

Response related to “fit and proper” in LC Paper No. CB(2)2601/03-04(03) and provisions with the term “fit and proper”

**《 2002 年教育（修訂）條例草案 》委員會
當局就 2004 年 5 月 5 日、12 日及 19 日會議上提出事項的回應**

事 項	議 員 的 關 注	當 局 的 回 應
建議第 40AS 條- 填補空缺以維持 組成完整	<p>當局應將法團校董會向常任秘書長提交由合資格人士填補校董空缺的申請時限，由一個月延長至三個月。 (2004 年 5 月 5 日)</p> <p>檢討有關的機制及程序，讓法團校董會在三個月內無法提名一名合資格人士去填補空缺時，仍可維持組成完整。 (2004 年 5 月 5 日)</p>	<p>考慮到法團校董會可能未及於一個月內提名或選出一合資格人士填補某一校董空缺，我們會提出修訂建議第 40AS(2)條，將填補有關空缺的時限延長至三個月。</p> <p>如法團校董會在三個月內無法提名一名合資格人士填補有關空缺，法團校董會仍可根據建議第 40AS(3)條向常任秘書長申請將填補有關空缺的時限再繼續延長。同時，第 40AG(c)條已列明，即使法團校董會的組成未能維持完整，其訂立的任何合約的有效性也不會受影響。</p>
建議第 40AW 條- 法團校董會的章程	<p>列出常任秘書長批准法團校董會章程所根據的條件。 (2004 年 5 月 5 日)</p>	<p>常任秘書長會按照下列條件，審批法團校董會的章程：</p> <ul style="list-style-type: none"> (i) 沒有違反《教育條例》或其他的香港法例； (ii) 能令學校的運作暢順；及 (iii) 已訂定建議規例第 75A 條所列的事項，包括： <ul style="list-style-type: none"> (a) 在校董會的組成中，每類校董的人數； (b) 提名及選舉註冊為校董的人選的程序； (c) 根據本條例第 40AV 條要求常任秘書長取消任何校董的註冊的程序； (d) 從校董中選出或任命擔任或署任主席、秘書及司庫的人選； (e) 主席、秘書及司庫的職責； (f) 校董的任期；

事項	議員的關注	當局的回應
		<p>常任秘書長會按照以下原則，決定是否根據第 40BK 及 40BL 條批准法團校董會的章程及建議的校董名單：</p> <ul style="list-style-type: none"> (i) 沒有違反《教育條例》或其他的香港法例； (ii) 遵照《教育條例》有關法團校董會章程及組成的規定；及 (iii) 能令學校的運作暢順。
<p>建議修訂第 30 條 - 拒絕校董註冊的理由</p>	<p>檢討及列明根據第 30 條拒絕申請人註冊為校董的條件。 (2004 年 5 月 12 日)</p> <p>檢視第 30(1)(b)條所指的「並非適合及適當人選」是否一項合理原因，拒絕申請人註冊為校董。 (2004 年 5 月 19 日)</p> <p>就其他本港法例中提及「適合及適當人選」的條文，分析該等條文的應用情況及是否適用於選出的人士。 (2004 年 5 月 19 日)</p>	<p>我們檢視過涉及有關「適合及適當人選」的現行法律條文，發覺大致可歸納為下列五類：</p> <ul style="list-style-type: none"> (i) 有關註冊、批准或認可資格； (ii) 有關發出許可證或牌照； (iii) 有關授權； (iv) 有關委任；及 (v) 有關紀律處分或送達通知。 <p>由於在《教育條例》中，「適合及適當人選」的條文，適用於有關申請校董註冊的第 30(1)條，故此，該條文的應用範圍，亦與其他法例相近。</p> <p>我們並未發現有關條文用於被選出的人士身上，但我們認為選民在投票時，亦未必能掌握所有資料，確認當選者是一個「適合及適當人選」。例如選民未必知悉當選者的健康狀況及有否違反刑事法例或專業失德等。為整體學生利益著想，我們認為有需要保留有關條文，以確保政府下放權力予法團校董會時，會有適當的校董人選，行使有關權力。</p>

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	<p>如有年屆 70 歲或以上的人士，在申請校董註冊時，能提供醫生證明書，證明他的健康狀況，是否可獲註冊？ (2004 年 5 月 19 日)</p> <p>檢討第 30(1)(d)條所指的 70 歲是否一個適當理由，拒絕申請人註冊為校董。 (2004 年 5 月 19 日)</p>	<p>年屆 70 歲或以上的人士，在申請校董註冊時，除提供醫生證明書，證明他的健康狀況外，還須不違反第 30(1)條所列的其他情況，方可獲註冊為校董。</p> <p>提交醫生證明書的規定，只適用於法團校董會學校，而其他類別的學校校董，不受此規定所限。故此，我們認為有需要保留第 30(1)(d)條，以保障註冊校董的質素。另一方面，既然我們已接納議員的建議，加入了 18 歲的校董年齡下限，保留 70 歲的校董年齡上限亦屬合理。</p>
建議第 40BM 條-成立為法團	<p>第 40BM(4)條指任何人憑藉 40BM 條的施行而停止擔任校監或校董，均不得獲賠償，請解釋立法原意。 (2004 年 5 月 12 日)</p>	<p>現時，校董的提名，須由校董會過半數成員所確認。但將來成立法團校董會時，法例容許辦學團體負責提交建議的校董名單。為免引起爭拗，所以設有第 40BM(4)條，以免某些現有校董會成員，因不獲辦學團體提名為法團校董會校董，而要求賠償。</p>
建議第 40BO 條-關於設立法團校董會的過渡性條文	<p>檢視現有合約或協議的有效性對承建商或服務提供者的影響；以及考慮條例草案會否就該等合約或協議的延續，作出規定。 (2004 年 5 月 12 日)</p>	<p>我們抽樣調查了不同辦學團體的學校，它們所簽訂的合約或協議，可分為公帑合約及非公帑合約，絕大部分合約年期為一年，主是由校監或校長所簽訂，亦有少數由辦學團體所簽訂。至於合約性質方面，公帑合約主要涉及僱傭合約、服務合約和供學校使用的物品供應合約，而非公帑合約則主要涉及服務合約及各類校內商業活動等。有關調查結果的分析，請參考<u>附件一</u>。</p> <p>成立法團校董會後，合約的轉移應以公平及維持學</p>

Administration's Response to Issues Raised at the Meeting 5, 12 and 19 May 2004

Issues	Members' Concerns	Administration's Response
<i>Proposed section 40AS - Filling of vacancies to maintain full composition</i>	<p>Consider extending the period for an incorporated management committee (IMC) to forward to PSEM an application of a qualified person to fill the vacancy in the office of a manager from one to three months. (5.5.2004)</p> <p>Review the mechanism or procedures for an IMC to maintain full composition if a qualified person is not nominated to fill a vacancy within a period of three months. (5.5.2004)</p>	<p>Taking into account that an IMC might not be able to nominate or elect a qualified person to fill the vacancy of a manager within one month, we shall propose to amend section 40AS(2) by extending the period of filling the vacancy to three months.</p> <p>If an IMC could not nominate a qualified person to fill the vacancy of a manager within three months, it could apply to PSEM for further extension of the period for filling the vacancy in accordance with section 40AS(3). At the same time, section 40AG(c) has set out that the validity of a contract entered into by an IMC shall not be affected even if the IMC fails to maintain full composition.</p>
<i>Proposed section 40AW - Constitution of IMC</i>	<p>Set out the criteria for approval of an IMC constitution by PSEM. (5.5.2004)</p>	<p>PSEM will approve an IMC constitution according to the following criteria:</p> <ul style="list-style-type: none"> (i) no contravention of the Education Ordinance or other laws of Hong Kong; (ii) will enable the school to operate smoothly; and (iii) has provided for the issues set out in proposed regulation 75A, including: <ul style="list-style-type: none"> (a) the number of each category of managers in the composition of the IMC;

		<p>other laws of Hong Kong;</p> <p>(ii) comply with the provisions related to the IMC constitution and composition under the Education Ordinance; and</p> <p>(iii) will enable the school to operate smoothly.</p>
Proposed section 30 — Grounds for refusal to register manager	Review and specify the criteria for refusal to register an applicant as a manager under section 30. (12.5.2004)	We have reviewed the existing provisions in law related to “a fit and proper person” and found that they can be generally grouped under the following five categories:
	Review whether it is reasonable to refuse to register an applicant as a manager on the ground of “not a <u>fit and proper person</u> ” stipulated in section 31(1)(b). (19.5.2004)	<p>(i) related to registration, approval or recognition;</p> <p>(ii) related to permit or licence;</p> <p>(iii) related to authorization;</p> <p>(iv) related to appointment; and</p> <p>(v) related to disciplinary action or serving notice.</p>
	With regard to the provisions related to a “ <u>fit and proper person</u> ” in other laws of Hong Kong, analyses the application of such provision and whether it is applicable to the elected persons. (19.5.2004)	<p>Under the Education Ordinance, the provision related to “a fit and proper person” is applicable to section 30(1) which deals with the application for registration as a manager. Therefore, the applicability of such provision is similar to other laws.</p> <p>Though we have not found cases that such provision is applied to elected persons, we are of the view that the electors may not grasp all the information to confirm whether an elected person is “fit and proper” by the time they vote. For instance, the electors may not know the health condition of the elected person and whether he has</p>

	<p>contravened any criminal laws or committed professional misconduct. To safeguard the overall benefits of students, we consider that it is necessary to retain such provision in order to ensure that there would be a proper person to exercise the power that the Government devolves to an IMC.</p> <p>If a person who has attained the age of 70 years or above can provide a medical certificate to prove his health condition when he applies for registration as a manager, can he be registered? (19.5.2004)</p> <p>Review whether it is reasonable to refuse to register an applicant as a manager on the ground that 'the applicant has attained the age of 70 years' stipulated in section 30(1)(d). (19.5.2004)</p>	<p>When a person who has attained the age of 70 applies for registration as a manager, apart from a medical certificate to prove his health condition, he also has to prove that he has not contravened any of the conditions stipulated under section 30(1) before he can be registered as a manager.</p> <p>The provision of submitting a medical certificate is applicable to IMC schools only. Managers of non IMC schools are not restricted by this provision. Therefore, we consider that it is necessary to retain section 30(1)(d) in order to ensure the quality of registered managers. On the other hand, since we have accepted Members' proposal to set the lower age limit of managers at 18 years, it is reasonable to retain an upper age limit at 70 years.</p>
<i>Proposed section 40BM – Incorporation</i>	<p>Explain the policy intent of section 40BM(4) which specifies that no compensation would be payable to any person who ceases to be a supervisor or manager by virtue of the operation of section 40BM. (12 May 2004)</p>	<p>Currently the nomination of a manager has to be endorsed by the majority of the management committee. However, the Bill allows the SSB to submit a list of the proposed managers of the school when it sets up an IMC. To avoid leading to disputes, section 40BM(4) is added to prevent</p>

I. Provisions related to licence / permit

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28	LAND (MISCELLANEOUS PROVISIONS) ORDINANCE	s.10E(1)(a)(i) – Refusal of issue of excavation permit (1) The Authority may refuse to issue an excavation permit or emergency excavation permit if— (a) he reasonably believes that the person making the application for the issue of the permit— (i) is not a fit and proper person to make or maintain any excavation in unleased land.
57	EMPLOYMENT ORDINANCE	s.53(1)(c)(v) – Refusal to issue, or revocation of, licences (1) The Commissioner may refuse to issue or renew a licence, or may revoke a licence, if he is satisfied on reasonable grounds- (c) that the person operating, or intending to operate, the employment agency- (v) is not, for any other reason, a fit and proper person to operate an employment agency.
84	PILOTAGE ORDINANCE	s.19(2)(c) – Cancellation or suspension of licence after inquiry by board of investigation (2) If, after due inquiry, a board of investigation appointed under subsection (1) or section 18B(2)(b) is satisfied that a licensed pilot- (c) is otherwise not a fit and proper person to be a licensed pilot, the board shall, after referring to the pilot's record, recommend to the Authority that the licence of that licensed pilot be cancelled or suspended, and the Authority may, on consideration of the recommendation of the board, cancel the licence or suspend the same for such period as he thinks fit.
108	BETTING DUTY ORDINANCE	s.6X(2) – Authorization of lotteries (2) The Secretary shall not issue the licence to a company unless the Secretary is satisfied that the company, and all the directors, principal officers and controllers of the company, are fit and proper persons for the purpose of this section.
108	BETTING DUTY ORDINANCE	s.6ZF(2) – Revocation of licences (2) The Secretary may also, by notice in writing given to the holder of a licence, revoke the licence if the Secretary is no longer satisfied

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		that the holder, or any of the directors, principal officers or controllers of the holder, is a fit and proper person for the purpose of section 6I or 6X, as the case may be.
108	BETTING DUTY ORDINANCE	s.61(2) – Authorization of betting on football matches (2) The Secretary shall not issue the licence to a company unless the Secretary is satisfied that the company, and all the directors, principal officers and controllers of the company, are fit and proper persons for the purpose of this section.
109	DUTIABLE COMMODITIES ORDINANCE	s.8A(1)(d) – Determining applications for and revocation of licences in respect of premises (1) In determining an application for the grant or renewal of a licence in respect of any premises, the Commissioner or the officer deputed by him in that behalf shall take into account- (d) whether the applicant and his responsible personnel are fit and proper persons.
109B	DUTIABLE COMMODITIES (LIQUOR) REGULATIONS	r.17(2)(a) – Decisions of Board and appeals to Municipal Services Appeals Board (2) The Board shall not grant a liquor licence unless it is satisfied- (a) that the applicant is a fit and proper person to hold the licence.
109B	DUTIABLE COMMODITIES (LIQUOR) REGULATIONS	r.23(1A)(b) – Revocation and suspension of licences (1A) Without limiting paragraph (1), the Board may revoke, suspend or refuse to renew a liquor licence, if in its opinion- (b) the person holding the licence has ceased to be a fit and proper person to hold the licence.
139E	POULTRY (SLAUGHTERING FOR EXPORT) REGULATIONS	r.5(3)(f) – Grant of licence (3) The Director shall not grant a licence unless he is satisfied that- (f) the applicant is a fit and proper person to be granted the licence.
163	MONEY LENDERS ORDINANCE	s.11(5)(b) – Determination of application for licence (5) Subject to subsection (3), the licensing court shall not grant a licence upon an application to which subsection (2)(a) or (b) applies unless the court is satisfied- (b) in the case of a company, that any person who controls such company or in accordance with whose directions or instructions the

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		directors thereof are accustomed to act is a fit and proper person to be associated with the business of money-lending.
163	MONEY LENDERS ORDINANCE	<p>s.14(1)(a) – Revocation and suspension</p> <p>(1) On the application of the Registrar or the Commissioner of Police, a licensing court may make an order revoking or suspending any licence granted by the licensing court if, in the opinion of the licensing court-</p> <p>(a) the licensee has ceased to be a fit and proper person to carry on business as a money lender.</p>
163	MONEY LENDERS ORDINANCE	<p>s.15(7)(b) – Transfer of licence and addition or substitution of new premises</p> <p>(7) The licensing court shall not grant an application under this section unless the court is satisfied that-</p> <p>(b) in the case of an application under subsection (2), the applicant is a fit and proper person to carry on the business of the deceased money lender.</p>
166	PAWNBROKERS ORDINANCE	<p>s.5(2)(a) – Licences</p> <p>(2) The Commissioner shall not grant a licence unless he is satisfied-</p> <p>(a) that the applicant is a fit and proper person to carry on business as a pawnbroker.</p>
166	PAWNBROKERS ORDINANCE	<p>s.9(d) – Cancellation and refusal to renew</p> <p>The Commissioner may cancel or refuse to renew a licence at any time if-</p> <p>(d) in his opinion the person to whom the licence was granted has ceased to be a fit and proper person to carry on business as a pawnbroker.</p>
218	TRAVEL AGENTS ORDINANCE	<p>s.12(1)(a)(ii) – Refusal of licence</p> <p>(1) The Registrar may refuse to grant a licence if he is of the opinion-</p> <p>(a) in the case of an applicant other than an applicant who is a body corporate that-</p> <p>(ii) any person in Hong Kong responsible or proposed to be responsible for the management of the business of the travel agent or any part thereof is not a fit and proper person to be associated with</p>

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		the business of a travel agent.
238	FIREARMS AND AMMUNITION ORDINANCE	<p>s.27(3)(a) – Licences in respect of arms and ammunition</p> <p>(3) Upon application duly made to him under subsection (1)(b), the Commissioner may grant to the applicant a licence, conforming with section 29, to deal in arms or ammunition or both.</p> <p>(3A) In exercising the powers under subsection (2) or (3) to grant a licence, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-</p> <p>(a) whether the applicant is a fit and proper person to be granted a licence.</p>
238	FIREARMS AND AMMUNITION ORDINANCE	<p>s.32(3)(a) – Renewal of licences</p> <p>(3) In exercising the powers under subsection (1) to renew or refuse to renew a licence, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-</p> <p>(a) whether the person concerned is or has ceased to be a fit and proper person to hold a licence.</p>
238	FIREARMS AND AMMUNITION ORDINANCE	<p>s.33(3)(a) – Cancellation etc. of licence</p> <p>(3) In exercising the powers under subsection (1) to cancel a licence, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-</p> <p>(a) whether the person concerned has ceased to be a fit and proper person to hold a licence.</p>
266	MESSAGE ESTABLISHMENTS ORDINANCE	<p>s.6(3)(a) – Application for and grant of licence</p> <p>(3) The licensing authority shall not grant a licence unless he is satisfied that-</p> <p>(a) the applicant is a fit and proper person to operate a message establishment.</p>
435	AMUSEMENT GAME CENTRES ORDINANCE	<p>s.5(4)(a)(ii) – Application for and grant of a licence</p> <p>(4) The Commissioner shall not grant a licence unless he is satisfied in relation to the proposed operation of the amusement game centre, that-</p> <p>(a) the person applying for a licence is an individual person who-</p>

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		(ii) is a fit and proper person to operate an amusement game centre
460	SECURITY AND GUARDING SERVICES ORDINANCE	<p>s.14(5) – Application for and issue of permit</p> <p>(5) Subject to subsections (1), (2), (3) and (4), where the Commissioner is satisfied that an applicant is a fit and proper person to do a type of security work, the Commissioner-</p> <p>(a) shall, if the applicant satisfies the criteria specified under section 6(1)(b)(i) in relation to security work of that type, issue a permit to the applicant;</p> <p>(b) may, if the applicant does not satisfy those criteria, refer the application to the Authority and, if the Authority approves the application, the Commissioner shall issue a permit to the applicant.</p>
460	SECURITY AND GUARDING SERVICES ORDINANCE	<p>s.18(1) – Application for revocation or suspension of permit</p> <p>(1) Where, in the opinion of the Commissioner, a holder of a permit is no longer a fit and proper person to hold the permit or where the holder of the permit has been in breach of any condition of the permit, the Commissioner may apply to the Authority for a revocation or suspension of the permit.</p>
460	SECURITY AND GUARDING SERVICES ORDINANCE	<p>s.21(3)(a) – Determination of application for licence</p> <p>(3) The Authority shall not issue a licence to an applicant unless it is satisfied that-</p> <p>(a) the applicant is a fit and proper person to supply individuals to do security work of the type proposed.</p>
460	SECURITY AND GUARDING SERVICES ORDINANCE	<p>s.25(1) – Application for revocation of licence</p> <p>(1) Where, in the opinion of the Commissioner, a licensee is no longer a fit and proper person to hold the licence or where the licensee has been in breach of any condition of the licence, the Commissioner may apply to the Authority for a revocation of the licence.</p>
478	MERCHANT SHIPPING (SEAFARERS) ORDINANCE	<p>s.54(1)(d)(i) – Grounds on which grant of permit may be refused</p> <p>(1) The Superintendent may refuse to grant a permit-</p> <p>(d) unless he is satisfied that-</p> <p>(i) the person who is specified in the application therefor as the person who is or will be in charge of the permitted crew department is a fit and proper person to be in charge thereof.</p>

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478	MERCHANT SHIPPING (SEAFARERS) ORDINANCE	<p>s.56(1)(b) – Cancellation of permit</p> <p>(1) The permit held by a permitted company may be cancelled by the Superintendent at any time-</p> <p>(b) if he is not satisfied that the person in charge of the permitted crew department is a fit and proper person to be in charge thereof.</p>
511	ESTATE AGENTS ORDINANCE	<p>s.18(2)(a)(i) – Right to grant of licences</p> <p>(2) (a) No person making an application in accordance with subsection (1) shall be entitled to be granted the licence sought in the application unless the Authority considers that-</p> <p>(i) the person is a fit and proper person to hold the licence.</p>
511	ESTATE AGENTS ORDINANCE	<p>s.19(2) – Grant of estate agent's licences to individuals restricted</p> <p>(2) In determining whether or not a person is fit and proper for the purpose of holding an estate agent's licence, the Authority shall have regard to the following-</p> <p>(a) the fact that the person is an undischarged bankrupt, or has, within the 5 years immediately prior to the day on which the Authority considers, or, where appropriate, begins to consider the matter, made a composition or scheme of arrangement with his creditors;</p> <p>(b) the fact that the person is a director or officer of a company which is for the time being disqualified under this Ordinance for holding a licence, or was a director or officer of that company at the date when the company was so disqualified;</p> <p>(c) the fact that the person is a mentally disordered person or a patient within, in either case, the meaning of section 2 of the Mental Health Ordinance (Cap 136);</p> <p>(d) any conviction, whether in Hong Kong or elsewhere, of the person for any offence (other than an offence under this Ordinance), being a conviction as regards which it was necessary to find that the person acted fraudulently, corruptly or dishonestly; and</p> <p>(e) any conviction of the person under this Ordinance in respect of which he has been sentenced to imprisonment, whether the sentence is suspended or not.</p>
511	ESTATE AGENTS ORDINANCE	<p>s.20(1)(c) – Grant of estate agent's licences to companies restricted</p> <p>(1) A company shall not be eligible to be granted or to hold or</p>

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		continue to hold an estate agent's licence unless- (c) each of the company's directors for the time being is, in the opinion of the Authority, a fit and proper person for the purposes of this Ordinance.
511	ESTATE AGENTS ORDINANCE	<p>s.21(3) – Grant of salesperson's licences restricted</p> <p>(3) In determining whether a person is fit and proper for the purpose of holding a salesperson's licence, the Authority shall have regard to the following-</p> <p>(a) the fact that the person is an undischarged bankrupt, or has, within the 5 years immediately prior to the day on which the Authority considers, or, where appropriate, begins to consider the matter, made a composition or scheme of arrangement with his creditors;</p> <p>(b) the fact that the person is a director or officer of a company which is for the time being disqualified under this Ordinance for holding a licence, or was a director or officer of that company at the date when the company was so disqualified;</p> <p>(c) the fact that the person is a mentally disordered person or a patient within, in either case, the meaning of section 2 of the Mental Health Ordinance (Cap 136);</p> <p>(d) any conviction, whether in Hong Kong or elsewhere, of the person for any offence (other than an offence under this Ordinance), being a conviction as regards which it was necessary to find that the person acted fraudulently, corruptly or dishonestly; and</p> <p>(e) any conviction of the person under this Ordinance in respect of which he has been sentenced to imprisonment, whether the sentence is suspended or not.</p>
511	ESTATE AGENTS ORDINANCE	<p>s.27(2)(b) – Suspension or revocation of licences</p> <p>(2) The Authority may suspend or revoke a licence-</p> <p>(b) if in the case of a salesperson's licence, a notice is received under section 40(1) and if, and only if, the Authority considers that the relevant licensee is no longer a fit and proper person to hold a salesperson's licence within the meaning of section 21(2)(c).</p>
511D	ESTATE AGENTS (DETERMINATION OF COMMISSION	<p>s.22(6) – Form and effect of determination</p> <p>(6) Notwithstanding subsection (5), the Authority shall be entitled to make use of any findings made by an adjudicator for the purposes of</p>

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571	SECURITIES AND FUTURES ORDINANCE	<p>s.119(3)(c) and (8)(a)(ii) – Registered institutions</p> <p>(3) Upon receiving an application for registration for a regulated activity referred to him under subsection (2), the Monetary Authority shall-</p> <p>(c) advise the Commission whether he is satisfied by the applicant that the applicant is a fit and proper person to be registered for that regulated activity.</p> <p>(8) Without limiting the generality of subsection (5), it shall be a condition of any registration under subsection (1) for-</p> <p>(a) a regulated activity, that-</p> <p>(ii) any individual whose name is entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as engaged by the registered institution in respect of the regulated activity is a fit and proper person to be so engaged.</p>
571	SECURITIES AND FUTURES ORDINANCE	<p>s.126(2)(a) – Approval of responsible officers</p> <p>(2) The Commission shall refuse to approve an applicant as a responsible officer of a licensed corporation under subsection (1) unless the applicant satisfies the Commission that-</p> <p>(a) he is a fit and proper person to be so approved.</p>
571S	SECURITIES AND FUTURES (LICENSING AND REGISTRATION) (INFORMATION) RULES	<p>Schedule 2 Part 3(6)(a) – INFORMATION TO BE PROVIDED WITH APPLICATIONS TO COMMISSION</p> <p>PART 3</p> <p>OTHER APPLICATIONS UNDER PROVISIONS REFERRED TO IN SECTION 3(1)(c)</p> <p>6. In the case of a person applying for approval to become or continue to be (as the case may be) a substantial shareholder of a licensed corporation under section 132 of the Ordinance-</p> <p>(a) the financial information in respect of the applicant showing that it is a fit and proper person to be a substantial shareholder of the licensed corporation.</p>

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	FUTURES ORDINANCE	regulated activities (3) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) unless the applicant satisfies the Commission that- (a) it is a fit and proper person to be licensed for the regulated activity.
571	SECURITIES AND FUTURES ORDINANCE	s.117(2)(e) – Grant of temporary licences to corporations for carrying on regulated activities (2) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) unless the applicant satisfies the Commission that- (e) it is a fit and proper person to be so licensed for the regulated activity.
571	SECURITIES AND FUTURES ORDINANCE	s.120(3) – Representatives to be licensed (3) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) or (2) unless the applicant satisfies the Commission that he is a fit and proper person to be so licensed for the regulated activity.
571	SECURITIES AND FUTURES ORDINANCE	s.121(2)(e) – Temporary licences for representatives (2) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) unless the applicant satisfies the Commission- (e) that he is a fit and proper person to be so licensed for the regulated activity.
571	SECURITIES AND FUTURES ORDINANCE	s.169(4) – Codes for business conduct of intermediaries and their representatives (4) A failure on the part of an intermediary, or a representative of an intermediary, to comply with the provisions set out in any code of conduct published under this section that apply to it or him shall not by itself render it or him liable to any judicial or other proceedings, but may be taken into account in considering, for the purposes of any provision of this Ordinance- (a) in the case of an intermediary, whether it is a fit and proper person to be or to remain licensed or registered; (b) in the case of a representative of an intermediary that is a

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		<p>licensed corporation, whether he is a fit and proper person to be or to remain licensed as a representative; or</p> <p>(c) in the case of a representative of an intermediary that is a registered institution, whether he is a fit and proper person to be or to remain a person whose name is entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as that of a person engaged by a registered institution in respect of a regulated activity,</p> <p>and in any proceedings under this Ordinance before any court the code shall be admissible in evidence, and if any provision set out in the code appears to the court to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.</p>
571	SECURITIES AND FUTURES ORDINANCE	<p>s.207(b) – Imposition of prohibition or requirement under section 204, 205 or 206</p> <p>The Commission may impose a prohibition or requirement under section 204, 205 or 206 in respect of or with reference to any licensed corporation if it appears to the Commission that-</p> <p>(b) the licensed corporation is not a fit and proper person to remain licensed or is not a fit and proper person to carry on any regulated activity for which it is licensed (having regard, among other matters, to the matters specified in section 129).</p>
571F	SECURITIES AND FUTURES (LEVERAGED FOREIGN EXCHANGE TRADING) (ARBITRATION) RULES	<p>s.28(5)(b) – Form and effect of awards</p> <p>(5) Despite subsection (4), the Commission-</p> <p>(b) may make use of any findings made by an arbitrator for the purposes of performing its functions under the Ordinance including, but without limitation, assessing whether the licensed corporation is a fit and proper person to be so licensed.</p>
573	KARAOKE ESTABLISHMENTS ORDINANCE	<p>s.5(3)(a)(i) – Application for permit or licence</p> <p>(3) The licensing authority shall not grant a permit or issue a licence unless he is satisfied that the application has been made in accordance with subsection (1) and, in relation to the proposed operation of the karaoke establishment, that-</p> <p>(a) the person making that application is a person who-</p>

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		(i) is a fit and proper person to operate the karaoke establishment.



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Chapter:	28	Title:	LAND (MISCELLANEOUS PROVISIONS) ORDINANCE	Gazette Number:	L.N. 1 of 2004
Section:	10E	Heading:	Refusal of issue of excavation permit	Version Date:	01/04/2004

(1) The Authority may refuse to issue an excavation permit or emergency excavation permit if—

- (a) he reasonably believes that the person making the application for the issue of the permit—
 - (i) is not a fit and proper person to make or maintain any excavation in unleased land;
 - (ii) cannot comply with the conditions imposed under the permit; or
 - (iii) does not have sufficient financial resources to make or maintain an excavation to which the permit relates;
- (b) in the opinion of the Authority, the application to which the permit relates is unreasonable; or
- (c) having regard to the circumstances of the case, the issue of the permit is, in the opinion of the Authority, inappropriate in such circumstances.

(2) In addition to the grounds specified in subsection (1), the Authority may, on reasonable grounds—

- (a) refuse to issue an excavation permit or emergency excavation permit if—
 - (i) the person who makes the application for the issue of the permit fails to submit the application within the time limit specified by the Authority under section 18C; or
 - (ii) the street to which the permit relates is a newly constructed street specified by the Authority under section 18C;
- (b) refuse to extend the period for which an excavation permit is valid if the person who makes the application for the extension fails to submit the application within the time limit specified by the Authority under section 18C.

(3) Where the Authority refuses to issue a permit or extend the period for which a permit is valid, he shall notify the person who made the application in writing of the grounds for such refusal.

(Part III replaced 17 of 2003 s. 4)



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Chapter:	57	Title:	EMPLOYMENT ORDINANCE	Gazette Number:	
Section:	53	Heading:	Refusal to issue, or revocation of, licences	Version Date:	30/06/1997

(1) The Commissioner may refuse to issue or renew a licence, or may revoke a licence, if he is satisfied on reasonable grounds-

- (a) that the name under which the employment agency is operated or is intended to be operated-
 - (i) is identical with the name of another employment agency which is being, or has been, carried on by another person; or
 - (ii) so nearly resembles the name of another employment agency as to be likely to deceive the public;
- (b) that the employment agency is being, or is likely to be, used for unlawful or immoral purposes; or
- (c) that the person operating, or intending to operate, the employment agency-
 - (i) is an undischarged bankrupt;
 - (ii) has, within the preceding 5 years, been convicted of an offence against the person of a child, young person or woman or of an offence involving membership of a triad society, fraud, dishonesty or extortion;
 - (iii) has knowingly furnished to the Commissioner any false or misleading information in connection with his application for the issue or renewal of the licence;
 - (iv) has contravened any provision of this Part or any regulation made under section 62; or
 - (v) is not, for any other reason, a fit and proper person to operate an employment agency.

(2) The Commissioner shall, if he refuses to issue or renew a licence or revokes a licence, within 14 days after such refusal or revocation, notify the applicant or licensee in writing of the grounds for such refusal or revocation.

(3) Any person aggrieved by a decision of the Commissioner taken in respect of him under subsection (1) may, within 28 days after he is notified under subsection (2), appeal to the Administrative Appeals Board. (Replaced 6 of 1994 s. 35)

(4) (Repealed 6 of 1994 s. 35)

(5) The licensee shall, if the Commissioner refuses to renew or revokes his licence under subsection (1),-

- (a) within 28 days after he is notified under subsection (2); or
- (b) if he has appealed under subsection (3), within 14 days after he withdraws or abandons the appeal or he is notified of the Administrative Appeals Board's dismissal of the appeal,

deliver the licence, and every copy thereof, to the Commissioner. (Replaced 6 of 1994 s. 35)

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Chapter:	84	Title:	PILOTAGE ORDINANCE	Gazette Number:	
Section:	19	Heading:	Cancellation or suspension of licence after inquiry by board of investigation	Version Date:	30/06/1997

(1) If, on consideration of-

- (a) the report of the officer who held a preliminary inquiry under section 18 or 18B(2)(a); or (Amended 36 of 1993 s. 9)
- (b) the report made after a preliminary inquiry under section 51 of the Merchant Shipping Ordinance (cap 281),

the Authority considers that-

- (i) any matter reported to the Authority under section 17(1); or
- (ii) any accident which occurred while a ship was being piloted by a licensed pilot,

should be further investigated, the Authority shall appoint a board of investigation in accordance with this Ordinance.

(1A) If, on consideration of-

- (a) the report of the officer who held a preliminary inquiry under section 18 or 18B(2)(a); or
- (b) the report made after a preliminary inquiry under section 51 of the Merchant Shipping Ordinance (Cap 281),

the Authority considers that the matter or accident is in fact of a minor nature, the Authority may appoint a board of discipline to examine the matter of accident. (Added 36 of 1993 s. 9)

(2) If, after due inquiry, a board of investigation appointed under subsection (1) or section 18B(2)(b) is satisfied that a licensed pilot-

- (a) has been guilty of misconduct as a pilot;
- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to be a licensed pilot,

the board shall, after referring to the pilot's record, recommend to the Authority that the licence of that licensed pilot be cancelled or suspended, and the Authority may, on consideration of the recommendation of the board, cancel the licence or suspend the same for such period as he thinks fit.

(Amended 36 of 1993 s. 9)

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Chapter: 108 Title: BETTING DUTY ORDINANCE Gazette Number: L.N. 195 of 2003
Section: 6X Heading: Authorization of lotteries Version Date: 18/07/2003

Division 4—Lotteries

(1) Subject to subsection (2), the Secretary may, by issuing a licence to a company, authorize the company to conduct lotteries.

(2) The Secretary shall not issue the licence to a company unless the Secretary is satisfied that the company, and all the directors, principal officers and controllers of the company, are fit and proper persons for the purpose of this section.

(3) The term for which the licence is issued shall be specified in the licence.

(4) Issuance of the licence to a company is subject to the conditions that the company—

- (a) shall not accept, or authorize any person to accept, bets from juveniles;
- (b) shall not accept bets in any premises to which juveniles are permitted to have access;
- (c) shall not entertain claims by juveniles for prizes;
- (d) shall not advertise the conduct of lotteries on television or radio between the hours of 4.30 p.m. and 10.30 p.m. on any day;
- (e) shall not, in conducting any advertising or promotional activity—
 - (i) target juveniles;
 - (ii) exaggerate the likelihood of winning; or
 - (iii) expressly or impliedly suggest that betting on lotteries is a source of income or a viable way to overcome financial difficulties;
- (f) shall not accept bets on credit, or accept credit cards as a means of payment for placing bets; and
- (g) shall conspicuously display and keep displayed notices that comply with subsection (6)—
 - (i) in any premises where the company accepts bets; and
 - (ii) on any web site through which the company accepts bets.

(5) Issuance of the licence is also subject to such conditions as the Secretary may think fit to impose, including but not limited to conditions relating to—

- (a) the types of lotteries that may be conducted;
- (b) the manner in which lotteries may be drawn;
- (c) the manner in which the results of lotteries may be announced; and
- (d) the provision of information to the Secretary.

(6) Any notice referred to in subsection (4)(g) shall—

- (a) contain a warning of the seriousness of the problems caused by excessive gambling; and
- (b) provide information on the services and facilities available in Hong Kong to problem gamblers and pathological gamblers.

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Chapter:	108	Title:	BETTING DUTY ORDINANCE	Gazette Number: L.N. 195 of 2003
Section:	6ZF	Heading:	Revocation of licences	Version Date: 18/07/2003

(1) The Secretary may, by notice in writing given to the holder of a licence, revoke the licence if the holder has—

- (a) contravened this Ordinance;
- (b) failed to comply with a condition of the licence;
- (c) failed to pay a financial penalty;
- (d) gone into liquidation; or
- (e) entered into a composition or arrangement with its creditors.

(2) The Secretary may also, by notice in writing given to the holder of a licence, revoke the licence if the Secretary is no longer satisfied that the holder, or any of the directors, principal officers or controllers of the holder, is a fit and proper person for the purpose of section 6I or 6X, as the case may be.

(3) The notice shall specify—

- (a) the reasons for revoking the licence; and
- (b) the date on which the revocation is to take effect.

(4) Before revoking a licence, the Secretary shall—

- (a) give the holder of the licence a reasonable opportunity to make representations;
and
- (b) consider the representations, if any.

(5) The Secretary shall not revoke a licence under this section unless, in all the circumstances of the case, the revocation is proportionate and reasonable in relation to the reason that gave rise to the revocation.

(Added 29 of 2003 s. 14)

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Chapter:	108	Title:	BETTING DUTY ORDINANCE	Gazette Number: L.N. 195 of 2003
Section:	6I	Heading:	Authorization of betting on football matches	Version Date: 18/07/2003

(1) Subject to subsection (2), the Secretary may, by issuing a licence to a company, authorize the company to conduct fixed odds betting or pari-mutuel betting on the results of, or contingencies relating to, football matches.

(2) The Secretary shall not issue the licence to a company unless the Secretary is satisfied that the company, and all the directors, principal officers and controllers of the company, are fit and proper persons for the purpose of this section.

(3) The term for which the licence is issued shall be specified in the licence.

(4) Issuance of the licence to a company is subject to the conditions that the company—

- (a) shall not accept, or authorize any person to accept, bets from juveniles;
- (b) shall not accept bets in any premises to which juveniles are permitted to have access;
- (c) shall not pay dividends to juveniles;
- (d) shall not advertise the conduct of betting on football matches on television or radio between the hours of 4.30 p.m. and 10.30 p.m. on any day;
- (e) shall not, in conducting any advertising or promotional activity—
 - (i) target juveniles;
 - (ii) exaggerate the likelihood of winning; or
 - (iii) expressly or impliedly suggest that betting on football matches is a source of income or a viable way to overcome financial difficulties;
- (f) shall not accept bets on credit, or accept credit cards as a means of payment for placing bets; and
- (g) shall conspicuously display and keep displayed notices that comply with subsection (6)—
 - (i) in any premises where the company accepts bets; and
 - (ii) on any web site through which the company accepts bets.

(5) Issuance of the licence is also subject to such conditions as the Secretary may think fit to impose, including but not limited to conditions relating to—

- (a) the categories of matches on which betting may be conducted;

- (b) the manner and form in which bets may be accepted;
- (c) the keeping of premises for accepting bets, the number of such premises and the persons who may have access to such premises; and
- (d) the provision of information to the Secretary.

(6) Any notice referred to in subsection (4)(g) shall—

- (a) contain a warning of the seriousness of the problems caused by excessive gambling; and
- (b) provide information on the services and facilities available in Hong Kong to problem gamblers and pathological gamblers.

(7) In this section—

"fixed odds betting" (固定賠率投注) means betting on the terms that any dividend payable on a bet is fixed at the time when the bet is placed;

"pari-mutuel betting" (彩池投注) means betting on the terms that any dividend payable on a bet depends on the respective shares of all winning bettors in the total amount of dividends available.

(Added 29 of 2003 s. 14)

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Chapter:	109	Title:	DUTIABLE COMMODITIES ORDINANCE	Gazette Number:	4 of 2003
Section:	8A	Heading:	Determining applications for and revocation of licences in respect of premises	Version Date:	01/04/2003

Remarks:

For the saving and transitional provisions relating to the amendments made by the Dutiable Commodities (Amendment) Ordinance 2003 (4 of 2003), see Part III of the Ordinance.

(1) In determining an application for the grant or renewal of a licence in respect of any premises, the Commissioner or the officer deputed by him in that behalf shall take into account-

- (a) whether the applicant possesses the appropriate financial status;
- (b) whether the books of account and other documents that are kept or proposed to be kept by the applicant in relation to the premises are sufficient for the purpose of auditing;
- (c) whether the systems, procedures and standards that are used or proposed to be used by the applicant in respect of inventory control, record keeping and security are appropriate;
- (d) whether the applicant and his responsible personnel are fit and proper persons; and
- (e) any other relevant matter.

(2) No licence shall be granted in respect of any premises which are or will be used wholly or partly as a place of residence.

(3) In determining whether to revoke under section 7(1A) a licence that was granted in respect of any premises, the Commissioner or the officer deputed by him in that behalf shall take into account-

- (a) whether the licensee possesses the appropriate financial status;
- (b) whether the books of account and other documents that are kept by the licensee in relation to the premises are sufficient for the purpose of auditing;
- (c) whether the systems, procedures and standards that are used by the licensee in respect of inventory control, record keeping and security are appropriate;
- (d) whether the licensee and his responsible personnel are fit and proper persons; and
- (e) any other relevant matter.

(4) In determining whether a person is a fit and proper person for the purposes of subsection (1)(d) or (3)(d), the Commissioner or the officer deputed by him in that behalf shall take into account-

- (a) the fact that the person has a conviction in Hong Kong or elsewhere for an offence for which it was necessary to find that the person had acted fraudulently, corruptly or dishonestly;
- (b) the fact that the person has been convicted of an offence against this Ordinance;
- (c) if the person is an individual, the fact that the person is an undischarged bankrupt or has entered into a composition or a scheme of arrangement or a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) within the 5 years preceding the date of the

application;

(d) if the person is a body corporate, the fact that the person is in liquidation, is the subject of a winding-up order or there is a receiver appointed in relation to it or it has entered into a composition or a scheme of arrangement or a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) within the 5 years preceding the date of the application; and

(e) any other relevant matter.

(5) The Commissioner or the officer mentioned in subsection (1) or (3), as the case may be, shall give reasons in writing to the applicant or licensee, as the case may be, for refusing an application to grant or renew a licence in respect of any premises, or for revoking a licence granted in respect of any premises, under section 7.

(6) In this section, "responsible personnel" (負責人員), in relation to a person who is an applicant or licensee (as the case may be), means-

(a) where the person is a body corporate, any of its directors;

(b) where the person is an unincorporated association, the president, chairman, vice chairman or secretary of its management or executive committee (however described), or a person holding a similar office; or

(c) any other person who is or will be wholly or mainly responsible for the management of the premises concerned.

(Added 4 of 2003 s. 3)

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Chapter:	109B	Title:	DUTIABLE COMMODITIES (LIQUOR) REGULATIONS	Gazette Number:	L.N. 320 of 1999
Regulation:	17	Heading:	Decisions of Board and appeals to Municipal Services Appeals Board	Version Date:	01/01/2000

(1) Upon application the Board may grant a liquor licence without conditions or subject to such conditions as it thinks fit, or refuse the application.

(2) The Board shall not grant a liquor licence unless it is satisfied-

- (a) that the applicant is a fit and proper person to hold the licence;
- (b) that the premises to which the application relates are suitable for selling or supplying intoxicating liquor, having regard to-
 - (i) the location and structure of the premises; and
 - (ii) the fire safety and hygienic conditions in the premises;
- (c) that in all the circumstances the grant of the licence is not contrary to the public interest.

(3) The Board must give reasons in writing-

- (a) for any decision on an application in respect of which there is an objection; or
- (b) for any decision to refuse an application.

(4) The secretary to the Board appointed under regulation 2A(5) must give notice in writing of the Board's decision, together with reasons, to the applicant and any other person who or body which has expressed an interest in the application.

(5) The applicant or 20 or more persons residing within a radius of 400 metres from the premises to which the application relates may, within 28 days after the date of the notice under paragraph (4), appeal to the Municipal Services Appeals Board against the decision.

(78 of 1999 s. 7)

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Chapter:	109B	Title:	DUTIABLE COMMODITIES (LIQUOR) REGULATIONS	Gazette Number:	L.N. 320 of 1999
Regulation:	23	Heading:	Revocation and suspension of licences	Version Date:	01/01/2000

(1) The Board may revoke or suspend for any period it thinks fit or refuse to renew any liquor licence on proof to its satisfaction of an offence against the Ordinance, whether any person has been convicted of such offence or not.

(L.N. 35 of 1979; 78 of 1999 s. 7)

(1A) Without limiting paragraph (1), the Board may revoke, suspend or refuse to renew a liquor licence, if in its opinion-

- (a) the person holding the licence has failed to comply with any condition of the licence;
- (b) the person holding the licence has ceased to be a fit and proper person to hold the licence;
- (c) the premises specified in the licence have ceased to be suitable for selling or supplying intoxicating liquor, for reasons connected with-
 - (i) the location and structure of the premises;
 - (ii) the fire safety and hygienic conditions in the premises; or
- (d) public interest so requires. (78 of 1999 s. 7)

(2) The secretary to the Board must give notice in writing, together with reasons, of a decision under this regulation to the person concerned. (78 of 1999 s. 7)

(3) A person may appeal to the Municipal Services Appeals Board against any decision of the Board under this regulation within 28 days after receiving notice of the decision. (78 of 1999 s. 7)

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Chapter:	139E	Title:	POULTRY (SLAUGHTERING FOR EXPORT) REGULATIONS	Gazette Number:	29 of 1998 s. 105
Regulation:	5	Heading:	Grant of licence	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

(1) The Director may, subject to these regulations, grant a licence in respect of the premises referred to in the licence for use as a poultry export factory and may attach to the licence such conditions as he may see fit to impose.

(2) A licence shall be in the form prescribed in the Second Schedule and shall not be transferable.

(3) The Director shall not grant a licence unless he is satisfied that-

(a) the site of such premises is suitable for the establishment and maintenance thereon of a poultry export factory, having regard to all the circumstances and in particular to-

(i) the present use of land or premises near the site;

(ii) the availability of satisfactory electricity and potable water supplies and of a hygienic sewage disposal system capable of adequately serving the proposed poultry export factory; and

(iii) the requirements of these regulations and of any other enactment;

(b) the applicant has obtained all permits, approvals, consents and licences required under any enactment or Government lease in connection with the construction, reconstruction, alteration, adaptation and the use of the premises as the case may be, as a poultry export factory; (29 of 1998 s. 105)

(c) the premises if constructed, reconstructed, altered or adapted in accordance with any specifications, plans and diagrams delivered to him under paragraph (1) of regulation 6 and approved by him, will comply with these regulations;

(d) the premises-

(i) are suitable for use as a poultry export factory;

(ii) are clean and in a good state of repair; and

(iii) have not been constructed, reconstructed, altered, adapted or equipped otherwise than in accordance with these regulations and any specifications, plans and diagrams delivered to and approved by the Director in connection with the application for the licence;

(e) the equipment in the premises is in a good state of repair and in proper working order; and

(f) the applicant is a fit and proper person to be granted the licence.

(4) A licence shall-

(a) clearly identify the premises in respect of which it relates;

(b) bear a number which shall appear on every licence which may thereafter be granted under these regulations in respect of the premises to which the licence relates;

(c) bear the full name of the licensee; and

(d) remain in force until it is surrendered or revoked.

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Chapter:	163	Title:	MONEY LENDERS ORDINANCE	Gazette Number:	
Section:	11	Heading:	Determination of application for licence	Version Date:	30/06/1997

(1) The licensing court shall fix a date for the hearing of an application lodged under section 9(5) and shall give 14 clear days' notice of such date to the applicant, the Registrar and the Commissioner of Police. (Amended 69 of 1988 s. 10)

(2) Subject to subsection (3), the licensing court shall grant a licence upon the hearing of an application lodged under section 9(5) except where-

(a) the Registrar or the Commissioner of Police has served notice under section 9 of his intention to object to the application and, at the hearing of the application, objection to the application is made by or on behalf of the Registrar or, as the case may be, the Commissioner of Police; or
(b) objection to the application is made by any other person appearing at the hearing in person or by counsel who-

(i) has served notice of his intention to object and the grounds of such objection on the applicant, the Registrar and the Commissioner of Police and lodged a copy of such notice in the office of the licensing court, not later than 4 days prior to the date fixed for the hearing under subsection (1); or (Amended 69 of 1988 s. 10)

(ii) is granted leave by the licensing court to make such objection,

and for the purposes of this section "counsel" (大律師) means a person qualified to practise as a barrister or solicitor under the Legal Practitioners Ordinance (Cap 159).

(3) The licensing court shall not grant a licence to a person who is a disqualified person.

(4) The licensing court shall, in considering an application to which subsection (2)(a) or (b) applies, hear any evidence given by the applicant or any witnesses called on his behalf and any evidence adduced by or on behalf of the Registrar or the Commissioner of Police or any other person who appears at the hearing under subsection (2)(b).

(5) Subject to subsection (3), the licensing court shall not grant a licence upon an application to which subsection (2) (a) or (b) applies unless the court is satisfied-

(a) that the applicant, or in the case of a firm every partner thereof, is a fit and proper person to carry on business as a money lender;

(b) in the case of a company, that any person who controls such company or in accordance with whose directions or instructions the directors thereof are accustomed to act is a fit and proper person to be associated with the business of money-lending; (Amended 69 of 1988 s. 10)

(c) that as respects the carrying on of business as a money lender, any person responsible or proposed to be responsible for the management of the business or any part thereof, or in the case of a company any director or secretary or other officer thereof, is a fit and proper person to be associated with the business of money-lending; (Amended 69 of 1988 s. 10)

(d) that the name under which the applicant applies to be licensed is not misleading or otherwise undesirable;

(e) that as respects any of the premises to which the application relates, such premises and the

situation thereof are suitable for the carrying on of the business of money-lending;

(f) that the applicant has complied with the provisions of this Part and any regulations relating to the application; and

(g) that in all the circumstances the grant of such licence is not contrary to the public interest.

(6) A licence granted under this section shall be subject to such conditions as the licensing court may impose.

(7) A licence granted under this section shall not be issued and shall not enter into force except on payment to the licensing court of the prescribed fee.

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Chapter:	163	Title:	MONEY LENDERS ORDINANCE	Gazette Number:	
Section:	14	Heading:	Revocation and suspension	Version Date:	30/06/1997

(1) On the application of the Registrar or the Commissioner of Police, a licensing court may make an order revoking or suspending any licence granted by the licensing court if, in the opinion of the licensing court- (Amended 69 of 1988 s. 12; 13 of 1995 s. 40)

(a) the licensee has ceased to be a fit and proper person to carry on business as a money lender; or

(b) the premises specified in the licence or any of such premises have, or the situation thereof has, ceased to be suitable for the carrying on of the business of money-lending; or

(c) the licensee has been in serious breach of any condition of the licence or has ceased to satisfy any other condition relating to his business as a money lender in respect of which the licensing court is required to be satisfied under section 11(5); or

(d) the business of the licensee has been carried on at any time or on any occasion since the date on which the licence was granted by recourse to the use of any methods, or in any manner, contrary to the public interest.

(2) The licensing court shall fix a date for the hearing of an application under this section, and shall give 14 clear days' notice of such date to the Registrar and the Commissioner of Police and the licensee; such notice shall call on the licensee to show cause as to why such application ought not to be granted and an order for the revocation or suspension of his licence ought not to be made.

(3) In this section "licence" (牌照) includes a licence deemed to continue in force under section 13(5).

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Chapter:	163	Title:	MONEY LENDERS ORDINANCE	Gazette Number:	
Section:	15	Heading:	Transfer of licence and addition or substitution of new premises	Version Date:	30/06/1997

(1) Except as provided in this section, a licence shall not be transferable.

(2) Where a licensed money lender dies, the widow or widower or any member of the family of the deceased money lender of the age of 21 years or upwards, or any person on behalf of the family, may apply to the licensing court to have his or her name endorsed on the licence. (Amended 69 of 1988 s. 13)

(3) Where a licensee intends to carry on business as a money lender at any premises in addition to the premises specified in his licence, he may apply to the licensing court to have such additional premises endorsed on his licence. (Amended 69 of 1988 s. 13)

(4) Where a licensed money lender intends to transfer his business as a money lender from any premises specified in his licence to any premises not so specified, he may apply to the licensing court to have the premises to which he intends to transfer such business endorsed on his licence in substitution for such first-mentioned premises. (Amended 69 of 1988 s. 13)

(5) Every application under this section shall be made to the Registrar in the prescribed manner and accompanied by the prescribed fee and notice of the application shall be given to the Commissioner of Police. (Replaced 69 of 1988 s. 13)

(6) The Registrar and the Commissioner of Police shall be entitled to appear and be heard at the hearing of any application under this section and to object to the granting of any such application.

(6A) Where the Registrar or the Commissioner of Police intends to object under subsection (6) to the granting of any application under this section, he shall, not later than one month after such application is made under subsection (5), serve notice on the applicant of his intention to object specifying the grounds of objection; and where such notice is served by the Commissioner of Police, he shall send a copy thereof to the Registrar. (Added 69 of 1988 s. 13)

(6B) Upon the expiration of a period of one month after any application under this section is made under subsection (5), the Registrar shall lodge the application with such magistrate as he deems fit, together with a copy of any notice served on the applicant under subsection (6A). (Added 69 of 1988 s. 13)

(7) The licensing court shall not grant an application under this section unless the court is satisfied that-

(a) notice of the application has been given to the Registrar and the Commissioner of Police;

(b) in the case of an application under subsection (2), the applicant is a fit and proper person to carry on the business of the deceased money lender;

(c) in the case of an application under subsection (3), the additional premises and the situation thereof are suitable for the carrying on of the business of money-lending;

(d) in the case of an application under subsection (4), the premises to which the money lender intends to transfer his business and the situation thereof are suitable for the carrying on of the business of money-lending;

(e) in the case of an application in respect of any premises under subsection (3) or (4), any person responsible or proposed to be responsible for the management of the business carried on at such premises is a fit and proper person to be associated with the business of money-lending.

(8) Where the licensing court grants an application for an endorsement under this section, the endorsement shall be

made in the office of the licensing court upon payment of the prescribed fee.

(9) A licence endorsed under subsection (2) shall have effect in all respects as if the licence had been issued to the person whose name is endorsed thereon and this Ordinance shall apply accordingly to such person as it applies to a licensee.

(10) (Repealed 13 of 1995 s. 41)

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Chapter:	166	Title:	PAWNBROKERS ORDINANCE	Gazette Number:	
Section:	5	Heading:	Licences	Version Date:	30/06/1997

(1) The Commissioner may, upon application made to him in the prescribed form and manner and upon payment of the prescribed fee, grant a licence to a person to carry on business as a pawnbroker.

(2) The Commissioner shall not grant a licence unless he is satisfied-

- (a) that the applicant is a fit and proper person to carry on business as a pawnbroker;
- (b) that the applicant has complied with the provisions of this Ordinance and any regulations relating to the application; and
- (c) that in all the circumstances the grant of such licence is not contrary to the public interest.

(3) Every licence shall be in the prescribed form and shall authorize the person to whom it is granted to carry on business as a pawnbroker at the premises specified therein for a period of 12 months from the date on which it is granted.

(4) The Commissioner may, upon application made to him in the prescribed form and manner and on payment of the prescribed fee, renew a licence, and the provisions of section 9 shall have effect in respect of any such application to renew.

(5) Any person who makes any false or misleading statement or furnishes any false or misleading information in connection with any application to obtain or renew a licence under this section commits an offence and is liable to a fine of \$20000 and to imprisonment for 1 year.

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Chapter:	166	Title:	PAWNBROKERS ORDINANCE	Gazette Number:	
Section:	9	Heading:	Cancellation and refusal to renew	Version Date:	30/06/1997

The Commissioner may cancel or refuse to renew a licence at any time if-

- (a) he is satisfied that any false or misleading statement or information was made or furnished in connection with the application to obtain or renew the licence; or
 - (b) the person to whom the licence was granted is convicted of an offence under this Ordinance or any regulations made thereunder; or
 - (c) a condition of the licence is contravened, whether or not any person has been convicted of an offence under section 8(2); or
 - (d) in his opinion the person to whom the licence was granted has ceased to be a fit and proper person to carry on business as a pawnbroker; or
 - (e) in his opinion the public interest so requires.
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Chapter:	218	Title:	TRAVEL AGENTS ORDINANCE	Gazette Number:	
Section:	12	Heading:	Refusal of licence	Version Date:	30/06/1997

(1) The Registrar may refuse to grant a licence if he is of the opinion-

- (a) in the case of an applicant other than an applicant who is a body corporate that-
 - (i) the applicant, or, in the case of a partnership any partner thereof, is not a fit and proper person to carry on business as a travel agent;
 - (ii) any person in Hong Kong responsible or proposed to be responsible for the management of the business of the travel agent or any part thereof is not a fit and proper person to be associated with the business of a travel agent; or
 - (iii) the premises to which the application relates or the situation thereof are not suitable for the operation of the business of a travel agent; or
- (b) in the case of an applicant who is a body corporate that-
 - (i) the applicant is not a fit and proper person to carry on business as a travel agent;
 - (ii) any controller of such body corporate is not a fit and proper person to be associated with the business of a travel agent;
 - (iii) any director or secretary or officer thereof in Hong Kong, is not a fit and proper person to be associated with the business of a travel agent; or
 - (iv) the premises to which the application relates or the situation thereof are not suitable for the carrying on of the business of a travel agent.

(2) For the purposes of determining whether a person is a fit and proper person under subsection (1), the Registrar shall have regard to the question of whether that person-

- (a) has been convicted, whether in Hong Kong or elsewhere, of an offence the conviction for which necessarily involved a finding that he acted fraudulently, corruptly or dishonestly;
- (b) has been convicted of an offence against any provision of this Ordinance;
- (c) in the case of an individual is an undischarged bankrupt, has entered into a composition or scheme of arrangement with his creditors or has made an assignment of his estate for the benefit of his creditors;
- (d) in the case of a body corporate is in liquidation or the subject of a winding up order, a receiver or manager of its property has been appointed, has entered into a composition or scheme of arrangement with its creditors or has made an assignment of its estate for the benefit of its creditors; or
- (e) is otherwise not a fit and proper person.

(3) The Registrar shall not refuse to grant a licence to an applicant under subsection (1) or (5) without first giving the applicant an opportunity of being heard. (Amended 70 of 1988 s. 6)

(4) Where the Registrar refuses to grant a licence to an applicant under subsection (1) on the ground (or, if more than one, on grounds which include the ground) that, in his opinion, any person as mentioned in subsection (1) is not a fit and proper person, the Registrar shall notify the applicant in writing of that opinion, the name of the person

whose fitness is in question and the reason for his opinion.

(5) The Registrar shall refuse to grant a licence if he is of the opinion that the applicant is in breach of, or is unable to comply with, the condition imposed under section 11(1A). (Added 70 of 1988 s. 6)

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Chapter:	238	Title:	FIREARMS AND AMMUNITION ORDINANCE	Gazette Number:	L.N. 193 of 2000
Section:	27	Heading:	Licences in respect of arms and ammunition	Version Date:	26/11/2000

PART IV

LICENSING

(1) An application for-

- (a) a licence for possession; or
- (b) a dealer's licence,

shall be made to the Commissioner in the specified form and the prescribed manner.

(2) Upon application duly made to him under subsection (1)(a) and upon payment of the prescribed fee, the Commissioner may grant to the applicant a licence, conforming with section 28, to possess arms or ammunition or both.

(3) Upon application duly made to him under subsection (1)(b), the Commissioner may grant to the applicant a licence, conforming with section 29, to deal in arms or ammunition or both.

(3A) In exercising the powers under subsection (2) or (3) to grant a licence, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-

- (a) whether the applicant is a fit and proper person to be granted a licence;
- (b) whether there is good reason for that applicant to hold a licence; and
- (c) whether it is objectionable, for reasons of public safety and security, to grant the licence to that applicant. (Added 14 of 2000 s. 13)

(4) A licence granted under this section may be subject to such terms and conditions (including conditions imposing a limit or restriction on the number, type, class or description of arms, or the quantity, type, class or description of ammunition, or both) as the Commissioner thinks fit.

(5) The Commissioner shall, in a form determined by him, keep a register in respect of each type of licence granted by him under subsections (2) and (3).

(Amended 14 of 2000 s. 13)

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Chapter:	238	Title:	FIREARMS AND AMMUNITION ORDINANCE	Gazette Number:	L.N. 193 of 2000
Section:	32	Heading:	Renewal of licences	Version Date:	26/11/2000

(1) Upon application made to him in the specified form, and payment of the prescribed fee, the Commissioner may renew a licence for such period as he thinks fit, or may refuse to renew the licence. (Amended 14 of 2000 s. 18)

(2) A licence renewed under this section may be subject to such terms and conditions as the Commissioner thinks fit, including conditions imposing a limit or restriction on the number, type, class or description of arms, or the quantity, type, class or description of ammunition, or both, as may be appropriate. (Added 14 of 2000 s. 18)

(3) In exercising the powers under subsection (1) to renew or refuse to renew a licence, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-

- (a) whether the person concerned is or has ceased to be a fit and proper person to hold a licence;
 - (b) whether there is good reason for that person to hold a licence or no such good reason; and
 - (c) whether it is objectionable, for reasons of public safety and security, for that person to hold a licence. (Added 14 of 2000 s. 18)
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Chapter:	238	Title:	FIREARMS AND AMMUNITION ORDINANCE	Gazette Number:	L.N. 193 of 2000
Section:	33	Heading:	Cancellation etc. of licence	Version Date:	26/05/2000

(1) The Commissioner may at any time cancel or amend a licence, and vary or revoke any condition attached thereto or add any further condition including conditions imposing a limit or restriction on the number, type, class or description of arms, or the quantity, type, class or description of ammunition, or both, as may be appropriate, and in the case of a dealer's licence may delete any premises at which the business of dealing in arms or ammunition or both may be carried on.

(2) The Commissioner may (in addition to his powers to amend under subsection (1)) upon the application of a licensee and payment of the prescribed fee make an amendment to a licence or a condition thereof (including an amendment whereby a place of business specified in a dealer's licence is deleted or a new place of business is added).

(3) In exercising the powers under subsection (1) to cancel a licence, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-

- (a) whether the person concerned has ceased to be a fit and proper person to hold a licence;
- (b) whether there is no good reason for that person to hold a licence; and
- (c) whether it is objectionable, for reasons of public safety and security, for that person to hold a licence. (Added 14 of 2000 s. 19)

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Chapter:	266	Title:	MASSAGE ESTABLISHMENTS ORDINANCE	Gazette Number:	
Section:	6	Heading:	Application for and grant of licence	Version Date:	30/06/1997

(1) An application by a person for a licence shall be made to the licensing authority in the prescribed form and in the prescribed manner.

(2) Subject to subsections (3) and (4), the licensing authority may, in his absolute discretion, grant a licence and may impose such conditions as he thinks fit.

(3) The licensing authority shall not grant a licence unless he is satisfied that-

- (a) the applicant is a fit and proper person to operate a massage establishment;
- (b) the applicant will adequately and personally supervise the massage establishment;
- (c) the premises and the situation thereof are suitable for the operation of a massage establishment;
- (d) the massage establishment will not be operated in a manner contrary to the public interest.

(4) The licensing authority shall not grant a licence to a person other than a natural person.

(5) A licence granted under this section shall be in the prescribed form.

(6) A licence granted under this section shall not be issued and shall not be valid except on payment to the licensing authority of the prescribed fee.

(7) A licence shall authorize the licensee to operate a massage establishment at the premises specified therein for a period of 12 months from the date on which it is granted and in accordance with any conditions imposed under subsection (2).

(8) Where the licensing authority refuses to grant a licence he shall make a written order, properly dated and signed, to that effect adequately stating by reference to subsection (3)(a), (b), (c) or (d), the matter in respect of which he is not satisfied and shall send a copy thereof by registered post to the applicant, at the address last known to the licensing authority. (Added 6 of 1994 s. 49)

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Chapter:	435	Title:	AMUSEMENT GAME CENTRES ORDINANCE	Gazette Number:	8 of 1999
Section:	5	Heading:	Application for and grant of a licence	Version Date:	01/01/2000

PART II

LICENCES

(1) An application by a person for a licence shall be-

- (a) made to the Commissioner in such form and manner as the Commissioner may determine;
- (b) accompanied by such information, particulars and plans as the Commissioner may require;
- and
- (c) accompanied by the prescribed fee payable for an application for a licence.

(2) Notice of an application made under subsection (1) by a person applying for a licence, in such form and containing such particulars as the Commissioner may require, shall be furnished to the Commissioner by the person so applying and shall be advertised by that person on not less than 2 occasions, in Chinese, in one Chinese language newspaper circulating in Hong Kong and on not less than 2 occasions, in English, in one English language newspaper circulating in Hong Kong.

(3) Subject to subsection (4), the Commissioner may grant a licence, and may impose such conditions in relation to the operation, keeping, management or other control of the amusement game centre as he thinks fit.

(4) The Commissioner shall not grant a licence unless he is satisfied in relation to the proposed operation of the amusement game centre, that-

- (a) the person applying for a licence is an individual person who-
 - (i) has attained the age of 18 years;
 - (ii) is a fit and proper person to operate an amusement game centre;
 - (iii) will adequately and personally supervise the operation of the amusement game centre;
 - (iv) is not the agent, representative or servant of any person whose licence has been revoked or whose application to renew a licence has been refused under section 9;
- (b) the place of proposed operation is-
 - (i) suitable for the operation of an amusement game centre; and
 - (ii) located in an area suitable for the operation of an amusement game centre.

(5) In the making of a decision under subsection (4)(b) the Commissioner, without affecting the generality of that subsection, may take into account the views of persons whose place of residence or employment is within the District of the place of proposed operation.

(6) Where the Commissioner refuses to grant a licence he shall make a written order, properly dated and signed, to that effect adequately stating by reference to subsection (4)(a) or (b), the matter in respect of which he is not satisfied and shall send a copy thereof by registered post to the applicant, at the address last known to the Commissioner.

(7) A licence granted under this section shall-

- (a) be in such form as the Commissioner may determine;
- (b) not take effect except on payment of the prescribed fee payable for the grant of a licence;
- (c) authorize the licensee to operate an amusement game centre-
 - (i) with such number and type of machines or devices;
 - (ii) for the playing of such type of games by persons of such category or description-
 - (A) who are under the age of 16 years; or
 - (B) who have attained the age of 16 years;
 - (iii) at such place; and
 - (iv) for a period of 12 months or such lesser period, as shall be indicated therein.

(8) In subsection (5), "District" (地方行政區) has the meaning assigned to it by the District Councils Ordinance (Cap 547). (Replaced 8 of 1999 s. 89)

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Chapter:	460	Title:	SECURITY AND GUARDING SERVICES ORDINANCE	Gazette Number:	
Section:	14	Heading:	Application for and issue of permit	Version Date:	30/06/1997

PART III

PERMITS

(1) An application for a permit shall be made to the Commissioner in such form and manner as the Authority may specify and shall be accompanied by a statement in writing containing such particulars in respect of the application as may be prescribed or as, in any particular case, the Commissioner may require.

(2) A prescribed fee shall be paid by an applicant in respect of his application and, where appropriate, in respect of the issue of a permit to him.

(3) A permit shall not be issued to a body of persons, whether corporate or unincorporate.

(4) If the Commissioner has reason to believe that an applicant has at any time been convicted of an offence but the applicant denies this, the Commissioner may refuse to consider the application further unless the applicant submits to all such steps as are reasonably necessary for the taking and recording of such of the applicant's fingerprints as the Commissioner may require; but if the Commissioner establishes from such fingerprints that the applicant has not been convicted of any offence, the Commissioner shall destroy or return to the applicant all photographs, copies and other records of those fingerprints.

(5) Subject to subsections (1), (2), (3) and (4), where the Commissioner is satisfied that an applicant is a fit and proper person to do a type of security work, the Commissioner-

(a) shall, if the applicant satisfies the criteria specified under section 6(1)(b)(i) in relation to security work of that type, issue a permit to the applicant;

(b) may, if the applicant does not satisfy those criteria, refer the application to the Authority and, if the Authority approves the application, the Commissioner shall issue a permit to the applicant.

(6) A permit in respect of any type of security work shall-

(a) be subject to the conditions specified under section 6(1)(b)(ii) in relation to security work of that type and such other conditions (if any) as the Commissioner may specify;

(b) be in the prescribed form;

(c) specify the conditions, including any relevant conditions specified under section 6(1)(b)(ii), subject to which it is issued;

(d) not be assignable or transmissible in any way (including on the death of the holder); and

(e) be valid for 5 years, or such shorter period as the Commissioner may specify, beginning on the date on which it was issued.

(7) Without prejudice to the generality of subsection (6)(a), the conditions of a permit that the Commissioner may specify include conditions-

(a) limiting the type of security work for which the permit is valid;

(b) limiting the geographical area within which the holder of the permit may do security work;

- (c) prohibiting the holder of the permit from wearing a uniform, or permitting him to wear a uniform of such type or pattern as the Commissioner may specify; and
- (d) requiring the holder of the permit to notify the Commissioner of any criminal proceedings instituted against the holder of the permit.

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Chapter:	460	Title:	SECURITY AND GUARDING SERVICES ORDINANCE	Gazette Number:	L.N. 208 of 2000
Section:	18	Heading:	Application for revocation or suspension of permit	Version Date:	15/06/2000

(1) Where, in the opinion of the Commissioner, a holder of a permit is no longer a fit and proper person to hold the permit or where the holder of the permit has been in breach of any condition of the permit, the Commissioner may apply to the Authority for a revocation or suspension of the permit.

(2) Where an application is made under subsection (1)-

(a) the Secretary shall, within 7 days of the date of that application, fix a date for the hearing of the application and shall give at least 14 days' notice of that date to the Commissioner and the holder of the permit; and that notice shall call on the holder of the permit to show cause as to why an order for the revocation or suspension of his permit ought not to be made; (Amended 25 of 2000 s. 10)

(b) the Commissioner may by notice in writing to the holder of the permit suspend the permit or vary the conditions of the permit for a period before the determination of the application and not exceeding 21 days; and

(c) where the Commissioner does so, the Authority may by notice in writing to the holder suspend the permit or vary the conditions of the permit for such further period before that determination as it thinks appropriate.

(3) The holder of the permit and the Commissioner may appear and be heard and be legally represented at the hearing of an application under this section.

(4) On an application under this section, the Authority may, if satisfied that the holder of the permit is no longer a fit and proper person to hold the permit or has been in breach of any condition of the permit, revoke the permit or suspend the permit for such period as it considers appropriate.

(5) Except for the purposes of section 15, the holder of a permit that has been suspended under this section shall be treated, in respect of the period of suspension, as if the permit had not been issued.

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Chapter:	460	Title:	SECURITY AND GUARDING SERVICES ORDINANCE	Gazette Number:	L.N. 208 of 2000
Section:	21	Heading:	Determination of application for licence	Version Date:	15/06/2000

- (1) The Authority shall, in considering an application for a licence, have regard to any evidence adduced by or on behalf of the applicant and any evidence adduced by or on behalf of the Commissioner. (Replaced 25 of 2000 s. 14)
- (2) Subject to subsection (3), the Authority may issue a licence to an applicant and may impose such conditions as the Authority may specify.
- (3) The Authority shall not issue a licence to an applicant unless it is satisfied that-

- (a) the applicant is a fit and proper person to supply individuals to do security work of the type proposed;
- (b) any person who is a controller of the applicant is a fit and proper person to be a controller of a company that supplies individuals to do security work of the type proposed;
- (c) the security equipment and methods used or proposed to be used by the applicant are adequate; and
- (d) the applicant's proposed method of supervising the individuals it supplies to do security work is suitable.

- (4) In deciding whether or not to issue a licence authorizing an applicant to supply individuals to do a type of security work, the Authority shall have regard to the matters specified by it under section 6(1)(b)(iii) in relation to that type of security work.

- (5) Without prejudice to the generality of subsection (2), the conditions that the Authority may impose include conditions-

- (a) specifying the persons who shall or shall not be officers concerned in the management of the licensee;
- (b) relating to the business premises and facilities of the licensee;
- (c) limiting the type of security work in respect of which the licensee may supply individuals;
- (d) limiting the geographical area within which security work may be done by individuals supplied by the licensee; and
- (e) prohibiting the licensee from supplying individuals to do security work wearing uniforms, or permitting the licensee to supply individuals to do security work wearing uniforms of such type or pattern as the Commissioner may specify.

- (6) In this section, "controller" (控制人), in relation to an applicant, means a majority shareholder controller, minority shareholder controller or indirect controller, within the meaning of the Banking Ordinance (Cap 155), of the applicant.

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Chapter:	460	Title:	SECURITY AND GUARDING SERVICES ORDINANCE	Gazette Number:	L.N. 208 of 2000
Section:	25	Heading:	Application for revocation of licence	Version Date:	15/06/2000

(1) Where, in the opinion of the Commissioner, a licensee is no longer a fit and proper person to hold the licence or where the licensee has been in breach of any condition of the licence, the Commissioner may apply to the Authority for a revocation of the licence.

(2) Where an application is made under subsection (1) the Secretary shall, within 14 days of the date of that application, fix a date for the hearing of the application and shall give at least 14 days' notice of that date to the Commissioner and the licensee; and that notice shall call on the licensee to show cause as to why an order for the revocation of his licence ought not to be made. (Amended 25 of 2000 s. 19)

(3) The licensee and the Commissioner may appear and be heard and be legally represented at the hearing of an application under this section.

(4) On an application under this section, the Authority may, if satisfied that the licensee is no longer a fit and proper person to hold the licence or has been in breach of any condition of the licence, revoke the licence.

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Chapter:	478	Title:	MERCHANT SHIPPING (SEAFARERS) ORDINANCE	Gazette Number:	
Section:	54	Heading:	Grounds on which grant of permit may be refused	Version Date:	30/06/1997

(1) The Superintendent may refuse to grant a permit-

- (a) if the application therefor is not made in accordance with section 53(1);
- (b) if he is satisfied that any of the particulars set forth in the application therefor, or any of the particulars accompanying such application in accordance with section 53(1), is false in a material particular;
- (c) if the company applying for the grant of the permit refuses or fails to supply him with any information required to be supplied under section 53(2) or supplies any such information which is false in a material particular;
- (d) unless he is satisfied that-
 - (i) the person who is specified in the application therefor as the person who is or will be in charge of the permitted crew department is a fit and proper person to be in charge thereof;
 - (ii) suitable and adequate facilities and staff are or will be provided by the company applying for the grant of a permit for dealing with such allotments or remittances as are made by registered seafarers supplied by the permitted crew department for employment in ships;
 - (iii) the terms on which registered seafarers are employed in all ships for which the permitted crew department supplies or will supply seafarers are such as to induce registered seafarers to continue to be employed in such ships; and
 - (iv) the company applying for the grant of the permit is or will be responsible for the payment of wages, allowances, bonuses, remittances and allotments, as they become due, to registered seafarers supplied or to be supplied by the permitted crew department and the acceptance of such responsibility has been or will be declared by the company to such seafarers at the time of their employment in a ship owned, managed or chartered by the company, or for employment in such a ship for which it acts as agent for the shipowner;
- (e) if any person who is or has been an officer or employee of the company applying for the grant of the permit, or any person who, notwithstanding that he is not or was not an officer or other employee of the company, controls, directs or manages or has controlled, directed or managed, or takes or has taken any part in the management of, the business of the company, has at any time-
 - (i) owned, either wholly or together with other persons, or managed, or taken any part in the management of, any boarding-house commonly used by seafarers or any business by which any such boarding-house is or was carried on or any business engaged in the recruitment or supply of seafarers;
 - (ii) been employed in any such boarding-house or business or by any company carrying on any such business; or
 - (iii) been a broker for any such boarding-house or business or for any company carrying on any such business; or
- (f) if, where the company applying for the grant of the permit does not own, charter or manage any ship, the Superintendent intends, in the exercise of his powers under section 57, not to

approve any person, in the case of that company, for the purposes of section 57(1).

(2) In addition to the grounds specified in subsection (1), the Superintendent may refuse to grant a permit-

- (a) if the company applying for the permit is or has at any time been engaged solely in the recruitment or supply of registered seafarers for pecuniary advantage without having been appointed as an agent to a person approved under section 57 by the Superintendent; or
- (b) if in his opinion the interest of registered seafarers, or of registered seafarers who would or might be employed by the permitted crew department in respect of which the permit is applied for, will best be served by refusing to grant the permit.

(Enacted 1995)

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Chapter:	478	Title:	MERCHANT SHIPPING (SEAFARERS) ORDINANCE	Gazette Number:	
Section:	56	Heading:	Cancellation of permit	Version Date:	30/06/1997

(1) The permit held by a permitted company may be cancelled by the Superintendent at any time-

- (a) if there is or has been a contravention by the company of-
 - (i) any of the provisions of this Ordinance or any requirement of the Superintendent under this Part; or
 - (ii) any condition imposed under section 52(3) on the company;
- (b) if he is not satisfied that the person in charge of the permitted crew department is a fit and proper person to be in charge thereof;
- (c) if any person who is or has been an officer or other employee of the company, or any person who, notwithstanding that he is not or was not an officer or employee of the company, controls, directs or manages or has controlled, directed or managed, or takes or has taken any part in the management of, the business of the company, has at any time-
 - (i) owned, either wholly or together with other persons, or managed, or taken any part in the management of, any boarding-house commonly used by seafarers or any business by which any such boarding-house is or was carried on or any business engaged in the recruitment or supply of seafarers;
 - (ii) been employed in any such boarding-house or business or by any company carrying on any such business; or
 - (iii) been a broker for any such boarding-house or business or for any company carrying on any such business;
- (d) if any person other than a member of the staff of the company employed in the permitted crew department or an officer of the Office has taken any part, or assisted in any way, in the employment or supply of any registered seafarer supplied by the company for employment in a ship;
- (e) if any person employed by the company, by himself or by or in conjunction with any other person, has corruptly solicited or received, or agreed to receive, for himself or for any other person, any gift, loan, fee, reward or advantage as an inducement to, or reward for, or otherwise on account of any person employed by the company doing or forbearing to do anything in respect of any matter or transaction, actual or proposed, in which the permitted crew department was concerned; or
- (f) if any registered seafarer has been supplied by the company for employment in any ship other than such a ship owned, chartered or managed by the company or by a person approved by the Superintendent, in the case of the company, for the purposes of section 57(1).

(2) Where the Superintendent cancels any permit under subsection (1), he shall forthwith give to the company concerned notice in writing of the cancellation, together with a statement of the ground on which the permit was cancelled, and the cancellation shall take effect on and from the expiration of the period specified or allowed under section 60(1) for an appeal against that cancellation to be made except that, if such an appeal is made, the Superintendent may, in his discretion, suspend the coming into effect of that cancellation pending the determination of that appeal.

(3) Without prejudice to the generality of subsection (1), the Superintendent may, as he thinks fit, on being requested in writing by a permitted company to do so, by notice in writing served on the company, cancel its permit with effect from such date as is specified in that notice.

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Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:	L.N. 330 of 1998
Section:	18	Heading:	Right to grant of licences	Version Date:	21/10/1998

(1) Notwithstanding sections 19, 20 and 21, where, within the relevant period-

- (a) an individual or company makes an application for the grant of an estate agent's licence to take effect at any time after the grant thereof and within the relevant period; or
- (b) an individual makes an application for the grant of a salesperson's licence to take effect at any time after the grant thereof and within the relevant period,

then, subject to subsection (2) and to payment of the prescribed fee and, in the case of an individual, provided he has attained the age of 18 years and in any case, provided also that the applicant has complied with any requirement prescribed under section 56(1)(d) which is applicable to him or it, the applicant shall be entitled to be granted the licence sought.

(2) (a) No person making an application in accordance with subsection (1) shall be entitled to be granted the licence sought in the application unless the Authority considers that-

- (i) the person is a fit and proper person to hold the licence; and
- (ii) in the case of a company making an application for the grant of an estate agent's licence, each of the company's directors for the time being is a fit and proper person for the purposes of this Ordinance.
- (b) In determining whether a person is fit and proper for the purposes of paragraph (a)(i) the Authority shall have regard to-
 - (i) in the case of an individual making an application for the grant of an estate agent's licence, the matters described in section 19(2)(a), (c) and (d);
 - (ii) in the case of a company making an application for the grant of an estate agent's licence, the matters described in section 20(2)(a);
 - (iii) in the case of an individual making an application for the grant of a salesperson's licence, the matters described in section 21(3)(c).
- (c) In determining whether a person who is a director of a company making an application for the grant of an estate agent's licence is a fit and proper person for the purposes of this Ordinance, the Authority shall have regard to the matters described in section 20(3)(a), (c) and (d).

(3) In this section "the relevant period" (有關期間) means the period determined for the purposes of this section by the Authority with the prior approval of the Secretary and specified in a notice published in the Gazette.

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Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:	L.N. 330 of 1998
Section:	19	Heading:	Grant of estate agent's licences to individuals restricted	Version Date:	21/10/1998

(1) An individual shall not be eligible to be granted or hold or continue to hold an estate agent's licence unless-

- (a) he has attained the age which is for the time being prescribed for the purposes of this subsection;
- (b) he satisfies the Authority-
 - (i) that he has a good understanding of any regulations made for the time being under section 56(1)(j) and which apply to a licensed estate agent;
 - (ii) that he has the educational qualifications or experience or both prescribed for the time being under section 56(1)(d) and which apply to him; and
 - (iii) that he complies with such other requirements (if any) as are prescribed for the time being under section 56(1)(g) and which apply to him; and
- (c) the Authority otherwise considers him a fit and proper person to hold an estate agent's licence.

(2) In determining whether or not a person is fit and proper for the purpose of holding an estate agent's licence, the Authority shall have regard to the following-

- (a) the fact that the person is an undischarged bankrupt, or has, within the 5 years immediately prior to the day on which the Authority considers, or, where appropriate, begins to consider the matter, made a composition or scheme of arrangement with his creditors;
- (b) the fact that the person is a director or officer of a company which is for the time being disqualified under this Ordinance for holding a licence, or was a director or officer of that company at the date when the company was so disqualified;
- (c) the fact that the person is a mentally disordered person or a patient within, in either case, the meaning of section 2 of the Mental Health Ordinance (Cap 136);
- (d) any conviction, whether in Hong Kong or elsewhere, of the person for any offence (other than an offence under this Ordinance), being a conviction as regards which it was necessary to find that the person acted fraudulently, corruptly or dishonestly; and
- (e) any conviction of the person under this Ordinance in respect of which he has been sentenced to imprisonment, whether the sentence is suspended or not.

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Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:	L.N. 330 of 1998
Section:	20	Heading:	Grant of estate agent's licences to companies restricted	Version Date:	21/10/1998

(1) A company shall not be eligible to be granted or to hold or continue to hold an estate agent's licence unless-

- (a) not less than a prescribed number or proportion of the company's directors are, and each of its directors who is engaged in its business as an estate agent is, a licensed estate agent;
- (b) there is for the time being a licensed estate agent who is in effective control of the company's business as an estate agent;
- (c) each of the company's directors for the time being is, in the opinion of the Authority, a fit and proper person for the purposes of this Ordinance;
- (d) the Authority is satisfied that the company complies with such other requirements (if any) as are prescribed for the time being under section 56(1)(g) and which apply to the company; and
- (e) the Authority otherwise considers the company a fit and proper person to hold an estate agent's licence.

(2) In determining whether a company is fit and proper for the purpose of holding an estate agent's licence, the Authority shall have regard to the following-

- (a) the fact that the company is in liquidation or is the subject of a winding-up order, or there is a receiver appointed in relation to it, or it has, within the 5 years immediately prior to the day on which the Authority considers, or, where appropriate, begins to consider the matter, entered into a composition or scheme of arrangement with its creditors; and
- (b) any conviction of the company under this Ordinance.

(3) In determining whether a person who is a director of a company referred to in subsection (1) is a fit and proper person for the purposes of this Ordinance, the Authority shall have regard to the following-

- (a) the fact that-
 - (i) where the person is an individual, such individual is an undischarged bankrupt, or has, within the 5 years immediately prior to the day on which the Authority considers, or, where appropriate, begins to consider the matter, made a composition or scheme of arrangement with his creditors; or
 - (ii) where the person is a company, such company is in liquidation or is the subject of a winding-up order, or there is a receiver appointed in relation to it, or that it has, within the 5 years specified in subparagraph (i), entered into a composition or scheme of arrangement with its creditors;
- (b) the fact that the person is a director or officer of a company which is for the time being disqualified under this Ordinance for holding a licence, or was a director or other officer of that company at the date when the company was so disqualified;
- (c) the fact that the person is a mentally disordered person or a patient within, in either case, the meaning of section 2 of the Mental Health Ordinance (Cap 136);

- (d) any conviction, whether in Hong Kong or elsewhere, of the person for any offence (other than an offence under this Ordinance), being a conviction as regards which it was necessary to find that the person acted fraudulently, corruptly or dishonestly; and
- (e) any conviction of the person under this Ordinance in respect of which he has been sentenced to imprisonment, whether the sentence is suspended or not.

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Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:	L.N. 330 of 1998
Section:	21	Heading:	Grant of salesperson's licences restricted	Version Date:	21/10/1998

- (1) A salesperson's licence shall not be granted to a body of persons, whether corporate or unincorporate.
- (2) An individual shall not be eligible to be granted or hold or continue to hold a salesperson's licence unless-
- (a) he has attained the age which is for the time being prescribed for the purposes of this subsection;
 - (b) he satisfies the Authority-
 - (i) that he has a good understanding of any regulations made for the time being under section 56(1)(j) and which apply to a licensed salesperson;
 - (ii) that he has the educational qualifications or experience or both prescribed for the time being in regulations under section 56(1)(d) and which apply to him; and
 - (iii) that he complies with such other requirements (if any) as are prescribed for the time being in regulations under section 56(1)(g) and which apply to him; and
 - (c) the Authority otherwise considers him a fit and proper person to hold a salespersons licence.
- (3) In determining whether a person is fit and proper for the purpose of holding a salesperson's licence, the Authority shall have regard to the following-
- (a) the fact that the person is an undischarged bankrupt, or has, within the 5 years immediately prior to the day on which the Authority considers, or, where appropriate, begins to consider the matter, made a composition or scheme of arrangement with his creditors;
 - (b) the fact that the person is a director or officer of a company which is for the time being disqualified under this Ordinance for holding a licence, or was a director or officer of that company at the date when the company was so disqualified;
 - (c) the fact that the person is a mentally disordered person or a patient within, in either case, the meaning of section 2 of the Mental Health Ordinance (Cap 136);
 - (d) any conviction, whether in Hong Kong or elsewhere, of the person for any offence (other than an offence under this Ordinance), being a conviction as regards which it was necessary to find that the person acted fraudulently, corruptly or dishonestly; and
 - (e) any conviction of the person under this Ordinance in respect of which he has been sentenced to imprisonment, whether the sentence is suspended or not.

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Chapter:	511	Title:	ESTATE AGENTS ORDINANCE	Gazette Number:	32 of 2000
Section:	27	Heading:	Suspension or revocation of licences	Version Date:	09/06/2000

(1) Subject to the provisions of this section, the Authority may suspend a licence for such a period of time as it thinks fit, or revoke a licence.

(2) The Authority may suspend or revoke a licence-

- (a) if in the case of an estate agent's licence, a notice is received under section 40(1);
- (b) if in the case of a salesperson's licence, a notice is received under section 40(1) and if, and only if, the Authority considers that the relevant licensee is no longer a fit and proper person to hold a salesperson's licence within the meaning of section 21(2)(c);
- (c) if in the opinion of the Authority, the licensee has been generally doing estate agency work in a manner which, in such opinion, is contrary to the public interest as perceived by it and if in such opinion to permit him to continue so to do such work in such manner would be contrary to the public interest as so perceived;
- (d) if the relevant licensee is not eligible to hold or continue to hold the licence under section 19, 20 or 21, or is not entitled to be granted the licence under section 18, as the case may be;
- (e) if the relevant licensee has failed to pay any fee, charge or penalty charged or imposed under this Ordinance, and the period within which it should have been paid has expired;
- (f) if the relevant licensee has failed to comply with any of the conditions attached to the licence; or
- (g) if the relevant licensee has contravened or failed to comply with any requirements or other provisions of this Ordinance.

(3) (a) Where the Authority proposes to suspend or revoke a licence it shall give the relevant licensee written notice of the proposal and the reasons for it.

(b) A notice under this subsection shall state that within the period of 21 days beginning on the date of the notice, or within such longer period as the Authority may allow in the particular case, representations regarding the proposed suspension or revocation, as the case may be, may be made in writing to the Authority by or on behalf of the licensee concerned (which representations are hereby authorized to be made).

(4) Where representations are made pursuant to subsection (3)(b), the Authority shall not suspend or revoke the licence concerned without having considered the representations.

(5) (a) Where the Authority suspends or revokes a licence pursuant to this section, it shall-

- (i) within the period of 21 days beginning on the date of the suspension or revocation, notify the relevant licensee or, where appropriate, former such licensee, in writing of the decision and such notice shall state the reasons for the Authority's decision together with, in the case of a suspension, the period for which the relevant licence is suspended; and
- (ii) publish notice of the decision in the Gazette.

(b) A suspension or revocation referred to in paragraph (a) shall take effect on the date of the relevant notice under paragraph (a)(i), or such later date as may be specified in the notice, and

such suspension or revocation shall have effect as regards a particular case notwithstanding any 1 or more of the following, namely, that the licensee concerned has appealed under section 31, that the time for the making of such an appeal has not expired, or that a notice has not yet been published pursuant to paragraph (a)(ii). (Amended 32 of 2000 s. 48)

(6) Where a licence is suspended under this section, the Authority may in its discretion shorten the period for which the licence is suspended or lift the suspension.

- (7) (a) Where the Authority shortens the period of suspension of a licence or lifts such a suspension, it shall-
- (i) within the period of 21 days beginning on the date of its decision, notify the relevant licensee or, where appropriate, the former such licensee in writing of the decision and such notice shall state the period for which suspension of the relevant licence has been shortened; and
 - (ii) publish notice of the decision in the Gazette.
- (b) The shortening of a period or the lifting of a suspension referred to in paragraph (a) shall take effect on the date of the relevant notice under paragraph (a)(i) to the relevant licensee or, where appropriate, the former such licensee, or such later date as may be specified in the notice, and such a shortening or lifting shall have effect as regards a particular case notwithstanding the fact that such notice has not yet been published pursuant to paragraph (a)(ii).

(8) Where any licence is suspended or revoked under this section, no fee or other sum paid in respect of the grant or renewal of the licence shall be refunded.

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Chapter:	511D	Title:	ESTATE AGENTS (DETERMINATION OF COMMISSION DISPUTES) REGULATION	Gazette Number:	L.N. 219 of 1999
Section:	22	Heading:	Form and effect of determination	Version Date:	01/11/1999

- (1) Subject to section 20(2), a determination shall be a reasoned determination made orally or in writing as the adjudicator thinks fit.
- (2) The adjudicator shall, when he has made a determination orally, reduce it to writing as soon as possible, and in any case not later than 7 working days after the date of his making the determination.
- (3) The determination shall be signed by the adjudicator and delivered to the parties and lodged with the Authority for filing. The determination shall be the determination of the Authority for the purposes of the Ordinance.
- (4) In addition to making a final determination, the adjudicator shall have the power to make interim, interlocutory or partial determination during the determination proceedings.
- (5) A determination made by the adjudicator may be made public and published and where the adjudicator considers it appropriate to do so, the determination may be published on an anonymous basis.
- (6) Notwithstanding subsection (5), the Authority shall be entitled to make use of any findings made by an adjudicator for the purposes of exercising its functions under the Ordinance, including, but without limitation, assessing whether any licensee is a fit and proper person to be so licensed.

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Chapter:	544	Title:	PREVENTION OF COPYRIGHT PIRACY ORDINANCE	Gazette Number:	L.N. 235 of 1998
Section:	11	Heading:	Refusal to grant or renew licence	Version Date:	29/05/1998

(1) The Commissioner may refuse to grant a licence, or to renew a licence, if he is satisfied that-

- (a) the applicant for the licence or renewal, or a partnership or body corporate managed, owned or controlled by him, has been convicted of an offence under this Ordinance or the Copyright Ordinance (Cap 528) or under any previous law of Hong Kong relating to copyright;
- (b) an offence under this Ordinance or the Copyright Ordinance (Cap 528) or under any previous law of Hong Kong relating to copyright has been committed in connection with any premises to which the application for the licence or renewal relates, whether or not any person has been convicted of that offence;
- (c) the applicant has furnished to the Commissioner any false or misleading information in connection with any application made, or notice given, by him under this Ordinance; or
- (d) the applicant is not, for any other reason satisfactory to the Commissioner, a fit and proper person to hold a licence.

(2) If the Commissioner refuses to grant or renew a licence, he shall notify the applicant in writing of the grounds for the refusal within 14 days after his decision.



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Chapter:	560	Title:	ENTERTAINMENT SPECIAL EFFECTS ORDINANCE	Gazette Number:	L.N. 35 of 2001
Section:	6	Heading:	Application for special effects operator licence	Version Date:	16/03/2001

(1) A special effects operator licence shall not be issued to a body of persons, whether corporate or unincorporate.
(2) An individual shall not be eligible to be issued with or to hold or continue to hold a special effects operator licence unless-

- (a) he has attained the age of 18 years;
- (b) he has satisfied the Authority that he is a fit and proper person to be a licensed special effects operator;
- (c) he possesses any prescribed qualifications and experience;
- (d) he has passed any examinations or assessment prescribed by the Authority; and
- (e) he has complied with every other requirement prescribed in this regard by the Authority.

(3) In considering whether an individual is a fit and proper person for the purposes of this section, the Authority shall have regard to the character and conduct of the individual.

(4) An application by a person for a special effects operator licence shall be made to the Authority in such form and manner as the Authority may determine.

(5) Subject to subsection (2), the Authority may, upon payment of a prescribed fee, issue a special effects operator licence subject to such terms and conditions as he thinks fit.



Individual Section Mode

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Chapter:	560	Title:	ENTERTAINMENT SPECIAL EFFECTS ORDINANCE	Gazette Number:	L.N. 35 of 2001
Section:	19	Heading:	Application for pyrotechnic special effects materials supplier licence	Version Date:	16/03/2001

(1) A person shall not be eligible to be issued a pyrotechnic special effects materials supplier licence under this section unless-

- (a) he either-
 - (i) is a licensed special effects operator whose licence is of a type acceptable to the Authority; or
 - (ii) has appointed a licensed special effects operator whose licence is of a type acceptable to the Authority to be responsible for the supply, conveyance, storage, use and destruction of pyrotechnic special effects materials incidental to his business as a supplier; and
- (b) in the case of a person other than a person who is a body corporate, the person, or, in the case of a partnership any partner thereof, has satisfied the Authority that he is a fit and proper person to carry on business as a licensed supplier; and
- (c) in the case of a person who is a body corporate, any director or secretary thereof has satisfied the Authority that he is a fit and proper person to be associated with the business of a licensed supplier; and
- (d) he has complied with such other requirements as may be prescribed by the Authority.

(2) In considering whether a person is a fit and proper person for the purposes of this section, the Authority shall have regard to the character and conduct of the person.

(3) An application for a licence under this section shall be made to the Authority in such form and manner as the Authority may determine.

(4) Subject to subsection (1), the Authority may, upon payment of a prescribed fee, issue a pyrotechnic special effects materials supplier licence subject to such terms and conditions as he thinks fit.



Individual Section Mode

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Chapter:	560	Title:	ENTERTAINMENT SPECIAL EFFECTS ORDINANCE	Gazette Number:	L.N. 35 of 2001
Section:	24	Heading:	Application for store licence	Version Date:	16/03/2001

(1) A person shall not be eligible to be issued a store licence under this section unless-

(a) he either-

(i) is a licensed special effects operator whose licence is of a type acceptable to the Authority; or

(ii) has appointed a licensed special effects operator whose licence is of a type acceptable to the Authority to be responsible for the storage of pyrotechnic special effects materials; and

(b) in the case of a person other than a person who is a body corporate, the person, or, in the case of a partnership any partner thereof, has satisfied the Authority that he is a fit and proper person to be associated with the business of storage of pyrotechnic special effects materials; and

(c) in the case of a person who is a body corporate, any director or secretary thereof has satisfied the Authority that he is a fit and proper person to be associated with the business of storage of pyrotechnic special effects materials; and

(d) he has complied with such other requirements as may be prescribed by the Authority.

(2) In considering whether a person is a fit and proper person for the purposes of this section, the Authority shall have regard to the character and conduct of the person.

(3) An application for a licence under this section shall be made to the Authority in such form and manner as the Authority may determine.

(4) Subject to subsection (1), the Authority may, upon payment of a prescribed fee, issue a store licence subject to such terms and conditions as he thinks fit.



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Chapter:	562	Title:	BROADCASTING ORDINANCE	Gazette Number:	48 of 2000
Section:	21	Heading:	Restrictions on persons not regarded as fit and proper	Version Date:	07/07/2000

- (1) A licensee and any person exercising control of the licensee shall be and remain a fit and proper person.
- (2) Subject to subsection (3), a licensee shall, on or before the 1st of April of each year, provide information in the specified form to the Broadcasting Authority to enable the Broadcasting Authority to establish and verify whether the licensee or a person exercising control of the licensee is a fit and proper person.
- (3) Subsection (2) shall not apply to a licensee which has been a licensee for less than 4 months.
- (4) In determining whether a licensee or person exercising control over the licensee is a fit and proper person, account shall be taken of-
- (a) the business record of the licensee or person;
 - (b) the record of the licensee or person in situations requiring trust and candour;
 - (c) the criminal record in Hong Kong of the licensee or person in respect of offences under the laws of Hong Kong involving bribery, false accounting, corruption or dishonesty; and
 - (d) the criminal record in places outside Hong Kong of the licensee or person in respect of conduct which, if done in Hong Kong, would constitute or form part of the criminal record in Hong Kong of the licensee or person as mentioned in paragraph (c).
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Individual Section Mode

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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	116	Heading:	Corporations to be licensed for carrying on regulated activities	Version Date:	01/04/2003

- (1) The Commission may, upon application in the prescribed manner and payment of the prescribed fee, grant to the applicant a licence to carry on one or more than one regulated activity as the Commission may specify in the licence.
- (2) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) unless-

- (a) the applicant is-
 - (i) a company;
 - (ii) an overseas company which has complied with the provisions of Part XI of the Companies Ordinance (Cap 32) for the registration of documents; or
 - (iii) a corporation (other than a company or an overseas company)-
 - (A) which carries on a business principally outside Hong Kong in an activity which, if carried on in Hong Kong, would constitute the regulated activity;
 - (B) to which section 114(1) would not apply but for the provisions of section 115(1) (i) and (ii); and
 - (C) to which Part XI of the Companies Ordinance (Cap 32) would apply if it established a place of business in Hong Kong;
- (b) applications have been lodged under section 126 in respect of such persons as referred to in section 125(1)(a) and (b) for approval of them as the responsible officers of the applicant in relation to the regulated activity; and
- (c) an application has been lodged under section 130(1) for approval of premises to be used by the applicant for keeping records or documents required under this Ordinance.

- (3) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) unless the applicant satisfies the Commission that-

- (a) it is a fit and proper person to be licensed for the regulated activity;
- (b) it will be able, if licensed, to comply with the financial resources rules; and
- (c) it-
 - (i) has lodged and maintains with the Commission such security in accordance with rules made under subsection (4); or
 - (ii) is insured in accordance with rules made under subsection (5).

- (4) The Commission may make rules for the purposes of subsection (3)(c)(i) that provide for-

- (a) any security to be lodged and maintained by a licensed corporation with the Commission;
- (b) the manner in which the security is lodged;
- (c) the terms on which the security is maintained;
- (d) the Commission's power to apply a security lodged and maintained with the Commission in such circumstances, for such purposes and in such manner as may be prescribed in the rules;
- (e) any other matter relating to the security.

- (5) The Commission may make rules for the purposes of subsection (3)(c)(ii) that provide for-

- (a) insurance coverage for specified amounts to be taken out and maintained by a licensed corporation in relation to specified risks;
- (b) the terms on which the insurance is to be taken out and maintained;
- (c) any other matter relating to the insurance.

(6) A licence granted under subsection (1) shall be subject to such reasonable conditions as the Commission may impose, and the Commission may at any time, by notice in writing served on the licensed corporation concerned, amend or revoke any such condition or impose new conditions as may be reasonable in the circumstances.

(7) Where the Commission by notice in writing amends or revokes any condition or imposes any new condition under subsection (6), the amendment, revocation or imposition takes effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

(8) A licensed corporation shall not, when carrying on a regulated activity for which it is licensed under subsection (1), use a name other than the name specified in the licence.

(9) Without prejudice to the Commission's powers under Part IX, a licence granted to a corporation to carry on Type 7 regulated activity shall be deemed to be revoked in respect of that regulated activity upon the corporation's being granted an authorization under section 95(2) to provide automated trading services.



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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	117	Heading:	Grant of temporary licences to corporations for carrying on regulated activities	Version Date:	01/04/2003

(1) The Commission may, upon application by a corporation in the prescribed manner and payment of the prescribed fee, grant to the applicant a licence to carry on, for a period not exceeding 3 months, one or more than one regulated activity (other than Type 3, Type 7, Type 8 and Type 9 regulated activities) as the Commission may specify in the licence.

(2) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) unless the applicant satisfies the Commission that-

- (a) it carries on a business principally outside Hong Kong in an activity which, if carried on in Hong Kong, would constitute the regulated activity;
- (b) it seeks to be licensed for the regulated activity solely for carrying on in Hong Kong such business in the activity;
- (c) it carries on such business in the activity in the place referred to in paragraph (a) under an authorization (however described) by an authority or regulatory organization in that place which-
 - (i) in the Commission's opinion, performs a function similar to the functions of the Commission under this Part;
 - (ii) confirms to the satisfaction of the Commission that the applicant has been so authorized; and
 - (iii) the Commission is satisfied is empowered under the law of that place to investigate, and, where applicable, to take disciplinary action for, the conduct of the applicant in Hong Kong;
- (d) the granting of the licence would not result in its being granted licences under subsection (1) for respective licence periods that in total exceed 6 months in any period of 24 months;
- (e) it is a fit and proper person to be so licensed for the regulated activity;
- (f) it has nominated at least one individual for approval by the Commission for the purposes of subsection (5)(a); and
- (g) an application has been lodged under section 130(1) for approval of premises to be used by the applicant for keeping records or documents required under this Ordinance.

(3) A licence granted under subsection (1) shall be subject to such reasonable conditions as the Commission may impose, and the Commission may at any time, by notice in writing served on the licensed corporation concerned, amend or revoke any such condition or impose new conditions as may be reasonable in the circumstances.

(4) Where the Commission by notice in writing amends or revokes any condition or imposes any new condition under subsection (3), the amendment, revocation or imposition takes effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

(5) Without limiting the generality of subsection (3), it shall be a condition of a licence granted under subsection (1) for carrying on a regulated activity-

- (a) that, in relation to the regulated activity, there is at least one individual who is-
 - (i) nominated by the licensed corporation and approved by the Commission for the purposes of this paragraph; and
 - (ii) available at all times to supervise the business of the regulated activity for which the corporation is licensed; and

(b) that the licensed corporation shall not hold any client assets in carrying on the regulated activity.

(6) A licensed corporation shall not, when carrying on a regulated activity for which it is licensed under subsection (1), use a name other than the name specified in the licence.



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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	120	Heading:	Representatives to be licensed	Version Date:	01/04/2003

(1) The Commission may, upon application by an individual in the prescribed manner and payment of the prescribed fee, grant to the applicant a licence to carry on one or more than one regulated activity as the Commission may specify in the licence for a corporation licensed under section 116 to which he is accredited.

(2) The Commission in its absolute discretion may, upon request by the applicant in the prescribed manner and payment of the prescribed fee, grant to the applicant a provisional licence to carry on, for such corporation, the regulated activity in respect of which the application is made.

(3) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) or (2) unless the applicant satisfies the Commission that he is a fit and proper person to be so licensed for the regulated activity.

(4) The Commission shall refuse to grant a licence under subsection (2) unless the applicant satisfies the Commission that the grant of the licence will not prejudice the interest of the investing public.

(5) A licence granted under subsection (1) or (2) shall be subject to the condition specified in subsection (6) and to any other reasonable conditions as the Commission may impose.

(6) It shall be a condition of a licence granted under subsection (1) or (2) that the licensed representative concerned shall-

(a) at all times keep the Commission informed of particulars of his contact details including, in so far as applicable, his residential address, telephone and facsimile numbers and electronic mail address; and

(b) inform the Commission of any change in the particulars within 14 days after the change takes place.

(7) The Commission may at any time, by notice in writing served on the licensed representative concerned, amend or revoke any condition imposed under subsection (5) or impose new conditions as may be reasonable in the circumstances.

(8) Where the Commission by notice in writing amends or revokes any condition or imposes any new condition under subsection (7), the amendment, revocation or imposition takes effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

(9) A provisional licence shall be deemed to be revoked-

(a) upon the Commission's refusal of the relevant application made under subsection (1); or

(b) upon the grant of the licence sought under the application,

whichever first occurs.

(10) Without prejudice to the Commission's powers under Part IX, the Commission may, after having regard to the interest of the investing public and in its absolute discretion, by notice in writing served on the licensed representative concerned, revoke a provisional licence granted under subsection (2).

(11) On the revocation of a provisional licence under subsection (9) or (10), the person who was formerly the licensed representative under such licence shall return the licence to the Commission within 7 business days after the revocation.

(12) A person who, without reasonable excuse, contravenes subsection (11) commits an offence and is liable on conviction to a fine at level 6 and, in the case of a continuing offence, to a further fine of \$2000 for every day during which the offence continues.

(13) A licensed representative shall not, when carrying on the regulated activity for which he is licensed under subsection (1) or (2), use a name other than the name specified in the licence.



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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	121	Heading:	Temporary licences for representatives	Version Date:	01/04/2003

(1) The Commission may, upon application by an individual in the prescribed manner and payment of the prescribed fee, grant to the applicant a licence to carry on, for a period not exceeding 3 months, one or more than one regulated activity (other than Type 3, Type 7, Type 8 and Type 9 regulated activities) as the Commission may specify in the licence-

- (a) for a corporation licensed under section 116 to which he is accredited; or
- (b) for a corporation licensed under section 117 to which he is accredited.

(2) The Commission shall refuse to grant a licence to carry on a regulated activity under subsection (1) unless the applicant satisfies the Commission-

- (a) that he carries on in a place outside Hong Kong an activity which, if carried on in Hong Kong, would constitute carrying on the regulated activity, under an authorization (however described) by an authority or regulatory organization in that place which-
 - (i) in the Commission's opinion, performs a function similar to the functions of the Commission under this Part;
 - (ii) confirms to the satisfaction of the Commission that the applicant has been so authorized; and
 - (iii) the Commission is satisfied is empowered under the law of that place to investigate, and, where applicable, to take disciplinary action for, the conduct of the applicant in Hong Kong;
- (b) where the application is for a licence under subsection (1)(a), that-
 - (i) he carries on the activity referred to in paragraph (a) for or on behalf of a corporation which carries on the activity as a business principally in a place outside Hong Kong under an authorization (however described) by an authority or regulatory organization in that place which-
 - (A) in the Commission's opinion, performs a function similar to the functions of the Commission under this Part; and
 - (B) confirms to the satisfaction of the Commission that the corporation has been so authorized; and
 - (ii) the licensed corporation to which he seeks to be accredited is a member of the same group of companies as the corporation referred to in subparagraph (i);
- (c) where the application is for a licence under subsection (1)(b), that he seeks to be so licensed solely for the conduct of his principal's business in the activity referred to in section 117(2)(a);
- (d) that the granting of the licence would not result in his being granted licences under subsection (1) for respective licence periods that in total exceed 6 months in any period of 24 months; and
- (e) that he is a fit and proper person to be so licensed for the regulated activity.

(3) A licence granted under subsection (1) shall be subject to the condition specified in subsection (4) and to any other reasonable conditions as the Commission may impose.

(4) It shall be a condition of a licence granted under subsection (1) that the licensed representative concerned-

- (a) shall at all times keep the Commission informed of particulars of his contact details including,

in so far as applicable, his residential address, telephone and facsimile numbers and electronic mail address;

(b) shall inform the Commission of any change in the particulars within 14 days after the change takes place; and

(c) shall not hold any client assets in carrying on the regulated activity for which he is so licensed.

(5) The Commission may at any time, by notice in writing served on the licensed representative concerned, amend or revoke any condition imposed under subsection (3) or impose new conditions as may be reasonable in the circumstances.

(6) Where the Commission by notice in writing amends or revokes any condition or imposes any new condition under subsection (5), the amendment, revocation or imposition takes effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

(7) A licensed representative shall not, when carrying on the regulated activity for which he is licensed under subsection (1), use a name other than the name specified in the licence.



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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	169	Heading:	Codes for business conduct of intermediaries and their representatives	Version Date:	01/04/2003

(1) Without prejudice to the power of the Commission to make rules under section 168, the Commission may publish, in the Gazette and in any other manner it considers appropriate, codes of conduct for the purpose of giving guidance relating to the practices and standards with which intermediaries and their representatives are ordinarily expected to comply in carrying on the regulated activities for which the intermediaries are licensed or registered.

(2) Without limiting the generality of subsection (1), any code of conduct referred to in that subsection may, in giving guidance referred to in that subsection, refer to obligations to observe-

- (a) any other codes or requirements issued or imposed otherwise than by the Commission;
- (b) continuing obligations, including any such obligations-
 - (i) in the case of an intermediary, to provide for the continuous training of its representatives; or
 - (ii) in the case of a representative of an intermediary, to undergo continuous training;
- (c) practices and standards concerning any of the matters described in section 168(2).

(3) The Commission may from time to time amend the whole or any part of any code of conduct published under this section in a manner consistent with the power to publish the code of conduct under this section, and-

- (a) the other provisions of this section apply, with necessary modifications, to such amendments to the code as they apply to the code; and
- (b) any reference in this or any other Ordinance to the code (however expressed) shall, unless the context otherwise requires, be construed as a reference to the code as so amended.

(4) A failure on the part of an intermediary, or a representative of an intermediary, to comply with the provisions set out in any code of conduct published under this section that apply to it or him shall not by itself render it or him liable to any judicial or other proceedings, but may be taken into account in considering, for the purposes of any provision of this Ordinance-

- (a) in the case of an intermediary, whether it is a fit and proper person to be or to remain licensed or registered;
- (b) in the case of a representative of an intermediary that is a licensed corporation, whether he is a fit and proper person to be or to remain licensed as a representative; or
- (c) in the case of a representative of an intermediary that is a registered institution, whether he is a fit and proper person to be or to remain a person whose name is entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as that of a person engaged by a registered institution in respect of a regulated activity,

and in any proceedings under this Ordinance before any court the code shall be admissible in evidence, and if any provision set out in the code appears to the court to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

(5) Any code of conduct published under this section-

- (a) may be of general or special application and, without limiting the generality of the foregoing, may be made so as to apply, or so as not to apply-
 - (i) to a specified extent in relation to any specified person or to members of a specified class of persons;
 - (ii) in specified circumstances;
- (b) may make different provisions for different circumstances and provide for different cases or classes of cases.

(6) Any code of conduct published under this section is not subsidiary legislation.



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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	207	Heading:	Imposition of prohibition or requirement under section 204, 205 or 206	Version Date:	01/04/2003

The Commission may impose a prohibition or requirement under section 204, 205 or 206 in respect of or with reference to any licensed corporation if it appears to the Commission that-

- (a) any property of the licensed corporation or its clients, or any property connected with the business which constitutes a regulated activity for which it is licensed, might be dissipated, transferred or otherwise dealt with in a manner prejudicial to the interest of any of its clients or creditors;
 - (b) the licensed corporation is not a fit and proper person to remain licensed or is not a fit and proper person to carry on any regulated activity for which it is licensed (having regard, among other matters, to the matters specified in section 129);
 - (c) the licensed corporation has failed to comply with the requirement specified in section 180(2) or, in purported compliance with such requirement, has furnished the Commission with information which was at the time when it was furnished false or misleading in a material particular;
 - (d) the licence of the licensed corporation may be revoked or suspended on any of the grounds specified in section 194(1) or 195(1) or (2); or
 - (e) the imposition of the prohibition or requirement is desirable in the interest of the investing public or in the public interest.
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Chapter:	571F	Title:	SECURITIES AND FUTURES (LEVERAGED FOREIGN EXCHANGE TRADING) (ARBITRATION) RULES	Gazette Number:	L.N. 190 of 2002; L.N. 12 of 2003
Section:	28	Heading:	Form and effect of awards	Version Date:	01/04/2003

(1) An award shall-

- (a) give reasons for the decision;
- (b) be signed by the arbitrator; and
- (c) contain the date on which and the place where it was made.

(2) In addition to making a final award, the arbitrator has the power to make interim, interlocutory or partial awards during the course of an arbitration.

(3) An award made by the arbitrator under this section shall be sent to the parties and lodged with the clerk for filing.

(4) An award made by the arbitrator shall be made public but, where the arbitrator considers it appropriate to do so, this may be done in a manner that preserves the anonymity of the parties.

(5) Despite subsection (4), the Commission-

- (a) shall be notified by the clerk of any award made in respect of a licensed corporation; and
- (b) may make use of any findings made by an arbitrator for the purposes of performing its functions under the Ordinance including, but without limitation, assessing whether the licensed corporation is a fit and proper person to be so licensed.

(6) An award made by the arbitrator is final and binding on the parties.



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Chapter:	573	Title:	KARAOKE ESTABLISHMENTS ORDINANCE	Gazette Number:	L.N. 253 of 2002
Section:	5	Heading:	Application for permit or licence	Version Date:	08/01/2003

PART III

APPLICATION FOR GRANT OF PERMIT OR ISSUE OF LICENCE

(1) An application by a person for-

- (a) the grant of a permit; or
- (b) the issue of a licence,

under this Ordinance in respect of a karaoke establishment shall be-

- (i) made to the licensing authority in such form and manner as the licensing authority may determine;
- (ii) accompanied by such prescribed information, particulars and plans as may be required; and
- (iii) accompanied by the prescribed fee payable for the grant of a permit or the issue of a licence, as the case may be.

(2) Subject to subsections (3) to (5) and to any prescribed requirements, the licensing authority may-

- (a) grant a permit;
- (b) refuse to grant a permit;
- (c) issue a licence; or
- (d) refuse to issue a licence,

and, where a permit is granted or a licence is issued, may impose such conditions, in relation to the operation, keeping, management or other control of a karaoke establishment, as he thinks fit.

(3) The licensing authority shall not grant a permit or issue a licence unless he is satisfied that the application has been made in accordance with subsection (1) and, in relation to the proposed operation of the karaoke establishment, that-

- (a) the person making that application is a person who-
 - (i) is a fit and proper person to operate the karaoke establishment;
 - (ii) will adequately supervise or will ensure the adequate supervision of the operation of the karaoke establishment;
 - (iii) is not the agent, representative or servant of any person whose permit or licence has been revoked or whose application to renew a permit or a licence has been refused under section 10; and
- (b) the place of the proposed operation is-
 - (i) suitable for the operation of the karaoke establishment;
 - (ii) located in an area suitable for the operation of the karaoke establishment.

(4) A permit may only be granted in respect of a karaoke establishment the place of the proposed operation of which is located in-

- (a) premises in respect of which a licence for the operation of a restaurant has been granted under the Public Health and Municipal Services Ordinance (Cap 132) and is for the time being in force;
- (b) a hotel or guesthouse in respect of which a licence has been issued under the Hotel and Guesthouse Accommodation Ordinance (Cap 349) and is for the time being in force;
- (c) a clubhouse in respect of which a certificate of compliance has been issued under the Clubs (Safety of Premises) Ordinance (Cap 376) and is for the time being in force.

(5) A licence may only be issued in respect of a karaoke establishment the place of the proposed operation of which is located in any place other than a place of the description mentioned in subsection (4).

(6) Subject to section 11(1), where the licensing authority refuses to grant a permit or to issue a licence he shall make a written order, properly dated and signed, to that effect adequately stating by reference to subsection (3), the matter in respect of which he is not satisfied and shall serve a copy thereof on the applicant.

(7) A grant of a permit or an issue of a licence under this section shall

- (a) be in such form as the licensing authority may determine;
- (b) not take effect except on payment of the prescribed fee; and
- (c) authorize the grantee or the licensee to operate a karaoke establishment for a period of 24 months, or such lesser period, and at such place, as may be indicated in the permit or the licence, from the date on which it is granted or issued.

(8) Notwithstanding subsection (7)(c), a permit to operate a karaoke establishment shall cease to have effect when the licence referred to in subsection (4)(a) or (b) or the certificate of compliance referred to in subsection (4)(c) in respect of the restaurant, hotel, guesthouse or clubhouse in which the karaoke establishment is located is no longer in force.

II. Provisions related to registration / approval / recognition

Cap.	Ordinance	Provision
41	INSURANCE COMPANIES ORDINANCE	<p>s.70(3)(a) – Approval of bodies of insurance brokers</p> <p>(3) The Insurance Authority is required to be satisfied that the body of insurance brokers seeking approval-</p> <p>(a) is managed or supervised by persons who are fit and proper persons to manage or supervise a body of insurance brokers.</p>
50	PROFESSIONAL ACCOUNTANTS ORDINANCE	<p>s.24(1)(b) – Qualifications for registration as professional accountant</p> <p>(1) A person shall be qualified to be registered under this Ordinance as a professional accountant if he proves to the satisfaction of the Council that-</p> <p>(b) he is of good character and is a fit and proper person to be a professional accountant.</p>
50	PROFESSIONAL ACCOUNTANTS ORDINANCE	<p>s.28D(5)(c)(ii) – Qualification for registration of company as corporate practice</p> <p>(5)(c) A permission for the purposes of this section shall be granted if, and only if, the Council is satisfied that-</p> <p>(ii) the person specified in the application is a fit and proper person to whom to give a permission for the purposes of this section.</p>
59Z	FACTORIES AND INDUSTRIAL UNDERTAKINGS (SAFETY OFFICERS AND SAFETY SUPERVISORS) REGULATIONS	<p>r.5(3)(b) – Qualifications for registration as safety officer</p> <p>(3) Notwithstanding paragraph (1) and the Second Schedule, a person who satisfies the Commissioner for Labour that-</p> <p>(b) by reason of his education, training, professional experience and skill in industrial safety he is a fit and proper person to be registered as a safety officer,</p> <p>shall be deemed to be qualified to be registered as a safety officer for the purposes of employment in that class of industrial undertaking.</p>
59Z	FACTORIES AND INDUSTRIAL UNDERTAKINGS (SAFETY OFFICERS AND	<p>r.7(3)(c) – Application for and registration as safety officer</p> <p>(3) The Commissioner for Labour shall not register an applicant as a safety officer unless he is satisfied that the applicant is a person who is-</p> <p>(c) fit and proper to be registered as a safety officer.</p>

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	SAFETY SUPERVISORS) REGULATIONS	
138	PHARMACY AND POISONS ORDINANCE	<p>s.13(4)(a) – Registration of premises</p> <p>(4) The Board shall not register premises under subsection (3) unless it is satisfied, in relation to the retail sale of poisons at such premises, that-</p> <p>(a) the authorized seller of poisons is a fit and proper person to conduct the retail sale of poisons.</p>
156B	ANCILLARY DENTAL WORKERS (DENTAL HYGIENISTS) REGULATIONS	<p>r.5(1) – Disqualification order by Dental Council</p> <p>(1) If the Dental Council is satisfied at any time by any complaint made to it or by any information received by it that an enrolled dental hygienist either does not hold the qualifications specified in regulation 3 or is not a fit and proper person to practise as a dental hygienist, it may-</p> <p>(a) order that such enrolled person cease to practise as a dental hygienist; and</p> <p>(b) direct that the name of the person be deleted from the roll of dental hygienists maintained by the Registrar pursuant to regulation 4(2).</p>
159S	FOREIGN LAWYERS REGISTRATION RULES	<p>s.3(b) – Qualification for registration as a foreign lawyer</p> <p>A person to whom section 39A(1) of the Ordinance applies is qualified to be registered as a foreign lawyer if-</p> <p>(b) he has satisfied the Society that he is a fit and proper person to be so registered.</p>
218	TRAVEL AGENTS ORDINANCE	<p>s.11(A)(1) – Registrar's direction as to membership of an approved organization</p> <p>(1) If the Registrar is satisfied that an applicant who-</p> <p>(a) is, or is qualified to be, a member of an association member; and</p> <p>(b) is qualified to be a member of an approved organization; but</p> <p>(c) has been refused membership of that approved organization,</p> <p>is a fit and proper person to carry on business as a travel agent, the Registrar shall direct that approved organization to accept that applicant as a member of that approved organization in accordance with the constitution, rules or articles of association of that</p>

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		organization and subject to the payment of such membership fees (if any) as may be prescribed in that constitution or those rules or articles of association.
238	FIREARMS AND AMMUNITION ORDINANCE	s.12A(6)(a) – Possession by approved agents (6) In exercising the powers under this section to grant or revoke an approval, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to- (a) whether the person concerned is or has ceased to be a fit and proper person to be an approved agent.
238	FIREARMS AND AMMUNITION ORDINANCE	s.46C(6)(a) – Range officers 6) In exercising the powers under this section to grant or revoke an approval, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to- (a) whether the person concerned is or has ceased to be a fit and proper person to be a range officer.
279	EDUCATION ORDINANCE	s.30(1)(b) – Grounds for refusal to register manager (1) The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that- (b) the applicant is not a fit and proper person to be a manager.
279	EDUCATION ORDINANCE	s.35(1) – Grounds for refusal to approve supervisor (1) The Permanent Secretary may refuse to approve a person as the supervisor of a school if the Permanent Secretary is not satisfied that the person is a fit and proper person to be the supervisor.
279	EDUCATION ORDINANCE	s.37(a) – Grounds for withdrawal of approval of supervisor The Permanent Secretary may withdraw his approval of the supervisor of a school if it appears to the Permanent Secretary that the supervisor- (Amended 3 of 2003 s. 11) (a) is no longer a fit and proper person to be the supervisor.
279	EDUCATION ORDINANCE	s.38A(3) – Approval of acting supervisor (3) The Permanent Secretary may refuse to approve a person as the acting supervisor of a school if the Permanent Secretary is not

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		satisfied that the person is a fit and proper person to be the acting supervisor.
279	EDUCATION ORDINANCE	s.46(a) – Grounds for refusal to register teacher The Permanent Secretary may refuse to register an applicant as a teacher if it appears to him that the applicant- (a) is not a fit and proper person to be a teacher.
279	EDUCATION ORDINANCE	s.54(1) – Grounds for refusal to approve principal (1) The Permanent Secretary may refuse to approve a teacher as the principal of a school if the Permanent Secretary is not satisfied that the teacher is a fit and proper person or, in the case of a school providing nursery or kindergarten education, appropriately qualified to be the principal of the school.
279	EDUCATION ORDINANCE	s.56(1)(a) – Grounds for withdrawal of approval of principal (1) The Permanent Secretary may withdraw his approval of the principal of a school if it appears to the Permanent Secretary that the principal- (Amended 21 of 2000 s. 6) (a) is no longer a fit and proper person to be the principal.
281	MERCHANT SHIPPING ORDINANCE	s.107B(2) – Application, approval of insurers and interpretation (2) Where the Director is satisfied that a protection and indemnity association established outside Hong Kong is a fit and proper body to be an authorized insurer for the purposes of this Part, he may approve such an association and shall, if he does so, notify his approval to the association and to the Insurance Authority.
320	POST SECONDARY COLLEGES ORDINANCE	s.6(1)(b) – Refusal of registration and cancellation (1) The Permanent Secretary may refuse to register or may cancel the registration of- (b) any person as a member of a Board of Governors or College Council or as a teacher where it appears to him that such person is not a fit and proper person to act in that capacity or that such person fails to comply with the provisions of this Ordinance.
354M	WASTE DISPOSAL (REFUSE TRANSFER	s.6(1) – Director may register account-holders and vehicles (1) Where the Director is satisfied that the applicant is a fit and proper person to be registered as a registered account-holder of

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	STATION) REGULATION	refuse transfer stations and that the vehicle or vehicles specified in his application are suitable for disposing of waste at refuse transfer stations, he may register the applicant as a registered account-holder at specified refuse transfer stations, and the vehicle or vehicles as registered in his name.
408	ARCHITECTS REGISTRATION ORDINANCE	s.13(1)(f) – Qualifications for registration (1) The Board shall not register a person as a registered architect unless- (f) he is a fit and proper person to be registered.
409	ENGINEERS REGISTRATION ORDINANCE	s.12(1)(f) – Qualifications for registration (1) The Board shall not register a person as a registered professional engineer unless- (f) he is a fit and proper person to be registered.
417	SURVEYORS REGISTRATION ORDINANCE	s.12(1)(f) – Qualifications for registration (1) The Board shall not register a person as a registered professional surveyor unless- (f) he is a fit and proper person to be registered.
418	PLANNERS REGISTRATION ORDINANCE	s.12(1)(f) – Qualifications for registration (1) The Board shall not register a person as a registered professional planner unless- (f) he is a fit and proper person to be registered.
428B	CHIROPRACTORS (REGISTRATION AND DISCIPLINARY PROCEDURE) RULES	s.4(2)(c)(i) and (ii)(G) – Application for registration (2) An application for registration shall be submitted together with- (c) for the purposes of section 9(1)(d) of the Ordinance- (i) 2 reference letters, each of which shall be from any person- (A) who is specified for the purpose of this sub-subparagraph in subsection (6); (B) not being a chiropractor, a member of the Council, a member of any committee of the Council or a relative of the applicant; and (C) who has known the applicant for at least 12 months and has the opportunity of judging his character, stating that the applicant is a fit and proper person to be registered under the Ordinance; and (ii) any of the following documents-

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		(G) a declaration in writing from a chiropractor registered in Hong Kong or elsewhere that the applicant is a fit and proper person to be registered under the Ordinance.
428	CHIROPRACTORS REGISTRATION ORDINANCE	s.9(1)(d) – Qualifications for registration 1) The Council shall not register a person as a registered chiropractor unless- (d) he is a fit and proper person to be registered.
459A	RESIDENTIAL CARE HOMES (ELDERLY PERSONS) REGULATION	s.6(3) – Application for and registration as a health worker (3) The Director shall not register an applicant as a health worker unless he is satisfied that the applicant is a person who is- (a) qualified; (b) competent; and (c) fit and proper , to be registered as a health worker.
473	LAND SURVEY ORDINANCE	s.12(d) – Qualifications for registration The Committee shall not register a person as an authorized land surveyor unless it is satisfied that- (d) he is otherwise a fit and proper person to be registered.
505	SOCIAL WORKERS REGISTRATION ORDINANCE	s.17(3)(b) – Qualifications for registration (3) No person shall be registered as a registered social worker unless at the time of application for registration he is- (b) a fit and proper person to be registered.
516	LANDSCAPE ARCHITECTS REGISTRATION ORDINANCE	s.12(1)(f) – Qualifications for registration (1) The Board shall not register a person as a registered landscape architect unless- (f) he is a fit and proper person to be registered.
528	COPYRIGHT ORDINANCE	s.149(1)(a) – Registration, issue of certificate of registration (1) The Registrar may approve an application for registration and enter the name of the applicant in the register if the Registrar is satisfied- (a) that the applicant is a fit and proper person to be registered.

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528	COPYRIGHT ORDINANCE	s.151(4)(a) – Duration of registration, renewal and cancellation (4) The Registrar may decline an application for renewal of registration by a licensing body or cancel the registration of a licensing body if- (a) the licensing body is no longer a fit and proper person to be registered.
529	VETERINARY SURGEONS REGISTRATION ORDINANCE	s.9(1)(d) – Qualifications for registration (1) The Board shall not register a person as a registered veterinary surgeon unless- (d) he is a fit and proper person to be registered.
550	HOUSING MANAGERS REGISTRATION ORDINANCE	s.12(1)(f) – Qualifications for registration (1) The Board shall not register a person as a registered professional housing manager unless- (f) he is a fit and proper person to be registered.
553	ELECTRONIC TRANSACTIONS ORDINANCE	s.21(5) – Director may on application recognize certification authorities (5) In determining whether a person referred to in subsection (4)(e) is a fit and proper person, the Director shall, in addition to any other matter the Director considers relevant, have regard to the following- (a) the fact that the person has a conviction in Hong Kong or elsewhere for an offence for which it was necessary to find that the person had acted fraudulently, corruptly or dishonestly; (b) the fact that the person has been convicted of an offence against this Ordinance; (c) if the person is an individual, the fact that the person is an undischarged bankrupt or has entered into a composition or a scheme of arrangement or a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) within the 5 years preceding the date of the application; and (d) if the person is a body corporate, the fact that the person is in liquidation, is the subject of a winding-up order or there is a receiver appointed in relation to it or it has entered into a composition or a scheme of arrangement or a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) within the 5 years preceding the date of the application.

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571	SECURITIES AND FUTURES ORDINANCE	<p>s.119(3)(c) and (8)(a)(ii) – Registered institutions</p> <p>(3) Upon receiving an application for registration for a regulated activity referred to him under subsection (2), the Monetary Authority shall-</p> <p>(c) advise the Commission whether he is satisfied by the applicant that the applicant is a fit and proper person to be registered for that regulated activity.</p> <p>(8) Without limiting the generality of subsection (5), it shall be a condition of any registration under subsection (1) for-</p> <p>(a) a regulated activity, that-</p> <p>(ii) any individual whose name is entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as engaged by the registered institution in respect of the regulated activity is a fit and proper person to be so engaged.</p>
571	SECURITIES AND FUTURES ORDINANCE	<p>s.126(2)(a) – Approval of responsible officers</p> <p>(2) The Commission shall refuse to approve an applicant as a responsible officer of a licensed corporation under subsection (1) unless the applicant satisfies the Commission that-</p> <p>(a) he is a fit and proper person to be so approved.</p>
571S	SECURITIES AND FUTURES (LICENSING AND REGISTRATION) (INFORMATION) RULES	<p>Schedule 2 Part 3(6)(a) – INFORMATION TO BE PROVIDED WITH APPLICATIONS TO COMMISSION</p> <p>PART 3</p> <p>OTHER APPLICATIONS UNDER PROVISIONS REFERRED TO IN SECTION 3(1)(c)</p> <p>6. In the case of a person applying for approval to become or continue to be (as the case may be) a substantial shareholder of a licensed corporation under section 132 of the Ordinance-</p> <p>(a) the financial information in respect of the applicant showing that it is a fit and proper person to be a substantial shareholder of the licensed corporation.</p>



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Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	70	Heading:	Approval of bodies of insurance brokers	Version Date:	30/06/1997

(1) The Insurance Authority has the power to approve a body of insurance brokers that complies with this section and pays the prescribed fee for approval or renewal of approval.

(2) Before the Insurance Authority approves a body of insurance brokers, he is required to satisfy himself that the body has adequate provision in its regulations for members to comply with the minimum requirements specified by the Insurance Authority for-

- (a) qualifications and experience;
- (b) capital and net assets;
- (c) professional indemnity insurance;
- (d) keeping of separate client accounts;
- (e) keeping proper books and accounts,

and to ensure that its constituent members are fit and proper persons to be insurance brokers.

(3) The Insurance Authority is required to be satisfied that the body of insurance brokers seeking approval-

- (a) is managed or supervised by persons who are fit and proper persons to manage or supervise a body of insurance brokers; and
- (b) has an appropriate system of disciplinary procedures in place to deal with breaches of proper conduct by members of the body.

(4) An approved body of insurance brokers is required to maintain at its registered office or principal place of business in Hong Kong a register of its members in which it will record the information required by the Insurance Authority for each member of the approved body and to keep the register open to the public during normal office hours.

(5) The Insurance Authority is required to maintain a register of approved bodies of insurance brokers approved by him under subsection (1), and to keep the register open to the public during normal office hours on payment of the prescribed fee.

(6) The Insurance Authority has the power by regulation-

- (a) to prescribe the fees payable under this section; and
- (b) to prescribe further requirements relating to the ability of an applicant or an authorized insurance broker to competently carry out his functions as an insurance broker.

(7) The Insurance Authority has the power to require a body of insurance brokers and an insurance broker who is a member of a body of insurance brokers approved under this section to supply information that verifies the body's, or the insurance broker's, compliance with this section.

(8) The Insurance Authority has the power to impose conditions on the approval of a body of insurance brokers to ensure that its members function properly and that policy holders and potential policy holders are protected.

(Part X added 76 of 1994 s. 4)



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Chapter:	50	Title:	PROFESSIONAL ACCOUNTANTS ORDINANCE	Gazette Number:	
Section:	24	Heading:	Qualifications for registration as professional accountant	Version Date:	30/06/1997

(1) A person shall be qualified to be registered under this Ordinance as a professional accountant if he proves to the satisfaction of the Council that-

- (a) he has attained the age of 21 years;
- (b) he is of good character and is a fit and proper person to be a professional accountant; (Amended 22 of 1977 s. 5; 96 of 1994 s. 10)
- (c) he has passed such examinations in accountancy and other subjects as may be prescribed by the Council, and is conversant with local law and practice; and (Replaced 96 of 1994 s. 10)
- (d) he has complied with such requirements relating to practical experience as may be prescribed by the Council. (Added 96 of 1994 s. 10)

(1A) The Council may grant exemptions from the requirements of subsection (1)(c) to a person who is a member of an accountancy body accepted by the Council by resolution approved by two-thirds of its members as being of a standard similar to that of the Society:
Provided that-

- (a) no exemption shall be granted to such a person unless he has satisfied the Council that he has passed such examinations of that accountancy body as the Council considers to be of equivalent standard as the examinations prescribed under subsection (1)(c); and
- (b) the acceptance of that accountancy body may be revoked by the Council by resolution approved by two-thirds of its members. (Added 96 of 1994 s. 10)

(2) A person who is not qualified to be registered under subsection (1) shall be entitled to be registered under this subsection as a professional accountant if, at the commencement of this Ordinance, his name is entered in Part I or Part II of the authorized list kept under section 131(3) of the Companies Ordinance (Cap 32).

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Chapter:	50	Title:	PROFESSIONAL ACCOUNTANTS ORDINANCE	Gazette Number:	
Section:	28D	Heading:	Qualification for registration of company as corporate practice	Version Date:	30/06/1997

(1) Subject to subsection (11)(b), a company limited by shares and formed and registered under the Companies Ordinance (Cap 32), and only such a company, shall be qualified for registration as a corporate practice and where such a company is so registered it shall be qualified to remain registered as a corporate practice if and only for so long as the requirements specified in subsection (2) are complied with in relation to it.

(2) (a) The requirements referred to in subsection (1) are that the company concerned is and continues to be a qualified company and that the requirements of paragraph (b) or, where appropriate, paragraph (c) are complied with in relation to it.

(b) Where a qualified company has for the time being 3 or more members-

- (i) each of its members shall be both a director of the company and a professional accountant, and only persons who are members of the company may be a director of the company;
- (ii) the requirements referred to in subparagraph (i) shall be complied with as regards the company at all times;
- (iii) the company shall at all times be covered by professional indemnity insurance provided by an approved insurer on terms which are either specified in rules under section 51 or, if not so specified, have been approved of by the Council and that the scope of the indemnity which the insurance affords is, as regards any amount payable thereunder and in every other respect, at least as extensive as rules under section 51 require in that regard; and
- (iv) the company's memorandum and articles of association shall comply with the requirements of rules (if any) made under section 51.

(c) Where a qualified company has for the time being only 2 members-

- (i) 1 such member shall be either a public accountant or a certified public accountant and the other such member shall be either-
 - (A) a public accountant or a certified public accountant; or
 - (B) a person in relation to whom a permission under subsection (5) is for the time being in force,

- and only persons who are members of the company may be a director of the company; and
- (ii) the company shall comply at all times with both the requirements of subparagraph (i) as regards members and the requirements described in paragraph (b)(iii) and (iv).

(3) Subject to subsection (4), an application for registration under section 28E shall be allowed if, and only if, the Council is satisfied that-

- (a) the applicant is a qualified company;
- (b) if the application were allowed, the applicant would thenceforth be covered by insurance described in subsection (2)(b)(iii); and
- (c) (i) in case the applicant is a company described in subsection (2)(b)-
 - (A) the requirements of the company's articles of association include requirements which are appropriate having regard to the requirements of subparagraph (i) of that subsection; and
 - (B) the requirements of subparagraph (iv) of that subsection are complied with as regards it; and- (ii) in case the applicant is a company described in subsection (2)(c)-
 - (A) the requirements of the company's articles of association include requirements which are appropriate having regard to the requirements of subparagraph (i) of that subsection; and
 - (B) the requirements described in subsection (2)(b)(iv) are complied with as regards it.

(4) An application for registration under section 28E shall be made to the Council and shall be in such form as the Council may specify and there shall be lodged with the application such registration fee as may be fixed by the Council.

(5) (a) Subject to paragraph (c), on an application's being made in that behalf by a qualified company described in subsection (2)(c) the Council may, if it thinks fit, grant as regards that company a permission for the purposes of this section and such a permission shall operate to permit, notwithstanding anything contained in the Companies Ordinance (Cap 32), an individual person who is neither a certified public accountant nor a public accountant and who is specified in the application to be a member and director of that company.

(b) A permission for the purposes of this section may be withdrawn by the Council at any time.

(c) A permission for the purposes of this section shall be granted if, and only if, the Council is satisfied that-

- (i) in respect of the shareholding of the applicant company, a legally enforceable arrangement exists whereby-
 - (A) a person who is either a public accountant or a certified public accountant is to hold the entire issued share capital of that company except 1 issued share;
 - (B) the person holding for the time being the remaining share holds it in trust for the holder referred to in sub-subparagraph (A);
 - (C) in case the person referred to in sub-subparagraph (B) resigns, dies, or due to mental or physical incapacity becomes unable to act as a director of the applicant company, or in case a permission for the purposes of this section and relating to him is withdrawn, his share will devolve to another person; and
- (ii) the person specified in the application is a fit and proper person to whom to give a permission for the purposes of this section; and

(iii) in respect of the management of the applicant company, its memorandum and articles of association contain provisions to the effect that-

(A) the holder referred to in subparagraph (i)(A) is to be the managing director having the day to day management of the company;

(B) such holder is to have a second or casting vote at meetings of the applicant company's board; and

(C) a person referred to in subparagraph (i)(B) is to cease to hold office as a director on his share's devolving to another person as described in subparagraph (i)(C).

(6) (a) Where-

(i) a share devolves to a person other than the holder of a practising certificate pursuant to an arrangement referred to in subsection (5)(c)(i);

(ii) a corporate practice at any time ceases to comply with any of the requirements described in subsection (2) and applying to it, the corporate practice concerned shall, within the period of 14 days beginning on such devolution or cesser, notify the Council in writing of such devolution or cesser.

(b) (i) A notice given pursuant to this subsection because of the devolution of a share may contain an application to the Council for a permission for the purposes of this section regarding a person named in the notice, and the Council may allow or refuse the application.

(ii) Where an application referred to in subparagraph (i) is refused, the Council may when refusing the application require the applicant to bring a further such application within a period specified in the refusal.

(c) Where notice of a cesser described in paragraph (a)(ii) is received by the Council, it may, for the purpose of requiring the relevant corporate practice to comply with any or all of the requirements referred to in that paragraph, attach one or more specified conditions to the practice's registration under section 28E and direct the Registrar to record the conditions in Part II of the register in such manner as he considers appropriate.

(7) In case a condition is attached pursuant to this section, the corporate practice concerned shall comply with it, and if the condition requires compliance within a specified period it shall be so complied with.

(8) Where-

(a) there is a failure to comply with a requirement of subsection (2)(b)(ii), (iii) or (iv) or subsection (2)(c)(ii);

(b) there is a failure to comply with a notification requirement of subsection (6)(a) or section 28H(1) or (2);

(c) a condition attached under subsection (6)(c) or (9)(c) is not complied with; or

(d) a requirement imposed under subsection (6)(b)(ii) is not complied with,

the Council may, if it thinks fit, give the Registrar a direction under this subsection.

(9) (a) A direction under subsection (8) shall, as shall be thereby specified, require the Registrar-

(i) to remove, either permanently or for a period specified in the direction, the name of the corporate practice concerned and any other relevant particulars from the register forthwith; or

(ii) to give forthwith to such practice a notice described in paragraph (b).

- (b) A notice referred to in paragraph (a) shall be in writing and be signed by the Registrar and shall state that a direction under subsection (8) has been given by the Council as regards the corporate practice to which the notice is addressed and that such practice may, within the period of 21 days beginning on the date of the notice, make representations to the Council as to why the Registrar should not comply with the direction (which representations are hereby authorized to be made).
- (c) (i) Where representations are made pursuant to paragraph (b), the Registrar shall refer the relevant matter to the Council together with such observations (if any) as he considers appropriate and the Council, having considered such observations (if any) and representations, may either-
- (A) if it considers it appropriate, attach specified conditions to the relevant corporate practice's registration under section 28E and direct the Registrar to record the conditions in Part II of the register in such manner as he considers appropriate; or
 - (B) direct the Registrar to remove the name of such practice and any other relevant particulars from the register forthwith.
- (ii) Where such representations are not made within the period specified in paragraph (b), the Registrar shall remove the name of the corporate practice concerned and any other relevant particulars from the register.
- (d) Where pursuant to a direction under this section the name of a corporate practice is removed from Part II of the register-
- (i) the Registrar shall as soon as is reasonably practicable give the practice written notice of the removal; and
 - (ii) the practice may, within the period of 21 days beginning on the date of the notice, or such longer period as the Court of Appeal may allow, appeal to that court against the removal.
- (e) In determining an appeal under this subsection the Court of Appeal may-
- (i) order the Registrar to restore to Part II of the register the name of the corporate practice concerned together with such other particulars as were removed by him pursuant to the relevant direction under this section;
 - (ii) grant such other remedy or relief, or make such other order, if any, as the court considers appropriate; or
 - (iii) confirm such direction.
- (10) (a) Subject to paragraph (b), where the name of a corporate practice is removed from the register pursuant to a direction under this section (including a direction confirmed on appeal), the Council shall cause notice of the removal to be published in the Gazette.
- (b) A notice referred to in paragraph (a) shall not be published in the Gazette unless-
- (i) in case there is an appeal as regards the relevant removal, the appeal has been withdrawn or the relevant direction under this section was confirmed on appeal; or
 - (ii) in any other case, the time for taking such an appeal has expired.
- (11) (a) For the avoidance of doubt it is hereby declared that nothing in this section shall be construed as repealing by implication or otherwise affecting any provision of Part IVA of the Companies Ordinance (Cap 32) in its application to a director of a corporate practice.
- (b) It is hereby declared that-
- (i) a company of which a corporation is either a member or a director is not qualified for being registered under this section;
 - (ii) a corporation is not qualified for being either a member or a director of a corporate practice; and
 - (iii) a person other than the holder of a current practising certificate shall not be entitled to sign a client's audit report on behalf of a corporate practice.

(12) In this section-

"approved insurer" (認可保險人) means an insurer who is approved by the Council as regards the provision by him of professional indemnity insurance to any company registered under section 28E; "qualified company" (合資格公司) means a company described in subsection (1).

(Added 85 of 1995 s. 8)

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Chapter:	59Z	Title:	Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations	Gazette Number:	L.N. 100 of 2002
Regulation:	5	Heading:	Qualifications for registration as safety officer	Version Date:	07/06/2002

(1) A person who holds a scheduled qualifications specified in the first column of the Second Schedule is qualified to be registered as a safety officer for the purposes of employment at the class of industrial undertaking indicated opposite thereto in the second column of the Second Schedule.

(2) For the purposes of paragraph (1) and the Second Schedule, "scheduled qualification" (附表所列資格) means any of the qualifications set out in the Third Schedule.

(3) Notwithstanding paragraph (1) and the Second Schedule, a person who satisfies the Commissioner for Labour that-

(a) immediately before these regulations become applicable to a class of industrial undertaking, he was employed as a full time safety officer in that class of industrial undertaking; and (L.N. 100 of 2002)

(b) by reason of his education, training, professional experience and skill in industrial safety he is a fit and proper person to be registered as a safety officer,

shall be deemed to be qualified to be registered as a safety officer for the purposes of employment in that class of industrial undertaking. (L.N. 100 of 2002)

(Enacted 1986)



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Chapter:	59Z	Title:	Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations	Gazette Number:	L.N. 100 of 2002
Regulation:	7	Heading:	Application for and registration as safety officer	Version Date:	07/06/2002

(1) An application by a person for registration as a safety officer shall be made to the Commissioner for Labour-

- (a) in the approved form; and
- (b) in the case where the applicant is a person qualified to be registered as a safety officer under regulation 5(3), within 12 months after these regulations become applicable to the class of industrial undertaking concerned. (L.N. 352 of 1994; L.N. 100 of 2002)

(2) Subject to paragraph (3), the Commissioner for Labour may, in his discretion, register a person as a safety officer, and may impose such conditions in relation to that registration as he thinks fit.

(3) The Commissioner for Labour shall not register an applicant as a safety officer unless he is satisfied that the applicant is a person who is-

- (a) qualified to be registered as a safety officer;
- (b) competent to be registered as a safety officer; and
- (c) fit and proper to be registered as a safety officer.

(Enacted 1986)

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Chapter:	138	Title:	PHARMACY AND POISONS ORDINANCE	Gazette Number:	
Section:	13	Heading:	Registration of premises	Version Date:	30/06/1997

(1) No premises of an authorized seller of poisons, where poisons are kept for the purposes of retail sale, shall be kept or used for such purposes unless the premises are registered under subsection (3).

(2) An application to register premises under subsection (3) shall be made to the Board in the prescribed form and prescribed manner.

(3) Subject to subsection (4), the Board may register premises in respect of which an application is made under subsection (2), and may impose such conditions relating to the registration of the premises as it thinks fit.

(4) The Board shall not register premises under subsection (3) unless it is satisfied, in relation to the retail sale of poisons at such premises, that-

- (a) the authorized seller of poisons is a fit and proper person to conduct the retail sale of poisons;
- (b) the premises are suitable for conducting the retail sale of poisons thereon;
- (c) the actual sale of poisons will be conducted on the premises by a registered pharmacist or in his presence or under his supervision, in accordance with section 11(1); and
- (d) the premises will be under the control of a registered pharmacist in accordance with section 12.

(5) On the registration of premises under subsection (3) the Secretary shall-

- (a) issue to the authorized seller of poisons a certificate of registration in the prescribed form; and
- (b) enter the address of the premises and the name of the authorized seller of poisons, in a register to be kept for the purposes of this section (in this Ordinance referred to as the "register of premises").

(6) The registration of premises under subsection (3) shall-

- (a) not take effect except on payment of the prescribed fee; and
- (b) authorize the authorized seller of poisons to conduct the retail sale of poisons thereon for such period being not more than 1 year, expiring on such date as shall be specified in the certificate of registration.

(7) An authorized seller of poisons may, before the expiration of a certificate of registration issued to him under subsection (5), apply to the Board for the certificate to be renewed for a further period of not more than 1 year from the date of expiry and-

- (a) this section shall apply with necessary modifications, to an application for renewal made under this subsection as it applies to an application made under subsection (2);
- (b) the Board may in respect of the renewed certificate of registration impose any condition in addition to or instead of any condition previously imposed by it under subsection (3).

(8) An applicant who is aggrieved by a decision of the Board under subsection (3) or (7) may, in the prescribed manner, appeal against such decision to the Tribunal.

(Replaced 58 of 1986 s. 5)



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Chapter:	156B	Title:	ANCILLARY DENTAL WORKERS (DENTAL HYGIENISTS) REGULATIONS	Gazette Number:	
Regulation:	5	Heading:	Disqualification order by Dental Council	Version Date:	30/06/1997

(1) If the Dental Council is satisfied at any time by any complaint made to it or by any information received by it that an enrolled dental hygienist either does not hold the qualifications specified in regulation 3 or is not a fit and proper person to practise as a dental hygienist, it may-

- (a) order that such enrolled person cease to practise as a dental hygienist; and
- (b) direct that the name of the person be deleted from the roll of dental hygienists maintained by the Registrar pursuant to regulation 4(2).

(2) On being notified in writing of an order made by the Dental Council pursuant to paragraph (1), any dental hygienist against whom such an order has been made shall forthwith deliver to the Registrar the certificate issued to him pursuant to regulation 4(4).

(3) Any person who contravenes paragraph (2) shall be guilty of an offence and shall be liable on conviction to a fine of \$250.



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Chapter:	159S	Title:	FOREIGN LAWYERS REGISTRATION RULES	Gazette Number:	
Section:	3	Heading:	Qualification for registration as a foreign lawyer	Version Date:	30/06/1997

A person to whom section 39A(1) of the Ordinance applies is qualified to be registered as a foreign lawyer if-

- (a) he is a person of good standing in the foreign jurisdiction in which he is qualified to practise law; and
- (b) he has satisfied the Society that he is a fit and proper person to be so registered.

(Enacted 1994)



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Chapter:	218	Title:	TRAVEL AGENTS ORDINANCE	Gazette Number:	
Section:	11A	Heading:	Registrar's direction as to membership of an approved organization	Version Date:	30/06/1997

(1) If the Registrar is satisfied that an applicant who-

- (a) is, or is qualified to be, a member of an association member; and
- (b) is qualified to be a member of an approved organization; but
- (c) has been refused membership of that approved organization,

is a fit and proper person to carry on business as a travel agent, the Registrar shall direct that approved organization to accept that applicant as a member of that approved organization in accordance with the constitution, rules or articles of association of that organization and subject to the payment of such membership fees (if any) as may be prescribed in that constitution or those rules or articles of association.

(2) If the Registrar is satisfied that a licensee whose membership of an approved organization has been suspended or revoked by that approved organization is a fit and proper person to carry on business as a travel agent, the Registrar shall direct that approved organization to reinstate or restore the membership of that licensee in accordance with the constitution, rules or articles of association of that approved organization as if that licensee's membership had not been suspended or revoked by that organization.

(3) For the purpose of determining whether an applicant or licensee is a fit and proper person under subsection (1) or (2), as the case may be, the Registrar shall have regard to the matters referred to in paragraphs (a) to (e) of section 12 (2).

(4) The Registrar shall not direct an approved organization to accept the applicant as a member of that organization under subsection (1) or to reinstate or restore the membership of a licensee under subsection (2) without first giving that organization an opportunity of being heard.

(5) For the purpose of conducting a hearing under subsection (4) the Registrar may by notice in writing require the approved organization to furnish him with such information, verified in such manner, as the Registrar may specify, or to produce to him such documents relating to the refusal, suspension or revocation of the applicant's or licensee's membership, as the case may be, as are in the custody or under the control of that organization.

(6) On the acceptance of an applicant as a member of an approved organization under subsection (1) the Registrar shall grant a licence to that applicant subject to such conditions as he may impose under section 11(1).

(Added 70 of 1988 s. 5)



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Chapter:	238	Title:	FIREARMS AND AMMUNITION ORDINANCE	Gazette Number:	L.N. 193 of 2000
Section:	12A	Heading:	Possession by approved agents	Version Date:	26/11/2000

(1) Sections 13 and 14 do not apply to the possession of, or dealing in, arms or ammunition (being the arms and ammunition referred to in subsection (2)) by a person who is-

- (a) the approved agent of a licensee; and
- (b) carrying out the bona fide and lawful instructions of the licensee where those instructions relate to the duties, obligations and responsibilities of a licensee under this Ordinance.

(2) The Commissioner may, upon the application of a licensee, approve in writing, as an approved agent, a person who is appointed or proposed to be appointed by the licensee to possess or deal in the arms and ammunition in respect of which the licensee's licence is granted.

(3) The Commissioner may attach such conditions as he thinks fit to an approval under subsection (2).

(4) The Commissioner may specify the period for which an approval is given under subsection (2).

(5) The Commissioner may revoke an approval or vary or revoke any condition attached to an approval or add further conditions to an approval.

(6) In exercising the powers under this section to grant or revoke an approval, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-

- (a) whether the person concerned is or has ceased to be a fit and proper person to be an approved agent; and
- (b) whether it is objectionable, for reasons of public safety and security, for that person to be an approved agent.

(7) This section is not to be construed as permitting a person appointed or proposed to be appointed by a licensee as a security guard to possess arms or ammunition without a licence.

(Added 14 of 2000 s. 9)



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Chapter:	238	Title:	FIREARMS AND AMMUNITION ORDINANCE	Gazette Number:	L.N. 193 of 2000
Section:	46C	Heading:	Range officers	Version Date:	28/06/2000

(1) The Commissioner may upon the application of a person approve the person as a range officer with the function of ensuring the safe use of a shooting range, and in particular, for the following purposes-

- (a) to conduct and supervise the use of the shooting range for the target shooting of arms;
- (b) to test or prove arms and ammunition at the shooting range; or
- (c) to supervise persons using the shooting range or other facility used in connection with the shooting range.

(2) An approval under subsection (1) must be in writing and relate to a particular type of shooting range.

(3) The Commissioner may attach any condition he thinks fit to an approval under subsection (1).

(4) The Commissioner may specify a period for which an approval is given under subsection (1).

(5) The Commissioner may revoke an approval or vary or revoke any condition attached to an approval or add further conditions to an approval.

(6) In exercising the powers under this section to grant or revoke an approval, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-

- (a) whether the person concerned is or has ceased to be a fit and proper person to be a range officer; and
- (b) whether it is objectionable, for reasons of public safety and security, for that person to be a range officer.

(7) For the avoidance of doubt it is stated that approval as a range officer does not exempt a person from any other requirement in this Ordinance which would apply to that person in relation to the purposes referred to in subsection (1).

(Added 14 of 2000 s. 25)



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Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	3 of 2003
Section:	30	Heading:	Grounds for refusal to register manager	Version Date:	28/02/2003

(1) The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that- (Amended 3 of 2003 s. 11)

- (a) the applicant is not resident in Hong Kong for at least 9 months in each year;
 - (b) the applicant is not a fit and proper person to be a manager;
 - (c) the applicant is a person in respect of whom a permit to teach has previously been cancelled;
 - (d) the applicant has attained the age of 70 years;
 - (e) in making or in connection with any application-
 - (i) for registration of a school;
 - (ii) for registration as a manager or a teacher; or
 - (iii) to employ a person as a permitted teacher in a school,the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular; or
 - (f) the applicant has not established that he has a special interest in the school.
- (Replaced 42 of 1993 s. 14)

(2) The Permanent Secretary shall refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that the applicant is not acceptable as a manager of the school to the majority of the management committee. (Amended 3 of 2003 s. 11)

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Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	3 of 2003
Section:	35	Heading:	Grounds for refusal to approve supervisor	Version Date:	28/02/2003

- (1) The Permanent Secretary may refuse to approve a person as the supervisor of a school if the Permanent Secretary is not satisfied that the person is a fit and proper person to be the supervisor.
- (2) The Permanent Secretary shall not approve a person as the supervisor of a school unless the person is a registered manager of the school.

(Amended 3 of 2003 s. 11)

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Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	3 of 2003
Section:	37	Heading:	Grounds for withdrawal of approval of supervisor	Version Date:	28/02/2003

The Permanent Secretary may withdraw his approval of the supervisor of a school if it appears to the Permanent Secretary that the supervisor- (Amended 3 of 2003 s. 11)

- (a) is no longer a fit and proper person to be the supervisor;
 - (b) is not performing the duties of the supervisor satisfactorily;
 - (c) has ceased to perform the duties of the supervisor; or
 - (d) is no longer acceptable as such to the majority of the management committee.
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Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	3 of 2003
Section:	38A	Heading:	Approval of acting supervisor	Version Date:	28/02/2003

(1) If the supervisor of any school is or is likely to be-

- (a) absent from Hong Kong for a period of not less than 28 days; or
- (b) unable by reason of his illness to carry out his duties for a period of not less than 28 days,

the management committee shall recommend for the approval of the Permanent Secretary another registered manager of the school to act as supervisor during the supervisor's absence or inability to carry out his duties. (Amended L.N. 95 of 1993)

(2) Subject to subsection (3), the Permanent Secretary shall approve as the acting supervisor of the school the registered manager who is recommended under subsection (1).

(3) The Permanent Secretary may refuse to approve a person as the acting supervisor of a school if the Permanent Secretary is not satisfied that the person is a fit and proper person to be the acting supervisor.

(4) Without prejudice to subsection (5), the approval under subsection (2) shall be for such period as the Permanent Secretary may therein specify.

(5) The Permanent Secretary may at any time and for any reason withdraw his approval under subsection (2).

(6) Section 39 shall apply in relation to an acting supervisor approved under subsection (2) as it applies to a supervisor.

(Added 61 of 1982 s. 3. Amended 3 of 2003 s. 11)

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Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	3 of 2003
Section:	46	Heading:	Grounds for refusal to register teacher	Version Date:	28/02/2003

The Permanent Secretary may refuse to register an applicant as a teacher if it appears to him that the applicant-
(Amended 3 of 2003 s. 11)

- (a) is not a fit and proper person to be a teacher;
 - (b) has been convicted of an offence punishable with imprisonment;
 - (c) is a person in respect of whom a permit to teach has previously been cancelled;
 - (d) is medically unfit;
 - (e) does not possess the prescribed qualifications;
 - (f) has attained the age of 70 years; or
 - (g) in making or in connection with any application-
 - (i) (Repealed 42 of 1993 s. 17)
 - (ii) for registration as a manager or a teacher; or
 - (iii) to employ a person as a permitted teacher in a school,
has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular.
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Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	3 of 2003
Section:	54	Heading:	Grounds for refusal to approve principal	Version Date:	28/02/2003

(1) The Permanent Secretary may refuse to approve a teacher as the principal of a school if the Permanent Secretary is not satisfied that the teacher is a fit and proper person or, in the case of a school providing nursery or kindergarten education, appropriately qualified to be the principal of the school. (Amended 61 of 1982 s. 5; 38 of 1983 s. 3; 21 of 2000 s. 5)

(2) Without prejudice to the generality of subsection (1), the Permanent Secretary shall refuse to approve a teacher as the principal of an aided school if the teacher is prohibited from being employed as the principal of the school by virtue of section 58A. (Added 21 of 2000 s. 5)

(Amended 3 of 2003 s. 11)



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Chapter:	279	Title:	EDUCATION ORDINANCE	Gazette Number:	3 of 2003
Section:	56	Heading:	Grounds for withdrawal of approval of principal	Version Date:	28/02/2003

(1) The Permanent Secretary may withdraw his approval of the principal of a school if it appears to the Permanent Secretary that the principal- (Amended 21 of 2000 s. 6)

- (a) is no longer a fit and proper person to be the principal;
- (aa) in the case of a school providing nursery or kindergarten education, is not appropriately qualified to be the principal; (Added 61 of 1982 s. 6. Amended 38 of 1983 s. 4)
- (b) is not performing the duties of the principal satisfactorily;
- (c) has ceased to perform the duties of the principal; or
- (d) is no longer acceptable as such to the majority of the management committee.

(2) Without prejudice to the generality of subsection (1), the Permanent Secretary shall withdraw his approval of the principal of an aided school if the principal is prohibited from continuing to be employed as the principal of the school by virtue of section 58A. (Added 21 of 2000 s. 6)
(Amended 3 of 2003 s. 11)

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Chapter:	281	Title:	MERCHANT SHIPPING ORDINANCE	Gazette Number:	64 of 1999
Section:	107B	Heading:	Application, approval of insurers and interpretation	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 64 of 1999 s. 3

PART XIVA

COMPULSORY THIRD PARTY RISKS INSURANCE

(Amended 61 of 1989 s. 2)

(1) This Part shall apply to launches, ferry vessels and pleasure vessels which are mechanically propelled.

(2) Where the Director is satisfied that a protection and indemnity association established outside Hong Kong is a fit and proper body to be an authorized insurer for the purposes of this Part, he may approve such an association and shall, if he does so, notify his approval to the association and to the Insurance Authority.

(3) In this Part-

"authorized insurer" (獲授權保險人) means-

- (a) an insurer authorized under the Insurance Companies Ordinance (Cap 41) to carry on insurance business of the nature specified in class 12 in Part 3 of the First Schedule to that Ordinance;
- (b) an association of underwriters approved by the Chief Executive in Council under section 6 of that Ordinance; (Amended 64 of 1999 s. 3)
- (c) the society of underwriters known in the United Kingdom as Lloyd's; or
- (d) an insurer approved under subsection (2);

"certificate of insurance" (保險證書) means a certificate of insurance issued for the purposes of section 107M(1);

"ferry vessel" (渡輪船隻) means a vessel which-

- (a) plies regularly between 2 or more points within the waters of Hong Kong;
- (b) is used for commercial purposes; and
- (c) is required to be licensed for such use by the regulations;

"launch" (小輪) means a vessel of European type not exceeding 300 tons which-

- (a) is designed or used for-
 - (i) the conveyance of persons or things;
 - (ii) towing or pushing; or
 - (iii) any other purpose;
- (b) is used for commercial purposes; and
- (c) is required to be licensed for such use by the regulations, but does not include a vessel which is a pleasure vessel;

"owner" (船東) in relation to a vessel to which this Part applies includes a person who is deemed to be the owner of the vessel for the purpose of any regulations requiring that vessel to be licensed and in relation to a launch or ferry vessel also includes a charterer of the vessel;

"pleasure vessel" (遊樂船隻) means any vessel which is-

- (a) possessed or used exclusively for pleasure purposes; and
- (b) required by the regulations to be licensed as a pleasure vessel, and, for the purposes of the application of this Part to such a vessel, it shall be deemed to be mechanically propelled if it has an engine installed on it or carried on it, or is designed to have an engine installed on it or carried on it, whereby it may be so propelled;

"protection and indemnity association" (保障及彌償組織) means an association established by shipowners to provide mutual indemnity for its members against losses and liabilities incident to marine adventure;

"regulations" (規例) means regulations made or deemed to have been made under section 33 of the Shipping and Port Control Ordinance (Cap 313).

(Replaced 61 of 1989 s. 3)



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Chapter:	320	Title:	POST SECONDARY COLLEGES ORDINANCE	Gazette Number:	3 of 2003
Section:	6	Heading:	Refusal of registration and cancellation	Version Date:	28/02/2003

(1) The Permanent Secretary may refuse to register or may cancel the registration of- (Amended 3 of 2003 s. 25)

- (a) any Post Secondary College where he is not satisfied in respect of any of the matters specified in section 4;
- (b) any person as a member of a Board of Governors or College Council or as a teacher where it appears to him that such person is not a fit and proper person to act in that capacity or that such person fails to comply with the provisions of this Ordinance.

(2) The Permanent Secretary shall cancel the registration of- (Amended 3 of 2003 s. 25)

- (a) any College where it appears to him that such College has ceased to function or where the Chairman of the Board of Governors, on the instructions of the Board of Governors, requests cancellation;
- (b) any person from the register of members of Boards of Governors or College Councils or teachers where such person ceases to act in that capacity.

(3) The Permanent Secretary shall give notice in writing of any refusal to register or of any cancellation to the Post Secondary College or person concerned. (Amended 3 of 2003 s. 25)

(4) Where the Permanent Secretary refuses to register or cancels a registration under subsection (1) the Post Secondary College or person concerned may within twenty-one days of the receipt of the notice under subsection (3) appeal by way of petition to the Chief Executive in Council, and the decision of the Chief Executive in Council shall be final. (Amended 53 of 2000 s. 3; 3 of 2003 s. 25)

(5) For the purpose of considering a petition and determining the appeal the Chief Executive in Council may appoint a tribunal to inquire into the matters raised in such petition, and may empower such tribunal to hear evidence and do all other such things as are necessary for its due inquiry. Any tribunal so appointed shall conduct its inquiry in private and submit a report in writing to the Chief Executive in Council. (Amended 53 of 2000 s. 3)

(6) (a) In addition to the powers of the Permanent Secretary under subsection (1) the Chief Executive in Council may order the Permanent Secretary to refuse to register or to cancel the registration of any Post Secondary College or of any person as a member of a Board of Governors or College Council or as a teacher where it appears to the Chief Executive in Council that the registration or the continued registration of such College or person would be prejudicial to the public interest, to the welfare of students or to education generally. (Amended 3 of 2003 s. 25)

- (b) Before making any order under this subsection the Chief Executive in Council shall afford to the Post Secondary College or person concerned the opportunity to submit any representations in writing which shall be considered by the Chief Executive in Council. (Amended 53 of 2000 s. 3)
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Chapter:	354M	Title:	WASTE DISPOSAL (REFUSE TRANSFER STATION) REGULATION	Gazette Number:	L.N. 40 of 1998
Section:	6	Heading:	Director may register account-holders and vehicles	Version Date:	25/02/1998

(1) Where the Director is satisfied that the applicant is a fit and proper person to be registered as a registered account-holder of refuse transfer stations and that the vehicle or vehicles specified in his application are suitable for disposing of waste at refuse transfer stations, he may register the applicant as a registered account-holder at specified refuse transfer stations, and the vehicle or vehicles as registered in his name.

(2) The Director may impose such terms and conditions for registration as he thinks fit including, without limiting the generality of the foregoing, terms and conditions-

- (a) requiring the applicant to pay to the Director a deposit of such amount as the Director may specify in the notice under subsection (5) as security for payment of charges and surcharges under this Regulation within such time as may be so specified;
- (b) limiting the registration of that person, or of a vehicle registered in his name, to a particular refuse transfer station.

(3) The Director shall specify the terms and conditions imposed under subsection (2) in the notice under subsection (5) and may from time to time by notice in writing given to the registered account-holder impose, vary or revoke any term or condition.

(4) The Director may refuse to register as a registered account-holder any person who-

- (a) fails to supply the particulars, information and supporting materials in accordance with subsection (2)(b) or (4) of section 5;
- (b) supplies any false particulars, information or supporting materials; or
- (c) has incurred any charge or surcharge under this Regulation and, as at the date of his application under section 5, has not paid it.

(5) The Director shall, by notice in writing given to the applicant, inform the applicant of his decision to register or refuse to register him as a registered account-holder and shall, in the case of a refusal, state the reasons for refusal.

(6) Where-

- (a) a registered account-holder anticipates that the amount of waste that will be disposed of at the refuse transfer station or stations monthly will change substantially compared with the amount he has previously notified to the Director;
- (b) a registered account holder anticipates that the nature of the waste that will be disposed of at the refuse transfer station or stations will change; or
- (c) any change in other particulars, information or supporting materials contained in the application for registration occurs,

he shall as soon as reasonably practicable notify the Director of the change, giving details of the change sufficient for the Director to assess the adequacy of the deposit.



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Chapter:	408	Title:	ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	13	Heading:	Qualifications for registration	Version Date:	30/06/1997

(1) The Board shall not register a person as a registered architect unless-

- (a) he-
 - (i) is a member of the Institute; or
 - (ii) is a member of an architectural body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; or
 - (iii) has passed such examinations in architecture and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and
- (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
- (c) he is ordinarily resident in Hong Kong; and
- (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
- (e) he satisfies the Board by declaration in writing that he is competent to practise as an architect; and
- (f) he is a fit and proper person to be registered.

(2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered architect who-

- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
- (b) has committed misconduct or neglect in a professional respect.

(3) Where the Board is satisfied by an applicant that he is competent to practise architecture and the Board is later satisfied that the person is not competent to practise architecture, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 22(1).



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Chapter:	409	Title:	ENGINEERS REGISTRATION	Gazette Number:
			ORDINANCE	
Section:	12	Heading:	Qualifications for registration	Version Date: 30/06/1997

(1) The Board shall not register a person as a registered professional engineer unless-

(a) he-

- (i) is a member of the Institution within a discipline; or
- (ii) is a member of an engineering body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institution within a discipline; or
- (iii) has passed such examination in engineering and other subjects and has received such training experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institution within a discipline; and

(b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and

(c) he is ordinarily resident in Hong Kong; and

(d) he is not the subject of an inquiry Committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and

(e) he satisfies the Board by declaration in writing that he is competent to practise in the relevant discipline; and

(f) he is a fit and proper person to be registered.

(2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional engineer who-

(a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or

(b) has committed misconduct or neglect in a professional respect.

(3) Where the Board is satisfied by an applicant that he is competent to practise engineering in a discipline and the Board is later satisfied that the person is not competent to practise engineering in that discipline, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 21(1).



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Chapter:	417	Title:	SURVEYORS REGISTRATION Ordinance	
Section:	12	Heading:	Qualifications for registration	Version Date: 30/06/1997

(1) The Board shall not register a person as a registered professional surveyor unless-

(a) he-

- (i) is a member of the Institute within a division; or
- (ii) is a member of a surveying body the membership of which is accepted by the Board as being of a standard not less than that of the Institute as a member within a division; or
- (iii) has passed such examination in surveying and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute within a division; and

(b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and

(c) he is ordinarily resident in Hong Kong; and

(d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and

(e) he satisfies the Board by declaration in writing that he is competent to practise in the relevant division; and

(f) he is a fit and proper person to be registered.

(2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional surveyor who-

(a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or

(b) has committed misconduct or neglect in a professional respect.

(3) Where the Board is satisfied by an applicant that he is competent to practise surveying in a division and the Board is later satisfied that the person is not competent to practise surveying in that division, the Board may refer the matter to an inquiry committee who shall deal with it as if it were a complaint under section 21(1).

(Enacted 1991)



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Chapter:	418	Title:	PLANNERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	12	Heading:	Qualifications for registration	Version Date:	30/06/1997

(1) The Board shall not register a person as a registered professional planner unless-

- (a) he-
 - (i) is a member of the Institute; or
 - (ii) is a member of a planning body the membership of which is accepted by the Board as being of a standard not less than that of the Institute; or
 - (iii) has passed such examination in planning and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and
- (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
- (c) he is ordinarily resident in Hong Kong; and
- (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
- (e) he satisfies the Board by declaration in writing that he is competent to practise as a planner; and
- (f) he is a fit and proper person to be registered.

(2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional planner who-

- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or
- (b) has committed misconduct or neglect in a professional respect.

(3) Where the Board is satisfied by an applicant that he is competent to practise planning and the Board is later satisfied that the person is not competent to practise planning, the Board may refer the matter to an inquiry committee who shall deal with it as if it were a complaint under section 21(1).

(Enacted 1991)



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Chapter:	428B	Title:	CHIROPRACTORS (REGISTRATION AND DISCIPLINARY PROCEDURE) RULES	Gazette Number:	L.N. 134 of 2001
Section:	4	Heading:	Application for registration	Version Date:	01/09/2001

(1) An application for registration under section 10 of the Ordinance shall be submitted to the Secretary in writing and shall contain the following-

- (a) a statement by the applicant of his personal particulars including-
 - (i) his correspondence address; and
 - (ii) if the applicant is practising as a chiropractor in Hong Kong, the address at which he is practising;
- (b) a statement by the applicant as to-
 - (i) whether he has been convicted in Hong Kong or elsewhere of any offence punishable by imprisonment;
 - (ii) whether any disciplinary proceedings have been instituted against him in relation to his practice of chiropractic in Hong Kong or elsewhere; and
 - (iii) whether any disciplinary order has been made against him in relation to his practice of chiropractic in Hong Kong or elsewhere;
- (c) a statement by the applicant of each qualification relating to chiropractic held by him; and
- (d) a statement by the applicant of any relevant working experience in chiropractic gained by him.

(2) An application for registration shall be submitted together with-

- (a) 3 copies of a recent photo of the applicant, and one of these copies shall be fixed on the application form;
- (b) for the purposes of section 9(1)(c) of the Ordinance, a declaration in writing from the applicant that he is competent to practise as a chiropractor; and
- (c) for the purposes of section 9(1)(d) of the Ordinance-
 - (i) 2 reference letters, each of which shall be from any person-
 - (A) who is specified for the purpose of this sub-subparagraph in subsection (6);
 - (B) not being a chiropractor, a member of the Council, a member of any committee of the Council or a relative of the applicant; and

(C) who has known the applicant for at least 12 months and has the opportunity of judging his character, stating that the applicant is a fit and proper person to be registered under the Ordinance; and

(ii) any of the following documents-

- (A) if the applicant is registered as a chiropractor in a place outside Hong Kong, a certificate of registration as a chiropractor which was issued in that place and is valid at the date of application for registration or other equivalent documentary evidence;
- (B) if the applicant was formerly registered as a chiropractor in a place outside Hong Kong, a certificate of registration as a chiropractor which was issued in that place or other equivalent documentary evidence;
- (C) if the applicant is practising as a chiropractor in a place outside Hong Kong, a practising certificate which was issued in that place and is valid at the date of application for registration or other equivalent documentary evidence of entitlement to practise chiropractic;
- (D) if the applicant formerly practised as a chiropractor in a place outside Hong Kong, a practising certificate which was issued in that place or other equivalent documentary evidence of entitlement to practise chiropractic;
- (E) a reference letter from such body or organization in chiropractic as the Council may accept;
- (F) if a degree or qualification was awarded by a body or institution to the applicant not earlier than 2 years before the application and the applicant applies for registration by virtue of the degree or qualification, a reference letter from that body or institution;
- (G) a declaration in writing from a chiropractor registered in Hong Kong or elsewhere that the applicant is a fit and proper person to be registered under the Ordinance;
- (H) any such other document as the Council may accept.

(3) An application for registration shall be signed by the applicant in the presence of any of the following persons who shall also sign across the applicant's photo fixed on the application form-

- (a) a registered chiropractor; or
- (b) a person authorized by law to take and receive a declaration.

(4) If an application for registration is submitted to the Secretary, the Secretary shall refer the application to the Registration Committee as soon as practicable.

(5) An applicant shall provide the original or certified true copy of-

- (a) any documentary evidence of the degree or qualification by virtue of which the applicant applies for registration;
- (b) the applicant's identity card, passport or any other documentary proof of identity which the Council may accept;
- (c) any documentary evidence of working experience by virtue of which the applicant applies for registration;
- (d) any declaration, document or letter that is mentioned in subsection (2) and that is required to be submitted together with the application; and
- (e) such other documentary evidence as the Council may reasonably require in writing for the purposes of considering the application.

(6) The following persons are specified for the purpose of subsection (2)(c)(i)(A)-

- (a) a member of the Executive Council;
- (b) a member of the Legislative Council;
- (c) a justice of the peace;
- (d) a minister of religion;
- (e) a medical practitioner;
- (f) a dental practitioner registered under the Dentists Registration Ordinance (Cap 156);
- (g) a pharmacist registered under the Pharmacy and Poisons Ordinance (Cap 138);
- (h) a nurse registered under the Nurses Registration Ordinance (Cap 164);
- (i) a counsel;
- (j) a solicitor;
- (k) a professional accountant within the meaning of the Professional Accountants Ordinance (Cap 50); and
- (l) a person in such other profession as the Council may recognize.

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Chapter:	428	Title:	CHIROPRACTORS REGISTRATION ORDINANCE	Gazette Number:	L.N. 80 of 2001
Section:	9	Heading:	Qualifications for registration	Version Date:	08/06/2001

(1) The Council shall not register a person as a registered chiropractor unless-

- (a) he has passed such examination in chiropractic and other subjects and has received such training and experience as the Council may accept, either generally or in a particular case; and
- (b) he is not the subject of an inquiry conducted by an inquiry committee or of a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
- (c) he satisfies the Council by declaration in writing that he is competent to practise as a chiropractor; and
- (d) he is a fit and proper person to be registered.

(2) Without affecting the generality of subsection (1)(d), the Council may refuse to register a person as a registered chiropractor who-

- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession of chiropractic into disrepute; or
- (b) has committed misconduct or neglect in a professional respect.

(3) Where the Council is satisfied by an applicant that he is competent to practise chiropractic and the Council is later satisfied that the person is not competent to practise chiropractic, the Council may refer the matter to an inquiry committee which shall deal with it as if it were a complaint under section 17(1).

(Enacted 1993)



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Chapter:	459A	Title:	RESIDENTIAL CARE HOMES (ELDERLY PERSONS) REGULATION	Gazette Number:	
Section:	6	Heading:	Application for and registration as a health worker	Version Date:	30/06/1997

(1) An application by a person for registration as a health worker shall be made in such form and manner and be accompanied by such particulars as the Director may determine.

(2) Subject to subsection (3) and on payment of the fee prescribed in section 38, the Director may, in his discretion, register a person as a health worker, and may impose such conditions in relation to that registration as he thinks fit.

(3) The Director shall not register an applicant as a health worker unless he is satisfied that the applicant is a person who is-

- (a) qualified;
- (b) competent; and
- (c) fit and proper.

to be registered as a health worker.

(Enacted 1995)



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Chapter:	473	Title:	LAND SURVEY ORDINANCE	Gazette Number:	
Section:	12	Heading:	Qualifications for registration	Version Date:	30/06/1997

The Committee shall not register a person as an authorized land surveyor unless it is satisfied that-

- (a) he-
 - (i) is, under the constitution of the Institute, a corporate member of the Institute (under the Land Surveying Division); or
 - (ii) is a member of a land surveying institute, association or organization the membership of which is recognized by the Committee as being of a standard not lower than that of the corporate membership of the Institute (under the Land Surveying Division) and he has satisfied the Committee as to his competency by passing a professional examination recognized by the Committee;
- (b) he has, after he has obtained the membership described in paragraph (a)(i) or (ii) and before the date of his application for registration, had 1 year land boundary survey experience in Hong Kong acceptable to the Committee;
- (c) there is no order of a Disciplinary Board made under section 25(1)(a) or (b) against him which is still in force; and
- (d) he is otherwise a fit and proper person to be registered.

(Enacted 1995)



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Chapter:	505	Title:	SOCIAL WORKERS REGISTRATION ORDINANCE	Gazette Number:	
Section:	17	Heading:	Qualifications for registration	Version Date:	30/06/1997

(1) The Board shall not register a person as a registered social worker (category 1) unless he-

- (a) is the holder of a degree or diploma in social work recognized by the Board for the purposes of this subsection; or
- (b) satisfies the Board that he has-
 - (i) occupied a social work post not later than 31 March 1982; and
 - (ii) subsequent to that date, occupied a social work post or posts for not less than 10 years, whether or not continuously.

(2) The Board shall not register a person as a registered social worker (category 2) unless he satisfies the Board that-

- (a) he currently occupies a social work post or has been accepted for such a post; and
- (b) if he is so registered, he proposes to obtain a recognized degree or diploma in social work within a period which is reasonable in all the circumstances.

(3) No person shall be registered as a registered social worker unless at the time of application for registration he is-

- (a) ordinarily resident in Hong Kong;
- (b) a fit and proper person to be registered; and
- (c) not subject to a disciplinary order which precludes him from being registered.

(4) Without limiting the generality of subsection (3)(b), the Board-

- (a) may refuse to register a person as a registered social worker who has been convicted in Hong Kong or elsewhere of any offence which-
 - (i) may bring the profession of social worker into disrepute; and
 - (ii) is punishable with imprisonment (and whether or not the person was sentenced to imprisonment);
- (b) subject to subsection (5), shall refuse to register a person as a registered social worker who has been-
 - (i) convicted in Hong Kong of any offence coming within any of the descriptions specified in Schedule 2; or
 - (ii) convicted elsewhere of any offence where the act or omission constituting the offence, if the act or omission had occurred in Hong Kong, would constitute an offence referred to in subparagraph (i).

(5) A person may be registered as a social worker notwithstanding that he has been convicted of an offence referred to in subsection (4)(b) if, but only if, all the members for the time being of the Board, after considering all the circumstances of the case, resolve that he be so registered.

(6) Subsections (2)(b), (3)(b) and (4)(a) shall apply to a person who was registered before the relevant date as they apply to a person registered on or after that date, and section 20(4) shall be construed accordingly.



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Chapter:	516	Title:	LANDSCAPE ARCHITECTS REGISTRATION ORDINANCE	Gazette Number:	
Section:	12	Heading:	Qualifications for registration	Version Date:	30/06/1997

(1) The Board shall not register a person as a registered landscape architect unless-

(a) he-

- (i) is a member of the Institute; or
- (ii) is a member of a landscape architectural body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; or
- (iii) has passed such examination in landscape architecture and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and

(b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and

(c) he is ordinarily resident in Hong Kong; and

(d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and

(e) he satisfies the Board by declaration in writing that he is competent to practise as a landscape architect; and

(f) he is a fit and proper person to be registered.

(2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered landscape architect who-

(a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or

(b) has committed misconduct or neglect in a professional respect.

(3) Where the Board is satisfied by an applicant that he is competent to practise landscape architecture and the Board is later satisfied that the person is not competent to practise landscape architecture, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 21(1).



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Chapter:	528	Title:	COPYRIGHT ORDINANCE	Gazette Number:	L.N. 127 of 2001
Section:	149	Heading:	Registration, issue of certificate of registration	Version Date:	13/07/2001

(1) The Registrar may approve an application for registration and enter the name of the applicant in the register if the Registrar is satisfied-

- (a) that the applicant is a fit and proper person to be registered; and
- (b) with respect to the future, with the availability to the public of information relating to the scales of copyright royalty charges by the applicant for different uses, at least by the following means-
 - (i) by setting the scales out in its brochures and licence application forms;
 - (ii) by exhibiting the scales in the registered office and places of business of the applicant conspicuously to the public; and
 - (iii) by publishing the scales in an English language newspaper and a Chinese language newspaper in Hong Kong on a day within the 2 weeks after the issue of the certificate of registration.

(2) Upon entry of the name of the applicant in the register, the Registrar shall issue to the applicant a certificate of registration in such form as the Registrar determines specifying the requirements with respect to-

- (a) the publication of scales of copyright royalty charges; and
- (b) the charging of copyright royalty charges not exceeding the scales published,

which the licensing body must comply with.



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Chapter:	528	Title:	COPYRIGHT ORDINANCE	Gazette Number:	
Section:	151	Heading:	Duration of registration, renewal and cancellation	Version Date:	30/06/1997

- (1) A certificate of registration is valid for a period of 12 months, or such lesser period as may be specified in the certificate, from the date on which it is granted.
- (2) A registered licensing body may apply for the renewal of its registration for a period not exceeding 12 months.
- (3) An application for the renewal of registration must be made at least one month before the expiry of the current registration.
- (4) The Registrar may decline an application for renewal of registration by a licensing body or cancel the registration of a licensing body if-
- (a) the licensing body is no longer a fit and proper person to be registered; or
 - (b) any of the requirements of the Registrar specified under subsection (5) or section 149(2) in relation to the licensing body is not complied with.
- (5) On a renewal of registration, the Registrar shall issue to the licensing body a new certificate in such form as the Registrar determines specifying the requirements with respect to-
- (a) the publication of scales of copyright royalty charges; and
 - (b) the charging of copyright royalty charges not exceeding the scales published.
- (6) The Registrar shall remove the name of the licensing body from the register if its application for renewal of registration is declined or its registration is cancelled.
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Chapter:	529	Title:	VETERINARY SURGEONS REGISTRATION ORDINANCE	Gazette Number:	L.N. 391 of 1997
Section:	9	Heading:	Qualifications for registration	Version Date:	14/07/1997

(1) The Board shall not register a person as a registered veterinary surgeon unless-

- (a) he has passed such examinations in veterinary surgery and other related subjects and has received such training and experience as the Board may accept, either generally or in a particular case;
- (b) he is not the subject of a disciplinary order under Part IV which precludes him from being registered under this Ordinance;
- (c) he satisfies the Board that he is competent to practise as a veterinary surgeon; and
- (d) he is a fit and proper person to be registered.

(2) Without affecting the generality of subsection (1)(d), the Board may refuse to register a person as a registered veterinary surgeon who-

- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute; or
- (b) has committed misconduct or neglect in a professional respect.

(3) Where the Board registers a person as a registered veterinary surgeon and the Board later has reasonable grounds to believe that the person is not competent to practise veterinary surgery, it may refer the matter to an inquiry committee which shall deal with it as if it were a complaint under section 18(1).

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Chapter:	550	Title:	HOUSING MANAGERS REGISTRATION ORDINANCE	Gazette Number:	72 of 1999
Section:	12	Heading:	Qualifications for registration	Version Date:	26/11/1999

(1) The Board shall not register a person as a registered professional housing manager unless-

(a) he-

- (i) is a member of the Institute; or
- (ii) is a member of a housing management body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; or
- (iii) has passed such examination in housing management and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and

(b) he satisfies the Board that he has had not less than 1 year's relevant professional experience in Hong Kong immediately before the date of his application for registration; and

(c) he is ordinarily resident in Hong Kong; and

(d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and

(e) he satisfies the Board by declaration in writing that he is competent to practise housing management; and

(f) he is a fit and proper person to be registered.

(2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered professional housing manager who-

(a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or

(b) has committed misconduct or neglect in a professional respect.

(3) Where the Board is satisfied by an applicant that he is competent to practise housing management and the Board is later satisfied that the person is not competent to practise as such, the Board may refer the matter to an inquiry committee who shall deal with it as if it were a complaint under section 21(1).



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Chapter:	553	Title:	ELECTRONIC TRANSACTIONS ORDINANCE	Gazette Number:	L.N. 7 of 2000
Section:	21	Heading:	Director may on application recognize certification authorities	Version Date:	18/02/2000

(1) The Director may-

- (a) recognize an applicant under section 20 as a recognized certification authority if the Director is satisfied that the applicant is suitable for such recognition; or
- (b) refuse the application for recognition.

(2) The Director must give reasons in writing to the applicant for refusing an application under subsection (1)(b).

(3) The Director may, in recognizing a certification authority referred to in section 20(4), waive the whole or part of the prescribed fee as the Director may decide in relation to a particular case.

(4) In determining whether an applicant is suitable for recognition under subsection (1), the Director shall, in addition to any other matter the Director considers relevant, take into account the following-

- (a) whether the applicant has the appropriate financial status for operating as a recognized certification authority in accordance with this Ordinance and the code of practice;
- (b) the arrangements put in place or proposed to be put in place by the applicant to cover any liability that may arise from its activities relevant for the purposes of this Ordinance;
- (c) the system, procedure, security arrangements and standards used or proposed to be used by the applicant to issue certificates to subscribers;
- (d) the report referred to in section 20(3)(b) (if applicable);
- (e) whether the applicant and the responsible officers are fit and proper persons; and
- (f) the reliance limits set or proposed to be set by the applicant for its certificates.

(5) In determining whether a person referred to in subsection (4)(e) is a fit and proper person, the Director shall, in addition to any other matter the Director considers relevant, have regard to the following-

- (a) the fact that the person has a conviction in Hong Kong or elsewhere for an offence for which it was necessary to find that the person had acted fraudulently, corruptly or dishonestly;
- (b) the fact that the person has been convicted of an offence against this Ordinance;
- (c) if the person is an individual, the fact that the person is an undischarged bankrupt or has entered into a composition or a scheme of arrangement or a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) within the 5 years preceding the date of the application; and
- (d) if the person is a body corporate, the fact that the person is in liquidation, is the subject of a winding-up order or there is a receiver appointed in relation to it or it has entered into a composition or a scheme of arrangement or a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap 6) within the 5 years preceding the date of the application.

(6) In recognizing a certification authority under subsection (1), the Director may-

- (a) attach conditions to the recognition; or
- (b) specify a period of validity for the recognition.

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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	119	Heading:	Registered institutions	Version Date:	01/04/2003

(1) The Commission may, upon application by an authorized financial institution in the prescribed manner and payment of the prescribed fee, register the applicant for one or more than one regulated activity (other than Type 3 and Type 8 regulated activities) and shall, upon such registration, grant to the applicant a certificate of registration specifying the regulated activity for which it is registered.

(2) The Commission shall refer to the Monetary Authority any application made to it under subsection (1).

(3) Upon receiving an application for registration for a regulated activity referred to him under subsection (2), the Monetary Authority shall-

- (a) consider the application;
- (b) consult the Commission upon the merits of the application; and
- (c) advise the Commission whether he is satisfied by the applicant that the applicant is a fit and proper person to be registered for that regulated activity.

(4) In deciding whether to register or refuse to register an applicant under subsection (1), the Commission-

- (a) shall have regard to any advice given to it by the Monetary Authority pursuant to subsection (3)(c); and
- (b) may rely wholly or partly on that advice in making that decision.

(5) Any registration under subsection (1) shall be subject to such reasonable conditions as the Commission may impose, and the Commission may at any time, by notice in writing served on the registered institution concerned, amend or revoke any such condition or impose new conditions as may be reasonable in the circumstances.

(6) Where the Commission by notice in writing amends or revokes any condition or imposes any new condition under subsection (5), the amendment, revocation or imposition takes effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

(7) Without prejudice to the Commission's powers under Part IX, the registration of an authorized financial institution for Type 7 regulated activity shall be deemed to be revoked in respect of that regulated activity upon the institution's being granted an authorization under section 95(2) to provide automated trading services.

(8) Without limiting the generality of subsection (5), it shall be a condition of any registration under subsection (1) for-

- (a) a regulated activity, that-
 - (i) in relation to the regulated activity, there is at least one executive officer of the registered institution who is available at all times to supervise the business of the regulated activity for which the institution is registered; and
 - (ii) any individual whose name is entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as engaged by the registered institution in respect of the regulated activity is a fit and proper person to be so engaged;
- (b) Type 7 regulated activity, that if the Commission in its absolute discretion requires by notice in writing, the registered institution shall apply, within such reasonable period as may be specified in the notice, for an authorization under section 95(2) for that regulated activity, and the regulated activity shall be operated in such manner as may be specified in the notice pending the revocation of the registration under section 197(2).

(9) The Commission shall not exercise its power under subsection (5) or (8)(b) unless the Commission has first consulted the Monetary Authority.



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Chapter:	571	Title:	SECURITIES AND FUTURES	Gazette Number:	L.N. 12 of 2003
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Section:	126	Heading:	Approval of responsible officers	Version Date:	01/04/2003

(1) The Commission may, upon application by a licensed representative in the prescribed manner and payment of the prescribed fee, approve the applicant as a responsible officer of the licensed corporation to which he is accredited.

(2) The Commission shall refuse to approve an applicant as a responsible officer of a licensed corporation under subsection (1) unless the applicant satisfies the Commission that-

- (a) he is a fit and proper person to be so approved; and
- (b) he has sufficient authority within the licensed corporation.

(3) An approval under subsection (1) shall be subject to such reasonable conditions as the Commission may impose on the licensed corporation and the responsible officer concerned, and the Commission may at any time, by notice in writing served on the licensed corporation or the responsible officer concerned, amend or revoke any such condition or impose new conditions as may be reasonable in the circumstances.

(4) The approval of an individual as a responsible officer of a licensed corporation shall be deemed to be revoked if the individual-

- (a) ceases to act as a licensed representative for or on behalf of; or
- (b) ceases to be accredited to,

the licensed corporation.



Individual Section Mode

Contents of Section



Chapter:	571S	Title:	SECURITIES AND FUTURES (LICENSING AND REGISTRATION) RULES (INFORMATION) RULES	Gazette Number:	L.N. 214 of 2002; L.N. 12 of 2003
Schedule:	2	Heading:	INFORMATION TO BE PROVIDED WITH APPLICATIONS TO COMMISSION	Version Date:	01/04/2003

[section 3]

PART 1

APPLICATIONS BY LICENSED CORPORATIONS AND REGISTERED INSTITUTIONS UNDER PROVISIONS REFERRED TO IN SECTION 3(1)(a)

Item Description of information

1. Basic information in respect of-

- (a) the applicant;
- (b) each controlling person of the applicant;
- (c) each person who is, or is proposed to be, a responsible officer or executive officer of the applicant;
- (d) each subsidiary of the applicant that carries on a business in any regulated activity; and
- (e) each related corporation of the applicant that carries on a business in any regulated activity.

2. Basic information in respect of-

- (a) any corporation that is, or is proposed to be, an associated entity of the applicant; and
- (b) any person who is, or is proposed to be, an executive officer of an associated entity referred to in paragraph (a).

3. The name, correspondence address, contact telephone and facsimile numbers and electronic mail address of-

- (a) each contact person appointed by the applicant as the person whom the Commission may contact in the event of market emergency or other urgent need; and
- (b) each person who is, or is proposed to be, a complaints officer of the applicant.

4. In the case of an application for-

- (a) variation, under section 127 of the Ordinance, of the regulated activity for which the person is licensed or registered; and
- (b) the grant of a modification or waiver under section 134 of the Ordinance,

a statement setting out the nature of the application and the reasons for the application.

5. In the case of an application for a temporary licence, the period for which the licence is required.

6. The details of any authorization (however described) to carry on a regulated activity by an authority or regulatory organization in Hong Kong or elsewhere in respect of each of the persons referred to in item 1.

7. In so far as applicable, the membership (however described) of a stock exchange or futures exchange in Hong Kong or elsewhere in respect of each of the persons referred to in item 1.

8. The relevant information in respect of each of the persons referred to in item 1.

9. In so far as applicable, the employment record in respect of each of the persons referred to in item 1 stating, in relation to each employer-

- (a) the name of his employer;
- (b) the position in which he is, or was, employed; and
- (c) the dates of such employment.

10. The nature of the business carried on or to be carried on and types of services provided or to be provided by the applicant.

11. Information relating to the human and technical resources, operational procedures and organizational structures of the applicant showing that it is capable of carrying on its regulated activities, and its proposed regulated activities, competently.

12. The business history (if any) of the applicant and a business plan of the applicant covering internal controls, organizational structure, contingency plans and related matters.

13. The capital and shareholding structure of the applicant and the basic information in respect of any person in accordance with whose directions or instructions it is, or its directors are, accustomed or obliged to act.

14. Whether any assets of the applicant are subject to any charge (including pledge, lien or encumbrance), and if so, the following particulars-

- (a) the date on which the assets are subject to the charge;
- (b) a description of the assets; and
- (c) the amount secured under the charge.

15. In the case of a person applying to be licensed as a licensed corporation, the following particulars in respect of any bank account that he has opened for the purpose of carrying on regulated activities-

- (a) the name of the bank with which the account is opened;
- (b) the number of the account; and
- (c) whether the account is or was a trust account.

16. The name of the auditor of the applicant and the date of his appointment.

17. The address of each of the premises where-

- (a) the business of the applicant is, or is to be, conducted; and
- (b) records or documents of the applicant (in the case of a corporation other than a registered institution) are, or are to be, kept.

18. In the case of a licensed corporation, or a person applying to be licensed as a licensed corporation, details of any

insurance maintained or to be maintained by the applicant in accordance with rules made under section 116(5) of the Ordinance.

19. In the case of a person applying to be licensed as a licensed corporation, whether any substantial shareholder of the licensed corporation that is an individual has ever been a patient as defined in section 2 of the Mental Health Ordinance (Cap 136).

20. In the case of a person applying to be licensed as a licensed corporation, the financial information in respect of him showing that it is capable of meeting its obligations under the Securities and Futures (Financial Resources) Rules (Cap 571 sub. leg. N).

PART 2

APPLICATIONS BY LICENSED REPRESENTATIVES UNDER PROVISIONS REFERRED TO IN SECTION 3(1)(b)

Item Description of information

1. Basic information and CE number (if any) in respect of-

- (a) the applicant; and
- (b) the licensed corporation to which the applicant is accredited or seeks to be accredited.

2. In the case of an application for-

- (a) variation, under section 127 of the Ordinance, of the regulated activity for which the person is licensed; and
- (b) the grant of a modification or waiver under section 134 of the Ordinance,

a statement setting out the nature of the application and the reasons for the application.

3. In the case of an application for a temporary licence, the period for which the licence is required.

4. The details of any authorization (however described) to carry on a regulated activity of the applicant by an authority or regulatory organization in Hong Kong or elsewhere, and whether the applicant's travel document is endorsed with a condition of stay prohibiting him from taking employment in Hong Kong.

5. In so far as applicable, the membership (however described) of a stock exchange or futures exchange in Hong Kong or elsewhere in respect of each of the persons referred to in item 1.

6. The types of services provided or to be provided by the applicant on behalf of the licensed corporation to which the applicant is accredited or seeks to be accredited.

7. A description of any current directorship, partnership or proprietorship of the applicant and the dates of appointment, or commencement, of any such directorship, partnership or proprietorship (as the case may be).

8. The relevant information in respect of the applicant.

9. In so far as applicable, the following details in respect of each of the persons referred to in item 1-

- (a) his academic record stating-
 - (i) the names of post secondary educational or vocational establishments that he has attended;
 - (ii) the courses completed at such establishments and the dates when those courses were attended;
 - (iii) the examinations passed to obtain any post secondary educational or vocational qualification; and
 - (iv) in the case of a person who has not obtained a post secondary educational or vocational qualification, whether or not he has obtained passes in the Hong Kong Certificate of Education Examination, or equivalent examinations, in the following subjects-

- (A) Chinese or English language; and
- (B) Mathematics;
- (b) his professional record stating-
 - (i) the names of educational or vocational establishments that he has attended;
 - (ii) the courses completed at such establishments and the dates when those courses were attended; and
 - (iii) the details of any professional qualifications obtained; and
- (c) his employment record stating, in relation to each employer-
 - (i) the name of his employer;
 - (ii) the position in which he is, or was, employed; and
 - (iii) the dates of such employment.

10. Whether the applicant has ever been a patient as defined in section 2 of the Mental Health Ordinance (Cap 136).

PART 3

OTHER APPLICATIONS UNDER PROVISIONS REFERRED TO IN SECTION 3(1)(c)

Item Description of information

1. Basic information in respect of-

- (a) the applicant;
- (b) each controlling person of the applicant;
- (c) each person who is, or is proposed to be, a responsible officer or executive officer of the applicant;
- (d) each subsidiary of the applicant that carries on a business in any regulated activity; and
- (e) each related corporation of the applicant that carries on a business in any regulated activity.

2. Basic information in respect of-

- (a) any corporation that is, or is proposed to be, an associated entity of the applicant; and
- (b) any person who is, or is proposed to be, an executive officer of an associated entity referred to in paragraph (a).

3. In the case of an application for-

- (a) any matter requiring the approval of the Commission under Part V of the Ordinance other than those matters referred to in section 128(1)(a), (b), (c), (d), (e), (f), (g) and (h) of the Ordinance; and
- (b) the grant of a modification or waiver under section 134 of the Ordinance,

a statement setting out the nature of the application and the reasons for the application.

4. In the case of a person applying for approval of premises under section 130(1) of the Ordinance-

- (a) the address of each of the premises where records or documents required under the Ordinance are to be kept by the applicant; and
- (b) evidence that the premises are suitable for being used for the purpose of keeping records or documents required under the Ordinance.

5. The relevant information in respect of each of the persons referred to in item 1.

6. In the case of a person applying for approval to become or continue to be (as the case may be) a substantial shareholder of a licensed corporation under section 132 of the Ordinance-

- (a) the financial information in respect of the applicant showing that it is a fit and proper person to be a substantial shareholder of the licensed corporation;
- (b) the details of any authorization (however described) to carry on a regulated activity by an authority or regulatory organization in Hong Kong or elsewhere in respect of each of the persons referred to in item 1;
- (c) in so far as applicable, the membership (however described) of a stock exchange or futures exchange in Hong Kong or elsewhere in respect of each of the persons referred to in item 1; and
- (d) in so far as applicable, the employment record in respect of each of the persons referred to in item 1 stating, in relation to each employer-
 - (i) the name of his employer;
 - (ii) the position in which he is, or was, employed; and
 - (iii) the dates of such employment.

7. In the case of an individual applying to be approved as a substantial shareholder of a licensed corporation, whether he has ever been a patient as defined in section 2 of the Mental Health Ordinance (Cap 136).

III. Provisions related to appointment / admission

Cap.	Ordinance	Provision
3	JURY ORDINANCE	<p>s.30 – Talesmen</p> <p>Whenever there is a deficiency of jurors, it shall be lawful for the court, at the prayer of either of the parties in the action or of the prosecutor or person accused, to put upon the jury so many fit and proper persons of the bystanders or others who can be speedily procured as may be sufficient to make up the full number thereof.</p>
4A	THE RULES OF THE HIGH COURT	<p>order.70(4)(1) – OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.</p> <p>4. Person to take and manner of taking examination</p> <p>(1) Any order made in pursuance of this Order for the examination of a witness may order the examination to be taken before any fit and proper person nominated by the person applying for the order or before such other qualified person as to the Court seems fit.</p>
4A	THE RULES OF THE HIGH COURT	<p>order.114(1) – (HK) COMMISSIONERS FOR OATHS</p> <p>(1) The Chief Justice may, by a commission signed by him, appoint fit and proper persons to be commissioners to administer oaths and take declarations, affirmations, and attestations of honour, and may revoke any such appointment.</p>
29	TRUSTEE ORDINANCE	<p>s.63(3) – Power of court on application to appoint judicial trustee</p> <p>(3) Any fit and proper person nominated for the purpose in the application may be appointed a judicial trustee, and, in the absence of such nomination, or if the court is not satisfied of the fitness of a person so nominated, an official of the court may be appointed, and in any case a judicial trustee shall be subject to the control and supervision of the court as an officer thereof.</p>
29	TRUSTEE ORDINANCE	<p>s.66(1) – Appointment of Official Trustee</p> <p>(1) For the purpose of carrying into effect the provisions of this Part, it shall be lawful for the Chief Executive to appoint a fit and proper person to be Official Trustee: (Amended 18 of 1999 s. 3)</p> <p>Provided that, until such appointment is made, the Official Solicitor shall ex officio exercise all the powers, privileges and discretions,</p>

Cap.	Ordinance	Provision
		and discharge the duties required to be performed by the Official Trustee under this Ordinance.
29B	JUDICIAL TRUSTEE RULES	<p>rule.23(2) – Resignation of judicial trustee</p> <p>(2) The court shall give facilities for the appointment on a proper application of an official of the court to be judicial trustee in place of a judicial trustee who desires to be discharged, in cases where no fit and proper person appears available for the office, or where the court considers that such an appointment is convenient or expedient in the interests of the trust.</p>
41	INSURANCE COMPANIES ORDINANCE	<p>s.13A(5) – Approval of appointment by authorized insurer of certain controllers</p> <p>(5) The Insurance Authority may serve a notice of objection on an insurer on the ground that it appears to him that the person proposed to be appointed as a controller is not a fit and proper person to be so appointed, but before serving such a notice the Insurance Authority shall serve on the insurer and on that person a preliminary notice in writing stating-</p> <p>(a) that the Insurance Authority is considering the service on the insurer of a notice of objection on that ground; and</p> <p>(b) that the insurer and that person may, within 1 month from the date of service of the preliminary notice, make representations in writing to the Insurance Authority and, if the insurer or that person so requests, oral representations to a public officer appointed for the purpose by the Insurance Authority.</p>
41	INSURANCE COMPANIES ORDINANCE	<p>s.13B(4) – Approval of persons proposing to become certain controllers of authorized insurer</p> <p>(4) The Insurance Authority may serve a notice of objection on a person on the ground that it appears to him that the person is not a fit and proper person to become a controller, or to be a controller, as the case may be, of the insurer concerned, but before serving such a notice the Insurance Authority shall serve on that person a preliminary notice in writing stating-</p> <p>(a) that the Insurance Authority is considering the service on him of a notice of objection on that ground; and</p> <p>(b) that he may, within 1 month from the date of service of the preliminary notice, make written representations to the Insurance</p>

Cap.	Ordinance	Provision
		Authority and, if he so requests, oral representations to a public officer appointed for the purpose by the Insurance Authority.
41	INSURANCE COMPANIES ORDINANCE	<p>s.14(4) – Notification of change in particulars, and objection to appointment of new director or controller</p> <p>4) Subject to subsection (5) and section 38B(4), the Insurance Authority may, if it appears to him that any person appointed as director or controller (other than a controller to whom section 13A or 13B applies) of an authorized insurer is not a fit and proper person to be appointed to that position, serve a notice in writing on the insurer stating-</p> <p>(a) that he objects to the appointment; and</p> <p>(b) that he objects thereto on the ground that it appears to him that the person so appointed is not a fit and proper person to be appointed to the position in question.</p>
41	INSURANCE COMPANIES ORDINANCE	<p>s.50B(4) – Fit and proper management</p> <p>(4) Where a person has been appointed as the authorized representative and the Insurance Authority believes that he is no longer a fit and proper person to be so and desires his removal, the procedures described in section 13A(5) to (8) shall apply with the necessary changes as provided in subsection (3), and in addition to those changes, a reference to a notice of objection and the person proposed to be appointed shall be read as a reference to a notice of removal and the person appointed respectively.</p>
56	BOILERS AND PRESSURE VESSELS ORDINANCE	<p>s.5A(1)(c) – Revocation and suspension of appointment</p> <p>(1) The Authority may by notice in writing to a person appointed under section 5(1) revoke or suspend for any length of time his appointment if-</p> <p>(c) the Authority does not consider the person to be competent, fit and proper to remain appointed.</p>
94	WIDOWS AND ORPHANS PENSION ORDINANCE	<p>s.27(1) – Payment on behalf of minors</p> <p>(1) In any case in which a minor is entitled to payment of a pension or portion of a pension, it shall be lawful for the directors to appoint a fit and proper person to whom such pension shall be paid on behalf of such minor.</p>

Cap.	Ordinance	Provision
107	TRAMWAY ORDINANCE	<p>s.19(c) – Protection of departments and persons</p> <p>For the purpose of making, forming, laying down, maintaining, renewing, altering, adding to or removing the tramway or any part thereof, the company may, where it is necessary or appears expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of gas or water, or any tubes, wires, standards, poles or apparatus for telegraphic, telephonic, electric lighting or any other purposes, subject to the following restrictions-</p> <p>(c) the company shall not remove or displace any of the mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, or other work belonging to any such department or person, or do anything to impede the passage of water or gas, or the telegraphic, telephonic, electric lighting or other communication into or through such mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, without the consent of such department or person, or in any other manner than such department or person may approve, until good and sufficient mains, pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, and other works necessary or proper for continuing the supply of water or gas or telegraphic, telephonic, electric lighting or other communication as efficiently as the same was supplied by the mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus proposed to be removed or displaced, have at the expense of the company been first made and laid down in lieu thereof and are ready for use to the reasonable satisfaction of the surveyor or engineer of such department or person, or in case of disagreement between such surveyor or engineer and the company, in such manner as the Director or other fit and proper person specially appointed by the Chief Executive may direct.</p>
155	BANKING ORDINANCE	<p>s.11(3) and (4) – MINIMUM CRITERIA FOR APPROVAL AS MONEY BROKER</p> <p>3. If the company is incorporated in Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be, a director, controller or chief executive of the company is a fit and proper person to hold the particular position which he holds or is to hold.</p>

Cap.	Ordinance	Provision
		<p>4. If the company is incorporated outside Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be-</p> <p>(a) a chief executive of the business in Hong Kong of the company;</p> <p>(b) a director, controller or chief executive of the business of the company in the place where it is incorporated.</p> <p>is a fit and proper person to hold the particular position which he holds or is to hold.</p>
155	BANKING ORDINANCE	<p>s.70(8)(a) – Provisions applicable to persons proposing to become controllers, and to certain existing controllers, of authorized institutions incorporated in Hong Kong</p> <p>(8) The Monetary Authority shall not serve a notice of objection on a person where the Monetary Authority is satisfied-</p> <p>(a) that the person is a fit and proper person to become or to be, as the case may be, a minority shareholder controller of the authorized institution specified in the notice.</p>
155	BANKING ORDINANCE	<p>s.71(2)(a) – Chief executives and directors require Monetary Authority's consent</p> <p>(2) The Monetary Authority-</p> <p>(a) shall refuse to give consent under subsection (1) unless the Monetary Authority is satisfied that the person concerned is a fit and proper person to be the chief executive or a director of the authorized institution concerned.</p>
155	BANKING ORDINANCE	<p>s.71C(2)(a)(i) – Executive officers of registered institutions require Monetary Authority's consent</p> <p>(2) The Monetary Authority-</p> <p>(a) shall refuse to give consent under subsection (1) unless the Monetary Authority is satisfied that the person concerned-</p> <p>(i) is a fit and proper person to be an executive officer of the registered institution concerned.</p>
156B	ANCILLARY DENTAL WORKERS (DENTAL HYGIENISTS) REGULATIONS	<p>r.4(1)(b) – Enrolment of dental hygienists</p> <p>(1) The Dental Council may, at its absolute discretion, admit any person to practise as a dental hygienist if it is satisfied that the applicant-</p> <p>(b) is a fit and proper person to practise as a dental hygienist.</p>

Cap.	Ordinance	Provision
159	LEGAL PRACTITIONERS ORDINANCE	<p>s.4(1) – Qualifications for admission</p> <p>(1) The Court may, in such manner as may be prescribed by the Chief Justice, admit as a solicitor of the High Court a person who the Court considers is a fit and proper person to be a solicitor and who- (Amended 25 of 1998 s. 2)</p> <p>(a) has complied with requirements prescribed by the Council with respect to employment as a trainee solicitor, the passing of examinations and the completion of courses; or</p> <p>(b) in the case of a person who seeks admission on the basis of qualifications acquired outside Hong Kong, qualifies for admission under requirements prescribed by the Council.</p>
159	LEGAL PRACTITIONERS ORDINANCE	<p>s.27(1) – Power of Court to admit barristers</p> <p>(1) Subject to subsection (2), the Court may, in such manner as may be prescribed by the Chief Justice, admit as a barrister of the High Court in Hong Kong, a person whom it considers a fit and proper person to be a barrister, provided such person has-</p> <p>(a) complied with the requirements;</p> <p>(b) passed the examinations; and</p> <p>(c) paid the fees, prescribed by the Bar Council.</p>
159AC	BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES	<p>Schedule 2– FORMS</p> <p>FORM 4 CERTIFICATE OF QUALIFICATION FOR ADMISSION</p> <p>THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]-</p> <p>6. is a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap 159).</p> <p>FORM 5 APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE</p> <p>I do solemnly and sincerely declare and undertake as follows-</p> <p>1. I am a fit and proper person to be a barrister.</p>

Cap.	Ordinance	Provision
225	REFORMATORY SCHOOLS ORDINANCE	<p>s.14 – Visitors</p> <p>The Chief Executive may appoint one or more fit and proper person or persons to be the visitor or visitors of reformatory schools, and may remove every such visitor and appoint another in his stead.</p>
234	PRISONS ORDINANCE	<p>s.23(1)(b) – Visiting justices and visiting committees</p> <p>(1) For the purpose of visiting prisons and other institutions under the control of the Commissioner, the Chief Executive-</p> <p>(b) may appoint fit and proper persons to serve on visiting committees.</p>
265A	PEAK TRAMWAY (SAFETY) REGULATIONS	<p>r.3(3)(b) – Employment of surveyor</p> <p>(3) The Secretary shall give approval under subregulation (2) if the person whom the company seeks to employ is a person-</p> <p>(b) who satisfies the Secretary that by reason of his education, training, professional experience, knowledge and skill he is a fit and proper person to be employed by the company as a surveyor for the purposes of this Part.</p>
265A	PEAK TRAMWAY (SAFETY) REGULATIONS	<p>r.5(3)(b) – Employment of engineering superintendent</p> <p>(3) The Secretary shall give approval under subregulation (2) if the person whom the company seeks to employ is a person-</p> <p>(b) who satisfies the Secretary that by reason of his education, training, professional experience, knowledge and skill he is a fit and proper person to be employed by the company as an engineering superintendent for the purposes of this Part.</p>
280A	TRAINING CENTRES REGULATIONS	<p>r.3(2) – Administration of training centres</p> <p>(2) The Commissioner shall appoint for each training centre a fit and proper person to be officer-in-charge thereof, and such other officers as may be necessary.</p>
504	CORONERS ORDINANCE	<p>s.23 – Selection of jurors from panel</p> <p>A coroner shall select by ballot 5 jurors from the names of the jurors forming the panel transmitted to him under section 21(1), and may, if necessary, require a fit and proper person or bystander to serve as a juror, provided that such person or bystander is not exempted from jury service by section 5 of the Jury Ordinance (Cap 3).</p>

Cap.	Ordinance	Provision
510	JUSTICES OF THE PEACE ORDINANCE	<p>s.3(1)(a) – Appointment of justices of the peace</p> <p>(1) The Chief Executive may from time to time appoint-</p> <p>(a) any person holding any office in the public service whom he considers to be fit and proper, to be a justice of the peace on such terms and conditions as the Chief Executive may determine.</p>
510	JUSTICES OF THE PEACE ORDINANCE	<p>s.6(1)(d) – Revocation of appointment</p> <p>(1) The Chief Executive may by notice in writing to a justice of the peace revoke his appointment as such if-</p> <p>(d) the Chief Executive, having regard to the public interest and all other circumstances of the case, considers that that justice of the peace is no longer fit and proper to remain appointed.</p>
556C	MASS TRANSIT RAILWAY (TRANSPORT INTERCHANGE) REGULATION	<p>s.17(1) – Appointment and identification of authorized persons</p> <p>(1) The Corporation may authorize any person as the Corporation thinks fit and proper to exercise any powers and perform any duties conferred or imposed upon the Corporation under this Regulation.</p>
571	SECURITIES AND FUTURES ORDINANCE	<p>s.132(2) – Approval to become or continue to be substantial shareholder</p> <p>(2) The Commission shall refuse to approve an applicant to become or continue to be (as the case may be) a substantial shareholder of the licensed corporation concerned unless the applicant satisfies the Commission that the corporation will remain a fit and proper person to be licensed if the application is approved.</p>

Individual Section Mode**Contents of Section**



Chapter:	3	Title:	JURY ORDINANCE	Gazette Number:	
Section:	30	Heading:	Talesmen	Version Date:	30/06/1997

Whenever there is a deficiency of jurors, it shall be lawful for the court, at the prayer of either of the parties in the action or of the prosecutor or person accused, to put upon the jury so many fit and proper persons of the bystanders or others who can be speedily procured as may be sufficient to make up the full number thereof.

(Amended 50 of 1911; 51 of 1911; 62 of 1911 Schedule; 63 of 1911 Schedule; 9 of 1950 Schedule)



Individual Section Mode

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Chapter:	4A	Title:	THE RULES OF THE HIGH COURT	Gazette Number:	L.N. 322 of 1998
Order:	70	Heading:	OBTAINING EVIDENCE FOR FOREIGN COURTS, ETC.	Version Date:	25/09/1998

1. Interpretation and exercise of jurisdiction (O. 70, r. 1)

- (1) In this Order "the Ordinance" (條例) means the Evidence Ordinance (Cap 8) and expressions used in this Order which are used in the Ordinance shall have the same meaning as in the Ordinance.
- (2) The power of the Court of First Instance to make an order under section 76 or section 76 as extended by section 77B of the Ordinance may be exercised by the Registrar. (L.N. 403 of 1992; 25 of 1998 s. 2)

2. Application for order (O. 70, r. 2)

- (1) Subject to rule 3 an application for an order under the Ordinance must be made ex parte and must be supported by affidavit.
- (2) There shall be exhibited to the affidavit the request in pursuance of which the application is made, and if the request is not in the English language, a translation thereof in that language.

*3. Application by Law Officer (International Law) in certain cases (O. 70 r. 3)

Where a request-

- (a) is received by the Chief Secretary for Administration and sent by him to the Registrar with an intimation that effect should be given to the request without requiring an application for that purpose to be made by the agent in Hong Kong of any party to the matter pending or contemplated before the foreign court or tribunal; or
- (b) is received by the Registrar in pursuance of a Civil Procedure Convention providing for the taking of the evidence of any person in Hong Kong for the assistance of a court or tribunal in the foreign country, and no person is named in the document as the person who will make the necessary application on behalf of such party,

the Registrar shall send the document to the Law Officer (International Law) and the Law Officer (International Law) may make an application for an order under the Ordinance, and take such other steps as may be necessary, to give effect to the request.

(L.N. 362 of 1997; L.N. 322 of 1998)

4. Person to take and manner of taking examination (O. 70, r. 4)

- (1) Any order made in pursuance of this Order for the examination of a witness may order the examination to be taken before any fit and proper person nominated by the person applying for the order or before such other qualified person as to the Court seems fit.

(2) Subject to rule 6 and to any special directions contained in any order made in pursuance of this Order for the examination of any witness, the examination shall be taken in manner provided by Order 39, rules 5 to 10 and 11(1) to (3), and an order may be made under Order 39, rule 14, for payment of the fees and expenses due to the examiner, and those rules shall apply accordingly with any necessary modifications.

(3) Any order made in pursuance of this Order for the examination of a witness shall permit the cross-examination of the witness by a person who-

- (a) has the examiner's approval to do so; and
- (b) is affected by the examination or his legal representative. (87 of 1997 s. 36)

5. Dealing with deposition (O. 70, r. 5)

Unless any order made in pursuance of this Order for the examination of any witness otherwise directs, the examiner before whom the examination was taken must send the deposition of that witness to the Registrar, and the Registrar shall-

- (a) give a certificate sealed with the Seal of the Court for use out of the jurisdiction identifying the documents annexed thereto, that is to say, the request, the order of the Court for examination and the deposition taken in pursuance of the order; and
- (b) send the certificate with the documents annexed thereto to the Chief Secretary for Administration, or, where the request was sent to the Registrar by some other person in accordance with a Civil Procedure Convention, to that other person, for transmission to the court or tribunal out of the jurisdiction requesting the examination. (L.N. 362 of 1997)

6. Claim to privilege (O. 70, r. 6)

(1) The provisions of this rule shall have effect where a claim by a witness to be exempt from giving any evidence on the ground specified in section 77(1)(b) of the Ordinance is not supported or conceded as mentioned in subsection (2) of that section.

(2) The examiner may, if he thinks fit, require the witness to give the evidence to which the claim relates and, if the examiner does not do so, the Court may do so, on the ex parte application of the person who obtained the order under section 76.

(3) If such evidence is taken-

- (a) it must be contained in a document separate from the remainder of the deposition of the witness;
- (b) the examiner shall send to the Registrar with the deposition a statement signed by the examiner setting out the claim and the ground on which it was made;
- (c) on receipt of the statement the Registrar shall, notwithstanding anything in rule 5, retain the document containing the part of the witness's evidence to which the claim relates and shall send the statement and a request to determine the claim to the foreign court or tribunal with the documents mentioned in rule 5;
- (d) if the claim is rejected by the foreign court or tribunal, the Registrar shall send to that court or tribunal the document containing that part of the witness's evidence to which the claim relates, but if the claim is upheld he shall send the document to the witness, and shall in either case notify the witness and the person who obtained the order under section 76 of the court or tribunal's determination.

(Enacted 1988)

Note:

*** Please see the transitional provision in rule 2 of L.N. 322 of 1998.**



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Chapter:	4A	Title:	THE RULES OF THE HIGH COURT	Gazette Number:	25 of 1998
Order:	114	Heading:	(HK) COMMISSIONERS FOR OATHS	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2

1. Appointment of commissioners for oaths (O. 114, r. 1)

(HK)(1) The Chief Justice may, by a commission signed by him, appoint fit and proper persons to be commissioners to administer oaths and take declarations, affirmations, and attestations of honour, and may revoke any such appointment.

(1A) The power of appointment under paragraph (1) may, by a notice in writing signed by the Chief Justice, be delegated to the Registrar. (L.N. 167 of 1994)

(2) Every person so appointed shall be styled a commissioner for oaths and shall have all the powers and discharge all the duties which now belong to the office of a commissioner to administer oaths.

2. Officers of the court to administer oaths (O. 114, r. 2)

(HK) Every person who, being an officer of or performing duties in relation to the Court, is for the time being so authorized by the Court or by or in pursuance of any rules or orders regulating the procedure of the Court, and every person directed to take an examination in any cause or matter in the Court, shall have authority to administer any oath or take any affidavit required for any purpose connected with his duties.

(Enacted 1988)



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Chapter:	29	Title:	TRUSTEE ORDINANCE	Gazette Number:	L.N. 362 of 1997
Section:	63	Heading:	Power of court on application to appoint judicial trustee	Version Date:	01/07/1997

PART VI

THE JUDICIAL TRUSTEE

(1) Where application is made to the court by or on behalf of the person creating or intending to create a trust, or by or on behalf of a trustee or beneficiary, or by the Secretary for Justice in the case of a charitable trust, the court may, in its discretion, appoint a person (in this Part called a judicial trustee) to be a trustee of that trust, either jointly with any other person or as sole trustee, and, if sufficient cause is shown, in place of all or any existing trustees.

(Amended 68 of 1995 s. 14; L.N. 362 of 1997)

(2) The administration of the property of a deceased person, whether a testator or intestate, shall be a trust, and the executor or administrator a trustee, within the meaning of this Part.

(3) Any fit and proper person nominated for the purpose in the application may be appointed a judicial trustee, and, in the absence of such nomination, or if the court is not satisfied of the fitness of a person so nominated, an official of the court may be appointed, and in any case a judicial trustee shall be subject to the control and supervision of the court as an officer thereof.

(4) The court may, either on request or without request, give to a judicial trustee any general or special directions in regard to the trust or the administration thereof.

(5) There may be paid to the judicial trustee out of the trust property such remuneration, not exceeding any prescribed limits, as the court may assign in each case, subject to any rules under this Part respecting the application of such remuneration where the judicial trustee is an official of the court, and the remuneration so assigned to any judicial trustee shall, save as the court may for special reasons otherwise order, cover all his work and personal outlay.

(6) Once in every year the accounts of every trust of which a judicial trustee has been appointed shall be audited, and a report thereon made to the court by such persons as may be prescribed, and, in any case where the court shall so direct, an inquiry into the administration by a judicial trustee of any trust, or into any dealing or transaction of a judicial trustee, shall be made in such manner as may be prescribed.

[cf. 1896 c. 35 s. 1 U.K.]



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Chapter:	29	Title:	TRUSTEE ORDINANCE	Gazette Number:	18 of 1999
Section:	66	Heading:	Appointment of Official Trustee	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 18 of 1999 s. 3

PART VII

THE OFFICIAL TRUSTEE

(1) For the purpose of carrying into effect the provisions of this Part, it shall be lawful for the Chief Executive to appoint a fit and proper person to be Official Trustee: (Amended 18 of 1999 s. 3)

Provided that, until such appointment is made, the Official Solicitor shall ex officio exercise all the powers, privileges and discretions, and discharge the duties required to be performed by the Official Trustee under this Ordinance. (Amended 98 of 1991 s. 10)

(2) The said office shall have perpetual succession, and all lands or any interest therein, and all moneys, stocks, and securities and land which may be vested in the Official Trustee under this Part shall be deemed to be vested in the Official Trustee for the time being, without any further transfer or conveyance.



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Chapter:	29B	Title:	JUDICIAL TRUSTEE RULES	Gazette Number:	
Rule:	23	Heading:	Resignation of judicial trustee	Version Date:	30/06/1997

Resignation and Discontinuance of Judicial Trustee

- (1) If a judicial trustee desires to be discharged from his trust he shall give notice to the court, stating at the same time what arrangements it is proposed to make with regard to the appointment of a successor.
- (2) The court shall give facilities for the appointment on a proper application of an official of the court to be judicial trustee in place of a judicial trustee who desires to be discharged, in cases where no fit and proper person appears available for the office, or where the court considers that such an appointment is convenient or expedient in the interests of the trust.
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Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	13A	Heading:	Approval of appointment by authorized insurer of certain controllers	Version Date:	30/06/1997

(1) In this section-
"controller" (控權人), in relation to an authorized insurer-

- (a) incorporated in Hong Kong, means a person who is a managing director or chief executive of the insurer under section 9; and
- (b) incorporated outside Hong Kong, means a person who is-
 - (i) a managing director of the insurer by virtue of section 9(3)(a); or
 - (ii) a chief executive of the insurer by virtue of section 9(3)(b); (Amended 59 of 1993 s. 5)

"notice of objection" (反對通知書) means a notice in writing objecting to the proposed appointment by an authorized insurer of a person, specified in that notice, as a controller of the insurer.

(2) Subject to section 38B(4), no authorized insurer shall appoint a person as a controller of the insurer unless- (Amended 51 of 1992 s. 4)

- (a) the insurer has served on the Insurance Authority a notice in writing stating that it proposes to appoint that person as such a controller and containing the information specified in the Fourth Schedule; and
- (b) one of the following occurs-
 - (i) the Insurance Authority has, before the expiration of 3 months from the date of service of that notice, notified the insurer in writing that there is no objection to that person being appointed as such a controller;
 - (ii) the period referred to in subparagraph (i) has expired without the Insurance Authority having served on the insurer a preliminary notice referred to in subsection (5); or (Amended 35 of 1996 s. 6)
 - (iii) where a preliminary notice referred to in subsection (5) is served on the insurer-
 - (A) the Insurance Authority has, before the expiration of 2 months from the date of service of the preliminary notice, notified the insurer in writing that there is no objection to the appointment; or
 - (B) the period referred to in sub-subparagraph (A) has expired without the Insurance Authority having served on the insurer a notice of objection. (Added 35 of 1996 s. 6)

(3) No person appointed as a controller of an insurer in contravention of subsection (2) shall act or continue to act as such a controller.

(4) A notice served by an insurer under subsection (2)(a) shall contain a statement signed by the person proposed to be appointed as a controller that it is served with his knowledge and consent.

(5) The Insurance Authority may serve a notice of objection on an insurer on the ground that it appears to him that

the person proposed to be appointed as a controller is not a fit and proper person to be so appointed, but before serving such a notice the Insurance Authority shall serve on the insurer and on that person a preliminary notice in writing stating-

- (a) that the Insurance Authority is considering the service on the insurer of a notice of objection on that ground; and
- (b) that the insurer and that person may, within 1 month from the date of service of the preliminary notice, make representations in writing to the Insurance Authority and, if the insurer or that person so requests, oral representations to a public officer appointed for the purpose by the Insurance Authority.

(6) The Insurance Authority shall not be obliged to disclose to the insurer or to the person proposed to be appointed as a controller any particulars of the ground on which he is considering the service on the insurer of a notice of objection.

(7) Where representations are made in accordance with subsection (5)(b), the Insurance Authority shall take them into consideration before serving the notice of objection concerned.

(8) If the insurer or the person concerned is aggrieved by the decision of the Insurance Authority to serve a notice of objection on the insurer, the insurer or person concerned may, within 1 month from the date on which the notice is served, appeal against the decision to the Financial Secretary whose decision shall be final.

(9) Any authorized insurer which fails to comply with subsection (2) commits an offence and is liable to a fine of \$200000. (Amended 35 of 1996 s. 6)

(10) Any person who fails to comply with subsection (3) commits an offence and is liable to a fine of \$200000 and, in the case of an individual, to imprisonment for 2 years, together with a fine of \$2000 for each day on which the offence continues. (Amended 35 of 1996 s. 6)

(Added 44 of 1990 s. 3)

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Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	13B	Heading:	Approval of persons proposing to become certain controllers of authorized insurer	Version Date:	30/06/1997

(1) In this section-

"controller" (控權人), in relation to an authorized insurer, means a person who, alone or with any associate within the meaning of section 9(4) or through a nominee, is entitled to exercise, or control the exercise of, 15% or more of the voting power at any general meeting of the insurer;

"notice of objection" (反對通知書) means a notice in writing objecting to the person specified in that notice becoming a controller, or being a controller, as the case may be, of the authorized insurer specified in that notice.

(2) No person shall become a controller of an authorized insurer incorporated in Hong Kong unless-

(a) he has served on the Insurance Authority a notice in writing stating that he proposes to become a controller of that insurer and containing the information specified in the Fifth Schedule; and

(b) one of the following occurs-

- (i) the Insurance Authority has, before the expiration of 3 months from the date of service of that notice, notified him in writing that there is no objection to his becoming a controller of the insurer;
- (ii) the period referred to in subparagraph (i) has expired without the Insurance Authority having served on him a preliminary notice referred to in subsection (4); or (Amended 35 of 1996 s. 7)
- (iii) where a preliminary notice referred to in subsection (4) is served on the person-
 - (A) the Insurance Authority has, before the expiration of 2 months from the date of service of the preliminary notice, notified the person in writing that there is no objection to his becoming a controller of the insurer; or
 - (B) the period referred to in sub-subparagraph (A) has expired without the Insurance Authority having served on him a notice of objection. (Added 35 of 1996 s. 7)

(3) Where a person-

- (a) becomes a controller of an insurer in contravention of subsection (2);
- (b) did not know that the acts or circumstances by virtue of which he became such a controller were such as to have that effect; and
- (c) subsequently becomes aware of the fact that he has become such a controller,

he shall serve on the Insurance Authority, not later than 14 days after becoming aware of that fact, a notice in writing stating that he has become such a controller and containing the information specified in the Sixth Schedule.

(4) The Insurance Authority may serve a notice of objection on a person on the ground that it appears to him that the person is not a fit and proper person to become a controller, or to be a controller, as the case may be, of the insurer concerned, but before serving such a notice the Insurance Authority shall serve on that person a preliminary notice in writing stating-

- (a) that the Insurance Authority is considering the service on him of a notice of objection on that

ground; and

(b) that he may, within 1 month from the date of service of the preliminary notice, make written representations to the Insurance Authority and, if he so requests, oral representations to a public officer appointed for the purpose by the Insurance Authority.

(5) The Insurance Authority shall not be obliged to disclose to a person any particulars of the ground on which he is considering the service on him of a notice of objection.

(6) Where representations are made in accordance with subsection (4)(b), the Insurance Authority shall take them into consideration before serving the notice of objection concerned.

(7) If a person is aggrieved by the decision of the Insurance Authority to serve a notice of objection on him, he may, within 1 month from the date on which the notice is served, appeal against the decision to the Financial Secretary whose decision shall be final.

(8) No transaction relating to the acquisition of voting power in an insurer shall be void or voidable by reason only of a contravention of subsection (2).

(9) Subject to subsection (10), any person who fails to comply with subsection (2) commits an offence and is liable to a fine of \$200000 and, in the case of an individual, to imprisonment for 2 years. (Amended 35 of 1996 s. 7)

(10) Where a person is charged with an offence under subsection (9), it shall be a defence to prove that he did not know that the acts or circumstances by virtue of which he became a controller of the insurer concerned were such as to have that effect.

(11) Any person who fails to comply with subsection (3) commits an offence and is liable to a fine of \$200000 and, in the case of an individual, to imprisonment for 2 years, together with a fine of \$2000 for each day on which the offence continues. (Amended 35 of 1996 s. 7)

(Added 44 of 1990 s. 3)

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Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	14	Heading:	Notification of change in particulars, and objection to appointment of new director or controller	Version Date:	30/06/1997

(1) Without prejudice to subsection (2), but subject to sections 38A(2) and 38B(5), where any change takes place in the particulars specified in respect of an authorized insurer in the application made by that insurer under section 7 or any information furnished under that section, the insurer shall, within 1 month from the date on which the change takes place, notify the Insurance Authority thereof in writing and shall furnish the Insurance Authority with such information in respect thereof as the Insurance Authority may require. (Amended 51 of 1992 s. 5)

(2) Subject to subsection (2A) and sections 38A(2) and 38B(5), where any change takes place in the directors or controllers of an authorized insurer, the insurer shall forthwith deliver written notice of that fact to the Insurance Authority containing the information specified in the Second Schedule. (Amended 44 of 1990 s. 4; 51 of 1992 s. 5)

(2A) Without limiting the generality of subsection (3), an authorized insurer is not required to furnish to the Insurance Authority information referred to in Form A or B of the Second Schedule in respect of any change in the controllers of the insurer which is the result of a person becoming, or being, such a controller where-

- (a) section 13A or 13B applied in relation to that person becoming, or being, such a controller;
- (b) that person has become, or is, such a controller in accordance with section 13A or 13B; and
- (c) there has been no change in any information furnished to the Insurance Authority under section 13A or 13B in relation to that person becoming, or being, such a controller. (Added 44 of 1990 s. 4)

(3) Subject to sections 38A(2) and 38B(5), where any person becomes or ceases to be a director or controller of any authorized insurer, he shall forthwith deliver written notice of that fact to the insurer together with such information relating to himself as may be necessary to enable the insurer to comply with subsection (2) as respects that fact. (Amended 51 of 1992 s. 5)

(4) Subject to subsection (5) and section 38B(4), the Insurance Authority may, if it appears to him that any person appointed as director or controller (other than a controller to whom section 13A or 13B applies) of an authorized insurer is not a fit and proper person to be appointed to that position, serve a notice in writing on the insurer stating- (Amended 44 of 1990 s. 4; 51 of 1992 s. 5)

- (a) that he objects to the appointment; and
- (b) that he objects thereto on the ground that it appears to him that the person so appointed is not a fit and proper person to be appointed to the position in question.

(5) The following provisions shall apply in relation to a notice of objection referred to in subsection (4)-

- (a) the Insurance Authority shall serve on the insurer and the person concerned a preliminary written notice stating-
 - (i) that the Insurance Authority is considering the service on the insurer of a notice of objection under that subsection on the ground referred to in paragraph (b) thereof;
 - (ii) that the insurer and that person may, within 1 month from the date of service of the preliminary notice, make written representations to the Insurance Authority and, if the insurer or that person so requests, oral representations to a public officer appointed for the purpose by the Insurance Authority; (Amended 44 of 1990 s. 4)

(b) the Insurance Authority shall not be obliged to disclose to the insurer or to that person any particulars of the ground on which he is considering the service on the insurer of the notice of objection;

(c) where representations are made under paragraph (a)(ii), the Insurance Authority shall take them into consideration before serving the notice of objection.

(6) If the insurer or the person concerned is aggrieved by the decision of the Insurance Authority to serve a notice of objection under this section, the insurer or person concerned may, within 1 month from the date on which the notice is served on the insurer or person concerned as the case may be, appeal against the decision to the Financial Secretary whose decision shall be final.

(7) (Repealed 50 of 1992 s. 3)

(8) Any person who fails to comply with subsection (1), (2) or (3) commits an offence and is liable to a fine of \$200000 and, in the case of an individual, to imprisonment for 2 years, together with a fine of \$2000 for each day on which the offence continues. (Amended 35 of 1996 s. 10)



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Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	51 of 1999
Section:	50B	Heading:	Fit and proper management	Version Date:	23/07/1999

(1) Lloyd's shall appoint a person (not being a body corporate) as its authorized representative who shall reside in Hong Kong and be responsible for its overall operation in Hong Kong.

(2) Without limiting the generality of subsection (1), the authorized representative shall be responsible for-

- (a) accepting service of notices on behalf of Lloyd's and its members;
- (b) servicing Lloyd's policy holders in Hong Kong with a view to protecting their interests; and
- (c) ensuring compliance by Lloyd's and its members with the provisions of this Ordinance.

(3) Section 13A applies to all appointments of an authorized representative and a reference in that section to an authorized insurer and a controller shall be read as a reference to Lloyd's and the authorized representative respectively.

(4) Where a person has been appointed as the authorized representative and the Insurance Authority believes that he is no longer a fit and proper person to be so and desires his removal, the procedures described in section 13A(5) to (8) shall apply with the necessary changes as provided in subsection (3), and in addition to those changes, a reference to a notice of objection and the person proposed to be appointed shall be read as a reference to a notice of removal and the person appointed respectively.

(5) After the notice of removal has been served, the authorized representative shall be removed on the date specified in the notice and the lodging of an appeal to the Financial Secretary shall not prevent the notice from taking effect.

(6) If the Financial Secretary, on appeal, decides that the notice of removal should not have been served, the notice of removal shall thereupon be cancelled and the authorized representative who has been served the notice may be reinstated by Lloyd's.

(7) Where, subsequent to the appointment of an authorized representative, there is any change in the representative's particulars as submitted to the Insurance Authority under this section, Lloyd's shall, within one month of such change occurring, notify in writing the Insurance Authority.

(8) Where Lloyd's contravenes subsection (7), it commits an offence and is liable, on conviction, to a fine of \$200000 together with a fine of \$2000 for each day on which the offence continues.

(Added 51 of 1999 s. 4)

Notes:

1. This section was added by section 4 of the Insurance Companies (Amendment) Ordinance 1999 (51 of 1999).

2. The transitional provision contained in section 9(3) of Ord. No. 51 of 1999 reads as follows:

(3) The person who is, on the day section 4 of this Ordinance comes into operation*, lawfully acting as the authorized representative of Lloyd's shall be deemed to have been appointed in accordance with section 50B of the principal Ordinance as enacted by section 4 of this Ordinance.

***(All provisions in Ord. No. 51 of 1999 came into operation on 23 July 1999.)**



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Chapter:	56	Title:	BOILERS AND PRESSURE VESSELS ORDINANCE	Gazette Number:	
Section:	5A	Heading:	Revocation and suspension of appointment	Version Date:	30/06/1997

(1) The Authority may by notice in writing to a person appointed under section 5(1) revoke or suspend for any length of time his appointment if-

- (a) that person so requests; or
- (b) it appears to the Authority that the person has ceased to practise as a boiler inspector, air receiver inspector, or pressurized fuel container inspector, as the case may be; or
- (c) the Authority does not consider the person to be competent, fit and proper to remain appointed.

(2) Every notice referred to in subsection (1) shall-

- (a) include an adequate statement of the reasons for revoking or suspending the appointment; and
- (b) set out subsections (3) and (4). (Amended 6 of 1994 s. 34)

(3) A person whose appointment is revoked or suspended otherwise than at his own request may, by notice in writing which states the grounds of appeal and is delivered to the Authority within 28 days of his being notified by the Authority of the decision, appeal to the Administrative Appeals Board. (Amended 6 of 1994 s. 34)

(4) A revocation or suspension of an appointment under subsection (1) shall have immediate effect, notwithstanding any appeal against the decision under subsection (3).

(5)-(6) (Repealed 6 of 1994 s. 34)

(7) A revocation or suspension of an appointment under subsection (1) and a reversal of a decision of the Authority by the Administrative Appeals Board shall be notified in the Gazette. (Amended 6 of 1994 s. 34)

(Added 87 of 1988 s. 6)



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Chapter:	94	Title:	WIDOWS AND ORPHANS PENSION ORDINANCE	Gazette Number:	
Section:	27	Heading:	Payment on behalf of minors	Version Date:	30/06/1997

(1) In any case in which a minor is entitled to payment of a pension or portion of a pension, it shall be lawful for the directors to appoint a fit and proper person to whom such pension shall be paid on behalf of such minor. (Amended 50 of 1911; 12 of 1912 Schedule)

(2) Such appointment shall be in writing under the hand of at least three of the directors, and the receipt of such person shall be a legal discharge for the payment of such pension or portion thereof.



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Chapter:	107	Title:	TRAMWAY ORDINANCE	Gazette Number:	62 of 1999
Section:	19	Heading:	Protection of departments and persons	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

For the purpose of making, forming, laying down, maintaining, renewing, altering, adding to or removing the tramway or any part thereof, the company may, where it is necessary or appears expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same, alter the position of any mains or pipes for the supply of gas or water, or any tubes, wires, standards, poles or apparatus for telegraphic, telephonic, electric lighting or any other purposes, subject to the following restrictions- (Amended 50 of 1911 s. 4)

(a) before altering the position of any such mains or pipes, tubes, wires, standards, poles or apparatus the company shall obtain the written assent of the Director to such alteration; (Amended 33 of 1939 Schedule)

(b) before laying down the tramway in a road in which any mains or pipes, tubes, wires, standards, poles or apparatus may be laid, the company shall, whether it contemplates altering the position thereof or not, give 7 days' notice to the department or person to whom they belong of its intention to lay down or alter the tramway, and shall at the same time deliver a plan of the proposed work. If it appears that the construction of the tramway as proposed would endanger any such main or pipe, tube, wire, standard, pole or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic, telephonic, electric lighting or other communication, such department or person may give notice to the company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, standards, poles or apparatus in such manner as may be considered necessary; and any difference as to the necessity therefor shall be settled in manner provided by this Ordinance for the settlement of differences between the company and departments or persons; (Amended 50 of 1911 s. 4; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 21 of 1912 s. 5)

(c) the company shall not remove or displace any of the mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, or other work belonging to any such department or person, or do anything to impede the passage of water or gas, or the telegraphic, telephonic, electric lighting or other communication into or through such mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, without the consent of such department or person, or in any other manner than such department or person may approve, until good and sufficient mains, pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus, and other works necessary or proper for continuing the supply of water or gas or telegraphic, telephonic, electric lighting or other communication as efficiently as the same was supplied by the mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus proposed to be removed or displaced, have at the expense of the company been first made and laid down in lieu thereof and are ready for use to the reasonable satisfaction of the surveyor or engineer of such department or person, or in case of disagreement between such surveyor or engineer and the company, in such manner as the Director or other fit and proper person specially appointed by the Chief Executive may direct; (Amended 12 of 1910 s. 2; 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule; 62 of 1999 s. 3)

(d) all alterations to be made under this section shall be made with as little detriment and inconvenience to such department or person as the circumstances admit and under the superintendence of such department or person or of its or his surveyor or engineer; (Amended 50 of 1911; 51 of 1911; 1 of 1912 Schedule; 2 of 1912 Schedule; 33 of 1939 Schedule)

- (e) the company shall not lay down any such mains or pipes, valves, siphons, plugs, tubes, wires, standards, poles or apparatus contrary to the provisions of any Ordinance relating to water, gas or other companies, or to telegraphs; (Amended 50 of 1911; 1 of 1912 Schedule)
 - (f) the company shall make good all damage done by it to property belonging to or controlled by any such department or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes or wires of any person supplied by any such department or person with water or gas or electric light unless such department or person, by or by reason of its or his own default, neglect or omission, has contributed to or assisted in the doing, happening or bringing about of such loss or damage; (Amended 50 of 1911; 1 of 1912 Schedule; 33 of 1939 Schedule)
 - (g) if by any such operations as aforesaid the company interrupts the supply of water or gas or electric light in or through any main, pipe or wire for a period exceeding 12 consecutive hours, it shall be liable to a fine of \$100 for every day or portion of a day after the expiration of such period of 12 hours during which such supply is so interrupted. (Amended 30 of 1911 s. 10; 33 of 1939 Schedule)
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Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 137 of 2001
Schedule:	11	Heading:	MINIMUM CRITERIA FOR APPROVAL AS MONEY BROKER	Version Date:	08/06/2001

[sections 118C(2) & (7) & 135(3)]

1. (1) In this Schedule-

"adequate" (足夠), in relation to systems of control, includes operating effectively;

"controller" (控權人) includes a minority shareholder controller;

"net debit balance" (借方淨差額), in relation to a company, means the aggregate of the excess of accumulated losses over accumulated profits disclosed in the profit and loss account, and other reserves separately disclosed in the balance sheet, of the most recent audited accounts of the company;

"share premium account" (股份溢價帳)-

(a) in relation to a company incorporated in Hong Kong, means a share premium account referred to in section 48B(1) of the Companies Ordinance (Cap 32) maintained in respect of the company;

(b) in relation to a company incorporated outside Hong Kong, means an account having the same characteristics of a share premium account referred to in section 48B(1) of the Companies Ordinance (Cap 32) irrespective of its name; (Added L.N. 137 of 2001)

"systems of control" (管控制度) includes procedures.

(2) For the purpose of the calculation of the paid-up share capital of a company required by this Schedule, there shall be deducted from such share capital any net debit balance.

(3) For the avoidance of doubt, it is hereby declared that where pursuant to the provisions of this Schedule the Monetary Authority holds an opinion, or is satisfied, in relation to any matter, his holding that opinion or being so satisfied, as the case may be, shall not of itself bind the Monetary Authority-

(a) to continue to hold that opinion or to be so satisfied, as the case may be, whether before, on or after the approval, if any, of the company to which the matter directly or indirectly relates; or

(b) to hold any similar opinion or to be similarly satisfied, as the case may be, in respect of any similar matter which directly or indirectly relates to any other company seeking approval.

(4) Without prejudice to the generality of subparagraph (3), the Monetary Authority may regard himself as being satisfied in relation to any matter in respect of which he may be satisfied pursuant to the provisions of this Schedule where-

(a) the matter directly or indirectly relates to a company incorporated outside Hong Kong.

(b) the relevant money broker supervisory authority informs the Monetary Authority that it is satisfied in relation to that matter; and

(c) the Monetary Authority is satisfied as to the scope and nature of the supervision exercised by that authority.

(5) For the avoidance of doubt, it is hereby declared that subparagraph (4) shall operate before, on and after the approval, if any, of the company to which any matter referred to in that subparagraph directly or indirectly relates.

2. The Monetary Authority is satisfied that he knows the identity of each controller of the company.

3. If the company is incorporated in Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be, a director, controller or chief executive of the company is a fit and proper person to hold the particular position which he holds or is to hold.

4. If the company is incorporated outside Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be-

(a) a chief executive of the business in Hong Kong of the company;

(b) a director, controller or chief executive of the business of the company in the place where it is incorporated.

is a fit and proper person to hold the particular position which he holds or is to hold.

5. The Monetary Authority is satisfied that the company presently has, and will if it is approved continue to have, adequate financial resources (whether actual or contingent) for the nature and scale of its operations and, without prejudice to the generality of the foregoing, the aggregate amount of its paid-up share capital and the balance of its share premium account is not less than \$5000000 or an equivalent amount in any other approved currency.
(Amended L.N. 137 of 2001)

6. The Monetary Authority is satisfied that the company presently has, and will if it is approved continue to have, adequate accounting systems and adequate systems of control.

7. The Monetary Authority is satisfied that the business of the company is presently, and will if it is approved continue to be, carried on with integrity, prudence and the appropriate degree of professional competence.

(Eleventh Schedule added 4 of 1997 s. 26)

Individual Section Mode

Contents of Section



Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 288 of 1999
Section:	70	Heading:	Provisions applicable to persons proposing to become controllers, and to certain existing controllers, of authorized institutions incorporated in Hong Kong	Version Date:	19/11/1999

(1) This section shall apply to a person becoming or being-

- (a) a majority shareholder controller; or
- (b) an indirect controller,

of an authorized institution incorporated in Hong Kong as it applies to a person becoming or being, as the case may be, a minority shareholder controller of an authorized institution incorporated in Hong Kong.

(2) In this section-

"conditional notice of consent" (有條件同意通知書) means a notice of consent referred to in paragraph (b) of the definition of "notice of consent";

"notice of consent" (同意通知書) means a notice in writing specifying that-

- (a) there is no objection to the person specified in that notice becoming or being, as the case may be, a minority shareholder controller of the authorized institution specified in that notice; or
- (b) the conditions subject to which there is no objection to the person specified in that notice becoming or being, as the case may be, a minority shareholder controller of the authorized institution specified in that notice;

"notice of objection" (反對通知書) means a notice in writing objecting to the person specified in that notice becoming or being, as the case may be, a minority shareholder controller of the authorized institution specified in that notice.

(3) Subject to subsection (4), no person shall become a minority shareholder controller of an authorized institution incorporated in Hong Kong unless-

- (a) he has served on the Monetary Authority a notice in writing stating that he proposes to become such a controller; and
- (b) either-
 - (i) subject to subsection (17), the Monetary Authority has, before the expiration of 3 months from the date of service of that notice, served on him a notice of consent; or
 - (ii) that period has expired without the Monetary Authority having served on him a notice of objection.

(4) A notice referred to in subsection (3)(a) served on the Monetary Authority by a person shall not be regarded as compliance with that subsection except as respects that person becoming a minority shareholder controller of the authorized institution to which the notice relates before the expiration of 12 months from-

- (a) where that person has been served with a notice of consent, on the date on which he was so served;

- (b) where the period referred to in subsection (3)(b) has expired and neither of the events specified in that section has occurred, on the expiration of that period;
 - (c) where that person has been served with a notice of objection in respect of which an appeal under section 132A(3) has been successful, on the date on which the appeal was successful.
- (Amended 4 of 1997 s. 27)

(5) Where a person-

- (a) becomes a minority shareholder controller of an authorized institution in contravention of subsection (3);
- (b) did not know that the acts or circumstances by virtue of which he became such a controller were such as to have that effect; and
- (c) subsequently becomes aware of the fact that he has become such a controller,

he shall serve on the Monetary Authority, not later than 14 days after becoming aware of that fact, a notice in writing stating that he has become such a controller.

(6) Subject to subsections (7), (8), (9) and (10), the Monetary Authority may serve-

- (a) a notice of consent; or
- (b) a notice of objection,

on a person.

(6A) For the avoidance of doubt, it is hereby declared that a conditional notice of consent served on a person who has become the minority shareholder controller of an authorized institution may revoke a prior notice of consent, if any, served on the person in relation to the person becoming or being, as the case may be, such a controller. (Added 42 of 1999 s. 7)

(7) Without limiting the generality of conditions which the Monetary Authority may specify in a conditional notice of consent, he may specify in the notice such conditions as he may think proper to safeguard the interests of depositors and potential depositors of the authorized institution specified in the notice.

(8) The Monetary Authority shall not serve a notice of objection on a person where the Monetary Authority is satisfied-

- (a) that the person is a fit and proper person to become or to be, as the case may be, a minority shareholder controller of the authorized institution specified in the notice;
- (b) that the interests of depositors and potential depositors of that institution would not be or are not, as the case may be, in some other manner threatened by that person becoming or being, as the case may be, such a controller; and
- (c) where that person-
 - (i) is not presently such a controller, that, having regard to that person's likely influence on that institution if he was to become such a controller-
 - (A) if the Monetary Authority is of the opinion that that institution is presently conducting its business prudently, the institution is likely to continue so conducting its business;
 - (B) if the Monetary Authority is of any other opinion, that person is likely to undertake adequate remedial action;
 - (ii) is presently such a controller, that, having regard to that person's influence on that institution as such a controller-
 - (A) if the Monetary Authority is of the opinion that that institution was conducting its business prudently before that person became such a controller, the institution is presently, and is likely to continue, so conducting its business;
 - (B) if the Monetary Authority is of any other opinion, that person is presently undertaking, or is likely to undertake, adequate remedial action.

(9) The Monetary Authority shall not serve a notice of objection on a person who has become a minority shareholder controller of an authorized institution- (Amended 42 of 1999 s. 7)

- (a) unless he has become such a controller in contravention of subsection (3);
- (b) subject to subsection (17), after the expiration of 3 months immediately following the Monetary Authority becoming aware of such contravention.

(10) The Monetary Authority shall, before serving a conditional notice of consent or notice of objection on a person, serve on that person a preliminary notice in writing-

- (a) stating that the Monetary Authority is considering the service on him of a conditional notice of consent or notice of objection, as the case may be;
- (b) where the Monetary Authority is considering the service on him of-
 - (i) a conditional notice of consent, specifying the conditions which the Monetary Authority proposes to specify in the notice;
 - (ii) a notice of objection, specifying which of the matters referred to in subsection (8) in respect of which the Monetary Authority is not satisfied; and
- (c) stating that he may, within 1 month from the date of service of the preliminary notice, make written representations to the Monetary Authority.

(11) Where representations are made in accordance with subsection (10)(c), the Monetary Authority shall take them into account in deciding whether to serve the conditional notice of consent or notice of objection, as the case may be, concerned.

(12) A conditional notice of consent served on a person-

- (a) may specify conditions which were not specified in the preliminary notice served under subsection (10) on that person where-
 - (i) that person consents to those conditions; or
 - (ii) a subsequent preliminary notice specifying those conditions has been served under that subsection on that person; and
- (b) shall give particulars of the right conferred by subsection (15).

(13) A notice of objection served on a person-

- (a) shall, subject to paragraph (b), specify which of the matters referred to in subsection (8) in respect of which the Monetary Authority is not satisfied;
- (b) shall not specify any such matters which were not specified in the preliminary notice served under subsection (10) on that person; and
- (c) shall give particulars of the right conferred by subsection (15).

(14) The Monetary Authority shall not be obliged to disclose to a person any particulars of the matters referred to in subsection (8) on which he is considering the service on him or has served on him, as the case may be, a notice of objection.

(15) (Repealed 4 of 1997 s. 27)

(16) Where the Monetary Authority pursuant to section 72A requires a person who has given a notice in writing under subsection (3)(a) or (5) to submit information, the time between imposing that requirement and the receipt of the information shall be added to the period referred to in subsection (3)(b) or (9)(b), as the case may be.

(17) The period referred to in subsection (3)(b) or (9)(b) (together with any extension under subsection (16)) shall not expire, if it would otherwise do so, until 14 days after the expiration of the period within which representations can be made in accordance with subsection (10)(c).

(18) Subject to subsection (19), any person who contravenes subsection (3) commits an offence and is liable-

- (a) on conviction upon indictment to a fine at tier 8 and to imprisonment for 5 years; or
- (b) on summary conviction to a fine at tier 5 and to imprisonment for 6 months. (Amended 4 of 1997 s. 27)

(19) Where a person is charged with an offence under subsection (18), it shall be a defence to prove that he did not know that the acts or circumstances by virtue of which he became a minority shareholder controller of the authorized institution concerned were such as to have that effect.

(20) Any person who contravenes subsection (5) commits an offence and is liable-

- (a) on conviction upon indictment to a fine at tier 7 and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at tier 5 and to imprisonment for 6 months,

and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues. (Amended 4 of 1997 s. 27)

(21) Any person who contravenes any condition specified in a conditional notice of consent served on him commits an offence and is liable-

- (a) on conviction upon indictment to a fine at tier 7 and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at tier 5 and to imprisonment for 6 months,

and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues.
(Amended 4 of 1997 s. 27)

(Replaced 95 of 1991 s. 18. Amended 82 of 1992 s. 25)



Individual Section Mode

Contents of Section

Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 85 of 2002
Section:	71	Heading:	Chief executives and directors require Monetary Authority's consent	Version Date:	24/05/2002

(1) Subject to section 53C(5), no person shall-

- (a) become-
 - (i) the chief executive of an authorized institution; or
 - (ii) a director of an authorized institution incorporated in Hong Kong, without the consent in writing of the Monetary Authority;
- (b) if he becomes such chief executive or director without such consent, act or continue to act as such chief executive or director, as the case may be, without such consent;
- (c) fail to comply with a condition attached under subsection (2)(b) or (5) as such condition is in force from time to time; or
- (d) act or continue to act as such chief executive or director after such consent has been withdrawn under subsection (4).

(2) The Monetary Authority-

- (a) shall refuse to give consent under subsection (1) unless the Monetary Authority is satisfied that the person concerned is a fit and proper person to be the chief executive or a director of the authorized institution concerned;
- (b) may give consent under subsection (1) subject to such conditions as the Monetary Authority thinks proper to attach thereto for the purpose of securing, or further securing, that the person concerned will continue to be a fit and proper person to be the chief executive or a director of the authorized institution concerned.

(3) Where the Monetary Authority gives consent, or refuses to give consent, under subsection (1), he shall, as soon as is reasonably practicable, thereafter give notice in writing-

- (a) in the case of the consent, to the person concerned and the authorized institution concerned and specifying any conditions attached to the consent;
- (b) in the case of the refusal, to the person concerned and the authorized institution concerned and specifying his reasons.

(4) Where the Monetary Authority-

- (a) has decided that he has ceased to be satisfied that the chief executive or a director of an authorized institution is a fit and proper person to be such chief executive or director;
- (b) has given to the chief executive or director not less than 7 days' advance notice of his decision, specifying his reasons, and accompanied by a copy of this section; and
- (c) has taken into account any written representation received by him from the chief executive or director, the Monetary Authority may, by notice in writing served on the chief executive or director and the institution, withdraw the consent.

(5) Where the Monetary Authority-

- (a) has decided that he is satisfied that conditions need to be attached to a consent given under subsection (1), or that conditions attached to any such consent need to be amended, for the purpose of securing, or further securing, that the chief executive or director of the authorized institution to whom the consent relates will continue to be a fit and proper person to be such chief executive or director;
- (b) has given to the chief executive or director not less than 7 days' advance notice of his decision, specifying his reasons, and accompanied by a copy of this section; and
- (c) has taken into account any written representation received by him from the chief executive or director,

the Monetary Authority may, by notice in writing served on the chief executive or director and the institution, attach conditions to the consent, or amend conditions attached to the consent, as the case may be.

(6) Any person who contravenes subsection (1) commits an offence and is liable-

- (a) on conviction upon indictment to a fine at tier 7 and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at tier 5 and to imprisonment for 6 months,

and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues.

(7) A person shall not be regarded for the purposes of subsection (1) as becoming the chief executive or a director of an authorized institution if he is appointed to serve as such chief executive or director immediately on the expiration of a previous term by him as such chief executive or director.

(8) For the purposes of this section, where a person has the consent of the Monetary Authority under subsection (1) to be the chief executive of an authorized institution, and is such chief executive, he is not required to have the consent of the Monetary Authority under subsection (1) to be a director of the institution.

(9) Where immediately before the commencement* of section 16 of the Banking (Amendment) Ordinance 2001 (32 of 2001) a person had, or was regarded as having, the Monetary Authority's consent ("former consent") under this section as then in force ("former section") to be the chief executive or a director of an authorized institution, then, on and after that commencement*-

- (a) the former consent shall be deemed to be the Monetary Authority's consent ("deemed consent") under subsection (1) for the person to be that chief executive or director, as the case may be; and
- (b) any conditions attached under the former section to the former consent shall be deemed to be conditions attached under subsection (2)(b) to the deemed consent,

and subsections (4), (5) and (8) shall apply accordingly.

(Replaced 32 of 2001 s. 16)

Note:

* **Commencement date: 24 May 2002.**



Individual Section Mode

Contents of Section



Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 16 of 2003
Section:	71C	Heading:	Executive officers of registered institutions require Monetary Authority's consent	Version Date:	01/04/2003

(1) Subject to sections 71E and 71F, no person shall-

- (a) become an executive officer of a registered institution without the consent in writing of the Monetary Authority;
- (b) if he becomes such executive officer without such consent, act or continue to act as such executive officer without such consent;
- (c) fail to comply with a condition attached under subsection (2)(b) or (9) as such condition is in force from time to time; or
- (d) act or continue to act as such executive officer after such consent has been withdrawn under subsection (4).

(2) The Monetary Authority-

- (a) shall refuse to give consent under subsection (1) unless the Monetary Authority is satisfied that the person concerned-
 - (i) is a fit and proper person to be an executive officer of the registered institution concerned; and
 - (ii) has sufficient authority within the institution to be such executive officer;
- (b) may give consent under subsection (1) subject to such conditions as the Monetary Authority thinks proper to attach thereto.

(3) Where the Monetary Authority gives consent, or refuses to give consent, under subsection (1), he shall as soon as is reasonably practicable thereafter give notice in writing-

- (a) in the case of the consent, to the person concerned and the registered institution concerned and specifying any conditions attached to the consent;
- (b) in the case of the refusal, to the person concerned and the registered institution concerned and specifying his reasons.

(4) Where-

- (a) an executive officer is, or was at any time, guilty of misconduct; or
- (b) the Monetary Authority has ceased to be satisfied that an executive officer of a registered institution-
 - (i) is a fit and proper person to be such type of officer; or
 - (ii) has sufficient authority within the institution to be such officer,

then the Monetary Authority may, after consultation with the Securities and Futures Commission, by notice in writing served on the officer and the institution-

- (c) withdraw the consent; or

(d) suspend the consent for such period or until the occurrence of such event as the Monetary Authority specifies.

(5) Without limiting the generality of subsection (4) or the operation of any other provisions of this Ordinance, for the avoidance of doubt, it is hereby declared that the Monetary Authority may exercise his power under that subsection wholly or partly on the basis of information disclosed to the Monetary Authority by the Securities and Futures Commission, and whether or not the information arises from an investigation under section 182 of the Securities and Futures Ordinance (Cap 571).

(6) The Monetary Authority shall not exercise his power under subsection (4) against an executive officer without first giving the officer an opportunity of being heard.

(7) Where the Monetary Authority decides to exercise his power under subsection (4) against an executive officer, the Monetary Authority shall inform the officer of his decision to do so by notice in writing served on him, and the notice shall include-

- (a) a statement of the reasons for which the decision is made;
- (b) the time at which the decision is to take effect; and
- (c) in so far as applicable, the duration and terms of the withdrawal or suspension of the consent to be imposed under the decision.

(8) Without prejudice to the exercise of any powers by the Securities and Futures Commission under the Securities and Futures Ordinance (Cap 571), the Monetary Authority may make such recommendations to the Securities and Futures Commission concerning any executive officer in respect of the exercise of the power under section 196 or 197 of that Ordinance as he considers appropriate.

(9) Where the Monetary Authority-

- (a) has decided that he is satisfied that conditions need to be attached to a consent given under subsection (1), or that conditions attached to any such consent need to be amended;
- (b) has given to the executive officer not less than 7 days' advance notice of his decision, specifying his reasons, and accompanied by a copy of this section; and
- (c) has taken into account any written representation received by him from the executive officer,

the Monetary Authority may, by notice in writing served on the executive officer and the institution, attach conditions to the consent, or amend conditions attached to the consent, as the case may be.

(10) Any person who contravenes subsection (1) commits an offence and is liable-

- (a) on conviction upon indictment to a fine at tier 7 and to imprisonment for 2 years; or
- (b) on summary conviction to a fine at tier 5 and to imprisonment for 6 months,

and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues.

(11) A person shall not be regarded for the purposes of subsection (1) as becoming an executive officer of a registered institution if he is appointed to serve as an executive officer of it-

- (a) immediately on the expiration of a previous term by him as an executive officer; and
- (b) in relation to the same regulated activity as he was such executive officer in that previous term.

(12) In this section-

"misconduct" (失當行為), in relation to an executive officer, means-

- (a) a contravention of any of the relevant provisions, within the meaning of Schedule 1 to the Securities and Futures Ordinance (Cap 571), which are applicable to the officer;
- (b) a contravention of-
 - (i) any conditions attached under subsection (2)(b), or attached or amended under subsection (9), to the consent under subsection (1) which relates to the officer; or
 - (ii) any conditions attached or amended under section 71E(3) to the provisional consent under section 71E(1) which relates to the officer; or
- (c) an act or omission of the officer relating to the carrying on of any regulated activity-
 - (i) by the registered institution in relation to which the officer is an executive officer; and

(ii) which, in the opinion of the Monetary Authority, is or is likely to be prejudicial to the interest of the investing public or to the public interest,

and "guilty of misconduct" (犯失當行為) shall be construed accordingly.

(13) Where any registered institution is, or was at any time, guilty of misconduct within the meaning of paragraph (a), (b), (c) or (d) of the definition of "misconduct" in section 193(1) of the Securities and Futures Ordinance (Cap 571) as a result of the commission of any conduct occurring with the consent or connivance of, or attributable to any neglect on the part of, an executive officer of the institution, the conduct shall also be regarded as misconduct on the part of the officer, and "guilty of misconduct" shall also be construed accordingly.

(14) For the purposes of paragraph (c) of the definition of "misconduct" in subsection (12), the Monetary Authority shall not form any opinion that any act or omission is or is likely to be prejudicial to the interest of the investing public or to the public interest, unless he has had regard to such of the provisions set out in any code of conduct published under section 169 of the Securities and Futures Ordinance (Cap 571) or any code or guideline published under section 399 of that Ordinance as are in force at the time of occurrence of, and applicable in relation to, the act or omission.

(Added 6 of 2002 s. 10)



Individual Section Mode

Contents of Section



Chapter:	156B	Title:	ANCILLARY DENTAL WORKERS (DENTAL HYGIENISTS) REGULATIONS	Gazette Number:	L.N. 315 of 2000
Regulation:	4	Heading:	Enrolment of dental hygienists	Version Date:	01/01/2001

(1) The Dental Council may, at its absolute discretion, admit any person to practise as a dental hygienist if it is satisfied that the applicant-

- (a) holds the qualifications specified in regulation 3; and
- (b) is a fit and proper person to practise as a dental hygienist.

(2) The Registrar shall maintain a roll in which the name and address of every person whom the Dental Council has admitted to practise as a dental hygienist shall be recorded.

(3) Any enrolled dental hygienist who alters his name or address shall notify the Registrar immediately of any such alteration.

(4) Every dental hygienist shall pay to the Registrar an enrolment fee of \$1650 when his name is recorded in the roll maintained under paragraph (2). (L.N. 181 of 1989; L.N. 599 of 1994; L.N. 11 of 1997; L.N. 315 of 2000)

(5) The Registrar shall issue to each enrolled dental hygienist a certificate of enrolment in such form as may be determined by the Dental Council from time to time.



Individual Section Mode

Contents of Section



Chapter:	159	Title:	LEGAL PRACTITIONERS ORDINANCE	Gazette Number:	25 of 1998 s. 2
Section:	4	Heading:	Qualifications for admission	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) The Court may, in such manner as may be prescribed by the Chief Justice, admit as a solicitor of the High Court a person who the Court considers is a fit and proper person to be a solicitor and who- (Amended 25 of 1998 s. 2)

- (a) has complied with requirements prescribed by the Council with respect to employment as a trainee solicitor, the passing of examinations and the completion of courses; or
- (b) in the case of a person who seeks admission on the basis of qualifications acquired outside Hong Kong, qualifies for admission under requirements prescribed by the Council. (Replaced 60 of 1994 s. 4)

(1A) The Court shall not admit a person under this section unless it has received from the Society a certificate to the effect that the Society is satisfied that the person-

- (a) has resided in Hong Kong for at least 3 months immediately before his admission;
- (b) intends to reside in Hong Kong for at least 3 months immediately after his admission;
- (c) has been ordinarily resident in Hong Kong for at least 7 years; or
- (d) has been present in Hong Kong for at least 180 days of each of at least 7 years. (Added 60 of 1994 s. 4)

(1B) The court may, when admitting a person as a solicitor, sit in chambers. (Added 60 of 1994 s. 4)

(2) A person shall not be disqualified from admission as a solicitor by reason only that-

- (a) a solicitor who employed him or acted as his principal for the whole term or such part of a term of a trainee solicitor contract as may be prescribed by the Council has neglected or omitted to take out a practising certificate; or (Amended 50 of 1982 s. 3; 70 of 1991 s. 13; 60 of 1994 s. 4)
- (b) the name of the solicitor who employed him as a trainee solicitor or acted as his principal for any period has after the termination of that period been removed from or struck off the roll of solicitors. (Amended 70 of 1991 s. 13; 60 of 1994 s. 4)

(3) Where a person who was admitted as a solicitor on the basis of an intention referred to in subsection (1A)(b) fails to reside in Hong Kong for at least 3 months immediately after his admission, the Court may, on the application of the Society, order that the person's name be removed from or struck off the roll of solicitors. (Added 60 of 1994 s. 4)
[cf. 1957 c. 27 s. 3 U.K.]



Individual Section Mode

Contents of Section



Chapter:	159	Title:	LEGAL PRACTITIONERS ORDINANCE	Gazette Number:	L.N. 87 of 2003
Section:	27	Heading:	Power of Court to admit barristers	Version Date:	28/03/2003

PART III

BARRISTERS

(1) Subject to subsection (2), the Court may, in such manner as may be prescribed by the Chief Justice, admit as a barrister of the High Court in Hong Kong, a person whom it considers a fit and proper person to be a barrister, provided such person has-

- (a) complied with the requirements;
- (b) passed the examinations; and
- (c) paid the fees,

prescribed by the Bar Council.

(2) The Court shall not admit a person under subsection (1) unless it is satisfied that that person-

- (a) is not in practice as a solicitor either on his own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong; and
- (b) satisfies one of the following requirements-
 - (i) has resided in Hong Kong for at least 3 consecutive months immediately before the date of his application for admission;
 - (ii) has been ordinarily resident in Hong Kong for at least 7 years;
 - (iii) has been physically present in Hong Kong for at least 180 days of each of at least 7 years within the 10 years immediately preceding the date of his application for admission.

(3) If at the time of his admission under subsection (1) the person is a solicitor, the Registrar shall remove the person's name from the roll of solicitors.

(4) Notwithstanding that a person does not satisfy all the requirements specified in subsections (1) and (2)(b), where the Court considers that he is a fit and proper person to be a barrister and is satisfied that he has-

- (a) the qualification acquired outside Hong Kong to engage in work that would, if undertaken in Hong Kong, be similar to that undertaken by a barrister in the course of ordinary practice as a barrister in the High Court or Court of Final Appeal; and
- (b) substantial experience in advocacy in a court,

the Court may admit such person as a barrister under this section for the purpose of any particular case or cases and may impose such restrictions and conditions on him as it may see fit.

(5) The Court may, when admitting a person as a barrister, sit in chambers.

(Replaced 42 of 2000 s. 7)

Note:

Please see the savings provision contained in s. 17 of 42 of 2000, which section is reproduced as follows:

"17. Savings Provision

Notwithstanding the repeal of section 27(1)(a)(i), (ii) and (v) of the Legal Practitioners Ordinance (Cap 159) by section 7 of this Ordinance, a barrister who was admitted under that provision shall not have his name removed from the roll of barristers because of such repeal."



Individual Section Mode

Contents of Section



Chapter:	159AC	Title:	BARRISTERS (QUALIFICATION FOR ADMISSION AND PUPILLAGE) RULES	Gazette Number:	L.N. 92 of 2003
Schedule:	2	Heading:	FORMS	Version Date:	28/03/2003

[sections 6, 8, 11 & 12]

FORM 1

[section 6(2)]

APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR ADMISSION

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of eligibility for admission in accordance with section 6(3) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap 159 sub. leg. AC) ("Rules").

I am a [nationality], the holder of passport {OR* [name of other travel document]} no. [number]. My Hong Kong Identity Card No. is [HKID number].

Certified copies of the pages of my passport {OR* [name of other travel document]} giving particulars of myself and of my Hong Kong Identity Card are attached to this application as Attachment 1.

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows-

1. I hold a certificate of admission as a legal practitioner from the [name of authority issuing certificate] ("issuing authority") in [applicant's jurisdiction of admission] ("my jurisdiction of admission"). My certificate of admission is currently valid and in force.

A certified copy of my certificate of admission is attached to this application as Attachment 2.

2. My jurisdiction of admission is/is not* a common law jurisdiction, namely, a jurisdiction in which the law is substantially based on the common law.

3. I have practised for at least 3 years in my jurisdiction of admission. More specifically, I have been in full-time practice in my jurisdiction of admission during the following period(s)-
[Set out period(s) of practice.]

A certified copy/Certified copies* of certificate(s) from the issuing authority {OR* [name of the relevant institution]} evidencing my active practice during such period(s) is/are* attached to this application as Attachment 3.

4. I am currently a person of good standing in my jurisdiction of admission.

A letter from the [name of the relevant institution], which is the body having supervision over the conduct of legal

practitioners in my jurisdiction of admission, certifying my good standing is attached to this application as Attachment 4.

5. I wish/do not wish* to apply to be exempted under section 4(4) {AND/OR* (5)} of the Rules from sitting the following examination paper(s) of the Barristers Qualification Examination-
[Identify any examination paper(s) for which exemption is sought.]

My ground(s) for seeking exemption is/are*-

[Set out ground(s) for seeking exemption. Where necessary, separate sheet(s) may be used. The ground(s) should be supported by documentary evidence attached to this application as Attachment 5.]

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

DECLARED at

HONG KONG this day of

..... 20.....

}

Before me,

Commissioner for Oaths/Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of eligibility for admission must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 2
CERTIFICATE OF ELIGIBILITY FOR ADMISSION

[section 6(3)]

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]-

1. on the day of 20 applied under section 6(2) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap 159 sub. leg. AC) ("Rules") for the issue of a certificate of eligibility for admission;

2. has satisfied the Council of the Hong Kong Bar Association that he-

(1) holds a certificate of admission as a legal practitioner from the [name of authority issuing certificate] in [applicant's jurisdiction of admission] ("jurisdiction of admission") which is currently valid and in force;

(2) has practised for at least 3 years in the jurisdiction of admission; and

(3) is currently a person of good standing in the jurisdiction of admission;

3. has paid the fees prescribed in Schedule 1 of the Rules for this certificate; and

4. is exempted from sitting the following examination paper(s) of the Barristers Qualification Examination-

Dated this day of 20

(Sgd.).....

for the Council of the
Hong Kong Bar Association

Notes:

(a) This certificate is valid for a period of 12/[number]* months from the date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 of the Rules before its expiry.

(b) The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not later than 2 months before its expiry.

*Delete whichever is inapplicable.

FORM 3
APPLICATION FOR CERTIFICATE OF QUALIFICATION FOR ADMISSION

[section 8(2)]

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of qualification for admission in accordance with section 8(3) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap 159 sub. leg. AC) ("Rules").

I am a [nationality] {[where the applicant is not a PRC citizen] the holder of passport {OR* [name of other travel document]} no. [number]}. My Hong Kong Identity Card No. is [HKID number].

Certified copies of-

1. the front and reverse sides of my Hong Kong Identity Card{; and}*

{2. [if relevant] the pages of my passport {OR* [name of other travel document]} giving particulars of myself,}*

are attached to this application as Attachment 1.

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I do solemnly and sincerely declare as follows-

1. I have obtained a Postgraduate Certificate in Laws.

A certified copy of such a certificate is attached to this application as Attachment 2.

{OR*

I have been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of this application and during that time I was in practice as a solicitor in Hong Kong/I was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap 87)*.

A certificate from the Registrar certifying the date of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2.

During the period(s) identified in the certificate, I was in practice as follows-

[Particulars of practice during the relevant period(s).]

{OR*

A certificate from the Secretary for Justice/Director of Legal Aid/[name of the relevant Government officer]* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A.} }

{OR*

I am an overseas lawyer as defined in section 2 of the Rules.

A copy of the certificate of eligibility for admission issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

{I was exempted from sitting the following paper(s) of the Barristers Qualification Examination:

[Identify any examination paper(s) for which exemptions were obtained.]]*

I sat the Barristers Qualification Examination {(excluding any examination paper(s) which I was exempted from sitting)}* on [date(s)] and have passed that examination in accordance with section 7 of the Rules.

A letter from the Bar Council certifying that I have passed the Barristers Qualification Examination is attached to this application as Attachment 2A.}

2. I have completed at least 6 months of the period of approved pupillage specified in section 10 of the Rules. In particular, I have completed pupillage as follows-

Name of pupil master Period of pupillage

A certificate/Certificates* from the above pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently and that I am a fit and suitable person to practise as a barrister in Hong Kong is/are* attached to this application as Attachment 3.

{AND*

[where relevant] I have spent a period of [time not exceeding 1 month] as judge's marshall as follows-

Name of judge Period spent as marshall

A certificate/Certificates* from [name(s) of judge] confirming that I have served my period(s) as marshall with him/them* diligently is/are* attached to this application as Attachment 3A.}

{OR*

My period of approved pupillage has been reduced to [number] months (being a period of less than 6 months) under section 16 of the Rules and I have completed such reduced period of approved pupillage. In particular, I have undertaken pupillage as follows-

Name of pupil master Period of pupillage

A certificate/Certificates* from the above pupil master(s) confirming that I have served my period(s) of pupillage with him/them* diligently and that I am a fit and suitable person to practise as a barrister in Hong Kong is/are* attached to this application as Attachment 3.

{AND*

[where relevant] I have spent a period of [time not exceeding 1 month] as judge's marshall as follows-

Name of judge Period spent as marshall

A certificate/Certificates* from [name(s) of judge] confirming that I have served my period(s) as marshall with him/them* diligently is/are* attached to this application as Attachment 3A.}}

3. I am not currently in practice as a solicitor either on my own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong.

4. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR*

I have been ordinarily resident in Hong Kong for at least 7 years.}
 {OR*

I have been physically present in Hong Kong for [number] days of each of [number] years within 10 years immediately preceding the date of this application.

Details of my period(s) of residence in Hong Kong are set out below-

Address Period of residence

A certified copy of the relevant pages from my passport {OR* [name of other travel document]} evidencing the above period(s) of residence in Hong Kong is attached to this application as Attachment 4.}

5. I am a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap 159).

Two letters of reference attesting to my good character are attached to this application as Attachment 5.

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

DECLARED at
 HONG KONG this day of
 20.....

}

Before me,

Commissioner for Oaths/Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of qualification for admission must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 4
 CERTIFICATE OF QUALIFICATION FOR ADMISSION

[section 8(3)]

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]-

1. on the day of 20 applied under section 8(2) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap 159 sub. leg. AC) ("Rules") for the issue of a certificate of qualification for admission;

2. has satisfied the Council of the Hong Kong Bar Association that he-
 has obtained a Postgraduate Certificate in Laws;
 {OR*

has been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of his application for admission as a barrister and during that time he was in practice as a solicitor in Hong Kong/he was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap 87)*;}
 {OR*

is an overseas lawyer as defined in section 2 of the Rules and has met the requirements for admission to the Hong Kong Bar specified in section 4(2) of the Rules;}

3. has completed at least 6 months of the period of approved pupillage specified in section 10 of the Rules;

{OR*

has had his period of approved pupillage reduced to [number] months under section 16 of the Rules and has completed such reduced period of approved pupillage;}

4. is not currently in practice as a solicitor either on his own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong;

5. has resided in Hong Kong for [number] consecutive months immediately before the date of his application for admission as a barrister;

{OR*

has been ordinarily resident in Hong Kong for at least 7 years;}

{OR*

has been physically present in Hong Kong for [number] days of each of [number] years within the 10 years immediately preceding the date of his application for admission as a barrister;}

6. is a fit and proper person to be called to the Hong Kong Bar and eligible to be admitted as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap 159); and

7. has paid the fees prescribed in Schedule 1 of the Rules for this certificate.

Dated this day of 20

(Sgd.).....
for the Council of the
Hong Kong Bar Association

Notes:

(a) This certificate is valid for a period of 12/[number]* months from the date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 of the Rules before its expiry.

(b) The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees prescribed in Schedule 1 of the Rules not later than 2 months before its expiry.

*Delete whichever is inapplicable.

FORM 5 APPLICATION FOR CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

[section 11(2)]

To: The Council of the Hong Kong Bar Association

I, [full name in English and, if applicable, Chinese] of [current residential address] apply for the issue to me of a certificate of eligibility for pupillage in accordance with section 11(1) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap 159 sub. leg. AC) ("Rules").

My Hong Kong Identity Card No. is [HKID number].

My telephone contact number is [telephone number]. I can also be reached by fax at [fax number] or e-mail at [e-mail address].

I propose to undertake pupillage for the period from [date] to [date] with [name of pupil master] of [chambers address].

{OR*

I propose to serve as judge's marshall to the Honourable Mr/Mrs/Madam Justice [name] from [date] to [date].}

I do solemnly and sincerely declare and undertake as follows-

1. I am a fit and proper person to be a barrister. In particular-

(1) I am not an undischarged bankrupt within the meaning of the Bankruptcy Ordinance (Cap 6).

(2) I have not had any previous criminal conviction.

{OR*

I have been previously convicted as follows-

[Details of previous criminal conviction(s).]}

(3) I am not currently engaged, and during my pupillage undertake not to engage, in any occupation which is incompatible with pupillage.

Two letters of reference attesting to my good character are attached to this application as Attachment 1.

2. I would, but for the service of the period of approved pupillage or reduced period of approved pupillage required under section 4(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap 159). In particular-

I have obtained a Postgraduate Certificate in Laws.

A certified copy of such a certificate is attached to this application as Attachment 2.

{OR*

I have been admitted as a solicitor in Hong Kong for at least 3 years either immediately or in any case not more than 12 months before the date of this application and during that time I was in practice as a solicitor in Hong Kong/I was employed in the public service of the Government as a legal officer within the meaning of the Legal Officers Ordinance (Cap 87)*.

A certificate from the Registrar certifying the date of my admission as a solicitor in Hong Kong and the period(s) during which my name has been on the roll of solicitors is attached to this application as Attachment 2.

During the period(s) identified in the certificate, I was in practice as follows-

[Particulars of practice during the relevant period(s)].

{OR*

A certificate from the Secretary for Justice/Director of Legal Aid/[name of the relevant Government officer]* setting out the date(s) of my employment in the public service of the Government as a legal officer is attached to this application as Attachment 2A. }

{OR*

I am an overseas lawyer as defined in section 2 of the Rules.

A copy of the certificate of eligibility for admission issued to me by the Bar Council on [date] is attached to this application as Attachment 2.

I sat the Barristers Qualification Examination {(excluding any examination paper(s) which I was exempted from sitting)}* on [date(s)] and have passed that examination in accordance with section 7 of the Rules.

A letter from the Bar Council certifying that I have passed the Barristers Qualification Examination is attached to this application as Attachment 2A. }

3. I am not currently in practice as a solicitor either on my own account or as a partner or salaried employee in a firm of solicitors practising in Hong Kong.

4. I have resided in Hong Kong for [number] consecutive months immediately before the date of this application.

{OR*

I have been ordinarily resident in Hong Kong for at least 7 years. }

{OR*

I have been physically present in Hong Kong for [number] days of each of [number] years within 10 years immediately preceding the date of this application.

Details of my period(s) of residence in Hong Kong are set out below-

Address Period of residence

A certified copy of the relevant pages from my passport {OR* [name of other travel document]} evidencing the above period(s) of residence in Hong Kong is attached to this application as Attachment 3.}

AND I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths and Declarations Ordinance (Cap 11).

DECLARED at
HONG KONG this day of
..... 20.....

}

Before me,

Commissioner for Oaths/Solicitor

Note: The fees prescribed in Schedule 1 of the Rules for a certificate of eligibility for pupillage must be paid at the time of submission of this application.

*Delete whichever is inapplicable.

FORM 6
CERTIFICATE OF ELIGIBILITY FOR PUPILLAGE

[section 12(1)]

THIS IS TO CERTIFY THAT [full name in English and, if applicable, Chinese] of [current residential address]-

1. on the day of 20 applied under section 11(2) of the Barristers (Qualification for Admission and Pupillage) Rules (Cap 159 sub. leg. AC) ("Rules") for the issue of a certificate of eligibility for pupillage;

2. has satisfied the Council of the Hong Kong Bar Association that he-

- (1) is a fit and suitable person to be a barrister;
- (2) would, but for the service of the period of approved pupillage {OR* reduced period of approved pupillage} required under section 4(3) of the Rules, be qualified for admission as a barrister under section 27(1) of the Legal Practitioners Ordinance (Cap 159);
- (3) is not ineligible for pupillage by virtue of section 14 of the Rules; and
- (4) has paid the fees prescribed in Schedule 1 of the Rules for this certificate; and

3. is eligible for pupillage.

Dated this day of 20

(Sgd.).....
for the Council of the
Hong Kong Bar Association

Notes:

- (a) This certificate is valid for a period of 12/[number]* months from the date of issue, unless the Bar Council decides in its discretion to extend such period or the certificate is revoked under section 17 of the Rules before its expiry.
- (b) The holder of this certificate may apply for its extension by writing to the Bar Council and paying the fees

prescribed in Schedule 1 of the Rules not later than 2 months before its expiry.

*Delete whichever is inapplicable.



Individual Section Mode

Contents of Section



Chapter:	225	Title:	REFORMATORY SCHOOLS ORDINANCE	Gazette Number:	17 of 1999
Section:	14	Heading:	Visitors	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 17 of 1999 s. 3
VISITORS

The Chief Executive may appoint one or more fit and proper person or persons to be the visitor or visitors of reformatory schools, and may remove every such visitor and appoint another in his stead.

(Amended 30 of 1977 s. 8; 17 of 1999 s. 3)



Individual Section Mode

Contents of Section



Chapter:	234	Title:	PRISONS ORDINANCE	Gazette Number:	15 of 1999
Section:	23	Heading:	Visiting justices and visiting committees	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 15 of 1999 s. 3

(1) For the purpose of visiting prisons and other institutions under the control of the Commissioner, the Chief Executive- (Amended 15 of 1999 s. 3)

- (a) shall appoint such numbers of justices of the peace as he considers necessary; and
- (b) may appoint fit and proper persons to serve on visiting committees.

(2) Visiting justices and visiting committees shall carry out the duties and exercise the powers prescribed by rules made under section 25.



Individual Section Mode

Contents of Section



Chapter:	265A	Title:	PEAK TRAMWAY (SAFETY) REGULATIONS	Gazette Number:	62 of 1999
Regulation:	3	Heading:	Employment of surveyor	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 62 of 1999 s. 3

PART II

EMPLOYMENT AND DUTIES OF SURVEYOR

- (1) The company shall employ a person as a surveyor for the purposes of this Part.
- (2) The company shall not employ any person as a surveyor without the prior written approval of the Secretary.
- (3) The Secretary shall give approval under subregulation (2) if the person whom the company seeks to employ is a person-

(a) who-

- (i) is a corporate member of the Hong Kong Institution of Engineers or of such other equivalent institution as may be acceptable to the Secretary; and (62 of 1999 s. 3)
- (ii) satisfies the Secretary that he has not less than 3 years practical experience of or in connection with the maintenance, operation, inspection and examination of a funicular railway; or

- (b) who satisfies the Secretary that by reason of his education, training, professional experience, knowledge and skill he is a fit and proper person to be employed by the company as a surveyor for the purposes of this Part.

(Enacted 1989)



Individual Section Mode

Contents of Section



Chapter:	265A	Title:	PEAK TRAMWAY (SAFETY) REGULATIONS	Gazette Number:	
Regulation:	5	Heading:	Employment of engineering superintendent	Version Date:	30/06/1997

PART III

EMPLOYMENT AND DUTIES OF ENGINEERING SUPERINTENDENT

- (1) The company shall employ a person as an engineering superintendent for the purposes of this Part.
- (2) The company shall not employ any person as an engineering superintendent without the prior written approval of the Secretary.
- (3) The Secretary shall give approval under subregulation (2) if the person whom the company seeks to employ is a person-
- (a) who-
 - (i) has a higher diploma or higher certificate in mechanical, marine or electrical engineering from the Hong Kong Polytechnic, The Hong Kong Polytechnic University or a technical institute or such equivalent or higher qualifications as may be acceptable to the Secretary; and (L.N. 645 of 1994)
 - (ii) satisfies the Secretary that he has not less than-
 - (A) 3 years practical experience of or in connection with the maintenance and operation of a funicular railway; or
 - (B) 10 years relevant practical experience in engineering; or
 - (b) who satisfies the Secretary that by reason of his education, training, professional experience, knowledge and skill he is a fit and proper person to be employed by the company as an engineering superintendent for the purposes of this Part.

(Enacted 1989)



Individual Section Mode

Contents of Section



Chapter:	280A	Title:	TRAINING CENTRES REGULATIONS	Gazette Number:	15 of 1999
Regulation:	3	Heading:	Administration of training centres	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 15 of 1999 s. 3

(1) Subject to the orders and directions of the Chief Executive, the Commissioner shall have the general charge and superintendence of all training centres, and shall be assisted in their supervision by a Superintendent. (15 of 1999 s. 3)

(2) The Commissioner shall appoint for each training centre a fit and proper person to be officer-in-charge thereof, and such other officers as may be necessary.



Individual Section Mode

Contents of Section



Chapter:	504	Title:	CORONERS ORDINANCE	Gazette Number:	L.N. 211 of 1998
Section:	23	Heading:	Selection of jurors from panel	Version Date:	04/05/1998

A coroner shall select by ballot 5 jurors from the names of the jurors forming the panel transmitted to him under section 21(1), and may, if necessary, require a fit and proper person or bystander to serve as a juror, provided that such person or bystander is not exempted from jury service by section 5 of the Jury Ordinance (Cap 3).



Individual Section Mode

Contents of Section



Chapter:	510	Title:	JUSTICES OF THE PEACE ORDINANCE	Gazette Number:	L.N. 362 of 1997; 27 of 1999
Section:	3	Heading:	Appointment of justices of the peace	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 27 of 1999 s. 3

(1) The Chief Executive may from time to time appoint-

- (a) any person holding any office in the public service whom he considers to be fit and proper; or
- (b) any other person whom he considers to be fit and proper,

to be a justice of the peace on such terms and conditions as the Chief Executive may determine. (Amended 27 of 1999 s. 3)

(2) The Chief Secretary for Administration may from time to time appoint a justice of the peace appointed under subsection (1)(b) whom he considers to be fit and proper to be a New Territories Justice of the Peace on such terms and conditions as the Chief Secretary for Administration may determine. (Amended L.N. 362 of 1997)

(3) A justice of the peace appointed under subsection (1) shall, as soon as possible after appointment, take an oath or make an affirmation in the form set out in Schedule 2 which shall be administered by a commissioner for oaths.

(4) A notice of an appointment made under this section shall be published in the Gazette.

(5) In the case of an appointment made under subsection (1), the notification shall only be published in the Gazette after the oath or affirmation referred in subsection (3) has been taken or made.

(6) An appointment made under this section shall not be effective prior to its publication in the Gazette.



Individual Section Mode

Contents of Section



Chapter:	510	Title:	JUSTICES OF THE PEACE ORDINANCE	Gazette Number:	27 of 1999
Section:	6	Heading:	Revocation of appointment	Version Date:	01/07/1997

Remarks:

Adaptation amendments retroactively made - see 27 of 1999 s. 3

(1) The Chief Executive may by notice in writing to a justice of the peace revoke his appointment as such if-

- (a) at any time after his appointment as such, that justice of the peace has been convicted in Hong Kong or any other place of an offence in respect of which he has been sentenced to imprisonment, whether suspended or not;
 - (b) that justice of the peace is suffering from mental disorder within the meaning of the Mental Health Ordinance (Cap 136);
 - (c) at any time after his appointment as such, that justice of the peace has departed Hong Kong and remained outside Hong Kong for any continuous period of 6 months unless his absence from Hong Kong was due to some reason approved by the Chief Executive;
 - (d) the Chief Executive, having regard to the public interest and all other circumstances of the case, considers that that justice of the peace is no longer fit and proper to remain appointed.
- (Amended 27 of 1999 s. 3)

(2) A notice under subsection (1) shall include an adequate statement of the reason or reasons for revoking the appointment.

(3) A revocation of an appointment under subsection (1) shall be notified in the Gazette.



Individual Section Mode

Contents of Section



Chapter:	556C	Title:	MASS TRANSIT RAILWAY (TRANSPORT INTERCHANGE) REGULATION	Gazette Number:	L.N. 136 of 2000; G.N. 3903 of 2000
Section:	17	Heading:	Appointment and identification of authorized persons	Version Date:	30/06/2000

(1) The Corporation may authorize any person as the Corporation thinks fit and proper to exercise any powers and perform any duties conferred or imposed upon the Corporation under this Regulation.

(2) An authorized person on duty shall-

- (a) wear a uniform of a design approved by the Commissioner of Police;
 - (b) carry such means of identity as may be approved by the Commissioner;
 - (c) promptly produce his means of identity to any person who on reasonable grounds requests him to do so.
-



Individual Section Mode

Contents of Section



Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	132	Heading:	Approval to become or continue to be substantial shareholder	Version Date:	01/04/2003

(1) The Commission may, upon application in the prescribed manner and payment of the prescribed fee, approve the applicant-

- (a) to become; or
- (b) to continue to be,

as the case may be, a substantial shareholder of a corporation licensed under section 116.

(2) The Commission shall refuse to approve an applicant to become or continue to be (as the case may be) a substantial shareholder of the licensed corporation concerned unless the applicant satisfies the Commission that the corporation will remain a fit and proper person to be licensed if the application is approved.

(3) An approval under subsection (1)(a) or (b) shall be subject to such reasonable conditions as the Commission may impose on the applicant and on the licensed corporation concerned, and the Commission may at any time, by notice in writing served on the approved substantial shareholder and the corporation, amend or revoke any such condition or impose new conditions as may be reasonable in the circumstances.

(4) Where the Commission by notice in writing amends or revokes any condition or imposes any new condition under subsection (3), the amendment, revocation or imposition takes effect at the time of the service of the notice or at the time specified in the notice, whichever is the later.

(5) Without limiting the generality of subsection (3), it shall be a condition of an approval under subsection (1)(a) or (b) that the approved substantial shareholder shall-

- (a) at all times keep the Commission informed of particulars of his contact details including, in so far as applicable, his business address, residential address, telephone and facsimile numbers and electronic mail address; and
 - (b) inform the Commission of any change in the particulars within 14 days after the change takes place.
-

IV. Provisions related to disciplinary action / serving notice

Cap.	Ordinance	Provision
41	INSURANCE COMPANIES ORDINANCE	<p>s.37(1) – Notice of proposed exercise of powers on ground of unfitness</p> <p>(1) Before exercising with respect to an insurer any power or powers conferred by sections 27 to 35 on the ground (as provided in section 26(1)(e)) that any person who is a director or controller of the insurer is not a fit and proper person to hold the position held by him, the Insurance Authority shall serve on that person a written notice stating-</p> <p>(a) that the Insurance Authority is considering exercising a power or powers conferred by those sections and the ground on which he is considering the exercise of the power or powers; and</p> <p>(b) that the person on whom the notice is served may, within the period of 1 month from the date of service of the notice, make written representations to the Insurance Authority and, if that person so requests, oral representations to a public officer appointed for the purpose by the Insurance Authority.</p>
59AF	FACTORIES AND INDUSTRIAL UNDERTAKINGS (SAFETY MANAGEMENT) REGULATION	<p>s.25(b)(ii) – Commissioner may refer matter to disciplinary board</p> <p>Where the Commissioner-</p> <p>(b) has ceased to be satisfied that the registered safety auditor or registered scheme operator is-</p> <p>(ii) fit and proper to be so registered,</p> <p>the Commissioner may refer the matter for hearing by a disciplinary board.</p>
84	PILOTAGE ORDINANCE	<p>s.17(1)(c) – Complaints in respect of misconduct, etc. of licensed pilots</p> <p>(1) Any person who has reasonable grounds for believing that a licensed pilot-</p> <p>(c) is otherwise not a fit and proper person to act as a pilot, may report the matter in writing to the Authority.</p>
84	PILOTAGE ORDINANCE	<p>s.18B(3)(c) – Board of discipline</p> <p>(3) If, after due examination following an appointment under section 18 or 19(1A) or a direction under subsection (2)(c), a board of</p>

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		<p>discipline is satisfied that a licensed pilot-</p> <p>(c) is otherwise not a fit and proper person to be a licensed pilot of his present class or of the next higher class, as the case may be, the board shall, after referring to the pilot's record, recommend to the Authority that the Authority should-</p> <p>(i) issue a pilot with a caution in writing; or</p> <p>(ii) issue a pilot with a warning in writing which shall be entered in his record but shall be removed 12 months after its entry; or</p> <p>(iii) issue a pilot with a reprimand in writing which shall be entered in his record permanently; or</p> <p>(iv) downgrade a pilot or defer his upgrading for a period as proposed by the board which period shall not exceed 12 months; or</p> <p>(v) take any other action or no further action,</p> <p>and the Authority may, on consideration of the recommendation of the board, take any action in accordance with paragraph (i), (ii), (iii), (iv) or (v) at his discretion.</p>
155	BANKING ORDINANCE	<p>s.58A(1)(b), (c) and (d) – Disciplinary action in respect of relevant individuals</p> <p>(1) Where-</p> <p>(b) the Monetary Authority is of the opinion that a relevant individual is not, or has ceased to be, a fit and proper person in his capacity as that type of relevant individual,</p> <p>then the Monetary Authority may, after consultation with the Securities and Futures Commission-</p> <p>(c) remove all or part of the individual's relevant particulars from the register; or</p> <p>(d) suspend all or part of the individual's relevant particulars from the register for such period or until the occurrence of such event as the Monetary Authority specifies.</p>
155	BANKING ORDINANCE	<p>s.70A(3)(b)(i) – Objection to existing controllers</p> <p>(3) Subject to subsection (4), the Monetary Authority may serve a notice of objection on a person-</p> <p>(b) where it appears to the Monetary Authority that -</p> <p>(i) that person is not or is no longer a fit and proper person to be such a controller.</p>
571	SECURITIES AND	s.194(1)(b), (2)(b) and (3) – Disciplinary action in respect of

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	FUTURES ORDINANCE	<p>licensed persons, etc.</p> <p>(1) Subject to section 198, where-</p> <p>(b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,</p> <p>the Commission may exercise such of the following powers as it considers appropriate in the circumstances of the case-</p> <p>(i) where the regulated person is a licensed person-</p> <p>(A) revoke his licence, whether in relation to all or any, or any part of all or any, of the regulated activities for which he is licensed; or</p> <p>(B) suspend his licence, whether in relation to all or any, or any part of all or any, of the regulated activities for which he is licensed for such period or until the occurrence of such event as the Commission may specify;</p> <p>(ii) where the regulated person is a responsible officer of a licensed corporation-</p> <p>(A) revoke the approval granted under section 126(1) in respect of him as such a responsible officer; or</p> <p>(B) suspend such approval for such period or until the occurrence of such event as the Commission may specify;</p> <p>(iii) publicly or privately reprimand the regulated person;</p> <p>(iv) prohibit the regulated person from doing all or any of the following in relation to such regulated activity or regulated activities, and for such period or until the occurrence of such event, as the Commission may specify-</p> <p>(A) applying to be licensed or registered;</p> <p>(B) applying to be approved under section 126(1) as a responsible officer of a licensed corporation;</p> <p>(C) applying to be given consent to act or continue to act as an executive officer of a registered institution under section 71C of the Banking Ordinance (Cap 155);</p> <p>(D) seeking through a registered institution to have his name entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as that of a person engaged by the registered institution in respect of a regulated activity.</p> <p>(2) Subject to sections 198 and 199, where-</p> <p>(b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,</p>

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		<p>the Commission may, separately or in addition to any power exercisable under subsection (1), order the regulated person to pay a pecuniary penalty not exceeding the amount which is the greater of-</p> <p>(i) \$10000000; or</p> <p>(ii) 3 times the amount of the profit gained or loss avoided by the regulated person as a result of his misconduct, or of his other conduct which leads the Commission to form the opinion (as the case may be).</p> <p>(3) The Commission, in determining whether a regulated person is a fit and proper person within the meaning of subsection (1)(b) or (2)(b), may, among other matters (including those specified in section 129), take into account such present or past conduct of the regulated person as it considers appropriate in the circumstances of the case.</p>
571	SECURITIES AND FUTURES ORDINANCE	<p>s.196(1)(b), 2(b) and (3) – Disciplinary action in respect of registered institutions, etc.</p> <p>(1) Subject to section 198, where-</p> <p>(b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,</p> <p>the Commission may exercise such of the following powers as it considers appropriate in the circumstances of the case-</p> <p>(i) where the regulated person is a registered institution-</p> <p>(A) revoke its registration, whether in relation to all or any, or any part of all or any, of the regulated activities for which it is registered; or</p> <p>(B) suspend its registration, whether in relation to all or any, or any part of all or any, of the regulated activities for which it is registered for such period or until the occurrence of such event as the Commission may specify;</p> <p>(ii) publicly or privately reprimand the regulated person;</p> <p>(iii) prohibit the regulated person from doing all or any of the following in relation to such regulated activity or regulated activities, and for such period or until the occurrence of such event, as the Commission may specify-</p> <p>(A) applying to be licensed or registered;</p> <p>(B) applying to be approved under section 126(1) as a responsible officer of a licensed corporation;</p>

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		<p>(C) applying to be given consent to act or continue to act as an executive officer of a registered institution under section 71C of the Banking Ordinance (Cap 155);</p> <p>(D) seeking through a registered institution to have his name entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as that of a person engaged by the registered institution in respect of a regulated activity.</p> <p>(2) Subject to sections 198 and 199, where-</p> <p>(b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,</p> <p>the Commission may, separately or in addition to any power exercisable under subsection (1), order the regulated person to pay a pecuniary penalty not exceeding the amount which is the greater of-</p> <p>(i) \$10000000; or</p> <p>(ii) 3 times the amount of the profit gained or loss avoided by the regulated person as a result of his misconduct, or of his other conduct which leads the Commission to form the opinion (as the case may be).</p> <p>(3) The Commission, in determining whether a regulated person is a fit and proper person within the meaning of subsection (1)(b) or (2)(b), may, among other matters (including those specified in section 129), take into account such present or past conduct of the regulated person as it considers appropriate in the circumstances of the case.</p>
571	SECURITIES AND FUTURES ORDINANCE	<p>s.182(1)(e)(i) and (ii)(A) – Investigations</p> <p>(1) Where-</p> <p>(e) the Commission-</p> <p>(i) for the purpose of considering whether to exercise any power under section 194 or 196, has reason to inquire whether any person is or was at any time guilty of misconduct, or is not a fit and proper person, as described in section 194(1) or (2) or 196(1) or (2); or</p> <p>(ii) for the purpose of assisting the Monetary Authority to consider whether to exercise any power under section 58A or 71C of the Banking Ordinance (Cap 155), has reason to inquire whether any person-</p> <p>(A) is or was at any time guilty of misconduct, or is not or has ceased to be a fit and proper person, as described in section 58A(1)</p>

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		of that Ordinance.



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Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	37	Heading:	Notice of proposed exercise of powers on ground of unfitness	Version Date:	30/06/1997

Expanded Cross Reference:
27, 28, 29, 30, 31, 32, 33, 34, 35

(1) Before exercising with respect to an insurer any power or powers conferred by sections 27 to 35 on the ground (as provided in section 26(1)(e)) that any person who is a director or controller of the insurer is not a fit and proper person to hold the position held by him, the Insurance Authority shall serve on that person a written notice stating-

- (a) that the Insurance Authority is considering exercising a power or powers conferred by those sections and the ground on which he is considering the exercise of the power or powers; and
- (b) that the person on whom the notice is served may, within the period of 1 month from the date of service of the notice, make written representations to the Insurance Authority and, if that person so requests, oral representations to a public officer appointed for the purpose by the Insurance Authority.

(2) Unless the Insurance Authority, after considering any representations made in accordance with subsection (1) by the person served with a notice under that subsection, decides not to exercise the power or powers in relation to which the notice was served, he shall before exercising the power or powers serve on the insurer a written notice-

- (a) containing the matters mentioned in subsection (1)(a) and (b), taking references to the person there mentioned as references to the insurer; and
- (b) specifying the power or powers which he proposes to exercise and, if the power or one of them is that conferred by section 35, specifying the manner of its proposed exercise.

(3) A notice under this section shall give particulars of the ground on which the Insurance Authority is considering the exercise of the power or powers in question.

(4) Where representations are made in accordance with this section the Insurance Authority shall take them into consideration before exercising the power or powers in question.

(5) A requirement imposed on an insurer in the exercise of any power or powers to which this section applies may be framed so as to come into effect after the expiration of a specified period (or such longer period as the Insurance Authority may allow) unless before the expiration of that period the person whose fitness is in question has ceased to hold the position concerned.

(6) This section shall not apply, as respects any insurer, in relation to the exercise of any power conferred by sections 27 to 35 where it is exercised by the Insurance Authority- <* Note - Exp. X-Ref.: Sections 27, 28, 29, 30, 31, 32, 33, 34, 35 *>

- (a) after serving a notice of objection under section 13A on the insurer where the person whose fitness is in question is thereafter appointed as controller (within the meaning of section 13A(1)) of the insurer, and notwithstanding that an appeal, if any, under section 13A(8) against the decision of the Insurance Authority to serve such a notice on the insurer has not been determined; or
- (b) after serving a preliminary notice under section 13A(5) on the insurer and the person whose fitness is in question, and-
 - (i) the Insurance Authority has neither-
 - (A) notified the insurer under section 13A(2)(b)(iii)(A) that there is no objection to that person being appointed as a controller (within the meaning of section 13A(1)) of

the insurer; or (Amended 35 of 1996 s. 22)

(B) served a notice of objection under section 13A on the insurer in respect of that person; and

(ii) that person is appointed as such a controller before the expiration of the period specified in section 13A(2)(b)(iii)(A); or (Amended 35 of 1996 s. 22)

(c) after serving a notice under section 14(4) on the insurer, and notwithstanding that an appeal, if any, under section 14(6) against the decision of the Insurance Authority to serve such a notice has not been determined. (Replaced 44 of 1990 s. 6)



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Chapter:	59AF	Title:	Factories and Industrial Undertakings (Safety Management) Regulation	Gazette Number:	L.N. 21 of 2002
Section:	25	Heading:	Commissioner may refer matter to disciplinary board	Version Date:	01/04/2002

PART VI

DISCIPLINE OF REGISTERED SAFETY AUDITORS AND REGISTERED SCHEME OPERATORS

Where the Commissioner-

- (a) considers that there is evidence that a registered safety auditor or registered scheme operator-
 - (i) has failed to comply with any of the provisions of the Ordinance (including any regulations made under the Ordinance) applicable to a registered safety auditor or registered scheme operator; or
 - (ii) has obtained registration by fraud or on the basis of inaccurate or misleading information; or
- (b) has ceased to be satisfied that the registered safety auditor or registered scheme operator is-
 - (i) competent to be so registered; or
 - (ii) fit and proper to be so registered,

the Commissioner may refer the matter for hearing by a disciplinary board.

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Chapter:	84	Title:	PILOTAGE ORDINANCE	Gazette Number:	
Section:	17	Heading:	Complaints in respect of misconduct, etc. of licensed pilots	Version Date:	30/06/1997

PART V

DISCIPLINARY PROCEEDINGS AGAINST LICENSED PILOTS

(1) Any person who has reasonable grounds for believing that a licensed pilot-

- (a) has been guilty of misconduct as a pilot;
- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to act as a pilot,

may report the matter in writing to the Authority.

(2) The Authority may refuse to take any action on a report under subsection (1)(a) or (b) unless it is made in writing within a reasonable time after the occurrence of the matter to which it relates.

(3) For the purposes of this Ordinance, any licensed pilot who-

- (a) without reasonable excuse, refuses to pilot a ship if he is engaged to do so, or is directed to do so by the Authority;
- (b) without reasonable excuse, delays in piloting a ship which he is engaged to pilot;
- (c) refuses to navigate a ship, which he is piloting, to any port or place within the waters of Hong Kong when directed to do so by the Authority, or requested to do so by the master or owner of the ship, unless he has reasonable grounds for believing that to do so would endanger the ship;
(Amended 29 of 1985 s.6)
- (d) leaves a ship which he is piloting-
 - (i) without the consent of the master of the ship before completing the pilotage service for which he was engaged; or
 - (ii) if he is piloting the ship on the direction of the Authority, without the consent of the Authority;
- (e) pilots a ship when he is under the influence of alcohol or drugs;
- (f) pilots a ship while his licence is suspended;
- (g) gives his licence to any other person for such other person's use, whether on loan or otherwise; or
- (h) unnecessarily cuts or slips, or causes to be cut or slipped, any cable which forms part of the equipment of any ship,

shall be guilty of misconduct as a pilot.



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Chapter:	84	Title:	PILOTAGE ORDINANCE	Gazette Number:	
Section:	18B	Heading:	Board of discipline	Version Date:	30/06/1997

(1) If, after considering the information referred to it by the Authority further to an appointment under section 18, a board of discipline considers that the matter or accident should be the subject of inquiry by a board of investigation, it may decide not to commence an examination and request the Authority to consider, in respect of such matter or accident, if-

- (a) a preliminary inquiry, instead of an examination by a board of discipline, should be conducted; or
- (b) a board of investigation should be appointed without going through a preliminary inquiry; or
- (c) the board of discipline should proceed with an examination.

(2) Upon a request by a board of discipline under subsection (1)-

- (a) where the Authority considers that the matter or accident should be the subject of a preliminary inquiry, the Authority shall direct that the board of discipline shall not commence an examination and shall appoint an officer to hold a preliminary inquiry into the matter or accident, as the case may be; or
- (b) where the Authority considers that the matter or accident should be investigated by a board of investigation direct without first holding a preliminary inquiry, appoint a board of investigation in accordance with this Ordinance; or
- (c) where the Authority considers that the matter or accident should be examined and processed by a board of discipline, the Authority shall direct that the board of discipline should proceed with the examination.

(3) If, after due examination following an appointment under section 18 or 19(1A) or a direction under subsection (2)(c), a board of discipline is satisfied that a licensed pilot-

- (a) has been guilty of misconduct as a pilot;
- (b) has otherwise failed in, or neglected without reasonable excuse, his duties as a pilot; or
- (c) is otherwise not a fit and proper person to be a licensed pilot of his present class or of the next higher class, as the case may be,

the board shall, after referring to the pilot's record, recommend to the Authority that the Authority should-

- (i) issue a pilot with a caution in writing; or
- (ii) issue a pilot with a warning in writing which shall be entered in his record but shall be removed 12 months after its entry; or
- (iii) issue a pilot with a reprimand in writing which shall be entered in his record permanently; or
- (iv) downgrade a pilot or defer his upgrading for a period as proposed by the board which period shall not exceed 12 months; or
- (v) take any other action or no further action,

and the Authority may, on consideration of the recommendation of the board, take any action in accordance with paragraph (i), (ii), (iii), (iv) or (v) at his discretion.



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Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 16 of 2003
Section:	58A	Heading:	Disciplinary action in respect of relevant individuals	Version Date:	01/04/2003

(1) Where-

- (a) a relevant individual is, or was at any time, guilty of misconduct; or
- (b) the Monetary Authority is of the opinion that a relevant individual is not, or has ceased to be, a fit and proper person in his capacity as that type of relevant individual,

then the Monetary Authority may, after consultation with the Securities and Futures Commission-

- (c) remove all or part of the individual's relevant particulars from the register; or
- (d) suspend all or part of the individual's relevant particulars from the register for such period or until the occurrence of such event as the Monetary Authority specifies.

(2) Without limiting the generality of subsection (1) or the operation of any other provisions of this Ordinance, for the avoidance of doubt, it is hereby declared that the Monetary Authority may exercise his power under that subsection wholly or partly on the basis of information disclosed to the Monetary Authority by the Securities and Futures Commission, and whether or not the information arises from an investigation under section 182 of the Securities and Futures Ordinance (Cap 571).

(3) The Monetary Authority shall not exercise his power under subsection (1) against a relevant individual without first giving the individual an opportunity of being heard.

(4) Where the Monetary Authority decides to exercise his power under subsection (1) against a relevant individual, the Monetary Authority shall inform the individual of his decision to do so by notice in writing served on him, and the notice shall include-

- (a) a statement of the reasons for which the decision is made;
- (b) the time at which the decision is to take effect; and
- (c) in so far as applicable, the duration and terms of the removal or suspension of particulars from the register to be imposed under the decision.

(5) Without prejudice to the exercise of any powers by the Securities and Futures Commission under the Securities and Futures Ordinance (Cap 571), the Monetary Authority may make such recommendations to the Securities and Futures Commission concerning any relevant individual in respect of the exercise of the power under section 196 or 197 of that Ordinance as he considers appropriate.

(6) In this section-

"misconduct" (失當行為), in relation to a relevant individual, means-

- (a) a contravention of any of the relevant provisions, within the meaning of Schedule 1 to the Securities and Futures Ordinance (Cap 571), which are applicable to the individual; or
- (b) an act or omission of the individual relating to the carrying on of any regulated activity-
 - (i) by the registered institution in relation to which the individual is a relevant individual; and
 - (ii) which, in the opinion of the Monetary Authority, is or is likely to be prejudicial to the interest of the investing public or to the public interest,

and "guilty of misconduct" (犯失當行為) shall be construed accordingly;

"relevant individual" (有關人士) means relevant individual within the meaning of section 20(10);

"relevant particulars" (有關資料), in relation to a relevant individual, means the information contained in the register maintained under section 20(1)(ea) in relation to the individual.

(7) For the purposes of paragraph (b) of the definition of "misconduct" in subsection (6), the Monetary Authority shall not form any opinion that any act or omission is or is likely to be prejudicial to the interest of the investing public or to the public interest, unless he has had regard to such of the provisions set out in any code of conduct published under section 169 of the Securities and Futures Ordinance (Cap 571) or any code or guideline published under section 399 of that Ordinance as are in force at the time of occurrence of, and applicable in relation to, the act or omission.

(Added 6 of 2002 s. 5)



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Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	
Section:	70A	Heading:	Objection to existing controllers	Version Date:	30/06/1997

(1) This section shall apply to a person being-

- (a) a majority shareholder controller; or
- (b) an indirect controller,

of an authorized institution incorporated in Hong Kong as it applies to a person being a minority shareholder controller of an authorized institution incorporated in Hong Kong.

(2) In this section, unless the context otherwise requires, "notice of objection" (反對通知書) means a notice in writing objecting to the person specified in that notice being a minority shareholder controller of the authorized institution specified in that notice.

(3) Subject to subsection (4), the Monetary Authority may serve a notice of objection on a person-

- (a) who is a minority shareholder controller of an authorized institution incorporated in Hong Kong where -
 - (i) his being such a controller is not in contravention of section 70(3); or
 - (ii) his being such a controller is in contravention of that section but the Monetary Authority is prohibited by virtue of section 70(9)(b) from serving a notice of objection under section 70(6) on him; and
- (b) where it appears to the Monetary Authority that -
 - (i) that person is not or is no longer a fit and proper person to be such a controller;
 - (ii) the interests of depositors or potential depositors of that institution may be in some other manner threatened by that person being such a controller; or
 - (iii) that person has contravened any condition specified in a conditional notice of consent served under section 70(6) on him.

(4) The Monetary Authority shall, before serving a notice of objection on a person, serve on that person a preliminary notice in writing-

- (a) stating that the Monetary Authority is considering the service on him of a notice of objection;
- (b) specifying which of the matters referred to in subsection (3)(b) in respect of which the Monetary Authority is considering the service on him of the notice of objection; and
- (c) stating that he may, within 1 month from the date of service of the preliminary notice, make written representations to the Monetary Authority.

(5) Where representations are made in accordance with subsection (4)(c), the Monetary Authority shall take them into account in deciding whether to serve the notice of objection concerned.

(6) A notice of objection-

- (a) shall, subject to paragraph (b), specify which of the matters referred to in subsection (3)(b) on which the notice is served;
- (b) shall not specify any such matters which were not specified in the preliminary notice served under subsection (4) on him; and
- (c) shall give particulars of the right conferred by subsection (8).

(7) The Monetary Authority shall not be obliged to disclose to a person any particulars of the matters referred to in subsection (3)(b) on which he is considering the service on him or has served on him, as the case may be, a notice of objection.

(8) (Repealed 4 of 1997 s. 27)

(Added 95 of 1991 s. 18. Amended 82 of 1992 s. 25)



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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	194	Heading:	Disciplinary action in respect of licensed persons, etc.	Version Date:	01/04/2003

Division 2-Discipline, etc.

(1) Subject to section 198, where-

- (a) a regulated person is, or was at any time, guilty of misconduct; or
- (b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,

the Commission may exercise such of the following powers as it considers appropriate in the circumstances of the case-

- (i) where the regulated person is a licensed person-
 - (A) revoke his licence, whether in relation to all or any, or any part of all or any, of the regulated activities for which he is licensed; or
 - (B) suspend his licence, whether in relation to all or any, or any part of all or any, of the regulated activities for which he is licensed for such period or until the occurrence of such event as the Commission may specify;
- (ii) where the regulated person is a responsible officer of a licensed corporation-
 - (A) revoke the approval granted under section 126(1) in respect of him as such a responsible officer; or
 - (B) suspend such approval for such period or until the occurrence of such event as the Commission may specify;
- (iii) publicly or privately reprimand the regulated person;
- (iv) prohibit the regulated person from doing all or any of the following in relation to such regulated activity or regulated activities, and for such period or until the occurrence of such event, as the Commission may specify-
 - (A) applying to be licensed or registered;
 - (B) applying to be approved under section 126(1) as a responsible officer of a licensed corporation;
 - (C) applying to be given consent to act or continue to act as an executive officer of a registered institution under section 71C of the Banking Ordinance (Cap 155);
 - (D) seeking through a registered institution to have his name entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as that of a person engaged by the registered institution in respect of a regulated activity.

(2) Subject to sections 198 and 199, where-

- (a) a regulated person is, or was at any time, guilty of misconduct; or
- (b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,

the Commission may, separately or in addition to any power exercisable under subsection (1), order the regulated person to pay a pecuniary penalty not exceeding the amount which is the greater of-

- (i) \$10000000; or
- (ii) 3 times the amount of the profit gained or loss avoided by the regulated person as a result of his misconduct, or of his other conduct which leads the Commission to form the opinion (as the case may be).

(3) The Commission, in determining whether a regulated person is a fit and proper person within the meaning of subsection (1)(b) or (2)(b), may, among other matters (including those specified in section 129), take into account such present or past conduct of the regulated person as it considers appropriate in the circumstances of the case.

(4) A regulated person ordered to pay a pecuniary penalty under subsection (2) shall pay the penalty to the Commission within 30 days, or such further period as the Commission may specify by notice under section 198(3), after the order has taken effect as a specified decision under section 232.

(5) The Court of First Instance may, on an application of the Commission made in the manner prescribed by rules made under section 397 for the purposes of this subsection, register an order made under subsection (2) in the Court of First Instance and the order shall, on registration, be regarded for all purposes as an order of the Court of First Instance made within the civil jurisdiction of the Court of First Instance for the payment of money.

(6) Any pecuniary penalty paid to or recovered by the Commission pursuant to an order made under subsection (2) shall be paid by the Commission into the general revenue.

(7) In this section-

"regulated person" (受規管人士) means a person who is or at the relevant time was any of the following types of person-

- (a) a licensed person;
- (b) a responsible officer of a licensed corporation; or
- (c) a person involved in the management of the business of a licensed corporation;

"relevant time" (有關時間), in relation to a person, means-

- (a) where subsection (1)(a) or (2)(a) applies, the time when the person is, or was, guilty of misconduct; or
 - (b) where subsection (1)(b) or (2)(b) applies, the time of occurrence of any matter which, whether with any other matter or not, leads the Commission to form the opinion that the person is not a fit and proper person within the meaning of such subsection.
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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	196	Heading:	Disciplinary action in respect of registered institutions, etc.	Version Date:	01/04/2003

(1) Subject to section 198, where-

- (a) a regulated person is, or was at any time, guilty of misconduct; or
- (b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,

the Commission may exercise such of the following powers as it considers appropriate in the circumstances of the case-

- (i) where the regulated person is a registered institution-
 - (A) revoke its registration, whether in relation to all or any, or any part of all or any, of the regulated activities for which it is registered; or
 - (B) suspend its registration, whether in relation to all or any, or any part of all or any, of the regulated activities for which it is registered for such period or until the occurrence of such event as the Commission may specify;
- (ii) publicly or privately reprimand the regulated person;
- (iii) prohibit the regulated person from doing all or any of the following in relation to such regulated activity or regulated activities, and for such period or until the occurrence of such event, as the Commission may specify-
 - (A) applying to be licensed or registered;
 - (B) applying to be approved under section 126(1) as a responsible officer of a licensed corporation;
 - (C) applying to be given consent to act or continue to act as an executive officer of a registered institution under section 71C of the Banking Ordinance (Cap 155);
 - (D) seeking through a registered institution to have his name entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as that of a person engaged by the registered institution in respect of a regulated activity.

(2) Subject to sections 198 and 199, where-

- (a) a regulated person is, or was at any time, guilty of misconduct; or
- (b) the Commission is of the opinion that a regulated person is not a fit and proper person to be or to remain the same type of regulated person,

the Commission may, separately or in addition to any power exercisable under subsection (1), order the regulated person to pay a pecuniary penalty not exceeding the amount which is the greater of-

- (i) \$10000000; or
- (ii) 3 times the amount of the profit gained or loss avoided by the regulated person as a result of his misconduct, or of his other conduct which leads the Commission to form the opinion (as the

case may be).

(3) The Commission, in determining whether a regulated person is a fit and proper person within the meaning of subsection (1)(b) or (2)(b), may, among other matters (including those specified in section 129), take into account such present or past conduct of the regulated person as it considers appropriate in the circumstances of the case.

(4) A regulated person ordered to pay a pecuniary penalty under subsection (2) shall pay the penalty to the Commission within 30 days, or such further period as the Commission may specify by notice under section 198(3), after the order has taken effect as a specified decision under section 232.

(5) The Court of First Instance may, on an application of the Commission made in the manner prescribed by rules made under section 397 for the purposes of this subsection, register an order made under subsection (2) in the Court of First Instance and the order shall, on registration, be regarded for all purposes as an order of the Court of First Instance made within the civil jurisdiction of the Court of First Instance for the payment of money.

(6) Any pecuniary penalty paid to or recovered by the Commission pursuant to an order made under subsection (2) shall be paid by the Commission into the general revenue.

(7) Without prejudice to the exercise by the Monetary Authority of any powers under the Banking Ordinance (Cap 155), the Commission may make such recommendations to the Monetary Authority in respect of the exercise by the Monetary Authority of any of his powers under sections 58A(1) and 71C(4) of that Ordinance as the Commission considers appropriate.

(8) In this section-

"regulated person" (受規管人士) means a person who is or at the relevant time was any of the following types of person-

(a) a registered institution;

(b) an executive officer of a registered institution;

(c) a person involved in the management of the business constituting any regulated activity for which a registered institution is or was (as the case may be) registered; or

(d) an individual whose name is or was (as the case may be) entered in the register maintained by the Monetary Authority under section 20 of the Banking Ordinance (Cap 155) as that of a person engaged by a registered institution in respect of a regulated activity;

"relevant time" (有關時間), in relation to a person, means-

(a) where subsection (1)(a) or (2)(a) applies, the time when the person is, or was, guilty of misconduct; or

(b) where subsection (1)(b) or (2)(b) applies, the time of occurrence of any matter which, whether with any other matter or not, leads the Commission to form the opinion that the person is not a fit and proper person within the meaning of such subsection.

Individual Section Mode

Contents of Section



Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	182	Heading:	Investigations	Version Date:	01/04/2003

Division 3-Powers of investigations

(1) Where-

- (a) the Commission has reasonable cause to believe that an offence under any of the relevant provisions may have been committed;
- (b) the Commission has reasonable cause to believe that a person may have engaged in defalcation, fraud, misfeasance or other misconduct in connection with-
 - (i) dealing in any securities or futures contract or trading in any leveraged foreign exchange contract;
 - (ii) the management of investment in any securities, futures contract or leveraged foreign exchange contract;
 - (iii) offering or making any leveraged foreign exchange contract or collective investment scheme;
 - (iv) giving advice in relation to the allotment of securities, or the acquisition or disposal of, or investment in, any securities, futures contract, leveraged foreign exchange contract, or an interest in any securities, futures contract, leveraged foreign exchange contract or collective investment scheme; or
 - (v) any transaction involving securities margin financing;
- (c) the Commission has reasonable cause to believe that market misconduct may have taken place;
- (d) the Commission has reasonable cause to believe that the manner in which a person has engaged or is engaging in any of the activities referred to in paragraph (b)(i) to (v) is not in the interest of the investing public or in the public interest;
- (e) the Commission-
 - (i) for the purpose of considering whether to exercise any power under section 194 or 196, has reason to inquire whether any person is or was at any time guilty of misconduct, or is not a fit and proper person, as described in section 194(1) or (2) or 196(1) or (2); or
 - (ii) for the purpose of assisting the Monetary Authority to consider whether to exercise any power under section 58A or 71C of the Banking Ordinance (Cap 155), has reason to inquire whether any person-
 - (A) is or was at any time guilty of misconduct, or is not or has ceased to be a fit and proper person, as described in section 58A(1) of that Ordinance; or
 - (B) is or was at any time guilty of misconduct, or should cease to be regarded as a fit and proper person, as described in section 71C(4) of that Ordinance;
- (f) the Commission has reason to inquire whether any of the conditions imposed in respect of an authorization under section 104 or 105 are being complied with; or
- (g) a matter in respect of the investigation of which the Commission decides to provide assistance under section 186 is, in the opinion of the Commission, of a nature similar to the matter described in paragraph (a), (b), (c), (d), (e) or (f) as that which the Commission has reasonable cause to believe or has reason to inquire (as the case may be),

the Commission may in writing direct one or more of its employees or, with the consent of the Financial Secretary, appoint one or more other persons, to investigate any of the matters referred to in paragraphs (a) to (g).

(2) The costs and expenses incurred by an investigator, other than an employee of the Commission, are to be paid

out of moneys provided by the Legislative Council.

(3) The Commission shall furnish an investigator with a copy of his direction or appointment (as the case may be), and the investigator, before first imposing any requirement on a person under section 183(1), (2) or (3), shall produce a copy of the direction or appointment (as the case may be) to that person for inspection.

(4) Before the Commission directs any of its employees, or appoints any person-

- (a) to investigate any matter under subsection (1)(e)(i), to the extent that the investigation is for the purpose of considering whether to exercise any power under section 196; or
- (b) to investigate any matter under subsection (1)(e)(ii),

the Commission shall consult the Monetary Authority.

V. Provisions related to miscellaneous matters

Cap.	Ordinance	Provision
10A	NON-CONTENTIOUS PROBATE RULES	<p>rule.31(4) – Grant on behalf of person under 21</p> <p>(4) Where by virtue of section 25 of the Ordinance, a grant is required to be made to not less than 2 administrators and there is only one person competent and willing to take a grant under the foregoing provisions of this rule, administration may, unless the Registrar otherwise directs, be granted to such person jointly with any other person nominated by him as a fit and proper person to take the grant.</p>
94	WIDOWS AND ORPHANS PENSION ORDINANCE	<p>s.28 – Payment on behalf of minors in case of desertion</p> <p>If the widow of any officer ceases to assist, deserts or abandons a child who would be entitled on her death to draw pension, and who may be in a state of poverty or destitution, the directors may, in their discretion, pay to a fit and proper person on behalf of such child such proportion of the pension as they may think fit in each case, and the widow shall have no further claim on the directors in respect thereof.</p>
107	TRAMWAY ORDINANCE	<p>s.18 – Application of road materials excavated in construction of works</p> <p>Any paving, metalling or material excavated by the company in the construction of its works from any road under the control of the Director may be applied by the company, so far as may be necessary, in or towards the reinstating of such road, provided such paving, metalling or material is in the opinion of the Director fit and proper to be used for such purpose, and all surplus paving, metalling or material not so used shall be the property of the company, and shall be removed by the company with all reasonable diligence.</p>
138	PHARMACY AND POISONS ORDINANCE	<p>s.22(1) – Limitations on sale of Part I poisons</p> <p>(1) Subject to this Ordinance, no authorized seller of poisons shall sell any poison included in Part I of the Poisons List to any person unless that person is a fit and proper person to whom the poison may be sold and is either-</p> <p>(a) so certified in writing in the manner prescribed by regulations by a person authorized by regulations to give a certificate for the purposes of this section; or</p> <p>(b) known by the seller or by some registered pharmacist in the</p>

Cap.	Ordinance	Provision
		employment of the seller at the premises where the sale is affected.
138A	PHARMACY AND POISONS REGULATIONS	<p>Schedule 8</p> <p style="text-align: center;">FORM 8 PHARMACY AND POISONS ORDINANCE (Chapter 138)</p> <p style="text-align: center;">CERTIFICATE</p> <p>For the purposes of section 22(1)(a) of the Pharmacy and Poisons Ordinance, I, the undersigned, occupying^(a) hereby certify that I am acquainted with^(b) and with^(c) and that^(b) is a fit and proper person to whom^(d) may properly be supplied by^(c) I further certify that^(e) is the signature of the said(e)</p> <p style="text-align: right;">..... Signature of person giving certificate</p> <p style="text-align: right;">(Name in block letters)</p> <p style="text-align: right;">Date</p>
234A	PRISON RULES	<p>rule.21(2) – Children of female prisoners</p> <p>(2) When any child received into prison under paragraph (1) is over the age of 9 months or attains that age while in prison the Medical Officer shall report to the Commissioner whether, in his opinion, it is necessary or desirable that such child should be retained in prison. The Commissioner may commit such child to the care of such relative of the child as may be willing and able to undertake such care and who</p>

Cap.	Ordinance	Provision
		may, in his opinion, be a fit and proper person to undertake such care. If the Commissioner is unable to find any relative of the child to whose care such child may properly be entrusted, then he may commit such child to the care of any person or institution approved by the Chief Executive.
297	REHABILITATION OF OFFENDERS ORDINANCE	s.4(1)(e)(v) – Further exceptions (1) Section 2(1) and (1A) shall not apply to- (e) proceedings under the Insurance Companies Ordinance (Cap 41)- (v) relating to the approval of a body of insurance brokers, including the assessment of whether the persons who manage or supervise the body of insurance brokers are fit and proper persons to do so, by the Insurance Authority under section 70 of that Ordinance.
486	PERSONAL DATA (PRIVACY) ORDINANCE	s.2(9)(b) – Interpretation (9) Where a person- (b) is required by any law, or by any rules made under or by virtue of any law, to be a fit and proper person (or words to the like effect) to hold that office, engage in that profession or carry on that occupation, then, for the purposes of this Ordinance, any conduct by that person by virtue of which he ceases, or would cease, to be such a fit and proper person shall be deemed to be seriously improper conduct.



Individual Section Mode

Contents of Section



Chapter:	10A	Title:	NON-CONTENTIOUS PROBATE RULES	Gazette Number:	
Rule:	31	Heading:	Grant on behalf of person under 21	Version Date:	30/06/1997

(1) Where a person to whom a grant would otherwise be made is under the age of 21 years, administration for his use and benefit until he attains that age shall, subject to paragraphs (3) and (5) of this rule, be granted-

- (a) to the parents of the person jointly or to any guardian appointed by the court; or
- (b) if there is no such guardian able and willing to act and the person has attained the age of 16 years, to any next of kin nominated by the person or, where the person is a married woman, to any such next of kin or to her husband if nominated by her.

(2) Any next of kin or husband nominated under sub-paragraph (b) of the last foregoing paragraph may represent any other person whose next of kin he is, being a person below the age of 16 years entitled in the same degree as the person who made the nomination.

(3) Notwithstanding anything in this rule, administration for the use and benefit of the person under the age of 21 years until he attains that age may be granted to any person assigned as guardian by order of the Registrar in default of, or jointly with, or to the exclusion of, any such person as is mentioned in paragraph (1) of this rule; and such an order may be made on application by the intended guardian, who shall file an affidavit in support of the application and, if required by the Registrar, an affidavit of fitness sworn by a responsible person.

(4) Where by virtue of section 25 of the Ordinance, a grant is required to be made to not less than 2 administrators and there is only one person competent and willing to take a grant under the foregoing provisions of this rule, administration may, unless the Registrar otherwise directs, be granted to such person jointly with any other person nominated by him as a fit and proper person to take the grant.

(5) Where a person under the age of 21 years who is sole executor has no interest in the residuary estate of the deceased, administration for the use and benefit of the person until he attains the age of 21 years shall, unless the Registrar otherwise directs, be granted to the person entitled to the residuary estate.

(6) The right to administration of a person under the age of 21 years may be renounced only by a person assigned as guardian under paragraph (3) of this rule and authorized to renounce by the Registrar.

(L.N. 231 of 1990)



Individual Section Mode

Contents of Section



Chapter:	94	Title:	WIDOWS AND ORPHANS	Gazette Number:
			PENSION ORDINANCE	
Section:	28	Heading:	Payment on behalf of minors in case of desertion	Version Date: 30/06/1997

If the widow of any officer ceases to assist, deserts or abandons a child who would be entitled on her death to draw pension, and who may be in a state of poverty or destitution, the directors may, in their discretion, pay to a fit and proper person on behalf of such child such proportion of the pension as they may think fit in each case, and the widow shall have no further claim on the directors in respect thereof.

(Amended 50 of 1911; 51 of 1911; 12 of 1912 Schedule; 13 of 1912 Schedule;
33 of 1939 Schedule)



Individual Section Mode

Contents of Section



Chapter:	107	Title:	TRAMWAY ORDINANCE	Gazette Number:	
Section:	18	Heading:	Application of road materials excavated in construction of works	Version Date:	30/06/1997

Any paving, metalling or material excavated by the company in the construction of its works from any road under the control of the Director may be applied by the company, so far as may be necessary, in or towards the reinstating of such road, provided such paving, metalling or material is in the opinion of the Director fit and proper to be used for such purpose, and all surplus paving, metalling or material not so used shall be the property of the company, and shall be removed by the company with all reasonable diligence.

(Amended 51 of 1911; 2 of 1912 Schedule; 33 of 1939 Schedule)



Individual Section Mode

Contents of Section



Chapter:	138	Title:	PHARMACY AND POISONS ORDINANCE	Gazette Number:	
Section:	22	Heading:	Limitations on sale of Part I poisons	Version Date:	30/06/1997

(1) Subject to this Ordinance, no authorized seller of poisons shall sell any poison included in Part I of the Poisons List to any person unless that person is a fit and proper person to whom the poison may be sold and is either-

- (a) so certified in writing in the manner prescribed by regulations by a person authorized by regulations to give a certificate for the purposes of this section; or
- (b) known by the seller or by some registered pharmacist in the employment of the seller at the premises where the sale is affected.

(2) Every authorized seller of poisons shall keep in each set of registered premises at which poisons included in Part I of the Poisons List are sold a poisons book.

(3) The seller of any poison included in Part I of the Poisons List shall not deliver it until-

- (a) he has made or caused to be made an entry in the poisons book stating the date of the sale, the name, number of identity card and address of the purchaser and of the person by whom any certificate under subsection (1)(a) was given, the name and quantity of the article sold, and the purpose for which it was stated by the purchaser to be required; and (Amended 68 of 1995 s. 29)
- (b) the purchaser has affixed his signature to the entry in the poisons book and the registered pharmacist by or in the presence of whom the sale was made has immediately thereafter countersigned such entry.

(3A) In this section, "identity card" (身分證) has the meaning assigned to it by section 1A of the Registration of Persons Ordinance (Cap 177). (Added 68 of 1995 s. 29)

(4) Any authorized seller of poisons who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine of \$5000. (Amended 84 of 1992 s. 10)

[cf. 1933 c. 25 s. 18(2) U.K.]



Individual Section Mode

Contents of Section



Chapter: 138A Title: PHARMACY AND POISONS REGULATIONS Gazette Number:
 Schedule: 8 Heading: Version Date: 30/06/1997
 FORM 1 [regulation 26(4)]

PHARMACY AND POISONS ORDINANCE (Chapter 138) WHOLESALE POISONS LICENCE

..... of is hereby licensed to deal
 in wholesale poisons at until
 the day of 19.....,
 inclusive, subject to the conditions endorsed hereon.

Dated this day of 19.....

.....
 for Pharmacy and Poisons Board.

CONDITIONS

.....

(L.N. 85 of 1987; L.N. 63 of 1997)

FORM 2 [regulation 28(4)] PHARMACY AND POISONS ORDINANCE (Chapter 138)

FORM OF RECORDS OF TRANSACTIONS INVOLVING POISONS IN PART I OF THE POISONS LIST TO BE KEPT BY WHOLESALE DEALERS

Name of Poisons			Unit of Quantity		
Date	Nature of transaction	Supplier or to whom supplied	Invoice No.	Quantity	Balance after transaction

(L.N. 63 of 1997)

FORM 3 [regulation 29(5)] PHARMACY AND POISONS ORDINANCE (Chapter 138) CERTIFICATE FOR MANUFACTURER

It is hereby certified that

.....
 (Name of the pharmaceutical firm)

(1) is authorized to manufacture and market drugs and pharmaceutical products;

(2) is subject to regular inspections which have shown that it follows the requirements of good practices in manufacture and quality control of drugs and pharmaceutical products as recommended by the World Health Organization, and is included in the list established for that purpose.

HONG KONG

..... (Date)

.....
for Pharmacy and Poisons Board.
(L.N. 63 of 1997)

FORM 4
PHARMACY AND POISONS ORDINANCE

[regulation 29(5)]

(Chapter 138)
INTERIM CERTIFICATE FOR MANUFACTURER

It is hereby certified that

.....

(Name and address of manufacturer)

(1) is authorized to manufacture and market drugs and pharmaceutical products;

(2) is subject to regular inspections in respect of the manufacture of drugs and pharmaceutical products in accordance with the requirements recommended by the World Health Organization.

This certificate shall expire on

Subject to the Pharmacy and Poisons Board being satisfied that the manufacturer complies with the requirements of good practices in manufacture and quality control of drugs and pharmaceutical products as recommended by the World Health Organization, a Certificate for Manufacturer may be issued on or before the expiry of this certificate.

HONG KONG

..... (Date)

.....
for Pharmacy and Poisons Board
(L.N. 63 of 1997)

FORM 5
PHARMACY AND POISONS ORDINANCE

[regulation 29(6)]

(Chapter 138)

FREE SALE CERTIFICATE OF PHARMACEUTICAL PRODUCT

Name and dosage form of product (specify strength):

Name and amount of each active ingredient (as provided by manufacturer):

.....
.....
.....
.....
.....

Manufacturer, and/or when applicable, the person responsible for placing the product on the market:

.....
.....
.....

Address(es):

It is certified that:

* This product has been authorized to be placed on the market for use in Hong Kong.

Number of permit and date of issue

.....

* This product has not been authorized to be placed on the market for use in Hong Kong for the following reasons:

.....
.....

* It is also certified that (a) the manufacturing plant in which the product is produced is subject to inspection at suitable intervals, and (b) the manufacturer conforms to requirements for good practices in the manufacture and quality control, as recommended by the World Health Organization, in respect of products to be sold or distributed within the country of origin or to be exported.

HONG KONG

..... (Date)

.....
for Pharmacy and Poisons Board.

(L.N. 137 of 1978; L.N. 449 of 1991; L.N. 63 of 1997)

FORM 5A
PHARMACY AND POISONS ORDINANCE

[regulation 29(6)]

(Chapter 138)

CERTIFICATE OF PHARMACEUTICAL PRODUCT

Name and dosage form of product (specify strength):

.....
.....
.....
.....
.....

Name and amount of each active ingredient (as provided by manufacturer):

.....
.....
.....
.....
.....

Manufacturer, and/or when applicable, the person responsible for placing the product on the market:

.....
.....
.....
.....
.....

Address(es):

.....
.....
.....
.....
.....

It is certified that-

(a) this product has been registered with the Pharmacy and Poisons Board;

(b) this product has been authorized to be placed on the market for use in Hong Kong-

Number of permit:

Date of issue:

(c) the manufacturing plant in which the product is produced is subject to inspection at suitable intervals.

This certificate is valid for one year from the date of issue.

HONG KONG

..... (Date)

.....
for Pharmacy and Poisons Board.
(L.N. 449 of 1991; L.N. 63 of 1997)

FORM 6
PHARMACY AND POISONS ORDINANCE

[regulation 36(2)]

(Chapter 138)

APPLICATION FOR REGISTRATION OF A DRUG/
PHARMACEUTICAL PRODUCT/SUBSTANCE

Note: A specimen sales pack of the drug/product or sample of the substance and the relevant literature must be submitted together with the application. Supplementary documentation and supporting documents issued by the health authority in the Country of origin should be submitted if required.

Name of Drug/Product/Substance*: (*Delete as appropriate)	
Dose Form/Package Size(s):	
Detailed Qualitative and Quantitative Composition:	
Indications:	
Names of Countries in which registered/marketed:	
Name of Applicant:	
Business Address of Applicant:	Tel. No.
Name of Manufacturer:	
Address of Manufacturer:	

DECLARATION OF APPLICANT

I hereby declare that to the best of my knowledge and belief the information given in this application is correct.

Date: Signature:

		For Office Use Only			
Date Rec'd	Forensic Classification	Fees Paid	Registration Approved	Certificate Issued	Registration

(L.N. 137 of 1978; L.N. 63 of 1997)

FORM 7

[regulation 36(5)]

PHARMACY AND POISONS ORDINANCE
(Chapter 138)

CERTIFICATE OF DRUG/PRODUCT REGISTRATION

It is hereby certified that

(Name and address)

has been issued with a permit No. authorizing

..... (Name of drug/product) to be marketed for use within
Hong Kong.

2. This certificate will be valid until 19, and thereafter for periods
of 5 years at a time on renewal and subject to the payment of the registration fee.

3. No change in the formulation and commercial presentation of this product shall be made during the effectivity of
this registration without the approval of the Pharmacy and Poisons Board.

HONG KONG

..... (Date)

.....
for Pharmacy and Poisons Board
(L.N. 137 of 1978; L.N. 63 of 1997)

FORM 8
PHARMACY AND POISONS ORDINANCE

[regulation 41(1)]

(Chapter 138)

CERTIFICATE

For the purposes of section 22(1)(a) of the Pharmacy and Poisons Ordinance, I, the undersigned, occupying

(a)

..... hereby certify that I am

acquainted with^(b)

..... and with^(c)

..... and that^(b)

..... is a fit and proper person to whom

(d) may properly be supplied by

(c)

I further certify that^(e)

..... is the signature of the said(e)

.....

.....
Signature of person giving certificate

(Name in block letters)

Date

(a) Insert full postal address. (b) Insert full name of intending purchaser. (c) Insert full name of intending seller.	(d) Insert name of poison. (e) Intending purchaser to sign here.
--	---

(L.N. 63 of 1997)

FORM 9
PHARMACY AND POISONS BOARD
HONG KONG

[regulation 41(2)]

PHARMACY AND POISONS ORDINANCE
(Chapter 138)

CERTIFICATE OF REGISTRATION
(Section 9(1))

Number on Register

This is to certify that whose address
is

..... and whose photograph appears hereon was on the day
of..... 19..... admitted to the register of pharmacists.

Dated this day of 19.....

.....
Secretary, Pharmacy and Poisons Board.
(L.N. 63 of 1997)

FORM 10
PHARMACY AND POISONS ORDINANCE
(Chapter 138)

[regulation 42(3)]

FORM OF ENTRY TO BE MADE IN THE BOOK TO BE KEPT BY
SELLERS OF POISONS IN ACCORDANCE WITH SECTION 22(3)

Date of Sale	Name and quantity of poison supplied	Purchaser's			Purpose for which stated to be required	Date of certificate (if any)	Name and address of person giving certificate (if any)	Signature of purchaser (or reference number of Signed order in case of wholesale)	Signature of registered pharmacist
		Name and number of identity card	Address	Business, trade or occupation					

(L.N. 366 of 1995; L.N. 63 of 1997)

FORM 11

(Spent)

FORM 12
PHARMACY AND POISONS ORDINANCE
(Chapter 138)

[regulation 36B(3)]

CERTIFICATE FOR CLINICAL TRIAL/MEDICINAL TEST*

It is hereby certified that

(Name and address)

is authorized to establish a clinical trial on human beings/medicinal test on animals* in respect of

.....
 (Name of Product or substance)
 to be conducted by
 (Name(s) of person(s) concerned)
 at
 (Name and address of institution where applicable)

2. This certificate will be valid until

HONG KONG

..... (Date)

 for Pharmacy and Poisons Board.
 (L.N. 63 of 1997)

FORM 13
 PHARMACY AND POISONS ORDINANCE
 (Chapter 138)
 APPLICATION FOR REGISTRATION AS AN
 IMPORTER/EXPORTER OF PHARMACEUTICAL PRODUCTS

[regulation 37A]

We wish to apply for registration as an importer and exporter of pharmaceutical products under the Pharmacy and Poisons Ordinance, Cap 138.

Name of pharmaceutical product(s) registered by Applicant:
Name of manufacturer(s) represented by Applicant, if any:
Description of storage room/cubicle/receptacle* : (* Delete as appropriate)
Name of Applicant:
Business Address of Applicant: Tel. No.
Name of person in charge:

Date Signature

(L.N. 369 of 1980; L.N. 63 of 1997)

FORM 14
 PHARMACY AND POISONS ORDINANCE
 (Chapter 138)
 CERTIFICATE OF REGISTRATION AS AN IMPORTER
 AND EXPORTER

[regulation 37A]

It is hereby certified that

.....
 (Name and Address of pharmaceutical firm)

..... has been registered as an
 importer and exporter of pharmaceutical products and is entitled to import and export pharmaceutical products
 subject to the conditions endorsed hereon.

Dated this day of 19.....

.....
for Pharmacy and Poisons Board.

CONDITIONS

.....
.....
.....
(L.N. 369 of 1980; L.N. 85 of 1987; L.N. 63 of 1997)

FORM 15 PHARMACY AND POISONS ORDINANCE (Chapter 138) APPLICATION FOR REGISTRATION OF PREMISES UNDER SECTION 13

[regulation 24B(a)]

We of

(Name of business)

.....
(Address of business)

wish to apply for the registration under section 13 of the Pharmacy and Poisons Ordinance of the premises as set out in paragraph 1 of this application to conduct the retail sale of poisons at such premises.

1. Address of premises
2. Name of business at the premises
3. Business Registration No.
4. Telephone No. of the premises
5. Name of registered pharmacist in whose presence or under whose supervision the retail sale of poisons is conducted under section 11(1) of the Ordinance

In support of this application, we submit a copy of the certificate of registration of the pharmacist named in paragraph 5.

Signature
Full name of signatory
Signed on behalf of
(Name of business)

Date

(L.N. 85 of 1987; L.N. 63 of 1997)

FORM 16 PHARMACY AND POISONS ORDINANCE (Chapter 138) CERTIFICATE FOR REGISTRATION OF PREMISES UNDER SECTION 13

[regulation 24C]

This is to certify that the premises known as
..... and situated at
(Name of business)

..... are, for the

(Address of premises)

period from the date of this certificate until
(Date of expiry)
registered under section 13 of the Pharmacy and Poisons Ordinance as being premises where the retail sale of
poisons may be conducted, subject to the conditions endorsed hereon.

Dated this day of..... 19.....

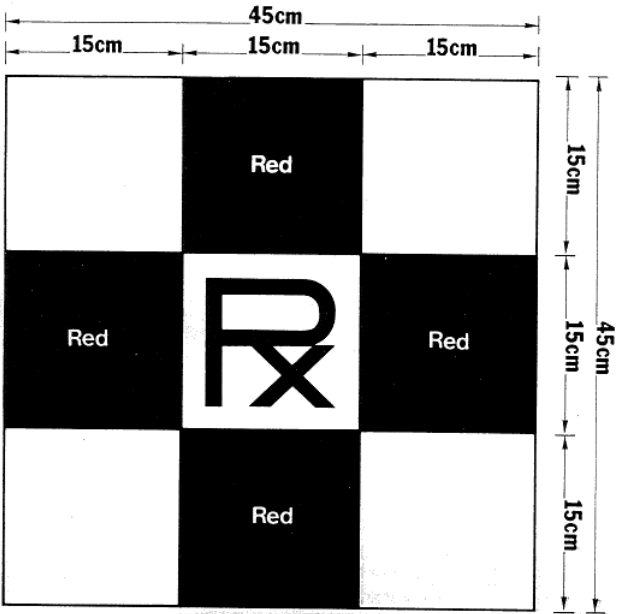
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for Pharmacy and Poisons Board

CONDITIONS

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(L.N. 85 of 1987; L.N. 63 of 1997)

FORM 17
Form of logo which may be displayed under section 13A [regulation 41 (2A)]



(L.N. 85 of 1987)



Individual Section Mode

Contents of Section



Chapter:	234A	Title:	PRISON RULES	Gazette Number:	15 of 1999
Rule:	21	Heading:	Children of female prisoners	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 15 of 1999 s. 3

(1) The child of a female prisoner may be received into prison with its mother and kept during the normal period of lactation and any child so admitted shall not be taken from its mother until the Medical Officer certifies that it is in a fit condition to be removed.

(2) When any child received into prison under paragraph (1) is over the age of 9 months or attains that age while in prison the Medical Officer shall report to the Commissioner whether, in his opinion, it is necessary or desirable that such child should be retained in prison. The Commissioner may commit such child to the care of such relative of the child as may be willing and able to undertake such care and who may, in his opinion, be a fit and proper person to undertake such care. If the Commissioner is unable to find any relative of the child to whose care such child may properly be entrusted, then he may commit such child to the care of any person or institution approved by the Chief Executive. (15 of 1999 s. 3)

(3) Notwithstanding the provis

Individual Section Mode

Contents of Section

Chapter:	297	Title:	REHABILITATION OF OFFENDERS ORDINANCE	Gazette Number:	L.N. 70 of 1999
Section:	4	Heading:	Further exceptions	Version Date:	03/08/1999

(1) Section 2(1) and (1A) shall not apply to- (Amended 10 of 1996 s. 5)

- (a) proceedings in respect of a person's admission as, or disciplinary proceedings against a person practising as, a barrister, a solicitor or an accountant;
- (b) disciplinary proceedings against a person holding a prescribed office; (Amended 10 of 1996 s. 5)
- (c) proceedings relating to a person's suitability to be granted, or to continue to hold, any licence, permit or dispensation, or to be registered, or continue to be registered, under any law;
- (d) proceedings relating to a person's suitability to be appointed to, or continue in, any prescribed office; and (Amended 10 of 1996 s. 5)
- (e) proceedings under the Insurance Companies Ordinance (Cap 41)-
 - (i) relating to a person's suitability to be authorized as an insurer; (Amended 10 of 1996 s. 5)
 - (ii) by the Insurance Authority in the exercise of the powers conferred on him by sections 27 to 35, 66, 67, 69, 70, 75 and 76 of that Ordinance; (Amended 10 of 1996 s. 5)
 - (iii) relating to a person's suitability to become or continue to be a director or controller of an authorized insurer; (Added 10 of 1996 s. 5)
 - (iv) relating to a person's suitability to become or continue to be an insurance broker authorized by the Insurance Authority under section 69 of that Ordinance, or to be a member of a body of insurance brokers approved by the Insurance Authority under section 70 of that Ordinance; (Added 10 of 1996 s. 5)
 - (v) relating to the approval of a body of insurance brokers, including the assessment of whether the persons who manage or supervise the body of insurance brokers are fit and proper persons to do so, by the Insurance Authority under section 70 of that Ordinance; or (Added 10 of 1996 s. 5)
 - (vi) relating to the appointment, registration and de-registration of an insurance agent for the purposes of Part X of that Ordinance; (Added 10 of 1996 s. 5)
- (ea) proceedings under the Mandatory Provident Fund Schemes Ordinance (Cap 485)-
 - (i) relating to a person's suitability to become or continue to be an approved trustee or a controller of an approved trustee; or
 - (ii) relating to a person's suitability to become or continue to be a trustee or controller of a trustee of an occupational retirement scheme in respect of which the members or a class of members and their employer are exempted under section 5 of that Ordinance or the subject of an application referred to in subsection (2)(a) of that section; (Added 4 of 1998 s. 11)
- (f) without prejudice to the generality of paragraph (c), proceedings under the Banking Ordinance (Cap 155) relating to a person's suitability to become or continue to be a controller, director, chief executive or alternate chief executive of an authorized institution; and (Added 10 of 1996 s. 5)
- (g) without prejudice to the generality of paragraph (c), proceedings under section 73 of the Banking Ordinance (Cap 155) relating to the prohibition of certain persons from acting as the employees of authorized institutions except with the consent of the Monetary Authority. (Added 10 of 1996 s. 5)

(2) Section 2(1) and (1A) shall not apply to any question asked by or on behalf of any person, in the course of the

duties of his office or employment, or any obligation to disclose information to that person in the course of those duties, in order to assess the suitability of another person- (Amended 10 of 1996 s. 5)

- (a) for admission as a barrister, solicitor or accountant; or
- (b) for the grant of, or to continue to hold, any licence, permit or dispensation, or for registration, or to continue to be registered, under any law; or
- (c) for appointment to any prescribed office; or (Amended 10 of 1996 s. 5)
- (d) to be authorized as an insurer under the Insurance Companies Ordinance (Cap 41), or to be authorized insurance broker, or a person who manages or supervises an approved body of insurance brokers or an appointed insurance agent for the purposes of section 2(1) and Part X of that Ordinance; or (Amended 10 of 1996 s. 5)
- (e) to become or continue to be a controller, director, chief executive or alternate chief executive of an authorized institution under the Banking Ordinance (Cap 155); or (Added 10 of 1996 s. 5)
- (f) to act as the employees of authorized institutions as defined in the Banking Ordinance (Cap 155); or (Added 10 of 1996 s. 5)
- (g) to be appointed as a foster parent; or (Added 10 of 1996 s. 5)
- (h) to become or continue to be a director or controller of an authorized insurer under the Insurance Companies Ordinance (Cap 41). (Added 10 of 1996 s. 5)

(3) Section 2(1) and (1A) shall not apply to any dismissal or exclusion of an individual from practising as a barrister, solicitor or accountant or from any prescribed office. (Replaced 10 of 1996 s. 5)

(4) Section 2(1B) shall not apply to any question asked by or on behalf of any employer or any individual who intends to employ a vocational driver, or any obligation to disclose information, regarding the suitability of another person for employment or continued employment as a vocational driver, unless a period of 3 years has elapsed from the date of payment or order to pay (whichever is the earlier) which is referred to in section 2(1B). (Added 10 of 1996 s. 5)

(5) Section 2(1B) shall not apply to any dismissal or exclusion of an individual from his employment as a vocational driver unless a period of 3 years has elapsed from the date of payment or order to pay (whichever is the earlier) which is referred to in section 2(1B). (Added 10 of 1996 s. 5)

(6) Section 2(1B) shall not apply to any question asked by or on behalf of an insurer for the purpose of assessing and pricing a risk in respect of vehicle insurance, unless a period of 3 years has elapsed from the date of payment or order to pay (whichever is the earlier) which is referred to in section 2(1B). (Added 10 of 1996 s. 5)

(7) Section 2 shall not apply to any action taken for the purposes of safeguarding the security of Hong Kong. (Added 10 of 1996 s. 5)

(8) For the purposes of subsection (1)(ea), "controller" (控權人), in relation to an approved trustee of a mandatory provident fund scheme, or a trustee of an occupational retirement scheme, that is a company, has the same meaning as in section 2(1) of the Mandatory Provident Fund Schemes Ordinance (Cap 485). (Added 4 of 1998 s. 11)

(Enacted 1986)

Individual Section Mode

Contents of Section



Chapter:	486	Title:	PERSONAL DATA (PRIVACY) ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	2	Heading:	Interpretation	Version Date:	01/04/2003

(1) In this Ordinance, unless the context otherwise requires-

"act" (作為) includes a deliberate omission;

"adverse action" (不利行動), in relation to an individual, means any action that may adversely affect the individual's rights, benefits, privileges, obligations or interests (including legitimate expectations);

"appointed day" (指定日) means the day appointed under section 1(2);

"approved code of practice" (核准實務守則) means a code of practice approved under section 12;

"code of practice" (實務守則) includes-

- (a) a standard;
- (b) a specification; and
- (c) any other documentary form of practical guidance;

"Commissioner" (專員) means the Privacy Commissioner for Personal Data established under section 5(1);

"Committee" (諮詢委員會) means the Personal Data (Privacy) Advisory Committee established under section 11(1);

"complainant" (投訴人) means the individual, or the relevant person on behalf of an individual, who has made a complaint;

"complaint" (投訴) means a complaint under section 37;

"correction" (改正), in relation to personal data, means rectification, erasure or completion;

"daily penalty" (每日罰款) means a penalty for each day on which the offence is continued after conviction therefor;

"data" (資料) means any representation of information (including an expression of opinion) in any document, and includes a personal identifier;

"data access request" (查閱資料要求) means a request under section 18;

"data correction request" (改正資料要求) means a request under section 22(1);

"data protection principle" (保障資料原則) means any of the data protection principles set out in Schedule 1;

"data subject" (資料當事人), in relation to personal data, means the individual who is the subject of the data;

"data user" (資料使用者), in relation to personal data, means a person who, either alone or jointly or in common with other persons, controls the collection, holding, processing or use of the data;

"data user return" (資料使用者申報表) means a data user return referred to in section 14(4);

"disclosing" (披露), in relation to personal data, includes disclosing information inferred from the data;

"document" (文件) includes, in addition to a document in writing-

- (a) a disc, tape or other device in which data other than visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced from the disc, tape or other device; and
- (b) a film, tape or other device in which visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced from the film, tape or other device;

"employment" (僱用) means employment under-

- (a) a contract of service or of apprenticeship; or
- (b) a contract personally to execute any work or labour,

and related expressions shall be construed accordingly;

"enforcement notice" (執行通知) means a notice under section 50(1);

"financial regulator" (財經規管者) means any of-

- (a) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap 66);
- (b) the Securities and Futures Commission referred to in section 3(1) of the Securities and Futures Ordinance (Cap 571); (Replaced 5 of 2002 s. 407)
- (c) a recognized clearing house, a recognized exchange company, a recognized exchange controller or a recognized investor compensation company within the meaning of section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap 571); (Replaced 5 of 2002 s. 407)
- (d) a person authorized under Part III of the Securities and Futures Ordinance (Cap 571) to provide automated trading services as defined in Schedule 5 to that Ordinance; (Replaced 5 of 2002 s. 407)
- (e)-(ea) (Repealed 5 of 2002 s. 407)
- (f) the Insurance Authority appointed under section 4 of the Insurance Companies Ordinance (Cap 41);
- (g) the Registrar of Occupational Retirement Schemes appointed under section 5 of the Occupational Retirement Schemes Ordinance (Cap 426);
- (ga) the Mandatory Provident Fund Schemes Authority established by section 6 of the Mandatory Provident Fund Schemes Ordinance (Cap 485); (Added 4 of 1998 s. 14)
- (h) a person specified in a notice under subsection (7) to be a regulator for the purposes of this definition;

"inaccurate" (不準確), in relation to personal data, means the data is incorrect, misleading, incomplete or obsolete;

"inspection" (視察) means an inspection under section 36;

"investigation" (調查) means an investigation under section 38;

"log book" (紀錄簿), in relation to a data user, means the log book kept and maintained by the data user under section 27(1);

"matching procedure" (核對程序) means any procedure whereby personal data collected for 1 or more purposes in respect of 10 or more data subjects are compared (except by manual means) with personal data collected for any other purpose in respect of those data subjects where the comparison-

- (a) is (whether in whole or in part) for the purpose of producing or verifying data that; or
- (b) produces or verifies data in respect of which it is reasonable to believe that it is practicable that the data,

may be used (whether immediately or at any subsequent time) for the purpose of taking adverse action against any of those data subjects;

"matching procedure request" (核對程序要求) means a request under section 31(1);

"personal data" (個人資料) means any data-

- (a) relating directly or indirectly to a living individual;
- (b) from which it is practicable for the identity of the individual to be directly or indirectly ascertained; and
- (c) in a form in which access to or processing of the data is practicable;

"personal data system" (個人資料系統) means any system, whether or not automated, which is used, whether in whole or in part, by a data user for the collection, holding, processing or use of personal data, and includes any document and equipment forming part of the system;

"personal identifier" (個人身分標識符) means an identifier-

- (a) that is assigned to an individual by a data user for the purpose of the operations of the user;

and

(b) that uniquely identifies that individual in relation to the data user,

but does not include an individual's name used to identify that individual;

"practicable" (切實可行) means reasonably practicable;

"prescribed officer" (訂明人員) means a person employed or engaged under section 9(1);

"processing" (處理), in relation to personal data, includes amending, augmenting, deleting or rearranging the data, whether by automated means or otherwise;

"register" (登記冊) means the register of data users kept and maintained by the Commissioner under section 15(1);

"relevant data user" (有關資料使用者), in relation to-

(a) an inspection, means the data user who uses the personal data system which is the subject of the inspection;

(b) a complaint, means the data user specified in the complaint;

(c) an investigation-

(i) in the case of an investigation initiated by a complaint, means the data user specified in the complaint;

(ii) in any other case, means the data user the subject of the investigation;

(d) an enforcement notice, means the data user on whom the notice is served;

"relevant person" (有關人士), in relation to an individual (howsoever the individual is described), means-

(a) where the individual is a minor, a person who has parental responsibility for the minor;

(b) where the individual is incapable of managing his own affairs, a person who has been appointed by a court to manage those affairs;

(c) in any other case, a person authorized in writing by the individual to make a data access request, a data correction request, or both such requests, on behalf of the individual;

"requestor" (提出要求者), in relation to-

(a) a data access request or data correction request, means the individual, or the relevant person on behalf of an individual, who has made the request;

(b) a matching procedure request, means the data user who has made the request;

"specified" (指明), in relation to a form, means specified under section 67;

"third party" (第三者), in relation to personal data, means any person other than-

(a) the data subject;

(b) a relevant person in the case of the data subject;

(c) the data user; or

(d) a person authorized in writing by the data user to collect, hold, process or use the data-

(i) under the direct control of the data user; or

(ii) on behalf of the data user;

"use" (使用), in relation to personal data, includes disclose or transfer the data;

"would be likely to prejudice" (相當可能損害) includes would prejudice.

(2) For the avoidance of doubt, it is hereby declared that paragraph (c) of the definition of "relevant person" shall not be construed-

(a) to entitle a person who has only been authorized to make a data access request on behalf of an individual to make a data correction request on behalf of the individual;

(b) to entitle a person who has only been authorized to make a data correction request on behalf of an individual to make a data access request on behalf of the individual.

(3) Where under this Ordinance an act may be done with the prescribed consent of a person (and howsoever the person is described), such consent-

- (a) means the express consent of the person given voluntarily;
- (b) does not include any consent which has been withdrawn by notice in writing served on the person to whom the consent has been given (but without prejudice to so much of that act that has been done pursuant to the consent at any time before the notice is so served).

(4) Subject to section 64(10), it is hereby declared that any reference in this Ordinance to the effect that a data user (howsoever described)-

- (a) has contravened a requirement under this Ordinance; or
- (b) is contravening a requirement under this Ordinance,

includes-

- (i) where paragraph (a) is applicable, any case where the data user has done an act, or engaged in a practice, in contravention of a data protection principle;
- (ii) where paragraph (b) is applicable, any case where the data user is doing an act, or engaging in a practice, in contravention of a data protection principle.

(5) Notwithstanding any other provisions of this Ordinance, a complaint may be made (and an investigation, if any, initiated by the complaint may be carried out) in relation to a person who has ceased to be a data user except any such person who has not at any time been a data user during the period of 2 years immediately preceding the date on which the Commissioner receives the complaint and, accordingly, a person in relation to whom such a complaint is made shall for the purposes of such complaint (and an investigation, if any, initiated by such complaint) be deemed to be a data user, and the other provisions of this Ordinance shall be construed accordingly.

(6) Any reference in this Ordinance to a data protection principle followed by a number is a reference to the principle bearing that number set out in Schedule 1.

(7) The Chief Executive may, by notice in the Gazette, specify a person to be a regulator for the purposes of the definition of "financial regulator". (Amended 34 of 1999 s. 3)

(8) It is hereby declared that a notice under subsection (7) is subsidiary legislation.

(9) Where a person-

- (a) holds any office, engages in any profession or carries on any occupation; and
- (b) is required by any law, or by any rules made under or by virtue of any law, to be a fit and proper person (or words to the like effect) to hold that office, engage in that profession or carry on that occupation,

then, for the purposes of this Ordinance, any conduct by that person by virtue of which he ceases, or would cease, to be such a fit and proper person shall be deemed to be seriously improper conduct.

(10) Subsection (9) shall not operate to prevent seriously improper conduct including, for the purposes of this Ordinance, conduct by virtue of which a person ceases, or would cease, to be a fit and proper person notwithstanding that the conduct is not conduct to which that subsection applies.

(11) Words and expressions importing the neuter gender in relation to any data user shall include the masculine and feminine genders.

(12) A person is not a data user in relation to any personal data which the person holds, processes or uses solely on behalf of another person if, but only if, that first-mentioned person does not hold, process or use, as the case may be, those data for any of his own purposes.

(13) For the avoidance of doubt, it is hereby declared that, for the purposes of this Ordinance, any conduct by a person by virtue of which he has or could become a disqualified person or a suspended person under the Rules of Racing and Instructions by the Stewards of the Hong Kong Jockey Club, as in force from time to time, is seriously improper conduct. (Amended 34 of 1999 s. 3)

(Enacted 1995)

VI. Provisions related to authorization

Cap.	Ordinance	Provision
41	INSURANCE COMPANIES ORDINANCE	<p>s.8(2) – Authorization</p> <p>(2) The Insurance Authority shall not authorize a company under this section if it appears to the Insurance Authority that any person who is a director or controller of the company is not a fit and proper person to hold the position held by him.</p>
41	INSURANCE COMPANIES ORDINANCE	<p>s.11(1) – Appeal against refusal of authorization under section 8(2)</p> <p>(1) Where the Insurance Authority refuses to authorize a company under section 8 on the ground (or, if more than one, on grounds which include the ground) that any person as mentioned in subsection (2) of that section is not a fit and proper person to hold the position held by him, the Insurance Authority shall notify the company in writing of that fact and the name of the person whose fitness is in question.</p>
41	INSURANCE COMPANIES ORDINANCE	<p>s.69(2) – Insurance brokers to be authorized</p> <p>(2) Before the Insurance Authority authorizes an insurance broker, he is required to satisfy himself that the person complies at least with the minimum requirements specified by the Insurance Authority for-</p> <ul style="list-style-type: none"> (a) qualifications and experience; (b) capital and net assets; (c) professional indemnity insurance; (d) keeping of separate client accounts; (e) keeping proper books and accounts, <p>and that the person is a fit and proper person to be an insurance broker.</p>
155	BANKING ORDINANCE	<p>schedule.7(6) – MINIMUM CRITERIA FOR AUTHORIZATION</p> <p>(6) For the purposes of paragraph 13(a)(i)(F) and (G), a company is an associated company of any other company where that second-mentioned company may- (Amended L.N. 63 of 2002)</p> <ul style="list-style-type: none"> (a) by means of the holding of shares or the possession of voting power in or in relation to that first-mentioned company or any other body corporate; or (b) by virtue of any powers conferred by the memorandum or articles of association or other document regulating that first-mentioned company or any other body corporate,

Cap.	Ordinance	Provision
		<p>significantly influence the conduct of the affairs of that first-mentioned company.</p> <p>2. If the company is incorporated outside Hong Kong, it is a bank-</p> <p>(a) as defined in section 46(9); and</p> <p>(b) in respect of which the Monetary Authority is satisfied that it is adequately supervised by the relevant banking supervisory authority.</p> <p>3. The Monetary Authority is satisfied that he knows the identity of each controller of the company.</p> <p>4. If the company is incorporated in Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be, a director, controller, chief executive or executive officer of the company is a fit and proper person to hold the particular position which he holds or is to hold.</p> <p>5. If the company is incorporated outside Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be-</p> <p>(a) a chief executive, or executive officer, of the business in Hong Kong of the company;</p> <p>(b) a director, controller or chief executive of the business of the company in the place where it is incorporated, is a fit and proper person to hold the particular position which he holds or is to hold.</p>
238	FIREARMS AND AMMUNITION ORDINANCE	<p>s.12(6)(a) – Possession for purposes of instruction</p> <p>(6) In exercising the powers under this section to grant or revoke an authorization, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-</p> <p>(a) whether the person concerned is or has ceased to be a fit and proper person to be an authorized arms instructor.</p>

Individual Section Mode

Contents of Section

Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	8	Heading:	Authorization	Version Date:	30/06/1997

(1) Upon application made by a company under section 7, the Insurance Authority-

- (a) subject to paragraph (b), may authorize the company in writing to carry on, subject to such conditions as he may impose, any class or classes of insurance business; or
- (b) (i) shall refuse the application if subsection (2) or (3) applies; or
 - (ii) may refuse the application on any other ground whether or not the application has been refused on a ground under subparagraph (i). (Replaced 41 of 1987 s. 2)

(2) The Insurance Authority shall not authorize a company under this section if it appears to the Insurance Authority that any person who is a director or controller of the company is not a fit and proper person to hold the position held by him.

(3) The Insurance Authority shall not authorize a company under this section unless the following conditions are satisfied-

- (a) that, at the date of the application, the value of the assets of the company is not less than-
 - (i) in the case of a company carrying on or intending to carry on general business only, the aggregate of the amount of its liabilities and the relevant amount within the meaning of section 10;
 - (ii) in the case of a company carrying on or intending to carry on long term business only, the greater of the following-
 - (A) the aggregate of the amount of its liabilities and the relevant amount within the meaning of section 10; or
 - (B) the aggregate of the amount of its liabilities and such amount as may be prescribed by or determined in accordance with regulations made under section 59(1) (aa); (Amended 29 of 1997 s. 3)
 - (iii) in the case of a company carrying on or intending to carry on both general business and long term business, the aggregate of the amount which, if section 10(1) applied, would be the relevant amount in the case of the company having regard only to its general business and the greater of the following-
 - (A) the aggregate of-
 - (I) the amount of its liabilities; and
 - (II) if any part of the long term business carried on or intended to be carried on is of a nature other than that specified in class G or H in Part 2 of the First Schedule, \$2000000 or its equivalent; or
 - (B) the aggregate of the amount of its liabilities and such amount as may be prescribed by or determined in accordance with regulations made under section 59(1) (aa); and (Replaced 25 of 1994 s. 4. Amended 29 of 1997 s. 3)
- *(b) that in the case of a company having a share capital, the aggregate of the amount paid up thereof and the amount of any subordinated loan stock of the company and the amount paid up in respect of any redeemable preference shares of the company is not less than-
 - (i) except if subparagraph (ii), (iii) or (iv) applies to the company, \$10000000 or its equivalent; (Amended 29 of 1997 s. 3)
 - (ii) if the company intends to carry on both general business and long term business, or carries on both general business and long term business outside Hong Kong, \$20000000 or

its equivalent;

(iii) if the company intends to carry on any class of insurance business (not being reinsurance business) relating to liabilities or risks in respect of which persons are required by any Ordinance to be insured, \$20000000 or its equivalent; (Amended 35 of 1996 s. 4; 29 of 1997 s. 3)

(iv) if the company intends to carry on business as a captive insurer, \$20000000 or its equivalent; and (Added 29 of 1997 s. 3)

(c) that as regards each class of risks against which, in the course of carrying on business, the company proposes to insure persons-

(i) adequate arrangements are in force, or will be made, for the reinsurance of risks of that class against which persons are, or are to be, insured by the company in the course of carrying on business; or

(ii) it is justifiable not to make arrangements for that purpose; and

(d) that the company is, and will continue to be, able to meet its obligations including obligations in respect of business other than the class of insurance business in respect of which the application is made; and

(e) in the case of a company to which Part XI of the Companies Ordinance (Cap 32) applies, that it has complied with the provisions of that Part; and

(f) that the company will be able to comply with such of the provisions of this Ordinance as would be applicable to it; and

(g) that in the case of a company which carries on, or proposes to carry on, some other form of business in addition to insurance business, the carrying on of that other form of business in addition to insurance business is not contrary to the interest of existing and potential policy holders; and

(h) that the name of the company is not likely to deceive.

(4) For the purposes of this Ordinance-

(a) in computing the amount of the liabilities of a company or an insurer, as the case may be, all contingent and prospective liabilities shall be taken into account but not liabilities in respect of the company's or insurer's share capital;

(b) subject to subsection (5), the value of any assets and the amount of any liabilities shall be determined in accordance with any applicable regulations made under section 59(1)(a), and paragraph (a) shall have effect subject to any such regulations; (Amended 29 of 1997 s. 3)

(c) if no such regulations are applicable in the case of a company or an insurer, as the case may be, regard shall be had-

(i) in determining the value of its assets, to their market value and the cost of realizing such assets; and

(ii) in determining the amount of its liabilities, to the cost of the settlement of such liabilities and, where the amount of any such liabilities is assessed or estimated, to the experience of the company or insurer in carrying on any relevant insurance business or of other persons carrying on the same or similar insurance business. (Replaced 25 of 1994 s. 4)

(5) Subsection (4)(b) shall not apply in the case of a company carrying on or intending to carry on business as a captive insurer. (Added 29 of 1997 s. 3)

Note:

*** For transitional provisions affecting this section and any subsidiary legislation made thereunder, see 35 of 1996 s. 34.**



Individual Section Mode

Contents of Section



Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	11	Heading:	Appeal against refusal of authorization under section 8 (2)	Version Date:	30/06/1997

(1) Where the Insurance Authority refuses to authorize a company under section 8 on the ground (or, if more than one, on grounds which include the ground) that any person as mentioned in subsection (2) of that section is not a fit and proper person to hold the position held by him, the Insurance Authority shall notify the company in writing of that fact and the name of the person whose fitness is in question.

(2) Where notice of a refusal is given to a company under subsection (1), a copy thereof shall at the same time be sent by registered post to the person whose fitness is in question; and if the company or that person is aggrieved by such refusal the company or that person may, within 1 month from the date of the notice, appeal in writing against such refusal so far as it is based on section 8(2) to the Financial Secretary, who shall review the Insurance Authority's reasons for such refusal and whose decision shall be final; but his decision shall not affect such refusal so far as it is based on any additional ground under section 8(1)(b). (Amended 41 of 1987 s. 3)

(3) Where the Insurance Authority refuses to authorize a company under section 8(1)(b)(ii), the Insurance Authority shall notify the company in writing of that refusal. (Added 41 of 1987 s. 3)

(4) Where notice of a refusal is given to a company under subsection (3) and the company is aggrieved by such refusal, it may, within 1 month from the date of the notice, appeal in writing against such refusal to the Financial Secretary, who shall review the Insurance Authority's reasons for such refusal and whose decision shall be final; but his decision shall not affect any refusal under section 8(1)(b)(i). (Added 41 of 1987 s. 3)



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Contents of Section



Chapter:	41	Title:	INSURANCE COMPANIES ORDINANCE	Gazette Number:	
Section:	69	Heading:	Insurance brokers to be authorized	Version Date:	30/06/1997

(1) The Insurance Authority has the power to authorize an insurance broker who complies with this section and pays the prescribed fee for authorization or renewal of authorization.

(2) Before the Insurance Authority authorizes an insurance broker, he is required to satisfy himself that the person complies at least with the minimum requirements specified by the Insurance Authority for-

- (a) qualifications and experience;
- (b) capital and net assets;
- (c) professional indemnity insurance;
- (d) keeping of separate client accounts;
- (e) keeping proper books and accounts,

and that the person is a fit and proper person to be an insurance broker.

(3) The Insurance Authority is required to maintain a register of authorized insurance brokers authorized by him under subsection (1), and to keep the register open to the public during normal office hours on payment of the prescribed fee.

(4) The Insurance Authority has the power by regulation-

- (a) to prescribe the fees payable under this section; and
- (b) to prescribe further requirements relating to the ability of a person or an authorized insurance broker to competently carry out his functions as an insurance broker.

(5) The Insurance Authority has the power to require an insurance broker authorized under this section to supply information that verifies the insurance broker's compliance with this section.

(6) The Insurance Authority has the power to impose conditions on the authorization of an insurance broker to ensure that the insurance broker functions properly and that policy holders and potential policy holders are protected.

(Part X added 76 of 1994 s. 4)



Individual Section Mode

Contents of Section

Chapter:	155	Title:	BANKING ORDINANCE	Gazette Number:	L.N. 16 of 2003
Schedule:	7	Heading:	MINIMUM CRITERIA FOR AUTHORIZATION	Version Date:	01/04/2003

[sections 16(2) & (10),
17, 29(2) & 135(1)
& 8th Schedule]

1. (1) In this Schedule-

"adequate" (足夠), in relation to systems of control, includes operating effectively;

"controller" (控權人) includes a minority shareholder controller;

"net debit balance" (借方淨差額), in relation to a company, means the aggregate of the excess of accumulated losses over accumulated profits disclosed in the profit and loss account, and other reserves separately disclosed in the balance sheet, of the most recent audited accounts of the company;

"share premium account" (股份溢價帳)-

(a) in relation to a company incorporated in Hong Kong, means a share premium account referred to in section 48B(1) of the Companies Ordinance (Cap 32) maintained in respect of the company;

(b) in relation to a company incorporated outside Hong Kong, means an account having the same characteristics of a share premium account referred to in section 48B(1) of the Companies Ordinance (Cap 32) irrespective of its name; (Added L.N. 130 of 2001)

"system of control" (管控制度) includes procedures.

(2) For the purposes of the calculation of the paid-up share capital of a company required by this Schedule, there shall be deducted from such share capital any net debit balance.

(3) For the avoidance of doubt, it is hereby declared that where pursuant to the provisions of this Schedule the Monetary Authority holds an opinion, or is satisfied, in relation to any matter, his holding that opinion or being so satisfied, as the case may be, shall not of itself bind the Monetary Authority-

(a) to continue to hold that opinion or to be so satisfied, as the case may be, whether before, on or after the authorization, if any, of the company to which the matter directly or indirectly relates (including any case where that company is seeking a different authorization); or

(b) to hold any similar opinion or to be similarly satisfied, as the case may be, in respect of any similar matter which directly or indirectly relates to any other company seeking or having the same or a different authorization from that first-mentioned company.

(4) Without prejudice to the generality of subparagraph (3), the Monetary Authority may regard himself as being satisfied in relation to any matter in respect of which he may be satisfied pursuant to the provisions of this Schedule where-

(a) the matter directly or indirectly relates to a company incorporated outside Hong Kong;

(b) the relevant banking supervisory authority informs the Monetary Authority that it is satisfied in relation to that matter; and

(c) the Monetary Authority is satisfied as to the scope and nature of the supervision exercised by that authority.

(5) For the avoidance of doubt, it is hereby declared that subparagraph (4) shall operate before, on and after the authorization, if any, of the company to which any matter referred to in that subparagraph directly or indirectly

relates.

(6) For the purposes of paragraph 13(a)(i)(F) and (G), a company is an associated company of any other company where that second-mentioned company may- (Amended L.N. 63 of 2002)

(a) by means of the holding of shares or the possession of voting power in or in relation to that first-mentioned company or any other body corporate; or

(b) by virtue of any powers conferred by the memorandum or articles of association or other document regulating that first-mentioned company or any other body corporate,

significantly influence the conduct of the affairs of that first-mentioned company.

2. If the company is incorporated outside Hong Kong, it is a bank-

(a) as defined in section 46(9); and

(b) in respect of which the Monetary Authority is satisfied that it is adequately supervised by the relevant banking supervisory authority.

3. The Monetary Authority is satisfied that he knows the identity of each controller of the company.

4. If the company is incorporated in Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be, a director, controller, chief executive or executive officer of the company is a fit and proper person to hold the particular position which he holds or is to hold. (Amended 6 of 2002 s. 14)

5. If the company is incorporated outside Hong Kong, the Monetary Authority is satisfied that each person who is, or is to be-

(a) a chief executive, or executive officer, of the business in Hong Kong of the company;

(Amended 6 of 2002 s. 14)

(b) a director, controller or chief executive of the business of the company in the place where it is incorporated,

is a fit and proper person to hold the particular position which he holds or is to hold.

5A. The Monetary Authority is satisfied that the company has, and will if it is authorized continue to have, adequate systems of control to ensure that each person who is, or is to be, a manager of the company is a fit and proper person to hold the particular position which he holds or is to hold. (Added 32 of 2001 s. 27)

6. The Monetary Authority is satisfied that the company presently has, and will if it is authorized continue to have, adequate financial resources (whether actual or contingent) for the nature and scale of its operations and, without prejudice to the generality of the foregoing-

*(a) in the case of a company seeking authorization to carry on banking business in Hong Kong, the aggregate amount of its paid-up share capital and the balance of its share premium account is not less than \$300000000 or an equivalent amount in any other approved currency; (Amended L.N. 130 of 2001; L.N. 63 of 2002)

(b) in the case of a company seeking authorization to carry on a deposit-taking business as a deposit-taking company, the aggregate amount of its paid-up share capital and the balance of its share premium account is not less than \$250000000 or an equivalent amount in any other approved currency; (Amended L.N. 130 of 2001)

(c) in the case of a company seeking authorization to carry on a deposit-taking business as a restricted licence bank, the aggregate amount of its paid-up share capital and the balance of its share premium account is not less than \$1000000000 or an equivalent amount in any other approved currency; (Amended L.N. 130 of 2001)

(d) in the case of a company incorporated in Hong Kong, the company, if it is authorized, will on and after authorization have and maintain a capital adequacy ratio which complies with the provisions of Part XVII applicable to it; (Amended L.N. 431 of 1997)

(e) in the case of a company incorporated in Hong Kong, the company presently has, and will if it is authorized continue to have, adequate capital to support any positions held by the company-

(i) for trading purposes in debt securities, interest rate-related contracts, equities and equity-related contracts; and

(ii) in foreign exchange, exchange rate-related contracts, commodities and commodity-related contracts,

having regard to any potential loss arising from fluctuations in the value of those positions.

(Added L.N. 431 of 1997)

7. The Monetary Authority is satisfied that the company-

- (a) presently maintains, and will if it is authorized continue to maintain, adequate liquidity to meet its obligations as they will or may fall due; and
- (b) without prejudice to the generality of subparagraph (a), if it is authorized, will on and after authorization have and maintain a liquidity ratio which complies with the provisions of Part XVIII applicable to it.

8. The Monetary Authority is satisfied that the company, if it is authorized, will on and after authorization comply with the provisions of Part XV applicable to it.

9. The Monetary Authority is satisfied that the company presently maintains, and will if it is authorized continue to maintain, adequate provision for depreciation or diminution in the value of its assets (including provision for bad and doubtful debts), for liabilities which will or may fall to be discharged by it and for losses which will or may occur.

10. The Monetary Authority is satisfied that the company presently has, and will if it is authorized continue to have, adequate accounting systems and adequate systems of control.

11. If the company is incorporated in Hong Kong, the Monetary Authority is satisfied that it presently discloses, and will if it is authorized continue to disclose, adequate information-

- (a) in relation to the state of its affairs and its profit and loss; and
- (b) in-
 - (i) its audited annual accounts within the meaning of section 60(11);
 - (ii) any supplementary information to those audited annual accounts;
 - (iii) the report of the directors under section 129D(1) of the Companies Ordinance (Cap 32); and
 - (iv) the institution's cash flow statement, together with any notes thereon, where the statement does not already form part of those audited annual accounts.

12. The Monetary Authority is satisfied that the business (including any business which is not banking business or the business of taking deposits) of the company is presently, and will if it is authorized continue to be, carried on- (Amended 6 of 2002 s. 14)

- (a) with integrity, prudence and the appropriate degree of professional competence; and
- (b) in a manner which is not detrimental, or likely to be detrimental, to the interests of depositors or potential depositors.

13. Where the company is seeking authorization to carry on banking business in Hong Kong-

- (a) it has (or, where subparagraph (b)(ii)(B) is applicable, will have)-
 - (i) total customer deposits of not less than \$3000000000, or an equivalent amount in any other approved currency, excluding any deposits by-
 - (A) any authorized institution;
 - (B) any bank incorporated outside Hong Kong which is not an authorized institution;
 - (C) any controller or director of the company;
 - (D) any relative, within the meaning of section 79, of any such controller or director;
 - (E) any firm, partnership or body corporate in which the company, any controller or director of the company or any relative, within the meaning of section 79, of any such controller or director, is interested as director, partner, manager or agent;
 - (F) any holding company, subsidiary or associated company of the company;
 - (G) any subsidiary or associated company of any such holding company; and
 - (ii) total assets (less contra items) of not less than \$4000000000 or an equivalent amount in any other approved currency; and
- (b) in the case of-
 - (i) a company incorporated outside Hong Kong, either-
 - (A) there is, in the opinion of the Monetary Authority, an acceptable degree of reciprocity in respect of banks incorporated in Hong Kong seeking to carry on

- banking business in the place where that company is incorporated; or
- (B) the place where that company is incorporated is, or is part of the territory of, a member of the World Trade Organization;
- (ii) a company incorporated in Hong Kong, either-
 - (A) it has been a deposit-taking company or a restricted licence bank (or any combination thereof) for not less than 3 continuous years; or
 - (B) it is a subsidiary of a bank incorporated outside Hong Kong or a subsidiary of a holding company of such bank and that-
 - (I) the bank has been authorized to carry on banking business in Hong Kong for not less than 3 continuous years; and
 - (II) the Monetary Authority is satisfied that the bank will transfer, and is capable of transferring, as soon as reasonably practicable after the company is authorized, from its principal place of business in Hong Kong or any local branch or local office (within the meaning of this Ordinance as amended by the Banking (Amendment) Ordinance 2001 (32 of 2001)), to the company amounts of customer deposits and assets not less than the respective amounts specified in subparagraph (a)(i) and (ii). (Replaced L.N. 63 of 2002)

(Seventh Schedule added 49 of 1995 s. 52)

Note:

*** For the transitional provision relating to the amendments made by the Banking Ordinance (Amendment of Seventh Schedule) Notice 2002 (L.N. 63 of 2002), see section 2 of that Notice.**



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Chapter:	238	Title:	FIREARMS AND AMMUNITION ORDINANCE	Gazette Number:	L.N. 193 of 2000
Section:	12	Heading:	Possession for purposes of instruction	Version Date:	26/11/2000

(1) Section 13 does not apply to the possession by any person of arms or ammunition belonging to a licensee who holds a licence for possession of those arms or ammunition if- (Amended 14 of 2000 s. 8)

- (a) such person has possession for the purpose of being instructed in the use and handling of arms and ammunition; (Amended 14 of 2000 s. 8)
- (b) the instruction takes place on premises or at a place approved by the Commissioner;
- (c) such person, while in possession, remains at all times under the supervision of the licensee or his approved agent, who is an authorized arms instructor authorized for that particular type, class or description of arms or ammunition; and (Amended 14 of 2000 s. 8)
- (d) such person is aged 15 years or over.

(2) The Commissioner may, upon the application of-

- (a) a licensee; or
- (b) the approved agent of a licensee,

authorize in writing the applicant to instruct other persons in the use and handling of arms and ammunition of a type, class or description specified by the Commissioner in relation to the authorization. (Added 14 of 2000 s. 8)

(3) The Commissioner may specify the period for which an authorization is given under subsection (2). (Added 14 of 2000 s. 8)

(4) The Commissioner may attach such conditions as he thinks fit to an authorization under subsection (2). (Added 14 of 2000 s. 8)

(5) The Commissioner may revoke an authorization or vary or revoke any condition attached to an authorization or add further conditions to an authorization. (Added 14 of 2000 s. 8)

(6) In exercising the powers under this section to grant or revoke an authorization, the Commissioner shall, in addition to any other relevant matter that he may reasonably take into consideration, have regard to-

- (a) whether the person concerned is or has ceased to be a fit and proper person to be an authorized arms instructor; and
- (b) whether it is objectionable, for reasons of public safety and security, for that person to be an authorized arms instructor. (Added 14 of 2000 s. 8)

(7) For the avoidance of doubt it is stated that-

- (a) section 13 does not apply to the possession, by an approved agent who is an authorized arms instructor, of arms or ammunition for the possession of which he is approved under section 12A (2), for the purposes of instruction;
- (b) subject to paragraph (a), an authorization under this section does not exempt the person authorized from the requirements to be complied with by a person under this Ordinance in relation to the possession of or dealing in arms or ammunition. (Added 14 of 2000 s. 8)

VII. Provisions related to determination of “fit and proper”

Cap.	Ordinance	Provision
108	BETTING DUTY ORDINANCE	<p>s.6C – Determining if a person is a “fit and proper” person</p> <p>In determining for the purpose of any provision of this Part if a person is a fit and proper person, the Secretary shall, having regard to that purpose, take into account—</p> <ul style="list-style-type: none"> (a) the person's financial status and financial integrity; (b) the person's qualifications and experience; (c) the person's ability to act competently, honestly and fairly; (d) the person's reputation and reliability; (e) whether or not the person has any potential or actual conflict of interest; (f) whether or not the person has been charged with or convicted of any offence, whether in Hong Kong or elsewhere; and (g) any other matter that the Secretary considers relevant.
571	SECURITIES AND FUTURES ORDINANCE	<p>s.129 – Determination of “fit and proper”</p> <p>(1) In considering whether a person is a fit and proper person for the purposes of any provision of this Part, the Commission or the Monetary Authority (as the case may be) shall, in addition to any other matter that the Commission or the Monetary Authority (as the case may be) may consider relevant, but subject to section 134, have regard to-</p> <ul style="list-style-type: none"> (a) the financial status or solvency; (b) the educational or other qualifications or experience having regard to the nature of the functions which, if the application is allowed, the person will perform; (c) the ability to carry on the regulated activity competently, honestly and fairly; and (d) the reputation, character, reliability and financial integrity, of- <ul style="list-style-type: none"> (i) where the person is an individual, the person himself; (ii) where the person is a corporation (other than an authorized financial institution), the corporation and any officer of the corporation; or (iii) where the person is an authorized financial institution, the institution and any director, chief executive, manager (as defined in section 2(1) of the Banking Ordinance (Cap 155)) and executive officer of the institution.

Cap.	Ordinance	Provision
		<p>(2) Without limiting the generality of subsection (1), the Commission or the Monetary Authority (as the case may be) may, in considering whether a person is a fit and proper person for the purposes of any provision of this Ordinance-</p> <p>(a) take into account a decision made in respect of the person by-</p> <p>(i) (in the case of the Commission) the Monetary Authority or (in the case of the Monetary Authority) the Commission;</p> <p>(ii) the Insurance Authority;</p> <p>(iii) the Mandatory Provident Fund Schemes Authority; or</p> <p>(iv) any other authority or regulatory organization, whether in Hong Kong or elsewhere, which, in the Commission's opinion, performs a function similar to the functions of the Commission;</p> <p>(b) take into account any information in the possession of the Commission or the Monetary Authority (as the case may be), whether provided by the person or not, relating to-</p> <p>(i) where such consideration relates to a licence under section 116 or 117 or an application for the licence, any other person who is or is to be employed by, or associated with, the person for the purposes of the regulated activity for which the licence is granted or the application is made (as the case may be);</p> <p>(ii) where such consideration relates to a licence under section 116 or 117 to carry on a regulated activity or any registration for a regulated activity under section 119 or an application for the licence or registration, any other person who will be acting for or on behalf of the person in relation to the regulated activity; or</p> <p>(iii) where the person is a corporation in a group of companies-</p> <p>(A) any other corporation in the same group of companies; or</p> <p>(B) any substantial shareholder or officer of the corporation or any corporation referred to in sub-subparagraph (A);</p> <p>(c) take into account, where such consideration relates to a licence under section 116 or 117 or any registration under section 119 or an application for the licence or registration, whether the person has established effective internal control procedures and risk management systems to ensure his compliance with all applicable regulatory requirements under any of the relevant provisions, having regard in particular to the information provided in accordance with section 128; and</p> <p>(d) have regard to the state of affairs of any other business which the person carries on or proposes to carry on.</p>



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Chapter:	108	Title:	BETTING DUTY ORDINANCE	Gazette Number:	L.N. 195 of 2003
Section:	6C	Heading:	Determining if a person is a "<u>fit and proper</u>" person	Version Date:	18/07/2003

determining for the purpose of any provision of this Part if a person is a fit and proper person, the Secretary shall, having regard to that purpose, take into account—

- (a) the person's financial status and financial integrity;
- (b) the person's qualifications and experience;
- (c) the person's ability to act competently, honestly and fairly;
- (d) the person's reputation and reliability;
- (e) whether or not the person has any potential or actual conflict of interest;
- (f) whether or not the person has been charged with or convicted of any offence, whether in Hong Kong or elsewhere; and
- (g) any other matter that the Secretary considers relevant.

(Added 29 of 2003 s. 14)

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Chapter:	571	Title:	SECURITIES AND FUTURES ORDINANCE	Gazette Number:	L.N. 12 of 2003
Section:	129	Heading:	Determination of "<u>fit and proper</u>"	Version Date:	01/04/2003

(1) In considering whether a person is a fit and proper person for the purposes of any provision of this Part, the Commission or the Monetary Authority (as the case may be) shall, in addition to any other matter that the Commission or the Monetary Authority (as the case may be) may consider relevant, but subject to section 134, have regard to-

- (a) the financial status or solvency;
- (b) the educational or other qualifications or experience having regard to the nature of the functions which, if the application is allowed, the person will perform;
- (c) the ability to carry on the regulated activity competently, honestly and fairly; and
- (d) the reputation, character, reliability and financial integrity,

of-

- (i) where the person is an individual, the person himself;
- (ii) where the person is a corporation (other than an authorized financial institution), the corporation and any officer of the corporation; or
- (iii) where the person is an authorized financial institution, the institution and any director, chief executive, manager (as defined in section 2(1) of the Banking Ordinance (Cap 155)) and executive officer of the institution.

(2) Without limiting the generality of subsection (1), the Commission or the Monetary Authority (as the case may be) may, in considering whether a person is a fit and proper person for the purposes of any provision of this Ordinance-

- (a) take into account a decision made in respect of the person by-
 - (i) (in the case of the Commission) the Monetary Authority or (in the case of the Monetary Authority) the Commission;
 - (ii) the Insurance Authority;
 - (iii) the Mandatory Provident Fund Schemes Authority; or
 - (iv) any other authority or regulatory organization, whether in Hong Kong or elsewhere, which, in the Commission's opinion, performs a function similar to the functions of the Commission;
- (b) take into account any information in the possession of the Commission or the Monetary Authority (as the case may be), whether provided by the person or not, relating to-
 - (i) where such consideration relates to a licence under section 116 or 117 or an application for the licence, any other person who is or is to be employed by, or associated with, the person for the purposes of the regulated activity for which the licence is granted or the application is made (as the case may be);
 - (ii) where such consideration relates to a licence under section 116 or 117 to carry on a regulated activity or any registration for a regulated activity under section 119 or an application for the licence or registration, any other person who will be acting for or on behalf of the person in relation to the regulated activity; or
 - (iii) where the person is a corporation in a group of companies-

- (A) any other corporation in the same group of companies; or
 - (B) any substantial shareholder or officer of the corporation or any corporation referred to in sub-subparagraph (A);
 - (c) take into account, where such consideration relates to a licence under section 116 or 117 or any registration under section 119 or an application for the licence or registration, whether the person has established effective internal control procedures and risk management systems to ensure his compliance with all applicable regulatory requirements under any of the relevant provisions, having regard in particular to the information provided in accordance with section 128; and
 - (d) have regard to the state of affairs of any other business which the person carries on or proposes to carry on.
-