

## 附件 IV

## 《1999 年道路交通法例（修訂）條例草案》

## 全體委員會審議階段

由運輸局局長動議的修正案條次建議修正案

1 刪去第(2)款而代以 —

“(2) 本條例自 2000 年 10 月 1 日起實施。”。

第 IV 部 (a) 在標題中，在“條例》”之後加入“及其附屬法例”。

(b) 在標題之下加入 —

“《定額罰款（刑事訴訟）條例》”。

新條文 在第 IV 部中加入 —

“《定額罰款（刑事訴訟）規例》

## 13A. 修訂附表

《定額罰款（刑事訴訟）規例》（第 240 章，附屬法例）的附表現予修訂，在表格 1 中，在罪行及定額罰款一覽表中，在“《道路交通（駕駛執照）規例》（第 374 章，附屬法例）”的標題之下加入 —

“33A. 駕駛沒有 第 12K(1)條 \$450  
展示“P”  
字牌的車輛

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建議修正案

- 33B. 違反禁止 第 12K(2)條 \$450” 。” 。
- 運載乘客  
的規定

**Annex IV**

**ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 1999**

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Transport

<u>Clause</u>	<u>Amendment Proposed</u>
1	<p>By deleting subclause (2) and substituting -</p> <p style="padding-left: 40px;">"(2) This Ordinance shall come into operation on 1 October 2000."</p>
Part IV	<p>(a) In the heading, by adding "AND ITS SUBSIDIARY LEGISLATION" after "ORDINANCE".</p> <p>(b) By adding after the heading -</p> <p style="text-align: center;"><b>"Fixed Penalty (Criminal Proceedings) Ordinance".</b></p>
New	<p>By adding in Part IV -</p> <p style="text-align: center;"><b>"Fixed Penalty (Criminal Proceedings) Regulations</b></p> <p><b>13A. Schedule amended</b></p> <p style="padding-left: 40px;">The Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) is amended in Form 1, in the List of Offences and Fixed Penalty, after the heading "<i>Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.)</i>" by adding -</p>

Clause

Amendment Proposed

"33A. Driving a vehicle Regulation \$450  
without a "P" plate 12K(1)

33B. Failing to comply Regulation \$450".  
with restriction 12K(2)  
on carrying  
passengers

## 《2000 年道路交通法例（修訂）條例草案》

## 全體委員會審議階段

由劉江華議員動議的修正案條次建議修正案

2 刪去(a)段。

4 刪去(a)段。

6 (a) 刪去(a)段。

(b) 在(b)段中，刪去第(i)及(iii)節。

《2000 年道路交通法例（修訂）條例草案》

**全體委員會審議階段**

由劉健儀議員動議的修正案

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建議修正案

4 刪去(a)段。

6 刪去(b)(iii)段。

**Annex V****ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 2000****COMMITTEE STAGE**Amendments to be moved by the Honourable LAU Kong-wah

<u>Clause</u>	<u>Amendment Proposed</u>
2	By deleting paragraph (a).
4	By deleting paragraph (a).
6	(a) By deleting paragraph (a). (b) In paragraph (b), by deleting subparagraphs (i) and (iii).

ROAD TRAFFIC LEGISLATION (AMENDMENT) BILL 2000

**COMMITTEE STAGE**

Amendments to be moved by the Honourable Mrs Miriam LAU Kin-ye, JP

<u>Clause</u>	<u>Amendment Proposed</u>
4	By deleting paragraph (a).
6	By deleting paragraph (b)(iii).



## 《2000 年僱員補償（修訂）（第 2 號）條例草案》

## 全體委員會審議階段

由教育統籌局局長動議的修正案條次建議修正案

6 在建議的第 6E(6)條中，刪去“法定”而代以“合法”。

13 在建議的第 24(1A)條中，刪去“was”而代以“were”。

新條文 加入 —

“14A. 在不涉及本條例下針對僱主  
可得的補救辦法

第 26(1)條現予修訂，在但書中，廢除“判  
給僱員”而代以“僱主被判須繳付”。”。

15 刪去在“廢除”之後的所有字句而代以““遺產代理人或其  
受養人”而代以“合法遺產代理人或其家庭成員”。”。

26 在建議的附表 6 的第 2 欄中，刪去“16,000”而代以  
“35,000”。

**Annex VI**

**EMPLOYEES' COMPENSATION (AMENDMENT) (NO. 2) BILL 2000**

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Education and Manpower

<u>Clause</u>	<u>Amendment Proposed</u>
6	In the proposed section 6E(6), by deleting "法定" and substituting "合法".
13	In the proposed section 24(1A), by deleting "was" and substituting "were".
New	By adding -  <b>"14A. Remedies independently of Ordinance against employer</b>  Section 26(1) is amended, in the proviso, by repealing "to an employee" and substituting "against an employer".".
15	By deleting everything after "repealing" and substituting ""personal representative or dependant" and substituting "legal personal representative or member of his family".".
26	In the proposed Sixth Schedule, in the second column, by deleting "16,000" and substituting "35,000".

## 附件 VII

《1999 年法律適應化修改（第 2 號）條例草案》

**全體委員會審議階段**

由教育統籌局局長動議的修正案

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建議修正案

- |               |  |
|---------------|--|
| 附表 1<br>第 7 條 | 刪去該條。  |
| 附表 3          | 刪去該附表。   |
| 附表 5<br>第 4 條 | 刪去在“其他繼承人”之後的所有字句而代以“”而代以“中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有”。”。 |
| 附表 6<br>第 4 條 | 刪去在“其他繼承人”之後的所有字句而代以“”而代以“中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有”。”。 |
| 附表 7<br>第 3 條 | 刪去在“其他繼承人”之後的所有字句而代以“”而代以“中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有”。”。 |
| 附表 8<br>第 3 條 | 刪去在“其他繼承人”之後的所有字句而代以“”而代以“中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有”。”。 |

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建議修正案

- 附表 9  
第 3 條
- 刪去在“其他繼承人”之後的所有字句而代以“”而代以“中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有”。”。
- 附表 11  
第 3 條
- 刪去在“Central”之後的所有字句而代以“Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws”。”。

## Annex VII

## ADAPTATION OF LAWS (NO. 2) BILL 1999

## COMMITTEE STAGE

Amendments to be moved by the Secretary for Education and Manpower

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 1, section 7	By deleting the section.
Schedule 3	By deleting the Schedule.
Schedule 5, section 4	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 6, section 4	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 7, section 3	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 8, section 3	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 9, section 3	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 11, section 3	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".

## 附件 VIII

《1999 年法律適應化修改（第 19 號）條例草案》

**全體委員會審議階段**

由教育統籌局局長動議的修正案

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建議修正案

附表 1  
第 5 條 刪去在“廢除”之後的所有字句而代以““總督”而代以“行政長官”。”。

附表 1  
第 6 條 刪去在“廢除”之後的所有字句而代以““總督”而代以“行政長官”。”。

附表 7  
第 9 條 刪去(a)段。

附表 8  
第 7 條 刪去(a)段。

**Annex VIII**

**ADAPTATION OF LAWS (NO. 19) BILL 1999**

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Education and Manpower

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 1, section 5	By deleting everything after "repealing" and substituting ""Governor" and substituting "Chief Executive".
Schedule 1, section 6	By deleting everything after "repealing" and substituting ""Governor" and substituting "Chief Executive".
Schedule 7, section 9	By deleting paragraph (a).
Schedule 8, section 7	By deleting paragraph (a).



## 附件 IX

《1999 年法律適應化修改（第 32 號）條例草案》

**全體委員會審議階段**

由教育統籌局局長動議的修正案

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建議修正案

附表 22      刪去第 15 條。

**Annex IX**

ADAPTATION OF LAWS (NO. 32) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Education and Manpower

Clause

Amendment Proposed

Schedule 22 By deleting section 15.

## 《1999 年法律適應化修改（第 33 號）條例草案》

## 全體委員會審議階段

由教育統籌局局長動議的修正案條次建議修正案附表 7  
第 1 條

刪去(c)段。

附表 8  
第 9 條

刪去(a)段。

附表 9  
第 9 條

刪去(a)段。

附表 10

- (a) 在第 2(b)條中，刪去在“廢除”之後的所有字句而代以““總督”而代以“行政長官”。”。
- (b) 刪去第 11 條。

**Annex X**

ADAPTATION OF LAWS (NO. 33) BILL 1999

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Education and Manpower

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 7, section 1	By deleting paragraph (c).
Schedule 8, section 9	By deleting paragraph (a).
Schedule 9, section 9	By deleting paragraph (a).
Schedule 10	(a) In section 2(b), by deleting everything after "repealing" and substituting "'Governor" and substituting "Chief Executive".  (b) By deleting section 11.

## 《1999 年應課稅品（修訂）條例草案》

## 全體委員會審議階段

由庫務局局長動議的修正案條次建議修正案

- 2 (a) 將該條重編為第 2(1)條。
- (b) 加入 —
- “(2) 第 6(4)條現予廢除，代以 —
- “(4) 以下規例須獲得立法會批准 —
- (a) 行政長官會同行政會議就第(1)(i)款所述事宜訂立的規例；或
- (b) 行政長官會同行政會議行使第(3)款所賦予權力而訂立的規例。”。
- 3 (a) 將該條重編為第 3(1)條。
- (b) 加入 —
- “(2) 第 17(4)條現予修訂，在“任何人”之前加入“除第 64A 條另有規定外，”。
- 4 刪去(b)段。

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建議修正案

新條文 加入 —

“5A. 加入條文

在第 46A 條之前加入 —

“46AA. 就涉及碳氫油罪行而發出取消駕駛資格命令

(1) 如有關的人是就他使用的車輛的油缸中的碳氫油而犯以下罪行，或有關的人在犯以下罪行的過程中使用車輛 —

- (a) 第 17(1)或(6)條所訂而涉及碳氫油的罪行；或
- (b) 《應課稅品（碳氫油的標記及染色）規例》（第 109 章，附屬法例）第 5A、5B 或 9 條所訂罪行，

則本條適用於該罪行。在本條中，本條所適用的罪行稱為“有關罪行”。

(2) 法庭或裁判官在裁定任何人犯了有關罪行時 —

- (a) 如該人先前已就任何有關罪行被定罪一次，則法庭或裁判官須命令取消該人的駕駛資格 6 個月；
- (b) 如該人先前已就任何有關罪行被定罪兩次或多於兩次，則法庭或裁判官須命令取消該人的駕駛資格不少於 6 個月，

條次建議修正案

不論前後各次定罪是涉及同一第(1)款提述的條文所訂罪行或是涉及第(1)款提述的兩項或多於兩項不同條文所訂罪行。本款不適用於針對《1999 年應課稅品（修訂）條例》（1999 年第號）第 5A 條生效前所犯罪行的先前定罪。

(3) 就有關罪行釐定任何其他罰則時，可顧及根據本條發出的取消駕駛資格命令。

(4) 如該人上一次就任何有關罪行被定罪是在超過 5 年之前，則法庭或裁判官可將此次犯罪視作首次犯罪處理。

(5) 法庭或裁判官如信納有特別理由，則可就第(2)款所適用的人發出取消駕駛資格短於 6 個月的命令，亦可不發出取消該人駕駛資格的命令。

(6) 下述條文適用於根據本條取消駕駛資格，一如該等條文適用於根據《道路交通條例》（第 374 章）取消駕駛資格 —

- (a) 《道路交通條例》（第 374 章） —
  - (i) 第 44 條（取消駕駛資格期間領取執照或駕駛的罪行）；
  - (ii) 第 71 條（駕駛資格取消的通知、效力及上訴）；
  - (iii) 第 72 條（駕駛資格取消的解除）（但該條第(5)款中對警務

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建議修正案

處處長的提述須視  
作為對海關關長的  
提述)；及

(iv) 第 111 條 (文件的偽  
造)；及

(b) 《道路交通 (駕駛執照)  
規例》 (第 374 章, 附屬  
法例) —

(i) 第 6 條 (駕駛執照發  
出的限制)；

(ii) 第 10 條 (正式駕駛  
執照的申請)；

(iii) 第 12B 條 (參加電單  
車駕駛測驗的申  
請)；

(iv) 第 31 條 (參加駕駛  
測驗的申請)；

(v) 第 35 條 (駕駛資格  
取消的程序)；

(vi) 第 37 條 (從外地到  
港的駕駛人)；

(vii) 第 38 條 (對到港駕  
駛人適用的其他條  
文)；



條次建議修正案

- (viii) 第 39 條（駕駛執照及許可證的紀錄）；
- (ix) 第 45 條（上訴）；及
- (x) 附表 7（紀錄內的詳情）。

(7) 根據本條發出取消駕駛資格命令的權力，並不影響根據任何其他條例發出取消駕駛資格命令的權力。

(8) 在任何就有關罪行而進行的任何法律程序中，如有證明書述明 —

- (a) 證明書內指名的人，就證明書內指明的有關罪行被定罪，以及該人是就他使用的車輛的油缸中的碳氫油而犯該罪行，或該人在犯該罪行的過程中使用車輛；
- (b) 該人就該罪行而被定罪的日期；及
- (c) 該人犯該罪行的日期，

而該證明書看來是由關長簽署或由他人代關長簽署的，則該證明書為本條的目的而交出時，即須接納為證據而無須再加證明；而 —

- (i) 法庭或裁判官須推定該證明書確為如此簽署，直至相反證明成立為止；及

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- (ii) 該證明書即為其內所述事實的表面證據。

(9) 在本條中 —

“取消駕駛資格” (disqualified) 指取消持有或領取駕駛執照的資格；

“特別理由” (special reasons) —

- (a) 指關乎罪行的特別理由；  
或
- (b) 在例外情況下，指關乎犯罪者的或關乎法庭或裁判官認為有關的其他情況的特別理由；

“駕駛執照” (driving licence) 指根據《道路交通條例》(第 374 章) 發出的駕駛執照。”。

7 刪去建議的第 64A(2)(c)(i) 條而代以 —

“(i) 貯存在以清楚可閱形式標明“家中自釀，不得售賣”或“Home Brewed, Not for Sale”的字眼或具相同意思的字眼的密封容器內；或”。

9 (a) 將該條重編為第 9(1) 條。

(b) 刪去第(1)(a)款而代以 —

“(a) 廢除(e)段而代以 —

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“(e) 由任何船舶、飛機、鐵路列車或車輛的乘客或工作人員為自用而放在其行李內進口的貨品（飲用酒類或煙草除外），數量由關長藉刊登於憲報的公告所釐定；”；”。

(c) 在第(1)(b)款建議的第 12(1)(ea)(ii)條中，刪去“所釐定和刊登於憲報”而代以“藉刊登於憲報的公告所釐定”。

(d) 在第(1)(c)款中，刪去建議的第 12(1)(ga)(iii)(A)條而代以 —

“(A) 是貯存在以清楚可閱形式標明“家中自釀，不得售賣”或“Home Brewed, Not for Sale”的字眼或具相同意思的字眼的密封容器內的；或”。

(e) 加入 —

“(2)第 12 條現予修訂，加入 —

“(1A) 為免生疑問，現宣布第(1)(e)或(ea)(ii)款所指的廣告為附屬法例。”。 ”。

**Annex XI**

**DUTIABLE COMMODITIES (AMENDMENT) BILL 1999**

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for the Treasury

Clause

Amendment Proposed

2 (a) By renumbering the clause as clause 2(1).

(b) By adding -

"(2) Section 6(4) is repealed and the following substituted -

"(4) Any regulation made by the Chief Executive in Council -

(a) on the matter stated in subsection (1)(i); or

(b) in exercise of the powers conferred by subsection (3),

shall be subject to the approval of the Legislative Council."."

3 (a) By renumbering the clause as clause 3(1).

(b) By adding -

"(2) Section 17(4) is amended by repealing "No" and substituting "Subject to section 64A, no"."

Clause Amendment Proposed

4 By deleting paragraph (b).

New By adding -

**"5A. Section added**

The following is added before section 46A -

**"46AA. Disqualification order for hydrocarbon oil offences**

(1) This section applies to any offence

-

(a) under section 17(1) or (6) in respect of hydrocarbon oil; or

(b) under regulation 5A, 5B or 9 of the Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Cap. 109 sub. leg.),

if the person concerned commits the offence in respect of hydrocarbon oil in the fuel tank of a vehicle used by the person or if the person concerned uses a vehicle in the course of commission of the offence. An offence to which this section applies is referred to in this section as a "relevant offence".

Clause

Amendment Proposed

(2) The court or magistrate, on convicting a person of a relevant offence, shall order the person to be disqualified for a period of -

- (a) 6 months, if the person has one previous conviction of any relevant offence;
- (b) not less than 6 months, if the person has two or more previous convictions of any relevant offences,

whether the present and previous convictions relate to offences under the same provision or under two or more different provisions referred to in subsection (1). This subsection does not apply to a previous conviction of an offence that was committed before the commencement of section 5A of the Dutiable Commodities (Amendment) Ordinance 1999 ( of 1999).

(3) An order of disqualification under this section may be taken into account in determining any other penalty for the offence.

(4) The court or magistrate may deal with an offence as a first offence if a period of 5 years has elapsed since the person's last conviction of any relevant offence.

(5) If satisfied that there are special reasons for doing so, the court or magistrate may order that a person to which subsection (2) applies to be disqualified for a period shorter than 6 months or that the person not be disqualified.

ClauseAmendment Proposed

(6) The following provisions apply to disqualification under this section as they apply to disqualification under the Road Traffic Ordinance (Cap. 374), namely -

(a) (i) section 44 (offence of obtaining licence, or driving, while disqualified);

(ii) section 71 (notification and effect of, and appeal against, disqualification);

(iii) section 72 (removal of disqualification) (except that a reference in subsection (5) of that section to the Commissioner of Police shall be treated as a reference to the Commissioner of Customs and Excise); and

(iv) section 111 (forgery of documents),

of the Road Traffic Ordinance (Cap. 374); and

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- (b) (i) regulation 6  
(restrictions on issue  
of driving licences);
- (ii) regulation 10  
(applications for full  
driving licences);
- (iii) regulation 12B  
(application to take a  
motor cycle driving  
test);
- (iv) regulation 31  
(application to take a  
driving test);
- (v) regulation 35  
(procedure on  
disqualification);
- (vi) regulation 37  
(visiting drivers from  
abroad);
- (vii) regulation 38  
(application of other  
provisions to visiting  
drivers);
- (viii) regulation 39 (record  
of driving licences  
and permits);
- (ix) regulation 45  
(appeals); and



ClauseAmendment Proposed

(x) the Seventh Schedule  
(particulars of  
record),

of the Road Traffic (Driving  
Licences) Regulations (Cap.  
374 sub. leg.).

(7) The power to order  
disqualification under this section does not affect the  
power to order disqualification under any other  
Ordinance.

(8) In any proceedings for a relevant  
offence, a certificate stating -

(a) that the person named in it  
was convicted of the  
relevant offence specified in  
it and whether the person  
committed the offence in  
respect of hydrocarbon oil  
in the fuel tank of a vehicle  
used by the person or the  
person concerned used a  
vehicle in the course of  
commission of the offence;

(b) the date on which the  
person was so convicted;  
and

(c) the date of the commission  
of that offence,

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and purporting to be signed by or on behalf of the Commissioner shall be admitted in evidence for the purpose of this section on its production without further proof; and -

- (i) until the contrary is proved, the court or magistrate shall presume that the certificate is so signed; and
- (ii) the certificate shall be prima facie evidence of the facts stated therein.

(9) In this section -

"disqualified" (取消駕駛資格) means disqualified from holding or obtaining a driving licence;

"driving licence" (駕駛執照) means a driving licence issued under the Road Traffic Ordinance (Cap. 374);

"special reasons" (特別理由) means -

- (a) special reasons that relate to the offence; or
- (b) in exceptional circumstances, special reasons that relate to the offender or to such other circumstance as the court or magistrate may consider relevant. ". "

- | <u>Clause</u> | <u>Amendment Proposed</u>   |
|---------------|---|
| 7             | By deleting the proposed section 64A(2)(c)(i) and substituting -<br><br>"(i) is stored in sealed containers marked legibly the words "Home Brewed, Not for Sale" or "家中自釀，不得售賣" or words to the same effect; or".   |
| 9             | (a) By renumbering the clause as clause 9(1).<br><br>(b) By deleting subclause (1)(a) and substituting -<br><br>"(a) by repealing paragraph (e) and substituting -<br><br>"(e) goods, other than alcoholic liquor or tobacco, imported of their own use and in their baggage by passengers or crew members of any ship, aircraft, train or vehicle in such quantities as the Commissioner may, by notice published in the Gazette, determine;";".<br><br>(c) In subclause (1)(b), in the proposed regulation 12(1)(ea)(ii), by deleting "may determine and publish in the Gazette" and substituting "may, by notice published in the Gazette, determine".<br><br>(d) In subclause (1)(c), by deleting the proposed regulation 12(1)(ga)(iii)(A), and substituting -<br><br>"(A) stored in sealed containers marked legibly the words "Home Brewed, Not for Sale" or "家中自釀，不得售賣" or words to the same effect; or". |

Clause

Amendment Proposed

(e) By adding -

"(2) Regulation 12 is amended by adding -

"(1A) For the avoidance of doubt, it is declared that a notice under subregulation (1)(e) or (ea)(ii) is subsidiary legislation."."

## 《2000 年證券及期貨法例（提供虛假資料）條例草案》

## 全體委員會審議階段

由財經事務局局長動議的修正案條次建議修正案

1(2) 刪去“財經事務局局長以憲報公告指定的日期”而代以  
“2000 年 7 月 17 日”。

2 刪去建議的第 56A 條而代以 —

**“56A. 提供失實資料**

(1) 任何人在看來是遵守任何有關條例所施加或根據任何有關條例施加的提供資料規定時，向監察委員會提供在要項上屬失實或具誤導性的資料，而他 —

(a) 明知該等資料在要項上屬失實或具誤導性；或

(b) 罔顧該等資料是否在要項上屬失實或具誤導性，

他即屬犯法。

(2) 凡任何有關條例中的條文施加提供資料的規定或有此規定根據該等條文而施加，而在該條例中另有條文就該條文訂明任何人在看來是遵守該項規定時提供失實或具誤導性的資料，即屬犯罪，或有相類效力的條文，則第(1)款不適用。

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(3) 在第(4)款的規限下，任何人在第(1)款所述以外的情況下向監察委員會提供在要項上屬失實或具誤導性的紀錄或其他文件，而 —

(a) 他 —

(i) 明知該紀錄或文件在要項上屬失實或具誤導性；或

(ii) 罔顧該紀錄或文件是否在要項上屬失實或具誤導性；及

(b) 該紀錄或文件是與本條例所訂的監察委員會職能的執行相關而提供的；及

(c) 就該項提供而言，他事前曾接獲監察委員會的書面警告，該警告表明提供失實或具誤導性的資料會令他有可能被控以本款所訂罪行，

他即屬犯法。

(4) 在根據第(3)款就某項罪行提出檢控時，控方除證明為將被告人定罪而須證明的其他事項外，亦須證明 —

(a) 監察委員會曾合理地倚賴該項罪行所涉紀錄或其他文件（但無需證明由於倚賴該紀錄或文件而有任何人被誤導、蒙受任何損害或招致任何損失）；或

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- (b) 被告人有意使監察委員會倚賴該紀錄或其他文件。”。

3 在建議第 61(4)條中，刪去“56A(2)”而代以“56A(3)”。

5 在建議的第 109A 條中 —

- (a) 刪去第(1)至(4)款而代以 —

“(1) 任何人在看來是遵守本條例或其他成文法則所施加或根據本條例或其他成文法則施加的提供資料規定時，向交易所公司提供在要項上屬虛假或具誤導性的資料，而他 —

- (a) 明知該等資料在要項上屬虛假或具誤導性；或
- (b) 罔顧該等資料是否在要項上屬虛假或具誤導性，

他即屬犯罪。

(2) 凡本條例或其他成文法則中的條文施加提供資料的規定或有此規定根據該等條文而施加，而在本條例或該其他成文法則（視屬何情況而定）中另有條文就該條文訂明任何人在看來是遵守該項規定時提供虛假或具誤導性的資料，即屬犯罪，或有相類效力的條文，則第(1)款不適用。

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(3) 在第(4)款的規限下，任何人在第(1)款所述以外的情況下向交易所公司提供在要項上屬虛假或具誤導性的紀錄或其他文件，而 —

(a) 他 —

(i) 明知該紀錄或文件在要項上屬虛假或具誤導性；或

(ii) 罔顧該紀錄或文件是否在要項上屬虛假或具誤導性；及

(b) 該紀錄或文件是與本條例或其他成文法則所訂的交易所公司職能的執行相關而提供的；及

(c) 就該項提供而言，他事前曾接獲交易所公司的書面警告，該警告表明提供虛假或具誤導性的資料會令他有可能被控以本款所訂罪行，

他即屬犯罪。

(4) 在根據第(3)款就某項罪行提出檢控時，控方除證明為將被告人定罪而須證明的其他事項外，亦須證明 —



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- (a) 交易所公司曾合理地倚賴該項罪行所涉紀錄或其他文件（但無需證明由於倚賴該紀錄或文件而有任何人被誤導、蒙受任何損害或招致任何損失）；或
- (b) 被告人有意使交易所公司倚賴該紀錄或其他文件。

(4A) 在本條中，“紀錄或其他文件”(record or other document)的涵義，與該詞在《證券及期貨事務監察委員會條例》(第24章)第2(1)條中的涵義相同。”；

- (b) 在第(5)(b)款中，刪去“第(2)款”而代以“第(3)款”。

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在建議的第 38A 條中 —

- (a) 刪去第(1)至(4)款而代以 —

“(1) 任何人在看來是遵守本條例或其他成文法則所施加或根據本條例或其他成文法則施加的提供資料規定時，向交易所公司提供在要項上屬虛假或具誤導性的資料，而他 —

- (a) 明知該等資料在要項上屬虛假或具誤導性；或

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- (b) 罔顧該等資料是否在要項上屬虛假或具誤導性，

他即屬犯罪。

(2) 凡本條例或其他成文法則中的條文施加提供資料的規定或有此規定根據該等條文而施加，而在本條例或該其他成文法則（視屬何情況而定）中另有條文就該條文訂明任何人在看來是遵守該項規定時提供虛假或具誤導性的資料，即屬犯罪，或有相類效力的條文，則第(1)款不適用。

(3) 在第(4)款的規限下，任何人在第(1)款所述以外的情況下向交易所公司提供在要項上屬虛假或具誤導性的紀錄或其他文件，而 —

- (a) 他 —

- (i) 明知該紀錄或文件在要項上屬虛假或具誤導性；或

- (ii) 罔顧該紀錄或文件是否在要項上屬虛假或具誤導性；及

- (b) 該紀錄或文件是與本條例或其他成文法則所訂的交易所公司職能的執行相關而提供的；及

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- (c) 就該項提供而言，他事前曾接獲交易所公司的書面警告，該警告表明提供虛假或具誤導性的資料會令他有可能被控以本款所訂罪行，

他即屬犯罪。

(4) 在根據第(3)款就某項罪行提出檢控時，控方除證明為將被告人定罪而須證明的其他事項外，亦須證明 —

- (a) 交易所公司曾合理地倚賴該項罪行所涉紀錄或其他文件（但無需證明由於倚賴該紀錄或文件而有任何人被誤導、蒙受任何損害或招致任何損失）；或
- (b) 被告人有意使交易所公司倚賴該紀錄或其他文件。

(4A) 在本條中，“紀錄或其他文件”(record or other document)的涵義，與該詞在《證券及期貨事務監察委員會條例》(第24章)第2(1)條中的涵義相同。”；

- (b) 在第(5)(b)款中，刪去“第(2)款”而代以“第(3)款”。

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8 在建議的第 15A 條中 —

(a) 刪去第(1)至(4)款而代以 —

“(1) 任何人在看來是遵守本條例或其他成文法則所施加或根據本條例或其他成文法則施加的提供資料規定時，向認可結算所提供在要項上屬虛假或具誤導性的資料，而他 —

(a) 明知該等資料在要項上屬虛假或具誤導性；或

(b) 罔顧該等資料是否在要項上屬虛假或具誤導性，

他即屬犯罪。

(2) 凡本條例或其他成文法則中的條文施加提供資料的規定或有此規定根據該等條文而施加，而在本條例或該其他成文法則（視屬何情況而定）中另有條文就該條文訂明任何人在看來是遵守該項規定時提供虛假或具誤導性的資料，即屬犯罪，或有相類效力的條文，則第(1)款不適用。

(3) 在第(4)款的規限下，任何人在第(1)款所述以外的情況下向認可結算所提供在要項上屬虛假或具誤導性的紀錄或其他文件，而 —

(a) 他 —

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- (i) 明知該紀錄或文件在要項上屬虛假或具誤導性；或
- (ii) 罔顧該紀錄或文件是否在要項上屬虛假或具誤導性；及

(b) 該紀錄或文件是與本條例或其他成文法則所訂的認可結算所職能的執行相關而提供的；及

(c) 就該項提供而言，他事前曾接獲認可結算所的書面警告，該警告表明提供虛假或具誤導性的資料會令他有可能被控以本款所訂罪行，

他即屬犯罪。

(4) 在根據第(3)款就某項罪行提出檢控時，控方除證明為將被告人定罪而須證明的其他事項外，亦須證明 —

- (a) 認可結算所曾合理地倚賴該項罪行所涉紀錄或其他文件（但無需證明由於倚賴該紀錄或文件而有任何人被誤

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導、蒙受任何損害或招致任何損失)；或

- (b) 被告人有意使認可結算所倚賴該紀錄或其他文件。

(4A) 在本條中，“紀錄或其他文件”(record or other document)的涵義，與該詞在《證券及期貨事務監察委員會條例》(第24章)第2(1)條中的涵義相同。”；

- (b) 在第(5)(b)款中，刪去“第(2)款”而代以“第(3)款”。

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在建議的第 17A 條中 —

- (a) 刪去第(1)至(4)款而代以 —

“(1) 任何人在看來是遵守本條例或其他成文法則所施加或根據本條例或其他成文法則施加的提供資料規定時，向認可控制人提供在要項上屬虛假或具誤導性的資料，而他 —

- (a) 明知該等資料在要項上屬虛假或具誤導性；或
- (b) 罔顧該等資料是否在要項上屬虛假或具誤導性，

他即屬犯罪。

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(2) 凡本條例或其他成文法則中的條文施加提供資料的規定或有此規定根據該等條文而施加，而在本條例或該其他成文法則（視屬何情況而定）中另有條文就該條文訂明任何人在看來是遵守該項規定時提供虛假或具誤導性的資料，即屬犯罪，或有相類效力的條文，則第(1)款不適用。

(3) 在第(4)款的規限下，任何人在第(1)款所述以外的情況下向認可控制人提供要項上屬虛假或具誤導性的紀錄或其他文件，而 —

(a) 他 —

(i) 明知該紀錄或文件在要項上屬虛假或具誤導性；或

(ii) 罔顧該紀錄或文件是否在要項上屬虛假或具誤導性；及

(b) 該紀錄或文件是與本條例或其他成文法則所訂的認可控制人職能的執行相關而提供的；及

(c) 就該項提供而言，他事前曾接獲認可控制人的書面警告，該警告表明提供虛假或具誤導性的資料

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會令他有可能被控  
以本款所訂罪行，

他即屬犯罪。

(4) 在根據第(3)款就某項罪行提出檢控時，控方除證明為將被告人定罪而須證明的其他事項外，亦須證明 —

- (a) 認可控制人曾合理地倚賴該項罪行所涉紀錄或其他文件（但無需證明由於倚賴該紀錄或文件而有任何人被誤導、蒙受任何損害或招致任何損失）；或
- (b) 被告人有意使認可控制人倚賴該紀錄或其他文件。

(4A) 在本條中，“紀錄或其他文件”(record or other document)的涵義，與該詞在《證券及期貨事務監察委員會條例》(第24章)第2(1)條中的涵義相同。”；

- (b) 在第(5)(b)款中，刪去“第(2)款”而代以“第(3)款”。



SECURITIES AND FUTURES LEGISLATION (PROVISION OF  
FALSE INFORMATION) BILL 2000

## COMMITTEE STAGE

Amendments to be moved by the Secretary for Financial Services

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting everything after "on" and substituting "17 July 2000."
2	By deleting the proposed section 56A and substituting -  <b>"56A. Provision of false information</b>  (1) A person commits an offence if he, in purported compliance with a requirement to provide information imposed by or under any of the relevant Ordinances, provides to the Commission any information that is false or misleading in a material particular and he -  (a) knows it to be false or misleading in a material particular; or  (b) is reckless as to whether it is false or misleading in a material particular.  (2) Subsection (1) shall not apply if, in relation to a provision of any of the relevant Ordinances by or under which a requirement to provide any information is imposed, there is a provision in that Ordinance making it an offence for a person to provide any false or misleading information in purported compliance with the requirement or a provision to similar effect.

Clause

Amendment Proposed

(3) Subject to subsection (4), a person commits an offence if he, in circumstances other than those mentioned in subsection (1), provides to the Commission a record or other document that is false or misleading in a material particular and -

(a) either -

(i) he knows it to be false or misleading in a material particular; or

(ii) he is reckless as to whether it is false or misleading in a material particular; and

(b) the record or other document is provided in connection with the performance of a function of the Commission under this Ordinance; and

(c) he has, in relation to the provision of the record or other document, received prior written warning from the Commission to the effect that provision of false or misleading information shall render him liable for prosecution for an offence under this subsection.

(4) In the prosecution of an offence under subsection (3), the prosecution shall, in addition to any other matters it is required to prove to obtain a conviction for that offence, also be required to prove for such conviction that -

<u>Clause</u>	<u>Amendment Proposed</u>
	(a) the Commission has reasonably relied on the record or other document to which the offence relates (but it shall not be necessary to prove that any person has been misled or has suffered any detriment or incurred any loss as a result of the reliance); or
	(b) the defendant intended that the Commission rely on the record or other document."
3	In the proposed section 61(4), by deleting "56A(2)" and substituting "56A(3)".
5	In the proposed section 109A -  (a) by deleting subsections (1) to (4) and substituting -  "(1) A person commits an offence if he, in purported compliance with a requirement to provide information imposed by or under this Ordinance or any other enactment, provides to the Exchange Company any information that is false or misleading in a material particular and he -  (a) knows it to be false or misleading in a material particular; or

Clause

Amendment Proposed

- (b) is reckless as to whether it is false or misleading in a material particular.

(2) Subsection (1) shall not apply if, in relation to a provision of this Ordinance or any other enactment by or under which a requirement to provide any information is imposed, there is a provision in this Ordinance or in that enactment (as the case may be) making it an offence for a person to provide any false or misleading information in purported compliance with the requirement or a provision to similar effect.

(3) Subject to subsection (4), a person commits an offence if he, in circumstances other than those mentioned in subsection (1), provides to the Exchange Company a record or other document that is false or misleading in a material particular and

-

- (a) either -
  - (i) he knows it to be false or misleading in a material particular; or
  - (ii) he is reckless as to whether it is false or misleading in a material particular; and

ClauseAmendment Proposed

- (b) the record or other document is provided in connection with the performance of a function of the Exchange Company under this Ordinance or any other enactment; and
- (c) he has, in relation to the provision of the record or other document, received prior written warning from the Exchange Company to the effect that provision of false or misleading information shall render him liable for prosecution for an offence under this subsection.

(4) In the prosecution of an offence under subsection (3), the prosecution shall, in addition to any other matters it is required to prove to obtain a conviction for that offence, also be required to prove for such conviction that -

- (a) the Exchange Company has reasonably relied on the record or other document to which the offence relates (but it shall not be necessary to prove that any person has been misled or has suffered any detriment or incurred any

Clause

Amendment Proposed

loss as a result of the reliance); or

- (b) the defendant intended that the Exchange Company rely on the record or other document.

(4A) In this section, "record or other document" (紀錄或其他文件) has the same meaning as in section 2(1) of the Securities and Futures Commission Ordinance (Cap. 24).";

- (b) in subsection (5)(b), by deleting "subsection (2)" and substituting "subsection (3)".

7

In the proposed section 38A -

- (a) by deleting subsections (1) to (4) and substituting -

"(1) A person commits an offence if he, in purported compliance with a requirement to provide information imposed by or under this Ordinance or any other enactment, provides to the Exchange Company any information that is false or misleading in a material particular and he -

- (a) knows it to be false or misleading in a material particular; or
- (b) is reckless as to whether it is false or misleading in a material particular.

ClauseAmendment Proposed

(2) Subsection (1) shall not apply if, in relation to a provision of this Ordinance or any other enactment by or under which a requirement to provide any information is imposed, there is a provision in this Ordinance or in that enactment (as the case may be) making it an offence for a person to provide any false or misleading information in purported compliance with the requirement or a provision to similar effect.

(3) Subject to subsection (4), a person commits an offence if he, in circumstances other than those mentioned in subsection (1), provides to the Exchange Company a record or other document that is false or misleading in a material particular and

-

(a) either -

(i) he knows it to be false or misleading in a material particular; or

(ii) he is reckless as to whether it is false or misleading in a material particular; and

(b) the record or other document is provided in connection with the performance of a function

Clause

Amendment Proposed

of the Exchange Company under this Ordinance or any other enactment; and

- (c) he has, in relation to the provision of the record or other document, received prior written warning from the Exchange Company to the effect that provision of false or misleading information shall render him liable for prosecution for an offence under this subsection.

(4) In the prosecution of an offence under subsection (3), the prosecution shall, in addition to any other matters it is required to prove to obtain a conviction for that offence, also be required to prove for such conviction that -

- (a) the Exchange Company has reasonably relied on the record or other document to which the offence relates (but it shall not be necessary to prove that any person has been misled or has suffered any detriment or incurred any loss as a result of the reliance); or



ClauseAmendment Proposed

- (b) the defendant intended that the Exchange Company rely on the record or other document.

(4A) In this section, "record or other document" (紀錄或其他文件) has the same meaning as in section 2(1) of the Securities and Futures Commission Ordinance (Cap. 24).";

- (b) in subsection (5)(b), by deleting "subsection (2)" and substituting "subsection (3)".

8

In the proposed section 15A -

- (a) by deleting subsections (1) to (4) and substituting -

"(1) A person commits an offence if he, in purported compliance with a requirement to provide information imposed by or under this Ordinance or any other enactment, provides to a recognized clearing house any information that is false or misleading in a material particular and he -

- (a) knows it to be false or misleading in a material particular; or
- (b) is reckless as to whether it is false or misleading in a material particular.

Clause

Amendment Proposed

(2) Subsection (1) shall not apply if, in relation to a provision of this Ordinance or any other enactment by or under which a requirement to provide any information is imposed, there is a provision in this Ordinance or in that enactment (as the case may be) making it an offence for a person to provide any false or misleading information in purported compliance with the requirement or a provision to similar effect.

(3) Subject to subsection (4), a person commits an offence if he, in circumstances other than those mentioned in subsection (1), provides to a recognized clearing house a record or other document that is false or misleading in a material particular and -

- (a) either -
  - (i) he knows it to be false or misleading in a material particular; or
  - (ii) he is reckless as to whether it is false or misleading in a material particular; and
- (b) the record or other document is provided in connection with the performance of a function

ClauseAmendment Proposed

of the recognized clearing house under this Ordinance or any other enactment; and

- (c) he has, in relation to the provision of the record or other document, received prior written warning from the recognized clearing house to the effect that provision of false or misleading information shall render him liable for prosecution for an offence under this subsection.

(4) In the prosecution of an offence under subsection (3), the prosecution shall, in addition to any other matters it is required to prove to obtain a conviction for that offence, also be required to prove for such conviction that -

- (a) the recognized clearing house has reasonably relied on the record or other document to which the offence relates (but it shall not be necessary to prove that any person has been misled or has suffered any detriment or incurred any loss as a result of the reliance); or

Clause

Amendment Proposed

- (b) the defendant intended that the recognized clearing house rely on the record or other document.

(4A) In this section, "record or other document" (紀錄或其他文件) has the same meaning as in section 2(1) of the Securities and Futures Commission Ordinance (Cap. 24).";

- (b) in subsection (5)(b), by deleting "subsection (2)" and substituting "subsection (3)".

10

In the proposed section 17A -

- (a) by deleting subsections (1) to (4) and substituting -

"(1) A person commits an offence if he, in purported compliance with a requirement to provide information imposed by or under this Ordinance or any other enactment, provides to a recognized exchange controller any information that is false or misleading in a material particular and he -

- (a) knows it to be false or misleading in a material particular; or
- (b) is reckless as to whether it is false or misleading in a material particular.

ClauseAmendment Proposed

(2) Subsection (1) shall not apply if, in relation to a provision of this Ordinance or any other enactment by or under which a requirement to provide any information is imposed, there is a provision in this Ordinance or in that enactment (as the case may be) making it an offence for a person to provide any false or misleading information in purported compliance with the requirement or a provision to similar effect.

(3) Subject to subsection (4), a person commits an offence if he, in circumstances other than those mentioned in subsection (1), provides to a recognized exchange controller a record or other document that is false or misleading in a material particular and -

(a) either -

(i) he knows it to be false or misleading in a material particular; or

(ii) he is reckless as to whether it is false or misleading in a material particular; and

(b) the record or other document is provided in connection with the performance of a function

Clause

Amendment Proposed

of the recognized exchange controller under this Ordinance or any other enactment; and

- (c) he has, in relation to the provision of the record or other document, received prior written warning from the recognized exchange controller to the effect that provision of false or misleading information shall render him liable for prosecution for an offence under this subsection.

(4) In the prosecution of an offence under subsection (3), the prosecution shall, in addition to any other matters it is required to prove to obtain a conviction for that offence, also be required to prove for such conviction that -

- (a) the recognized exchange controller has reasonably relied on the record or other document to which the offence relates (but it shall not be necessary to prove that any person has been misled or has suffered any detriment or incurred any loss as a result of the reliance); or

ClauseAmendment Proposed

(b) the defendant intended that the recognized exchange controller rely on the record or other document.

(4A) In this section, "record or other document" (紀錄或其他文件) has the same meaning as in section 2(1) of the Securities and Futures Commission Ordinance (Cap. 24).";

(b) in subsection (5)(b), by deleting "subsection (2)" and substituting "subsection (3)".

附件 XIII

《1998 年法律適應化修改（第 16 號）條例草案》

全體委員會審議階段

由民政事務局局長動議的修正案

條次

建議修正案

2 刪去該條而代以 —

“2. 生效日期

(1) (a) 除 (b) 段另有規定外，本條例當作自 1997 年 7 月 1 日起實施。

(b) 附表 3 第 33、34、39、40、41、42 及 46 條當作自 2000 年 1 月 1 日（即《提供市政服務（重組）條例》（第 552 章）的生效日期）起實施。

(2) 第 (1) 款受《香港人權法案條例》（第 383 章）第 II 部列出的香港人權法案中的第十二條規限。”。

附表 3 刪去第 7、8、13、16 至 18 及 20 條。

附表 3  
第 22 條 刪去“兩度出現的”。

附表 3 刪去第 23、28、31 及 32 條。

附表 3  
第 33 條 (a) 在該條之前的副標題中，刪去“（市政局）附例”而代以“規例”。



條次建議修正案

- (b) 刪去 “Bylaw” 而代以 “Section” 。
- (c) 刪去 “（市政局）附例” 而代以 “規例” 。
- 附表 3  
第 34 條
- (a) 在該條之前的副標題中，刪去 “附例” 而代以 “規例” 。
- (b) 刪去 “By-law” 而代以 “Section” 。
- (c) 刪去 “附例” 而代以 “規例” 。
- 附表 3  
第 35 條
- (a) 刪去在該條之前的副標題。
- (b) 刪去該條。
- 附表 3
- (a) 刪去在第 36 條之前的副標題。
- (b) 刪去第 36 至 38 條。
- 附表 3  
第 39 條
- (a) 在該條之前的副標題中，刪去 “（市政局）附例” 而代以 “規例” 。
- (b) 刪去 “By-law” 而代以 “Section” 。
- (c) 刪去 “（市政局）附例” 而代以 “規例” 。
- 附表 3 第 40  
及 41 條
- 刪去 “By-law” 而代以 “Section” 。

條次

建議修正案

- 附表 3  
第 42 條
- (a) 在該條之前的副標題中，刪去“（區域市政局）附例”而代以“規例”。
  - (b) 刪去“Bylaw”而代以“Section”。
  - (c) 刪去“（區域市政局）附例”而代以“規例”。
- 附表 3  
第 43 條
- (a) 刪去在該條之前的副標題。
  - (b) 刪去該條。
- 附表 3
- (a) 刪去在第 44 條之前的副標題。
  - (b) 刪去第 44 及 45 條。
- 附表 3  
第 46 條
- (a) 在該條之前的副標題中，刪去“（市政局）附例”而代以“規例”。
  - (b) 刪去“Bylaw”而代以“Section”。
  - (c) 刪去“（市政局）附例”而代以“規例”。
- 附表 4  
第 2 條
- 刪去“會同行政會議”。
- 附表 6  
第 11 條
- 刪去在“中央”之後的所有字句而代以“或香港特別行政區政府根據《基本法》和其他法律的規定所享有”。
- 附表 7  
第 10 條
- 刪去該條。

條次建議修正案

- 附表 11  
第 2(b)條
- 刪去“會同行政會議”。
- 附表 12  
第 7 條
- 刪去在“中央”之後的所有字句而代以“或香港特別行政區政府根據《基本法》和其他法律的規定所享有”。
- 附表 14  
第 1(b)條
- 刪去“會同行政會議”。
- 附表 14  
第 11 條
- 刪去(a)段。

**Annex XIII**

**ADAPTATION OF LAWS (NO. 16) BILL 1998**

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Home Affairs

Clause

Amendment Proposed

2 By deleting the clause and substituting -

**"2. Commencement**

(1) (a) This Ordinance, except as provided in paragraph (b), shall be deemed to have come into operation on 1 July 1997.

(b) Sections 33, 34, 39, 40, 41, 42 and 46 of Schedule 3 shall be deemed to have come into operation on 1 January 2000, which is the date appointed for the commencement of the Provision of Municipal Services (Reorganization) Ordinance (Cap. 552).

(2) Subsection (1) shall be subject to Article 12 of the Hong Kong Bill of Rights set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383)."

Schedule 3 By deleting sections 7, 8, 13, 16 to 18 and 20.

Schedule 3, section 22 By deleting "where it twice appears".

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 3	By deleting sections 23, 28, 31 and 32.
Schedule 3, section 33	(a) In the subheading before the section, by deleting " <b>(Urban Council) Bylaws</b> " and substituting " <b>Regulation</b> ".  (b) By deleting "Bylaw" and substituting "Section".  (c) By deleting "(Urban Council) Bylaws" and substituting "Regulation".
Schedule 3, section 34	(a) In the subheading before the section, by deleting " <b>By-laws</b> " and substituting " <b>Regulation</b> ".  (b) By deleting "By-law" and substituting "Section".  (c) By deleting "By-laws" and substituting "Regulation".
Schedule 3, section 35	(a) By deleting the subheading before the section.  (b) By deleting the section.
Schedule 3	(a) By deleting the subheading before section 36.  (b) By deleting sections 36 to 38.
Schedule 3, section 39	(a) In the subheading before the section, by deleting " <b>(Urban Council) By-laws</b> " and substituting " <b>Regulation</b> ".  (b) By deleting "By-law" and substituting "Section".

<u>Clause</u>	<u>Amendment Proposed</u>
	(c) By deleting "(Urban Council) By-laws" and substituting "Regulation".
Schedule 3, sections 40 and 41	By deleting "By-law" and substituting "Section".
Schedule 3, section 42	(a) In the subheading before the section, by deleting " <b>(Regional Council) Bylaws</b> " and substituting " <b>Regulation</b> ".  (b) By deleting "Bylaw" and substituting "Section".  (c) By deleting "(Regional Council) Bylaws" and substituting "Regulation".
Schedule 3, section 43	(a) By deleting the subheading before the section.  (b) By deleting the section.
Schedule 3	(a) By deleting the subheading before section 44.  (b) By deleting sections 44 and 45.
Schedule 3, section 46	(a) In the subheading before the section, by deleting " <b>(Urban Council) Bylaws</b> " and substituting " <b>Regulation</b> ".  (b) By deleting "Bylaw" and substituting "Section".  (c) By deleting "(Urban Council) Bylaws" and substituting "Regulation".

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 4, section 2	By deleting "in Council".
Schedule 6, section 11	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 7, section 10	By deleting the section.
Schedule 11, section 2(b)	By deleting "in Council".
Schedule 12, section 7	By deleting everything after "Central" and substituting "Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws".
Schedule 14, section 1(b)	By deleting "in Council".
Schedule 14, Section 11	By deleting paragraph (a).

附件 XIV

《1999 年法律適應化修改（第 16 號）條例草案》

全體委員會審議階段

由衛生福利局局長動議的修正案

條次

建議修正案

附表 10 刪去第 1 條。

附表 10 在“第”之前加入“《吸煙（公眾衛生）條例》（第 371 章）”。  
第 2 條

附表 11 刪去第 6 條。

附表 13 刪去第 8 條。



**Annex XIV****ADAPTATION OF LAWS (NO. 16) BILL 1999****COMMITTEE STAGE**Amendments to be moved by the Secretary for Health and WelfareClauseAmendment Proposed

Schedule 10 By deleting section 1.

Schedule 10, By adding "of the Smoking (Public Health) Ordinance (Cap.  
section 2 371)" after "18(1)".

Schedule 11 By deleting section 6.

Schedule 13 By deleting section 8.

附件 XV

《1999 年法律適應化修改（第 34 號）條例草案》

全體委員會審議階段

由經濟局局長動議的修正案

條次

建議修正案

- 附表 8
- (a) 在標題中，刪去“及其附屬法例”。
  - (b) 刪去“《香港九龍貨倉有限公司（附例）條例》”的副標題。
  - (c) 刪去“《香港九龍貨倉有限公司附例》”的副標題。
  - (d) 刪去第 2 條。

## ADAPTATION OF LAWS (NO. 34) BILL 1999

## COMMITTEE STAGE

Amendments to be moved by the Secretary for Economic Services

<u>Clause</u>	<u>Amendment Proposed</u>
Schedule 8	(a) In the heading, by deleting "AND ITS SUBSIDIARY LEGISLATION".
	(b) By deleting the subheading " <b>Hongkong and Kowloon Wharf and Godown Company Limited (By-laws) Ordinance</b> ".
	(c) By deleting the subheading " <b>Hong Kong and Kowloon Wharf and Godown Company Limited By-laws</b> ".
	(d) By deleting section 2.

附件 XVI

《1998 年法律適應化修改（第 11 號）條例草案》

**全體委員會審議階段**

由規劃地政局局長動議的修正案

條次

建議修正案

附表 1  
第 1(c)條

刪去“會同行政會議”。

附表 1  
第 10 條

刪去(a)段。

**Annex XVI**

## ADAPTATION OF LAWS (NO. 11) BILL 1998

**COMMITTEE STAGE**Amendments to be moved by the Secretary for Planning and LandsClauseAmendment Proposed

Schedule 1,    By deleting "in Council".  
section 1(c)

Schedule 1,    By deleting paragraph (a).  
section 10

附件 XVII

《市區重建局條例草案》

全體委員會審議階段

由規劃地政局局長動議的修正案

條次

建議修正案

4 (a) 刪去第(1)款而代以 —

“(1) 現設立一個名為市區重建局董事會的董事會，該董事會由以下成員組成 —

- (a) 董事會主席（“主席”）1名，他同時是非執行董事，須不是公職人員；
- (b) 市建局行政總監（“行政總監”）1名，他同時是執行董事，須不是公職人員；
- (c) 2名其他執行董事，須不是公職人員；
- (d) 最少 7 名其他非執行董事，須不是公職人員；及
- (e) 4名其他非執行董事，須屬公職人員。”。

(b) 刪去第(3)款而代以 —

“(3) 行政總監憑藉擔任該職位即同時出任董事會副主席。”。

條次建議修正案

- (c) 刪去第(5)款而代以 —

“(5) 行政總監是市建局的最高行政人員。在董事會的指示下，行政總監連同其他執行董事負責管理市建局的事務，並在該等指示下，負有董事會所指派的其他職責。”。

《市區重建局條例草案》

**全體委員會審議階段**

由涂謹申議員動議的修正案

條次

建議修正案

1

加入 —

“(3) 根據第(2)款訂立的公告須經立法會批准。”。



## 《市區重建局條例草案》

## 全體委員會審議階段

由李永達議員動議的修正案條次建議修正案

## 4 (a) 刪去第(2)款而代以 —

“(2) 主席及其他屬非公職人員的非執行董事須由行政長官在憲報刊登命令委任。

(2A) 行政長官不可根據第(2)款作出命令，除非命令的草擬文本已提交立法會並由立法會藉決議批准，同時《釋義及通則條例》(第1章)第34條並不適用於本條。

(2B) 任何根據第(2)款作出的命令須包括所有在同一日獲委任為董事會成員的名字。

(2C) 行政總監，其餘2名執行董事及4名屬公職人員的非執行董事須由行政長官委任。

(2D) 所有董事會成員的任期，均不得超過3年。”。

**Annex XVII**

**URBAN RENEWAL AUTHORITY BILL**

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Planning and Lands

Clause

Amendment Proposed

4 (a) By deleting subclause (1) and substituting -

"(1) There shall be established a Board to be named the Board of the Urban Renewal Authority comprised of the following members -

- (a) a Chairman of the Board of the Authority ("the Chairman"), who is at the same time a non-executive director and is not a public officer;
- (b) a Managing Director of the Authority ("the Managing Director"), who is at the same time an executive director and is not a public officer;
- (c) 2 other executive directors, not being public officers;
- (d) not less than 7 other non-executive directors, not being public officers; and
- (e) 4 other non-executive directors who are public officers."

ClauseAmendment Proposed

- (b) By deleting subclause (3) and substituting -

"(3) The Managing Director is, by virtue of holding that office, the Deputy Chairman of the Board of the Authority."

- (c) By deleting subclause (5) and substituting -

"(5) The Managing Director is the administrative head of the Authority. Together with the other executive directors, the Managing Director is responsible, subject to the direction of the Board of the Authority, for administering the affairs of the Authority and, subject to that direction, has such other responsibilities as may be assigned by the Board of the Authority."

URBAN RENEWAL AUTHORITY BILL

COMMITTEE STAGE

Amendments to be moved by the Honourable James TO Kun-sun

Clause

Amendment Proposed

1

By adding -

"(3) Any notice made under subsection (2) shall be subject to the approval of the Legislative Council."

## URBAN RENEWAL AUTHORITY BILL

## COMMITTEE STAGE

Amendments to be moved by the Honourable LEE Wing-tatClauseAmendment Proposed

4 (a) By deleting subclause (2) and substituting -

"(2) The Chairman and all non-executive directors who are not public officers shall be appointed by the Chief Executive by order in the Gazette.

(2A) No order shall be made under subsection (2) unless a draft of it has been laid before and approved by resolution of the Legislative Council, and section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in relation to any such order.

(2B) Any order made under subsection (2) shall contain the names of all persons to be appointed to the Board of the Authority on the same day.

(2C) The Managing Director, the 2 other executive directors and the 4 non-executive directors who are public officers shall be appointed by the Chief Executive.

(2D) All members of the Board of the Authority shall be appointed for a term not exceeding 3 years."