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"act" (作為), when used with reference to an offence or civil wrong, includes a series of acts, an illegal omission and a series of illegal omissions;

"Administrative Appeals Board" (行政上訴委員會) means the Administrative Appeals Board established under the Administrative Appeals Board Ordinance (Cap 442); (Added 6 of 1994 s. 32)

"adult" (成人、成年人)* means a person who has attained the age of 18 years; (Amended 32 of 1990 s. 6)

"aircraft" (飛機、航空器) means any machine that can derive support in the atmosphere from the reactions of the air;

"alien" (外籍人士) means a person other than a Chinese citizen; (Added 26 of 1998 s. 4)

"amend" (修訂) includes repeal, add to or vary and the doing of all or any of such things simultaneously or by the same Ordinance or instrument; (Amended 89 of 1993 s. 3)

"arrestable offence" (可逮捕的罪行) means an offence for which the sentence is fixed by law or for which a person may under or by virtue of any law be sentenced to imprisonment for a term exceeding 12 months, and an attempt to commit any such offence; (Added 30 of 1971 s. 2)

"Basic Law" (《基本法》) means the Basic Law of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"Chief Executive" (行政長官) means-

(a) the Chief Executive of the Hong Kong Special Administrative Region;

(b) a person for the time being assuming the duties of the Chief Executive according to the provisions of Article 53 of the Basic Law; (Added 26 of 1998 s. 4)

"Chief Executive in Council" (行政長官會同行政會議) means the Chief Executive acting after consultation with the Executive Council; (Added 26 of 1998 s. 4)

"Chief Judge" (高等法院首席法官) means the Chief Judge of the High Court; (Added 26 of 1998 s. 4)

"Chief Justice" (終審法院首席法官) means the Chief Justice of the Court of Final Appeal; (Added 26 of 1998 s. 4)

"Chief Secretary for Administration" (政務司司長) means the Chief Secretary for Administration of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"China" (中國) means the People's Republic of China; (Added 26 of 1998 s. 4)

"Chinese citizen" and "Chinese national" (中國公民) mean a person who has Chinese nationality under the Nationality Law of the People's Republic of China in Schedule 4 to the Promulgation of National Laws 1997 (L.N. 379 of 1997); (Added 26 of 1998 s. 4)

"Clerk to the Executive Council" (行政會議秘書) includes any person appointed by the Chief Executive to be Deputy Clerk to the Executive Council; (Added 26 of 1998 s. 4)

"Clerk to the Legislative Council" (立法會秘書) means the Secretary General of the Legislative Council Secretariat appointed under section 15(1) of The Legislative Council Commission Ordinance (Cap 443) and includes the Deputy Secretary General and any Assistant Secretary General of the Legislative Council Secretariat; (Added 26 of 1998 s. 4)

"commencement" (生效日期), when used in relation to an Ordinance, or any part or provision thereof, means the date on which the Ordinance, part or provision came or comes into operation; (Replaced 39 of 1982 s. 2)

"committed for trial" (交付審判), when used in relation to a person, means-

(a) committed to prison with a view to his being tried before the Court of First Instance; or

(b) admitted to bail to appear and stand his trial before the Court of First Instance; (Added 26 of 1998 s. 4)

"common law" (普通法) means the common law in force in Hong Kong; (Added 26 of 1998 s. 4)

"consul" (領事) and "consular officer" (領事館官員) mean any person, including the head of a consular post, recognized by the competent authority of the receiving state as entrusted in that capacity with the exercise of consular

functions;

"contravene" (違反) in relation to any requirement or condition prescribed in any Ordinance or in any grant, permit, licence, lease or authority granted under or by virtue of any Ordinance includes a failure to comply with that requirement or condition;

"counsel" (大律師) means a person admitted before the Court of First Instance to practise as counsel; (Added 26 of 1998 s. 4)

"court" (法院、法庭) means any court of the Hong Kong Special Administrative Region of competent jurisdiction; (Added 26 of 1998 s. 4)

"Court of Appeal" (上訴法庭) means the Court of Appeal of the High Court; (Added 26 of 1998 s. 4)

"Court of Final Appeal" (終審法院) means the Hong Kong Court of Final Appeal established by section 3 of the Hong Kong Court of Final Appeal Ordinance (Cap 484); (Added 79 of 1995 s. 50)

"Court of First Instance" (原訟法庭) means the Court of First Instance of the High Court; (Added 26 of 1998 s. 4)

"Crown lease" (官契) means any lease granted by the Crown before 1 July 1997, any instrument whereby the term of a Crown lease may have been extended or the provisions thereof varied and any agreement for a Crown lease; (Added 26 of 1998 s. 4)

"department" (部門), in relation to the Government, includes bureau; (Added 26 of 1998 s. 4)

"District Council" (區議會) has the meaning assigned to it by the District Councils Ordinance (Cap 547); (Replaced 8 of 1999 s. 89)

"District Court" (區域法院) means the District Court of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"District Judge" (區域法院法官) means a judge of the District Court; (Added 26 of 1998 s. 4)

"document" (文件) means any publication and any matter written, expressed or described upon any substance by means of letters, characters, figures or marks, or by more than one of these means;

"enactment" (成文法則) has the same meaning as Ordinance; (Added 26 of 1998 s. 4)

"Executive Council" (行政會議) means the Executive Council of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"export" (輸出、出口) means to take out or cause to be taken out of Hong Kong by air, land or water; (Added 26 of 1998 s. 4)

"Financial Secretary" (財政司司長) means the Financial Secretary of the Hong Kong Special Administrative Region and the Secretary for Financial Services and the Treasury; (Added 26 of 1998 s. 4. Amended L.N. 106 of 2002)

"financial year" (財政年度) means the period from 1 April in any year to 31 March in the immediately succeeding year, both days inclusive;

"foreign country" and "foreign state" (外國) mean a country or state other than the People's Republic of China; (Added 23 of 1998 s. 2)

"foreign currency" (外幣) means any currency other than Hong Kong currency; (Added 23 of 1998 s. 2)

"full age" (成年)* means the age of 18 years; (Added 32 of 1990 s. 6)

"Gazette" (憲報) means-

- (a) the Government of the Hong Kong Special Administrative Region Gazette and any supplement thereto;
- (b) the Gazette published by the Administration on or between 12 October 1945 and 1 May 1946;
- (c) the Government of the Hong Kong Special Administrative Region Gazette Extraordinary;
- (d) the Hong Kong Government Gazette and any supplement thereto published before 1 July 1997;
- (e) any Special Gazette or Gazette Extraordinary published before 1 July 1997; (Added 26 of 1998 s. 4)

"general holiday" and "public holiday" (公眾假期、公眾假日) mean any day which is a general holiday for the purposes of the General Holidays Ordinance (Cap 149); (Added 26 of 1998 s. 4. Amended 35 of 1998 s. 5)

"general revenue" (政府一般收入) means the general revenue of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"Government" (特區政府) means the Government of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"Government lease" (政府租契) means a lease of land granted by or on behalf of the Government, and includes-

- (a) an instrument whereby-
 - (i) the term of the lease has been extended; or
 - (ii) the provisions of the lease have been varied;
- (b) an agreement for such a lease; and
- (c) a Crown lease; (Added 26 of 1998 s. 4)

"Government Printer" (政府印務局) means-

- (a) the Government Logistics Department of the Hong Kong Special Administrative Region and any

other printer authorized by or on behalf of the Chief Executive to print any Ordinance or any other document of the Government; (Amended L.N. 164 of 2003)
(b) in relation to any Ordinance or any other document printed before 1 July 1997, the Government Printer within the meaning of this section as in force immediately before that date; (Added 26 of 1998 s. 4)

"harbour" (海港) means the waters of Hong Kong within the boundaries specified in Schedule 3; (Added 26 of 1998 s. 4)
"health officer" (衛生主任) means-

- (a) the Director, Deputy Director and Assistant Director of Health;
- (b) any person appointed as a health officer by the Chief Executive; and
- (c) any person for the time being performing the duties of a health officer under any Ordinance; (Added 26 of 1998 s. 4)

"High Court" (高等法院) means the High Court of the Hong Kong Special Administrative Region established by section 3 of the High Court Ordinance (Cap 4); (Added 26 of 1998 s. 4)

"HKSAR" (特區) means the Hong Kong Special Administrative Region of the People's Republic of China; (Added 26 of 1998 s. 4)

"Hong Kong" (香港) means the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"Hong Kong permanent resident" and "permanent resident of the Hong Kong Special Administrative Region" (香港永久性居民、香港特別行政區永久性居民) mean a person who belongs to a class or description of persons specified in Schedule 1 to the Immigration Ordinance (Cap 115); (Added 26 of 1998 s. 4)

"Hong Kong Special Administrative Region" (香港特別行政區) means the Hong Kong Special Administrative Region of the People's Republic of China, the geographical extent of which is the land and sea specified or referred to in Schedule 2; (Added 26 of 1998 s. 4)

"immovable property" (不動產) means-

- (a) land, whether covered by water or not;
- (b) any estate, right, interest or easement in or over any land; and
- (c) things attached to land or permanently fastened to anything attached to land;

"import" (輸入、進口) means to bring or cause to be brought into Hong Kong by air, land or water; (Added 26 of 1998 s. 4)

"infant" (幼年人) and "minor" (未成年人)* mean a person who has not attained the age of 18 years; (Amended 32 of 1990 s. 6)

"instrument" (文書) includes any publication in the Gazette having legal effect;

"Joint Declaration" (聯合聲明) means the Sino-British Joint Declaration on the Question of Hong Kong done at Beijing on 19 December 1984; (Added 26 of 1998 s. 4)

"judge" (法官) means the Chief Justice, a judge of the Court of Final Appeal, the Chief Judge, a Justice of Appeal, a judge of the Court of First Instance, a recorder of the Court of First Instance and a deputy judge of the Court of First Instance; (Added 26 of 1998 s. 4)

"judge of the Court of Final Appeal" (終審法院法官) means the Chief Justice, a permanent judge and a non-permanent judge of the Court of Final Appeal; (Added 79 of 1995 s. 50. Amended 26 of 1998 s. 37)

"justice" and "justice of the peace" (太平紳士) mean a person appointed to be a justice of the peace under the Justices of the Peace Ordinance (Cap 510); (Amended 47 of 1997 s. 10)

"Kowloon" (九龍) means the area specified in Schedule 4;

"Lands Tribunal" (土地審裁處) means the Lands Tribunal established under section 3 of the Lands Tribunal Ordinance (Cap 17); (Added 62 of 1974 s. 16)

"law" (法律、法例、法) means any law for the time being in force in, having legislative effect in, extending to, or applicable in, Hong Kong; (Added 26 of 1998 s. 4)

"Legislative Council" (立法會) means-

- (a) the Legislative Council of the Hong Kong Special Administrative Region;
- (b) the Provisional Legislative Council during its existence; (Added 26 of 1998 s. 4)

"magistrate" (裁判官) means any person appointed to be a permanent or special magistrate under the Magistrates Ordinance (Cap 227); (Replaced 47 of 1997 s. 10)

"master" (船長), when used with reference to a vessel, means the person (except a pilot) having for the time being command or charge of the vessel;

"medical practitioner" (醫生), "registered medical practitioner" (註冊醫生) and any words importing that a person is recognized by any Ordinance to be a medical practitioner in Hong Kong or a member of the medical profession in Hong Kong, mean a person duly registered as, or deemed to be registered as, a medical practitioner under the Medical Registration Ordinance (Cap 161);

"Ministry of Foreign Affairs" (外交部) means the Ministry of Foreign Affairs of the Central People's Government; (Added 26 of 1998 s. 4)

"month" (月) means calendar month;

"movable property" (動產) means property of every description except immovable property;

"national law applying in Hong Kong" (在香港實施的全國性法律) means a national law applied in Hong Kong pursuant to the provisions of Article 18 of the Basic Law; (Added 26 of 1998 s. 4)

"New Kowloon" (新九龍) means the area specified in Schedule 5;

"New Territories" (新界) means the area specified or referred to in Schedule 5A; (Added 26 of 1998 s. 4)

"oath" (誓言) and "affidavit" (誓章) include, in the case of persons allowed or required by law to affirm instead of swearing, affirmation; and "swear" (宣誓) in the like case includes affirm;

"occupy" (佔用) includes use, inhabit, be in possession of or enjoy the land or premises to which the word relates, otherwise than as a mere servant or for the mere purpose of the care, custody or charge thereof;

"offence" (罪、罪行、罪項、犯法行為) includes any crime and any contravention or other breach of, or failure to comply with, any provision of any law, for which a penalty is provided; (Added 26 of 1998 s. 4)

"Offices set up by the Central People's Government in the Hong Kong Special Administrative Region" (中央人民政府在香港特別行政區設立的機構) means-

- (a) the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region;
- (b) the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region; and
- (c) the Hong Kong Garrison of the Chinese People's Liberation Army; (Added 2 of 2009 s. 2)

"official languages" (法定語文) means the English language and the Chinese language, and a reference to an "official language" shall be construed as a reference to the English language or the Chinese language as the case may be; (Added 18 of 1987 s. 2)

"order paper" (議事程序表), in relation to the Legislative Council, includes agenda; (Added 26 of 1998 s. 4)

"Ordinance" (條例) means-

- (a) any Ordinance enacted by the Legislative Council;
- (b) any Ordinance adopted by virtue of Article 160 of the Basic Law as a law of the Hong Kong Special Administrative Region;
- (c) any subsidiary legislation made under any such Ordinance except any such subsidiary legislation which has pursuant to Article 160 of the Basic Law been declared to be in contravention of the Basic Law; and
- (d) any provision or provisions of any such Ordinance or subsidiary legislation; (Added 26 of 1998 s. 4)

"People's Republic of China" (中華人民共和國) includes Taiwan, the Hong Kong Special Administrative Region and Macau; (Added 26 of 1998 s. 4)

"per cent" (釐、百分之), when used in relation to a rate of interest payable in any circumstances, means the rate of interest specified payable in respect of a year, unless it is expressly provided that it is payable in respect of any other period;

"person" (人、人士、個人、人物、人選) includes any public body and any body of persons, corporate or unincorporate, and this definition shall apply notwithstanding that the word "person" occurs in a provision creating or relating to an offence or for the recovery of any fine or compensation;

"pier" (碼頭) includes every quay, wharf or jetty of whatever description connected to and having direct access to the shore and used or intended to be used for the purposes of a pier, quay, wharf or jetty;

"police officer" (警務人員) and terms or expressions referring to ranks in the Hong Kong Police Force shall bear the meanings respectively assigned to them by the Police Force Ordinance (Cap 232); (Added 26 of 1998 s. 4)

"power" (權、權力) includes any privilege, authority and discretion;

"prescribed" (訂明) and "provided" (訂定), when used in or with reference to any Ordinance, mean prescribed or provided by that Ordinance or by subsidiary legislation made under that Ordinance;

"prison" (獄、監獄) means any place or building or portion of a building set apart for the purpose of a prison under any Ordinance relating to prisons;

"property" (財產) includes-

- (a) money, goods, choses in action and land; and
- (b) obligations, easements and every description of estate, interest and profit, present or future, vested or contingent, arising out of or incident to property as defined in paragraph (a) of this definition;

"Provisional Legislative Council" (臨時立法會) means the Provisional Legislative Council of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"public" (公眾、公眾人士) includes any class of the public;

"publication" (刊物) means-

- (a) all written and printed matter;
- (b) any record, tape, wire, perforated roll, cinematograph film or other contrivance by means of which any words or ideas may be mechanically, electronically or electrically produced, reproduced, represented or conveyed;
- (c) anything whether of a similar nature to the foregoing or not, containing any visible representation, or by its form, shape, or in any manner, capable of producing, reproducing, representing or conveying words or ideas; and
- (d) every copy and reproduction of any publication as defined in paragraphs (a), (b) and (c) of this definition;

"public body" (公共機構) includes-

- (a) the Executive Council;
- (b) the Legislative Council;
- (c) (Repealed 78 of 1999 s. 7)
- (ca) any District Council; (Added 42 of 1981 s. 27. Amended 8 of 1999 s. 89)
- (cb) (Repealed 78 of 1999 s. 7)
- (d) any other urban, rural or municipal council;
- (e) any department of the Government; and
- (f) any undertaking by or of the Government;

"public office" (公職) means any office or employment the holding or discharging of which by a person would constitute that person a public officer;

"public officer" (公職人員) means any person holding an office of emolument under the Government, whether such office be permanent or temporary; (Added 26 of 1998 s. 4)

"public place" (公眾地方、公眾場所) means-

- (a) any public street or pier, or any public garden; and
- (b) any theatre, place of public entertainment of any kind, or other place of general resort, admission to which is obtained by payment or to which the public have or are permitted to have access;

"public seal" (公印) means the public seal of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"public servant" (公務員、公務人員) has the same meaning as public officer; (Added 26 of 1998 s. 4)

"registered" (登記、註冊), when used with reference to a document, means registered under the provisions of any law applicable to the registration of such a document;

"Registrar of the High Court" (高等法院司法常務官) means the Registrar of the High Court and any Senior Deputy Registrar, Deputy Registrar or Assistant Registrar of the High Court; (Added 26 of 1998 s. 4. Amended 10 of 2005 s. 162)

"regulations" (規例) has the same meaning as subsidiary legislation and subordinate legislation; (Added 26 of 1998 s. 4)

"repeal" (廢除) includes rescind, revoke, cancel or replace;

"road" (路、道路) has the same meaning as street; (Added 26 of 1998 s. 4)

"rules of court" (法院規則), when used in relation to any court, means rules made by the authority having for the time being power to make rules and orders regulating the practice and procedure of such court;

"Secretary for Justice" (律政司司長) means the Secretary for Justice of the Hong Kong Special Administrative Region; (Added 26 of 1998 s. 4)

"sell" (賣、售賣、出售) includes exchange and barter;

"Shenzhen Bay Port Hong Kong Port Area" (深圳灣口岸港方口岸區) means the Shenzhen Bay Port Hong Kong Port Area declared by section 3 of the Shenzhen Bay Port Hong Kong Port Area Ordinance (Cap 591); (Added 4 of 2007 s. 16)

"ship" (船、船舶) includes every description of vessel used in navigation not exclusively propelled by oars;

"sign" (簽名、簽署) includes, in the case of a person unable to write, the affixing or making of a seal, mark, thumbprint or chop;

"sitting", in relation to the Legislative Council, includes meeting; (Added 26 of 1998 s. 4)

"solicitor" (律師) means a person admitted before the Court of First Instance to practise as a solicitor; (Added 26 of 1998 s. 4)

"State" ("國家") includes only-

- (a) the President of the People's Republic of China;
- (b) the Central People's Government;
- (c) the Government of the Hong Kong Special Administrative Region;
- (d) the Central Authorities of the People's Republic of China that exercise functions for which the Central People's Government has responsibility under the Basic Law;

- (e) subordinate organs of the Central People's Government that-
 - (i) on its behalf, exercise executive functions of the Central People's Government or functions for which the Central People's Government has responsibility under the Basic Law; and
 - (ii) do not exercise commercial functions,when acting within the scope of the delegated authority and the delegated functions of the subordinate organ concerned; and
- (f) subordinate organs of the Central Authorities of the People's Republic of China referred to in paragraph (d), that-
 - (i) on behalf of those Central Authorities, exercise executive functions of the Central People's Government or functions for which the Central People's Government has responsibility under the Basic Law; and
 - (ii) do not exercise commercial functions,when acting within the scope of the delegated authority and the delegated functions of the subordinate organ concerned; (Added 26 of 1998 s. 4)

"statutory declaration" (法定聲明), if made-

- (a) in Hong Kong, means a declaration under the repealed Statutory Declarations Ordinance or the Oaths and Declarations Ordinance (Cap 11);
- (b) in any other common law jurisdiction, means a declaration made before a justice of the peace, notary public, or other person having authority therein under any legal provision for the time being in force in the jurisdiction to take or receive a declaration;
- (c) in the mainland of the People's Republic of China, means a declaration made before a notary pursuant to his notarial functions;
- (d) in any other place, means a declaration made before a consul of the People's Republic of China or a person having authority under a statute for the time being in force in the place to take or receive a declaration; (Added 26 of 1998 s. 4)

"street" (街、街道) means-

- (a) any highway, street, road, bridge, thorough-fare, parade, square, court, alley, lane, bridle-way, footway, passage or tunnel; and
- (b) any open place, whether or not situate on land the subject of a Government lease, used or frequented by the public or to which the public have or are permitted to have access; (Added 26 of 1998 s. 4)

"subsidiary legislation" and "subordinate legislation" (附屬法例、附屬法規、附屬立法) mean any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any Ordinance and having legislative effect; (Added 26 of 1998 s. 4)

"summary conviction" (簡易程序定罪) means a summary conviction by a magistrate in accordance with the provisions of the Magistrates Ordinance (Cap 227);

"surname" (姓、姓氏) includes a clan or family name;