——

To prohibit smoking in certain areas; to provide for the display of a health warning and other information on packets or retail containers of tobacco products; to restrict tobacco advertising; to restrict the sale or giving of tobacco products; to provide for the appointment, powers and duties of inspectors for the enforcement of certain provisions of this Ordinance; and to provide for incidental and related matters.

(Amended 91 of 1994 s. 2; 21 of 2006 s. 3)

[Part I, Part IV (except sections 11 and 12) and Part V Section 11	13 August 1982
Part II and section 12 (except in relation to advertisements by way of neon signs)	15 November 1982
Section 12 (in relation to advertisements by way of neon signs)	15 February 1983
Part III	15 May 1983
	15 August 1983 [L.N. 314 of 1982]

## PART I

## PRELIMINARY

## 1. Short title

This Ordinance may be cited as the Smoking (Public Health) Ordinance.

## 2. Interpretation

In this Ordinance, unless the context otherwise requires—

“工作地方”(workplace)指——

- (a) 為進行業務或非牟利事業而被佔用；及
- (b) 自然人在自僱工作、受僱工作或受聘期間在內工作(不論是否獲得收入)，  
的地方，包括供該等人士在工作時段之間用膳或休息時使用的該地方的任何部分； (由 2006 年第 21 號第 4 條增補)

“公共升降機”(public lift)指公眾可乘用的升降機，並包括任何可通往個別佔用的樓宇單位、辦公室或其他住處單位的升降機及包括酒店升降機；

“公共交通工具”(public transport carrier)指附表 1 所述的任何公共巴士、公共小巴、的士、列車、輕便鐵路車輛、電車、纜車或渡輪； (由 1992 年第 9 號第 2 條增補。由 2006 年第 21 號第 4 條修訂)

“公眾地方”(public place)指——

- (a) 公眾於當其時有權進入或獲准進入(不論是憑繳費或其他方式)的地方；或
- (b) 任何處所的共用部分，即使公眾無權進入或不獲准進入該共用部分或該處所亦然； (由 2006 年第 21 號第 4 條增補)

“公眾泳池”(public swimming pool)指《公眾衛生及市政條例》(第 132 章)第 2(1) 條所指的公眾泳池； (由 2006 年第 21 號第 4 條增補)

“公眾遊樂場地”(public pleasure ground)指《公眾衛生及市政條例》(第 132 章)第 2(1) 條所指的公眾遊樂場地； (由 2006 年第 21 號第 4 條增補)

“尼古丁量”(nicotine yield)指調整為小數點後一個位並以毫克表示的每支香煙的尼古丁量； (由 1997 年第 93 號第 2 條增補)

“幼兒中心”(child care centre)指《幼兒服務條例》(第 243 章)第 2(1) 條所指的幼兒中心； (由 2006 年第 21 號第 4 條增補)

“卡拉 OK 場所”(karaoke establishment)指——

- (a) 《卡拉 OK 場所條例》(第 573 章)第 2(1) 條所指的卡拉 OK 場所；或
- (b) 該條例第 3(1) 條所提述的卡拉 OK 場所； (由 2006 年第 21 號第 4 條增補)

“出售”、“售賣”、“銷售”、“售”(sale, sell)包括藉以物相易或抽籤的方式處置，但不包括政府透過拍賣對被充公的沒有健康忠告的香煙的處置； (由 1997 年第 93 號第 2 條增補)

“advertisement”(廣告)means any announcement to the public made or to be made in any manner;

“amusement game centre”(遊戲機中心) means—

- (a) an amusement game centre within the meaning of section 2(1) of the Amusement Game Centres Ordinance (Cap. 435);
- (b) any place that is the subject of an order under section 3(1)(a) of that Ordinance; or
- (c) any area that is specified in an order under section 3(1)(b) of that Ordinance; (Replaced 21 of 2006 s. 4)

“approved institution”(核准院舍) means an approved institution within the meaning of section 2(1) of the Probation of Offenders Ordinance (Cap. 298); (Added 21 of 2006 s. 4)

“bar”(酒吧) means any place that is exclusively or mainly used for the sale and consumption of intoxicating liquors as defined in section 53(1) of the Dutiable Commodities Ordinance (Cap. 109); (Added 21 of 2006 s. 4)

“bathhouse”(浴室) means a bathhouse—

- (a) that is within the meaning of section 3(1) of the Commercial Bathhouses Regulation (Cap. 132 sub. leg. I); and
- (b) in respect of which a licence granted under that Regulation is in force; (Added 21 of 2006 s. 4)

“bathing beach”(泳灘) means any bathing beach specified in the Fourth Schedule to the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

“brand”(牌子)，except in section 14(3), includes a brand product, that is to say a variety of a brand marketed as having qualities differing from another variety of that brand;

“child care centre”(幼兒中心) means a child care centre within the meaning of section 2(1) of the Child Care Services Ordinance (Cap. 243); (Added 21 of 2006 s. 4)

“cigar”(雪茄) means tobacco rolled up in tobacco, in such form as to be capable of immediate use for smoking; (Added 91 of 1994 s. 3)

“cigarette”(香煙) means tobacco rolled up in paper or in any other material except tobacco, in such form as to be capable of immediate use for smoking;

“cigarette tobacco”(香煙煙草) means tobacco packaged as being suitable for the making by the purchaser of cigarettes for his own use;

“cinema”(電影院), “theatre”(劇院) and “concert hall”(音樂廳) mean—

- (a) any building or part of a building used primarily as a cinema, theatre or concert hall, as the case may be, whether or not it is being so used at the material time, other than the premises of any club, association or other body in which films are exhibited, or plays or music performed for the benefit primarily of the members thereof and their guests;

“刊登”(publish)，就廣告而言，指以任何方式使人獲悉廣告；

“安老院”(residential care home)指《安老院條例》(第 459 章)第 2 條所指的安老院；  
(由 2006 年第 21 號第 4 條增補)

“收容所”(place of refuge)指《保護兒童及少年條例》(第 213 章)第 2 條所指的收容所；  
(由 2006 年第 21 號第 4 條增補)

“自動梯”(escalator)指《升降機及自動梯(安全)條例》(第 327 章)第 2(1) 條所指的自動梯；  
(由 2006 年第 21 號第 4 條增補)

“身分證明文件”(proof of identity)指為施行《入境條例》(第 115 章)第 IVA 部的身分證明文件；  
(由 1997 年第 80 號第 103 條修訂)

“住宅”(domestic premises)指任何為供用作私人住宅而興建並實際用作私人住宅的處所；  
(由 2006 年第 21 號第 4 條增補)

“局長”(Secretary)指食物及衛生局局長；  
(由 2002 年第 106 號法律公告增補。由 2007 年第 130 號法律公告修訂)

“吸煙”、“吸用”(smoke)指吸入與呼出煙草或其他物質的煙；

“拘留地方”(place of detention)指——

(a) 《入境(羈留地點)令》(第 115 章，附屬法例 B)附表 2 所指明的羈留地點；或

(b) 《少年犯條例》(第 226 章)第 2(1) 條所指的拘留地方；  
(由 2006 年第 21 號第 4 條增補)

“治療中心”(treatment centre)指《藥物倚賴者治療康復中心(發牌)條例》(第 566 章)第 2 條所指的治療中心；  
(由 2006 年第 21 號第 4 條增補)

“泳灘”(bathing beach)指《公眾衛生及市政條例》(第 132 章)附表 4 所指明的任何泳灘；  
(由 2006 年第 21 號第 4 條增補)

“室內”(indoor)指——

(a) 有天花板或上蓋的，或有充當(不論是暫時性或永久性)天花板或上蓋的封蓋的；及

(b) 除有任何窗戶或門戶，或任何充當窗戶或門戶的可關閉的開啓口外，圍封程度(不論是暫時性或永久性)至少達各邊總面積的 50% 的；  
(由 2006 年第 21 號第 4 條增補)

“指明教育機構”(specified educational establishment)指《教育條例》(第 279 章)第 2 條所指明的機構；  
(由 2006 年第 21 號第 4 條增補)

(b) any place of public entertainment licensed under the Places of Public Entertainment Ordinance (Cap. 172) while open to the public on account of any concert, stage play, stage performance or other musical, dramatic or theatrical entertainment or any cinematograph display; *(Added 9 of 1992 s. 2)*

“correctional facility”(懲教機構)means—

(a) any of the sites and buildings specified in the Schedule to the Prisons Order (Cap. 234 sub. leg. B);

(b) any of the buildings specified in the Schedule to the Prisons (Hostel) Order (Cap. 234 sub. leg. C); or

(c) an addiction treatment centre within the meaning of section 2 of the Drug Addiction Treatment Centres Ordinance (Cap. 244);  
*(Added 21 of 2006 s. 4)*

“domestic premises”(住宅)means any premises that have been constructed to be used, and are used, as a private dwelling;  
*(Added 21 of 2006 s. 4)*

“escalator”(自動梯)means an escalator within the meaning of section 2(1) of the Lifts and Escalators (Safety) Ordinance (Cap. 327);  
*(Added 21 of 2006 s. 4)*

“hospital”(醫院)means any establishment for the care of the sick, injured or infirm or those who require medical treatment, including a nursing home—

(a) whether or not it is a hospital to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies; or

(b) whether or not it is a public hospital within the meaning of section 2(1) of the Hospital Authority Ordinance (Cap. 113);  
*(Added 21 of 2006 s. 4)*

“indoor”(室內)means—

(a) having a ceiling or roof, or a cover that functions (whether temporarily or permanently) as a ceiling or roof; and

(b) enclosed (whether temporarily or permanently) at least up to 50% of the total area on all sides, except for any window or door, or any closeable opening that functions as a window or door;  
*(Added 21 of 2006 s. 4)*

“inspector”(督察)means an inspector appointed under section 15F;  
*(Added 21 of 2006 s. 4)*

“karaoke establishment”(卡拉OK 場所)means—

(a) a karaoke establishment within the meaning of section 2(1) of the Karaoke Establishments Ordinance (Cap. 573); or

(b) a karaoke establishment referred to in section 3(1) of that Ordinance;  
*(Added 21 of 2006 s. 4)*

“mahjong-tin kau premises”(麻將天九要樂處所)means any premises that are licensed under section 22 of the Gambling Ordinance (Cap. 148) for—

“香煙”(cigarette)指用紙或用煙草以外的任何其他物料捲裹，並處於可供即時吸用狀態的煙草；

“香煙煙草”(cigarette tobacco)指以適合購買者製造香煙自用的方式包裝的煙草；

“食肆處所”(restaurant premises)指任何符合以下說明的處所——

- (a) 有人在該處所內或從該處所經營《食物業規例》(第 132 章，附屬法例 X)第 31(2)條所指的工廠食堂或食肆；或
- (b) 有人在該處所內或從該處所經營目的為出售或供應供人於該處所內進食或飲用的膳食或非瓶裝的不含酒精飲品(包括涼茶)的任何其他行業或業務(不論該行業或業務是否由持有根據《小販規例》(第 132 章，附屬法例 A1)發給的牌照的人所經營)；(由 2006 年第 21 號第 4 條增補)

“按摩院”(massage establishment)指符合以下說明的按摩院——

- (a) 屬《按摩院條例》(第 266 章)第 2 條所指的按摩院；及
- (b) 領有根據上述條例批出並正有效的經營牌照；(由 2006 年第 21 號第 4 條增補)

“酒吧”(bar)指純粹用作或主要用作售賣和飲用《應課稅品條例》(第 109 章)第 53(1)條所界定的令人醺醉的酒類的地方；(由 2006 年第 21 號第 4 條增補)

“浴室”(bathhouse)指符合以下說明的浴室——

- (a) 屬《商營浴室規例》(第 132 章，附屬法例 I)第 3(1)條所指的浴室；及
- (b) 領有根據上述規例批出並正有效的牌照；(由 2006 年第 21 號第 4 條增補)

“核准院舍”(approved institution)指《罪犯感化條例》(第 298 章)第 2(1)條所指的核准院舍；(由 2006 年第 21 號第 4 條增補)

“留產院”(maternity home)指任何用作或擬用作收容懷孕婦女或剛分娩婦女的處所——

- (a) 不論它是否《醫院、護養院及留產院註冊條例》(第 165 章)適用的留產院；或
- (b) 不論它是否作為《醫院管理局條例》(第 113 章)第 2(1)條所指的公營醫院的一部分而經營的留產院，或是否由根據該條例設立的醫院管理局管理或掌管的留產院；(由 2006 年第 21 號第 4 條增補)

“規例”(regulations)指根據第 18 條訂立的規例；

“(a) the playing therein of games in which mahjong tiles are used; or  
 (b) the playing therein of games in which tin kau tiles are used;

*(Added 21 of 2006 s. 4)*

“manager”(管理人)，在 relation to a no smoking area or a public transport carrier, means—

- (a) any person who is responsible for the management or is in charge or control of the no smoking area or public transport carrier, and includes an assistant manager and any person holding an appointment analogous to that of a manager or assistant manager; or
- (b) in the case where there is no such person in relation to any premises, the owner of the premises; *(Replaced 21 of 2006 s. 4)*

“massage establishment”(按摩院) means a massage establishment—

- (a) that is within the meaning of section 2 of the Massage Establishments Ordinance (Cap. 266); and
- (b) in respect of which a licence granted under that Ordinance is in force; *(Added 21 of 2006 s. 4)*

“maternity home”(留產院) means any premises used or intended to be used for the reception of pregnant women or of women immediately after childbirth—

- (a) whether or not it is a maternity home to which the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165) applies; or
- (b) whether or not it is a maternity home that is run as part of a public hospital within the meaning of section 2(1) of the Hospital Authority Ordinance (Cap. 113), or managed or controlled by the Hospital Authority established under that Ordinance; *(Added 21 of 2006 s. 4)*

“newspaper”(報刊), “local newspaper”(本地報刊) and “printed document”(印刷文件) have the same meaning as in the Registration of Local Newspapers Ordinance (Cap. 268); *(Amended 15 of 1987 s. 19)*

“nicotine yield”(尼古丁量) means the nicotine yield per cigarette rounded off to one decimal place and expressed in milligrams; *(Added 93 of 1997 s. 2)*

“no smoking area”(禁止吸煙區) means an area designated as a no smoking area under section 3; *(Replaced 9 of 1992 s. 2. Amended 93 of 1997 s. 2; 21 of 2006 s. 4)*

“pipe”(煙斗) means a receptacle or other device designed for use for smoking tobacco in a form other than as a cigarette or cigar; *(Added 91 of 1994 s. 3)*

“pipe tobacco”(煙斗煙草) means tobacco packaged as being suitable for smoking in a pipe; *(Added 91 of 1994 s. 3)*

“雪茄” (cigar) 指用煙草捲裹，並處於可供即時吸用狀態的煙草； (由 1994 年第 91 號第 3 條增補)

“麻將天九耍樂處所” (mahjong-tin kau premises) 指任何根據《賭博條例》(第 148 章) 第 22 條獲發牌可在內進行以下博彩遊戲的處所——

(a) 使用麻將牌的博彩遊戲；或

(b) 使用天九牌的博彩遊戲； (由 2006 年第 21 號第 4 條增補)

“商標” (trade mark) 的涵義與《商標條例》(第 559 章) 第 3 條中該詞的涵義相同； (由 1997 年第 93 號第 2 條增補。由 2000 年第 35 號第 98 條修訂)

“牌子” (brand)，除在第 14(3) 條外，包括某一牌子的產品，即牌子相同但作為品質有異於同牌子的另一品種而銷售的品種；

“報刊” (newspaper)、“本地報刊” (local newspaper) 及“印刷文件” (printed document) 具有《本地報刊註冊條例》(第 268 章) 紿予各詞的涵義； (由 1987 年第 15 號第 19 條修訂)

“焦油量” (tar yield) 指調整為最接近的毫克整數的每支香煙的焦油量； (由 1997 年第 93 號第 2 條增補)

“煙斗” (pipe) 指設計用作吸用並非處於香煙或雪茄狀態的煙草的容器或裝置； (由 1994 年第 91 號第 3 條增補)

“煙斗煙草” (pipe tobacco) 指以適合在煙斗吸用的方式包裝的煙草； (由 1994 年第 91 號第 3 條增補)

“煙草產品” (tobacco product) 指任何香煙、香煙煙草、雪茄或煙斗煙草； (由 1997 年第 93 號第 2 條增補)

“煙草廣告” (tobacco advertisement) 具有第 14 條給予該詞的涵義； (由 1994 年第 91 號第 3 條增補)

“禁止吸煙區” (no smoking area) 指根據第 3 條指定為禁止吸煙區的區域； (由 1992 年第 9 號第 2 條代替。由 1997 年第 93 號第 2 條修訂；由 2006 年第 21 號第 4 條修訂)

“感化院” (reformatory school) 指《感化院條例》(第 225 章) 第 2 條所指的感化院； (由 2006 年第 21 號第 4 條增補)

“零售盛器” (retail container)——

(a) 就任何香煙而言，指適合用於香煙包的零售的盛器；或

(b) 就任何雪茄、煙斗煙草或香煙煙草而言，指適合用於雪茄、煙斗煙草或香煙煙草的零售的盛器； (由 2006 年第 21 號第 4 條代替)

“place of detention” (拘留地方) means—

- (a) a place of detention specified in Schedule 2 to the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B); or
- (b) a place of detention within the meaning of section 2(1) of the Juvenile Offenders Ordinance (Cap. 226); (Added 21 of 2006 s. 4)

“place of refuge” (收容所) means a place of refuge within the meaning of section 2 of the Protection of Children and Juveniles Ordinance (Cap. 213); (Added 21 of 2006 s. 4)

“proof of identity” (身分證明文件) means proof of identity for the purposes of Part IVA of the Immigration Ordinance (Cap. 115);

“public lift” (公共升降機) means a lift to which the public have access and includes any lift giving access to separately occupied flats, offices or other units of accommodation and a hotel lift;

“public place” (公眾地方) means—

- (a) any place to which for the time being the public are entitled or permitted to have access, whether on payment or otherwise; or
- (b) a common part of any premises notwithstanding that the public are not entitled or permitted to have access to that common part or those premises; (Added 21 of 2006 s. 4).

“public pleasure ground” (公眾遊樂場地) means a public pleasure ground within the meaning of section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

“public swimming pool” (公眾泳池) means a public swimming pool within the meaning of section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

“public transport carrier” (公共交通工具) means any public bus, public light bus, taxi, train, light rail vehicle, car, tramcar or ferry vessel mentioned in Schedule 1; (Added 9 of 1992 s. 2. Amended 21 of 2006 s. 4)

“publish” (刊登) in relation to an advertisement means making known an advertisement in any manner;

“reformatory school” (感化院) means a reformatory school within the meaning of section 2 of the Reformatory Schools Ordinance (Cap. 225); (Added 21 of 2006 s. 4)

“regulations” (規例) means regulations under section 18;

“residential care home” (安老院) means a residential care home within the meaning of section 2 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459); (Added 21 of 2006 s. 4)

“restaurant premises” (食肆處所) means any premises on or from which there is carried on—

- (a) a factory canteen or restaurant within the meaning of section 31(2) of the Food Business Regulation (Cap. 132 sub. leg. X); or

“督察”(inspector)指根據第 15F 條獲委任的督察；(由 2006 年第 21 號第 4 條增補)  
“電影院”(cinema)、“劇院”(theatre)及“音樂廳”(concert hall)指——

- (a) 主要用作電影院、劇院或音樂廳(視屬何情況而定)的任何建築物或其中任何部分，不論它在關鍵時間是否作此用途，但用作主要為會員及其賓客放映電影、上演戲劇或演奏音樂的會社、社團或其他團體的處所除外；
- (b) 任何根據《公眾娛樂場所條例》(第 172 章)獲發牌照，並因舉行音樂會、演出舞台劇、作舞台表演或因提供其他音樂、戲劇或劇場方面的娛樂或因放映任何電影而正開放予公眾的公眾娛樂場所；(由 1992 年第 9 號第 2 條增補)

“遊戲機中心”(amusement game centre)指——

- (a) 《遊戲機中心條例》(第 435 章)第 2(1) 條所指的遊戲機中心；
- (b) 屬根據該條例第 3(1)(a) 條發出的命令的標的地方；或
- (c) 根據該條例第 3(1)(b) 條發出的命令所指明的地區；(由 2006 年第 21 號第 4 條代替)

“管理人”(manager)就禁止吸煙區或公共交通工具而言，指——

- (a) 任何掌管或控制或負責管理該禁止吸煙區或公共交通工具的人，並包括助理管理人及任何擔任類似管理人或助理管理人職位的人；或
- (b) (在就任何處所而言沒有以上所述的人的情況下)有關處所的擁有人；(由 2006 年第 21 號第 4 條代替)

“廣告”(advertisement)指以任何方式向公眾作出或行將向公眾作出的公告；

“學校”(school)指《教育條例》(第 279 章)第 3 條所指的學校；(由 2006 年第 21 號第 4 條增補)

“醫院”(hospital)指任何照料病人、傷者或衰弱者或需要醫療的人的機構(包括護養院)——

- (a) 不論它是否《醫院、護養院及留產院註冊條例》(第 165 章)適用的醫院；或
- (b) 不論它是否《醫院管理局條例》(第 113 章)第 2(1) 條所指的公營醫院；(由 2006 年第 21 號第 4 條增補)

“懲教機構”(correctional facility)指——

- (a) 《監獄令》(第 234 章，附屬法例 B)的附表所指明的用地及建築物；
- (b) 《監獄(宿舍)令》(第 234 章，附屬法例 C)的附表所指明的建築物；或
- (c) 根據《戒毒所條例》(第 244 章)第 2 條所指的戒毒所；(由 2006 年第 21 號第 4 條增補)

(b) any other trade or business the purpose of which is for the sale or supply of meals or unbottled non-alcoholic drinks (including Chinese herb tea) for human consumption on the premises (whether or not it is carried on by a person who is the holder of a licence under the Hawker Regulation (Cap. 132 sub. leg. A1));  
(Added 21 of 2006 s. 4)

“retail container”(零售盛器)——

- (a) in relation to any cigarette, means a container suitable for the retail marketing of cigarette packets; or
- (b) in relation to any cigar, pipe tobacco or cigarette tobacco, means a container suitable for the retail marketing of cigar, pipe tobacco or cigarette tobacco; (Replaced 21 of 2006 s. 4)

“sale, sell”(出售、售賣、銷售、售) includes the disposal by barter or raffling but excludes the disposal of confiscated cigarettes without health warnings through auctions by the Government; (Added 93 of 1997 s. 2)

“school”(學校) means a school within the meaning of section 3 of the Education Ordinance (Cap. 279); (Added 21 of 2006 s. 4)

“Secretary”(局長) means the Secretary for Food and Health; (Replaced L.N. 106 of 2002. Amended L.N. 130 of 2007)

“smoke”(吸煙)、(吸用) means inhaling and expelling the smoke of tobacco or other substance;

“specified educational establishment”(指明教育機構) means any establishment specified in section 2 of the Education Ordinance (Cap. 279); (Added 21 of 2006 s. 4)

“stadium”(體育場) means a stadium within the meaning of section 2(1) of the Public Health and Municipal Services Ordinance (Cap. 132); (Added 21 of 2006 s. 4)

“tar yield”(焦油量) means the tar yield per cigarette rounded off to the nearest milligram; (Added 93 of 1997 s. 2)

“tobacco advertisement”(煙草廣告) has the meaning assigned to it by section 14. (Added 91 of 1994 s. 3)

“tobacco product”(煙草產品) means any cigarette, cigarette tobacco, cigar or pipe tobacco; (Added 93 of 1997 s. 2)

“trade mark”(商標) has the same meaning as in section 3 of the Trade Marks Ordinance (Cap. 559); (Added 93 of 1997 s. 2. Amended 35 of 2000 s. 98)

“treatment centre”(治療中心) means a treatment centre within the meaning of section 2 of the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566); (Added 21 of 2006 s. 4)

“workplace”(工作地方) means a place—

- (a) that is occupied for conducting a business or non-profit making undertaking; and

“體育場”(stadium)指《公眾衛生及市政條例》(第 132 章)第 2(1) 條所指的體育場。

(由 2006 年第 21 號第 4 條增補)

(由 1992 年第 9 號第 2 條修訂；由 1994 年第 91 號第 3 條修訂；由 2006 年第 21 號第 4 條修訂)

## 第 II 部

### 禁止吸煙區

#### 3. 禁止在某些指定區域內吸煙

(1) 現指定附表 2 第 1 部所述的區域為禁止吸煙區。 (由 2006 年第 21 號第 5 條代替)

(1AA) 第 (1) 款不適用於附表 2 第 2 部所述的豁免區域。 (由 2006 年第 21 號第 5 條增補)

(1AB) 衛生署署長可藉刊登於憲報的公告指明以下地方的全部或部分為禁止吸煙區——

(a) 由 2 類或以上的公共運輸工具的總站所組成，並用以達成及便利轉換該類運輸工具的區域；或

(b) 多於一條的《公共巴士服務條例》(第 230 章)第 2 條所界定的指明路線的任何巴士總站。 (由 2006 年第 21 號第 5 條增補)

(1A)–(1C) (由 2006 年第 21 號第 5 條廢除)

(2) 任何人不得在禁止吸煙區內吸煙或攜帶燃着的香煙、雪茄或煙斗。

(2A) 如任何人根據附表 5 獲豁免而不受第 (2) 款的規限，則該款並不阻止他吸煙或攜帶燃着的香煙、雪茄或煙斗。 (由 2006 年第 21 號第 5 條增補)

(3) 如任何人看似正在違反第 (2) 款，則禁止吸煙區的任何管理人或任何由該管理人就此授權的人——

(a) 經表示該人是在違反第 (2) 款下在禁止吸煙區內吸煙或攜帶燃着的香煙、雪茄或煙斗(視屬何情況而定)後，可要求該人將燃着的香煙、雪茄或煙斗弄熄；

(b) 如該人沒有將燃着的香煙、雪茄或煙斗弄熄，可要求他——

(b) in which natural persons work in the course of any self-employment, employment or engagement (whether for income or not),

including any part of the place that is set aside for use by those persons during any interval for taking a meal or rest. (Added 21 of 2006 s. 4)

(Amended 9 of 1992 s. 2; 91 of 1994 s. 3; 21 of 2006 s. 4)

## PART II

### NO SMOKING AREAS

#### 3. Prohibition on smoking in certain designated areas

(1) The areas described in Part 1 of Schedule 2 are designated as no smoking areas. (Replaced 21 of 2006 s. 5)

(1AA) Subsection (1) does not apply to the exempt areas described in Part 2 of Schedule 2. (Added 21 of 2006 s. 5)

(1AB) The Director of Health may, by notice published in the Gazette, designate as a no smoking area the whole or a part of—

(a) any area that consists of the termini of 2 or more modes of public transport and is used for effecting and facilitating interchange between them; or

(b) any bus terminus of more than one specified route as defined in section 2 of the Public Bus Services Ordinance (Cap. 230). (Added 21 of 2006 s. 5)

(1A)–(1C) (Repealed 21 of 2006 s. 5)

(2) No person shall smoke or carry a lighted cigarette, cigar or pipe in a no smoking area.

(2A) Subsection (2) does not prevent a person from smoking or carrying a lighted cigarette, cigar or pipe if he is exempt from that subsection under Schedule 5. (Added 21 of 2006 s. 5)

(3) The manager of a no smoking area or any person authorized in that behalf by any such manager may, in respect of any person who appears to be contravening subsection (2)—

(a) after indicating that the person is smoking or carrying a lighted cigarette, cigar or pipe, as the case may be, in a no smoking area in contravention of subsection (2), require the person to extinguish the lighted cigarette, cigar or pipe;

(b) where the person fails to extinguish the lighted cigarette, cigar or pipe, require him—