

章： 575 標題： 聯合國(反恐怖主義 憲報編號： L.N. 173 of  
措施)條例 2004  
條： 2 條文標 釋義 版本日期： 07/01/2005  
題：

(1) 在本條例中，除文意另有所指外—

“恐怖主義行爲” (terrorist act)—

(a) 除(b)段另有規定外，指作出或恐嚇作出行動，而—

(i) 該行動是懷有達致以下結果的意圖而進行的，或該恐嚇是懷有作出會具有達致以下結果的效果的行動的意圖而進行的— (由 2004 年第 21 號第 3 條修訂)

(A) 導致針對人的嚴重暴力；

(B) 導致對財產的嚴重損害；

(C) 危害作出該行動的人以外的人的生命；

(D) 對公眾人士或部分公眾人士的健康或安全造成嚴重危險；

(E) 嚴重干擾或嚴重擾亂電子系統的；或 (由 2004 年第 21 號第 3 條修訂)

(F) 嚴重干擾或嚴重擾亂基要服務、設施或系統(不論是公共或私人的)的；及 (由 2004 年第 21 號第 3 條修訂)

(ii) 該行動的作出或該恐嚇— (由 2004 年第 21 號第 3 條修訂)

(A) 的意圖是強迫特區政府或威嚇公眾人士或部分公眾人士的；及

(B) 是為推展政治、宗教或思想上的主張而進行的； (由 2004 年第 21 號第 3 條修訂)

(b) (如屬(a)(i)(D)、(E)或(F)段的情況)不包括在任何宣揚、抗議、持異見或工業行動的過程中作出或恐嚇作出行動；

Chapter: 575      Title: UNITED NATIONS      Gazette      L.N. 173 of  
(ANTI-TERRORISM      Number: 2004  
MEASURES)  
ORDINANCE

Section: 2      Heading: **Interpretation**      Version Date: 07/01/2005

(1) In this Ordinance, unless the context otherwise requires-

"terrorist act" (恐怖主義行為)-

(a) subject to paragraph (b), means the use or threat of action where-

(i) the action is carried out with the intention of, or the threat is made with the intention of using action that would have the effect of- (Amended 21 of 2004 s. 3)

(A) causing serious violence against a person;

(B) causing serious damage to property;

(C) endangering a person's life, other than that of the person committing the action;

(D) creating a serious risk to the health or safety of the public or a section of the public;

(E) seriously interfering with or seriously disrupting an electronic system; or

(F) seriously interfering with or seriously disrupting an essential service, facility or system, whether public or private; and (Amended 21 of 2004 s. 3)

(ii) the use or threat is-

(A) intended to compel the Government or to intimidate the public or a section of the public; and

(B) made for the purpose of advancing a political, religious or ideological cause;

(b) in the case of paragraph (a)(i)(D), (E) or (F), does not include the use or threat of action in the course of any advocacy, protest, dissent or industrial action;

章： 1 標題： 釋義及通則條例 憲報編號： 10 of 2005  
條： 3 條文標 詞語和詞句的釋義 版本日期： 08/07/2005  
題：

“公職人員”(public officer) 指任何在特區政府擔任受薪職位的人，不論該職位屬長設或臨時性質； (由 1998 年第 26 號第 4 條增補)

Chapter: 1 Title: INTERPRETATION Gazette 10 of 2005  
AND GENERAL Number:  
CLAUSES  
ORDINANCE  
Section: 3 Heading: **Interpretation of words** Version Date: 08/07/2005  
**and expressions**

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

**雙語法例資料系統**  
*Bilingual Laws Information System***單條條文模式**[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)**條文內容**

章： 98 標題： 郵政署條例 憲報編號：  
條： 29 條文標題： 非法開啓郵包等 版本日期： 30/06/1997

任何人如無合法權限或辯解，則不得—

- (a) 開啓任何郵包，或自任何郵包取出任何內載物件；或
- (b) 開啓任何郵袋，或自任何郵袋取出任何郵包或取出郵包內的任何內載物件；或
- (c) 管有任何郵包或郵袋，或管有任何郵包或郵袋的任何內載物件；或
- (d) 延誤處理任何郵包或郵袋。

[比照1908 c. 48 ss. 51 & 56 U.K.]

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)



### Individual Section Mode

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

### Contents of Section



Chapter:	98	Title:	POST OFFICE ORDINANCE	Gazette Number:	
Section:	29	Heading:	<b>Unlawful opening, etc., of postal packets</b>	Version Date:	30/06/1997

No person shall without lawful authority or excuse-

- (a) open any postal packet or take any of the contents out of any postal packet; or
- (b) open any mail bag or take any postal packet or any of the contents of any postal packet out of any mail bag; or
- (c) have in his possession any postal packet or mail bag or any of the contents of any postal packet or mail bag; or
- (d) delay any postal packet or mail bag.

[cf. 1908 c. 48 ss. 51 & 56 U.K.]

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws



## 單條條文模式

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)

### 條文內容

▼  
章： 106 標題： 電訊條例 憲報編號：  
條： 24 條文標題： 電訊人員等人所犯的罪行 版本日期： 30/06/1997

任何電訊人員或任何雖非電訊人員但其公務與電訊服務相關的人，如一

- (a) 故意毀滅、隱匿或更改他已接收以進行發送或傳遞的任何訊息；
- (b) 偽造任何訊息，或使用他知道是偽造或經更改的訊息；
- (c) 故意不發送任何訊息，或故意截取或扣留或阻延任何訊息；
- (d) 既非依據其職務亦非按法院指示，向並非某訊息所致予的人的任何人複製該訊息或披露該訊息或該訊息的大意，

即屬犯罪，一經循簡易程序定罪，可處罰款\$20000及監禁2年。

(由1994年第18號第7條修訂)

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)

**雙語法例資料系統**  
**Bilingual Laws Information System**

**Individual Section Mode**

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

**Contents of Section**

▼  
 Chapter: 106 Title: TELECOMMUNICATIONS Gazette Number: 36 of 2000  
 ORDINANCE  
 Section: 24 Heading: **Offences by telecommunications officer,  
 etc.** Version Date: 16/06/2000

A telecommunications officer, or any person who, though not a telecommunications officer, has official duties in connection with a telecommunications service, who- (Amended 36 of 2000 s. 28)

- (a) wilfully destroys, secretes or alters any message that he has received for transmission or delivery;
- (b) forges any message or utters any message that he knows to be forged or altered;
- (c) wilfully abstains from transmitting any message or wilfully intercepts or detains or delays any message;
- (d) otherwise than in pursuance of his duty or as directed by a court, copies any message or discloses any message or the purport of any message to any person other than the person to whom the message is addressed,

shall be guilty of an offence and shall be liable on summary conviction to a fine of \$20000 and to imprisonment for 2 years.

(Amended 18 of 1994 s. 7)

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

 **雙語法例資料系統**  
Bilingual Laws Information System**單條條文模式**[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)**條文內容**

章： 6 標題： 破產條例 憲報編號： L.N. 158 of 1998  
條： 28 條文標題： 破產人的電報及信件轉寄 版本日期： 01/04/1998

凡有破產令針對破產人作出，法院應破產管理署署長或受託人的申請，可不時作出轉寄令，命令在法院認為合適而不超過3個月的時間內，將任何寄往轉寄令中提及的一個或多於一個地方並以破產人為收件人的電報、郵遞信件及其他郵包，由電訊機構代理人或郵政署署長或其屬下人員轉寄、送交或交付破產管理署署長或受託人，或按法院的其他指示而轉寄、送交或交付，而上述各人均須據此辦理。

(由1996年第76號第72及73條修訂)

[比照 1914 c. 59 s. 24 U.K.]

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)




**雙語法例資料系統**  
*Bilingual Laws Information System*
**Individual Section Mode**

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

**Contents of Section**

Chapter:	6	Title:	BANKRUPTCY ORDINANCE	Gazette Number:	L.N. 158 of 1998
Section:	28	Heading:	<b>Re-direction of debtor's telegrams and letters</b>	Version Date:	01/04/1998

Where a bankruptcy order is made against a bankrupt the court, on the application of the Official Receiver or trustee, may from time to time order that for such time, not exceeding 3 months, as the court thinks fit telegrams and post letters and other postal packets, addressed to the bankrupt at any place or places mentioned in the order for re-direction, shall be re-directed, sent or delivered by the agent of the telegraph organization or the Post-master General, or the officers acting under them, to the Official Receiver or the trustee or otherwise as the court directs, and the same shall be done accordingly.

(Amended 76 of 1996 ss. 72 and 73)  
[cf. 1914 c. 59 s. 24 U.K.]

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws



## 單條條文模式

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)

### 條文內容

▼  
章： 234A 標題： 監獄規則 憲報編號：  
條： 47 條文標題： 有關信件的一般條文 版本日期： 30/06/1997

#### (g) 通訊及探訪

(1) 除本條下述條文另有規定外，囚犯可寫信和發信給任何人，數量可按其意願而定。

(2) 囚犯須獲提供足夠其每周寫和發出一封長度不超過4頁A-4尺寸紙張的信之用的物料及郵資，費用由公費支付；如囚犯要求，則須獲提供額外信件的物料及郵資，但費用須從該囚犯的工資中撥支。

(3) (a) 儘管有第(2)款的規定，如有以下情況，監督可准許囚犯每周以公費寫和發出超過一封信—

(i) 該監督信納該囚犯—

(A) 有真正需要寫和發出額外信件；及

(B) 沒有足夠的工資支付該等額外信件的費用；或

(ii) 該囚犯屬於獲鼓勵與其家人建立聯繫的囚犯類別。

(b) 為施行(a)(ii)段，如有以下情況，某人須被視為屬於獲鼓勵與其家人建立聯繫的囚犯類別—

(i) 本條所適用的人，猶如該人是因以下條例而成爲囚犯—

(A) 《勞教中心條例》(第239章)第10條；

(B) 《戒毒所條例》(第244章)第9條；或

(C) 《教導所條例》(第280章)第8條；或

(ii) 該人爲21歲以下的囚犯。

(4) 儘管有第(2)款的規定，如信件屬與指明的人的通信，監督須准許囚犯寫和發出該信件，費用由公費支付。

(5) 除本條下述條文另有規定外，囚犯可收受任何人的來信，數量不限。

(6) (a) (i) 除非囚犯已事先獲得監督的批准，否則他不獲准許發出信件予另一名囚犯或收受另一名囚犯的來信；

(ii) 如監督合理地相信某信件會對任何個人的人身安全或對監

獄的保安、秩序及紀律造成威脅，則囚犯不獲准許發出該信件予任何人或收受任何人的該來信；

(iii) 囚犯不獲准許發出信件予任何已通知監督他不希望收受該囚犯的信件的人。

(b) 為施行(a)(i)段，除非—

(i) 監督或由監督為此目的而指定的懲教署人員並未為該段的施行而獲給予閱讀該信件的合理機會；或

(ii) 監督合理地相信該信件會對任何個人的人身安全或對監獄的保安、秩序及紀律造成威脅，否則監督不得就該信件不給予批准。

(7) (a) 除(b)段另有規定外，凡任何囚犯已犯第61條所列舉的任何行為，則除根據第63條就該囚犯所犯有關行為所判處的任何懲罰外，監督亦可禁止該囚犯每周寫和發出超過一封信，為期不超過3個月；

(b) 為施行(a)段，凡根據該段向任何囚犯發出的禁令仍屬有效，則由該囚犯發出的任何信件如是—

(i) 致予指明的人的；或

(ii) 為了尋求法律意見而真誠地致予律師或大律師的，就該禁令而言，該信件不得視為該段所指的信件。

(1997年第275號法律公告)

[前一條文](#)

[下一條文](#)

[轉換語言](#)

[返回法例名單](#)

 **雙語法例資料系統**  
*Bilingual Laws Information System***單條條文模式**[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)**條文內容**

▼  
章： 234A 標題： 監獄規則 憲報編號：  
條： 48 條文標題： 有關探訪的一般條文 版本日期： 30/06/1997

除囚犯的親戚朋友外，任何人未獲特別授權，不得探訪囚犯。親戚朋友的探訪，須受為維持監獄紀律及秩序和為防止罪行發生而施加的限制所規限，並且須以如下形式進行—

- (a) 每月獲准探訪兩次，同一時間訪客不得超過3人；(1983年第242號法律公告)
- (b) 囚犯的親戚朋友探訪，須記錄在為此目的而備存的簿冊內，每次探訪只限30分鐘；(1969年第65號法律公告)
- (c) 探訪囚犯時，須有一名懲教署人員在場；(1981年第353號法律公告；1982年第30號法律公告)
- (d) 監督須訂定探訪日期及時間，並須在監獄閘門公告周知；
- (e) (由1969年第65號法律公告廢除)
- (f) 訪客須先將其姓名地址和與欲探訪的囚犯的關係或聯繫登記，方可進入監獄；
- (fa) 在懲教署人員要求身分證明下，訪客須令懲教署人員信納身分方可進入監獄；(1969年第65號法律公告；1982年第30號法律公告)
- (g) 在特殊情況下，監督可延長探訪時間；
- (h) 經定罪的囚犯如就其財產作出安排，或有任何其他特殊理由，監督可准許其為此而會見親戚或朋友；
- (i) 監督可容許有權接受探訪的囚犯寫信一封，以代替接受探訪。(1981年第353號法律公告)

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)


**雙語法例資料系統**  
*Bilingual Laws Information System*

### Individual Section Mode

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

### Contents of Section



Chapter:	234A	Title:	PRISON RULES	Gazette Number:	
Rule:	47	Heading:	<b>General provisions as to letters</b>	Version Date:	30/06/1997

#### (g) Communications and Visits

(1) Subject to the following provisions of this rule, a prisoner may write and send as many letters as he wishes to any person.

(2) A prisoner shall be furnished with materials and postage sufficient to write and send one letter per week not exceeding 4 pages of A-4 paper in length at public expense, and shall, where the prisoner so requests, be furnished with materials and postage for additional letters subject to the payment of the cost thereof from the prisoner's earnings.

(3) (a) Notwithstanding paragraph (2), the Superintendent may permit a prisoner to write and send more than one letter per week at public expense if-

- (i) the Superintendent is satisfied that the prisoner-
  - (A) has a genuine need to write and send additional letters; and
  - (B) does not have sufficient earnings to pay the cost thereof; or
- (ii) the prisoner is a member of a class of prisoners encouraged to build links with their families.

(b) For the purposes of subparagraph (a)(ii), a person shall be regarded as a member of a class of prisoners encouraged to build links with their families if-

- (i) this rule applies to him as if he were a prisoner by virtue of-
  - (A) section 10 of the Detention Centres Ordinance (Cap 239);
  - (B) section 9 of the Drug Addiction Treatment Centres Ordinance (Cap 244); or
  - (C) section 8 of the Training Centres Ordinance (Cap 280); or
- (ii) he is a prisoner under 21 years of age.

(4) Notwithstanding paragraph (2), the Superintendent shall permit a prisoner to write and send a letter at public expense if the letter is correspondence with a specified person.

(5) Subject to the following provisions of this rule, a prisoner may receive any number of letters from any person.

(6) (a) A prisoner is not permitted to-

- (i) send a letter to, or receive a letter from, another prisoner, unless he has obtained the prior approval of the Superintendent;
- (ii) send a letter to, or receive a letter from, a person where the Superintendent reasonably believes that the letter will pose a threat to any individual's personal safety or to the security, good order and discipline of

the prison;

(iii) send a letter to a person where that person has advised the Superintendent that he does not wish to receive any letter from that prisoner.

(b) The Superintendent shall not withhold approval for the purposes of subparagraph (a)(i) in respect of any letter unless-

(i) the Superintendent, or an officer of the Correctional Services Department designated by the Superintendent for the purpose, has not been given a reasonable opportunity to read the letter for the purposes of that subparagraph; or

(ii) the Superintendent reasonable believes that the letter will pose a threat to any individual's personal safety or to the security, good order and discipline of the prison.

(7) (a) Subject to subparagraph (b), where a prisoner has committed any of the offences enumerated in rule 61, the Superintendent may, for a period not exceeding 3 months, prohibit the prisoner from writing and sending more than one letter per week, in addition to any punishment which may be awarded in respect of the prisoner under rule 63 for the offence.

(b) For the purposes of subparagraph (a), where any letter from a prisoner in respect of whom a prohibition under that subparagraph is in force is-

(i) a letter to a specified person; or

(ii) a letter to a solicitor or counsel which is a bona fide communication for the purpose of seeking legal advice,

then, in so far as the prohibition is concerned, the letter shall not be regarded as a letter within the meaning of that subparagraph.

(L.N. 275 of 1997)

[Previous section of enactment](#)

[Next section of enactment](#)

[Switch language](#)

[Back to the List of Laws](#)

**雙語法例資料系統**  
**Bilingual Laws Information System**

**Individual Section Mode**

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

**Contents of Section**



Chapter:	234A	Title:	PRISON RULES	Gazette Number:	
Rule:	48	Heading:	<b>General provisions as to visits</b>	Version Date:	30/06/1997

No persons, other than the relatives and friends of a prisoner, shall be allowed to visit him except by special authority. Such visits by relatives and friends shall, subject to such restrictions as may be imposed for the maintenance of discipline and order in the prison and for the prevention of crime, be allowed in the manner following-

- (a) they shall be allowed to visit a prisoner twice a month and no more than 3 persons shall be allowed at one time; (L.N. 242 of 1983)
- (b) the visits of the relatives and friends of a prisoner shall be recorded in a book kept for that purpose and the visits shall be limited to 30 minutes on each occasion; (L.N. 65 of 1969)
- (c) a prisoner shall be visited in the presence of an officer of the Correctional Services Department; (L.N. 353 of 1981; L.N. 30 of 1982)
- (d) the Superintendent shall fix the days and times for visits which shall be publicly notified at the gates of the prison;
- (e) (Repealed L.N. 65 of 1969)
- (f) visitors shall not be admitted until they have recorded their names and addresses, their relationship to or connection with the prisoner they wish to visit;
- (fa) visitors shall not be admitted unless they have satisfied an officer of the Correctional Services Department, if so required, as to their identity; (L.N. 65 of 1969; L.N. 30 of 1982)
- (g) the Superintendent may, in special cases, extend the duration of a visit;
- (h) the Superintendent may permit any convicted prisoner to see his relatives or friends for the purpose of making arrangements respecting his property or for any other special reason;
- (i) the Superintendent may allow a prisoner who is entitled to a visit to write a letter instead of receiving such visit. (L.N. 353 of 1981)

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

## 精神健康規例

(第 136 章第 72 條)

[1962 年 1 月 19 日]

### 1. 引稱

本規例可引稱為《精神健康規例》。

#### 1A. 釋義

在本規例中，除文意另有所指外——

“郵遞品”(postal article) 具有《郵政署條例》(第 98 章) 第 2 條給予該詞的涵義；  
“醫院管理局”(Hospital Authority) 指根據《醫院管理局條例》(第 113 章) 第 3 條設立的醫院管理局。

(1996 年第 298 號法律公告)

### 2. 表格

附表所列載的表格，乃為施行本條例而訂明的表格。

### 3. 院長的責任

精神病院的院長，須負責照顧和治療所有在精神病院內的病人，並須負責維持該院的紀律及良好秩序。

### 4. 探訪及電話通話

(1) 如院長合理地認為並非精神病院視察人員的人探訪某病人相當可能對該病人造成不必要的困擾或對該病人的治療有不利影響，則院長可拒絕准許該人探訪該病人。

## MENTAL HEALTH REGULATIONS

(Cap. 136, section 72)

[19 January 1962]

### 1. Citation

These regulations may be cited as the Mental Health Regulations.

#### 1A. Interpretation

In these regulations, unless the context otherwise requires—  
“Hospital Authority” (醫院管理局) means the Hospital Authority established by section 3 of the Hospital Authority Ordinance (Cap. 113);  
“postal article” (郵遞品) has the meaning assigned to it by section 2 of the Post Office Ordinance (Cap. 98).

(L.N. 298 of 1996)

### 2. Forms

The forms set forth in the Schedule are prescribed for the purposes of the Ordinance.

### 3. Responsibility of medical superintendent

The medical superintendent of a mental hospital shall be responsible for the care and treatment of all patients in the mental hospital and for the maintenance of discipline and good order in the hospital.

### 4. Visits and telephone calls

(1) A medical superintendent may refuse to permit a person other than a mental hospital visitor to visit a patient if he reasonably considers that the visit is likely to cause unnecessary distress to or adversely affect the treatment of the patient.



## [附屬法例]

(2) 如有以下情況，院長可拒絕准許病人在精神病院內打電話給某人或接聽某人電話——

- (a) 院長合理地認為該次電話通話相當可能對該病人造成不必要的困擾或對該病人的治療有不利影響；
- (b) 院長合理地認為該次電話通話相當可能對該次電話通話所致予的人或對任何其他人士造成不必要的困擾，而該人或該其他人士並非該精神病院的職員；或
- (c) 該次電話通話所致予的人已給予院長書面通知，要求不應容許該病人打電話給他。

(1996 年第 298 號法律公告)

## 5. 拆開和檢查任何郵遞品等的權力

(1) 除第 (2) 款另有規定外，院長可拆開和檢查——

- (a) 致予病人並寄發至或留在精神病院的任何郵遞品或任何其他物品或物件；
- (b) 病人擬寄發的任何郵遞品或其他物品或物件。

(2) 第 (1) 款對病人擬寄發給以下人士或團體的任何郵遞品或其他物品或物件，並不適用——

- (a) 行政長官； (2000 年第 60 號第 3 條)
- (b) 行政會議議員； (1996 年第 419 號法律公告； 2000 年第 60 號第 3 條)
- (c) 立法會議員； (2000 年第 60 號第 3 條)
- (d)-(e) (由 1999 年第 78 號第 7 條廢除)
- (f) 區議會議員； (1996 年第 419 號法律公告)
- (g) 太平紳士； (1996 年第 419 號法律公告)
- (h) 公職人員； (1996 年第 419 號法律公告)
- (i) 精神病院視察人員； (1996 年第 419 號法律公告)
- (j) 醫院管理局； (1996 年第 419 號法律公告)
- (k) 精神健康覆核審裁處或其秘書；或 (1996 年第 419 號法律公告)
- (l) 代表該病人的律師。 (1996 年第 419 號法律公告)

(1996 年第 298 號法律公告)

## [Subsidiary]

(2) A medical superintendent may refuse to permit a patient to make or to receive a telephone call at a mental hospital if—

- (a) he reasonably considers that the telephone call is likely to cause unnecessary distress to or adversely affect the treatment of the patient;
- (b) he reasonably considers that the telephone call is likely to cause unnecessary distress to the person to whom the telephone call is made or to any other person, not being a person on the staff of the mental hospital; or
- (c) the person to whom the telephone call is made has given notice in writing to the medical superintendent requesting that a telephone call made to him by the patient should be disallowed.

(L.N. 298 of 1996)

## 5. Power to open and examine any postal article, etc.

(1) Subject to subregulation (2), a medical superintendent may open and examine—

- (a) any postal article or any other article or thing addressed to a patient which is sent to or left at a mental hospital;
- (b) any postal article or other article or thing intended to be sent by a patient.

(2) Subregulation (1) does not apply to any postal article or other article or thing intended to be sent by a patient to—

- (a) the Chief Executive; (60 of 2000 s. 3)
- (b) a member of the Executive Council; (L.N. 419 of 1996)
- (c) a member of the Legislative Council;
- (d)-(e) (Repealed 78 of 1999 s. 7)
- (f) a member of a District Council; (L.N. 419 of 1996; 8 of 1999 s. 89)
- (g) a Justice of the Peace; (L.N. 419 of 1996)
- (h) a public officer; (L.N. 419 of 1996)
- (i) a mental hospital visitor; (L.N. 419 of 1996)
- (j) the Hospital Authority; (L.N. 419 of 1996)
- (k) the Mental Health Review Tribunal or its secretary; or (L.N. 419 of 1996)
- (l) a solicitor acting for the patient. (L.N. 419 of 1996)

(L.N. 298 of 1996)

5A. 拒絕准許某等致予病人的郵遞品  
等派遞給病人

(1) 除第(2)款另有規定外，如院長合理地認為致予病人的任何郵遞品或其他物品或物件相當可能——

- (a) 對該病人造成不必要的困擾或對該病人的治療有不利影響；或
- (b) 對任何人造成危險，

則院長可拒絕准許將該郵遞品或其他物品或物件派遞給該病人。

(2) 院長不得就第 5(2) 條所指明的任何人士或團體致予病人的任何郵遞品或其他物品或物件而行使第(1)款所授予的權力，但如獲該人士或團體事前同意，則屬例外。

(1996 年第 298 號法律公告)

5B. 拒絕准許病人擬寄發的郵遞品  
等離開精神病院

(1) 除第(2)款另有規定外，如有以下情況，院長可拒絕准許病人擬寄發的任何郵遞品或其他物品或物件離開精神病院——

- (a) 該郵遞品或其他物品或物件所致予的人已給予院長書面通知，要求該郵遞品或其他物品或物件不應予以寄發；或
- (b) 院長合理地認為該郵遞品或其他物品或物件相當可能——
  - (i) 對任何人造成危險；或
  - (ii) 對該郵遞品或其他物品或物件所致予的人或對任何其他他人造成不必要的困擾，而該人或該其他人並非該精神病院的職員。

(2) 第(1)款對病人擬寄發予第 5(2) 條所指明的任何人士或團體的任何郵遞品或其他物品或物件，並不適用。

(1996 年第 298 號法律公告)

5C. 刪除信件的任何部分的權力

(1) 除第(2)款另有規定外，就信件而言，如院長合理地認為假若信件的任何部分沒有被刪除即相當可能會——

5A. Refusal to permit certain postal articles,  
etc. addressed to a patient to be  
delivered to that patient

(1) Subject to subregulation (2), a medical superintendent may refuse to permit any postal article or other article or thing addressed to a patient to be delivered to such patient if the medical superintendent reasonably considers that such postal article or other article or thing is likely to—

- (a) cause unnecessary distress to or adversely affect the treatment of the patient; or
- (b) cause danger to any person.

(2) A medical superintendent shall not exercise the power conferred by subregulation (1) in respect of any postal article or other article or thing addressed to a patient by any of the persons or bodies specified in regulation 5(2) except with the prior consent of the person or body.

(L.N. 298 of 1996)

5B. Refusal to permit certain postal articles,  
etc. intended to be sent by a patient  
to leave the mental hospital

(1) Subject to subregulation (2), a medical superintendent may refuse to permit any postal article or other article or thing intended to be sent by a patient to leave the mental hospital if—

- (a) the person to whom such postal article or other article or thing is addressed has given notice in writing to the medical superintendent requesting that such should not be sent; or
- (b) the medical superintendent reasonably considers that such postal article or other article or thing is likely to—
  - (i) cause danger or any person; or
  - (ii) cause unnecessary distress to the person to whom it is addressed or to any other person, not being a person on the staff of the mental hospital.

(2) Subregulation (1) does not apply to any postal article or other article or thing intended to be sent to any of the persons or bodies specified in regulation 5(2).

(L.N. 298 of 1996)

5C. Power to delete any part of a letter

(1) Subject to subregulation (2), a medical superintendent may, in the case of a letter, delete any part of it if he reasonably considers that such part if not deleted would be likely—

[附屬法例]

- (a) (如該信件是致予病人的) 對該病人造成不必要的困擾或對該病人的治療有不利影響；
- (b) (如該信件是病人擬寄發的) 對該信件所致予的人或對任何其他人造成不必要的困擾，而該人或該其他人並非該精神病院的職員；或
- (c) 對任何人造成危險，

則院長可將該信件的該部分刪除。

(2) 第 (1) 款並不適用於——

- (a) 病人擬寄發給第 5(2) 條所指明的任何人士或團體的任何信件；
- (b) 由第 5(2) 條所指明的任何人士或團體致予病人的任何信件，但如獲該人士或團體事前同意，則屬例外。

(1996 年第 298 號法律公告)

#### 5D. 發出通知的責任

如——

- (a) 致予病人的任何郵遞品或其他物品或物件根據第 5A 條沒有派遞給病人，或致予病人的信件的任何部分根據第 5C 條被刪除，則院長須於行使第 5A 或 5C 條 (視屬何情況而定) 賦予的權力後的 7 天內將該事實通知該病人及該郵遞品或其他物品或物件的發件人 (如知悉的話)；或
- (b) 病人擬寄發的任何郵遞品或其他物品或物件根據第 5B 條不獲准離開精神病院，或病人擬寄發的信件的任何部分根據第 5C 條被刪除，則院長須於行使第 5B 或 5C 條 (視屬何情況而定) 賦予的權力後的 7 天內將該事實通知該病人及該郵遞品或其他物品或物件所致予的人士或團體。

(1996 年第 298 號法律公告；1996 年第 419 號法律公告)

#### 5E. 將郵遞品等退回發件人

院長須——

- (a) 在第 5D(a) 條所指明的情況下，將該郵遞品或其他物品或物件退回給發件人 (如知悉的話)；

[Subsidiary]

- (a) where the letter is addressed to a patient, to cause unnecessary distress to or adversely affect the treatment of the patient;
  - (b) where the letter is intended to be sent by a patient, to cause unnecessary distress to the person to whom it is addressed or to any other person, not being a person on the staff of the mental hospital; or
  - (c) to cause danger to any person.
- (2) Subregulation (1) does not apply to—
- (a) any letter intended to be sent by a patient to any of the persons or bodies specified in regulation 5(2);
  - (b) any letter addressed to a patient by any of the persons or bodies specified in regulation 5(2) except with the prior consent of the person or body.

(L.N. 298 of 1996)

#### 5D. Duty to give notice

Where—

- (a) any postal article or other article or thing addressed to a patient is not delivered to the patient under regulation 5A, or any part of a letter addressed to a patient is deleted under regulation 5C, the medical superintendent shall within 7 days after exercising the power conferred under regulation 5A or 5C (as the case may be) give notice of the fact to the patient and to the sender of the postal article or other article or thing (if known); or
- (b) any postal article or other article or thing intended to be sent by a patient is not permitted to leave the mental hospital under regulation 5B, or any part of a letter intended to be sent by the patient is deleted under regulation 5C, the medical superintendent shall within 7 days after exercising the power conferred under regulation 5B or 5C (as the case may be) give notice of the fact to the patient and to the person or body to whom the postal article or other article or thing is addressed.

(L.N. 298 of 1996; L.N. 419 of 1996)

#### 5E. Return of postal articles, etc. to sender

A medical superintendent shall—

- (a) in the case specified in regulation 5D(a), return such postal article or other article or thing to the sender (if known);

[附屬法例]

(b) 在第 5D(b) 條所指明的情況下，將該郵遞品或其他物品或物件退回給該病人。

(1996 年第 298 號法律公告)

5F. 拆開郵遞品等的權力包括拆開其內所載的任何東西等的權力

根據第 5、5A、5B 及 5E 條就郵遞品或其他物品或物件賦予院長的權力，適用於該等郵遞品或其他物品或物件內所載的任何東西，或組成該等郵遞品或其他物品或物件的任何部分。

(1996 年第 298 號法律公告)

6. 文件的簽立

- (1) 如無院長的事前准許，病人不可簽立任何文件。
- (2) 如院長合理地認為病人的精神不健全狀況致使他無能力理解簽立文件的法律含意，則院長可不給予本條所指的准許。

(1996 年第 298 號法律公告)

7. 病人的僱用

(1) 院長可僱用病人從事精神病院內院長經顧及病人的治療而合理地認為屬適當或合宜的工作。

(2) 第 (1) 款不得解釋為授予院長權力以迫使病人工作。

(1996 年第 298 號法律公告)

8. 限制病人管有某等物品或物件

(1) 如院長合理地認為病人管有任何物品或物件，而該物品或物件相當可能——

[Subsidiary]

(b) in the case specified in regulation 5D(b), return such postal article or other article or thing to the patient.

(L.N. 298 of 1996)

5F. Power to open any postal article, etc. includes power to open anything contained therein, etc.

The powers conferred on a medical superintendent by regulations 5, 5A, 5B and 5E in relation to postal articles or other articles or things apply to anything contained in or forming part of such postal articles or other articles or things.

(L.N. 298 of 1996)

6. Execution of documents

(1) No patient may execute a document without the prior permission of a medical superintendent.

(2) A medical superintendent may withhold permission under this regulation if he reasonably considers that the patient is of such unsound mind that he is incapable of understanding the legal implications of the execution of the document.

(L.N. 298 of 1996)

7. Employment of patients

(1) A medical superintendent may employ a patient on such work in a mental hospital as the medical superintendent reasonably considers to be appropriate or desirable having regard to the patient's treatment.

(2) Nothing in subregulation (1) shall be construed as conferring a power on a medical superintendent to compel a patient to work.

(L.N. 298 of 1996)

8. Restriction on possession by patient of certain articles or things

(1) A medical superintendent may search a patient or anything in the possession of the patient if he reasonably considers that the patient has in his possession any article or thing which is likely——

[附屬法例]

[Subsidiary]

- (a) 對該病人或任何其他病人造成不必要的困擾，或對該病人或任何其他病人的治療有不利影響；或
- (b) 對任何人造成危險，

則院長可搜查該病人或該病人管有的任何東西。

(2) 如院長合理地認為被發現由病人管有的任何物品或物件符合第(1)(a)或(b)款所提述的說明，則院長可將該物品或物件充公或自該病人處移走該物品或物件。

(1996 年第 298 號法律公告)

9. 限制病人收取某等物品或物件

(1) 如院長合理地認為病人的精神不健全狀況致使他無能力恰當地照料、處理或使用任何物品或物件，院長可指示該病人不得收取該物品或物件，亦可指示不得將該物品或物件給予該病人。

(2) 任何人在違反根據為(1)款作出的指示的情況下，明知而將任何物品或物件——

- (a) 運送予任何病人；或
- (b) 送交、帶到、拋入或以其他方式放置在精神病院的處所內，

以期該物品或物件落入任何病人的管有，即屬犯罪，一經循簡易程序定罪，可處第 1 級罰款。

(3) 在違反根據第(1)款作出的指示的情況下被運送、送交、帶到、拋入或放置的任何物品或物件，均可被院長充公，不論是否有人就該違反指示事項被定罪。

(4) 如院長合理地懷疑任何到訪精神病院的人管有任何物品或物件，意圖違反第(1)款，則院長可要求搜查該人。

(5) 第(4)款並不授權任何人搜查性別與其不同的人。

(1996 年第 298 號法律公告)

10. 禁止進入精神病院

任何人無合法權限或辯解而進入精神病院，即屬犯罪，一經循簡易程序定罪，可處第 1 級罰款。

(1996 年第 298 號法律公告)

- (a) to cause unnecessary distress to or adversely affect the treatment of the patient or any other patient; or
- (b) to cause danger to any person.

(2) A medical superintendent may confiscate or remove from a patient any article or thing found in his possession which the medical superintendent reasonably considers is such as is referred to in subregulation (1)(a) or (b).

(L.N. 298 of 1996)

9. Restriction on receipt by patient of certain articles or things

(1) A medical superintendent may direct that a patient is not to receive any article or thing, or that any article or thing is not to be given to a patient, if the medical superintendent reasonably considers that the patient is of such unsound mind that he is incapable of looking after, handling or using the article or thing properly.

(2) A person who in contravention of a direction given under subregulation (1) knowingly—

- (a) conveys to any patient; or
- (b) sends to, brings to, throws into or otherwise deposits in the premises of a mental hospital,

any article or thing with a view to its coming into the possession of any patient, commits an offence and is liable on summary conviction to a fine at level 1.

(3) Any article or thing conveyed, sent, brought, thrown or deposited in contravention of a direction given under subregulation (1) may be confiscated by a medical superintendent, whether or not a person has been convicted of an offence in connection with the contravention.

(4) If a medical superintendent reasonably suspects that a person who is visiting a mental hospital has any article or thing in his possession with intent to contravene subregulation (1), he may require that person to be searched.

(5) Nothing in subregulation (4) authorizes the searching of a person other than by a person of the same sex.

(L.N. 298 of 1996)

10. Prohibition of entry into a mental hospital

Any person who enters a mental hospital without lawful authority or excuse shall be guilty of an offence and on summary conviction shall be liable to a fine at level 1.

(L.N. 298 of 1996)



## 單條條文模式

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)

### 條文內容



章： 60 標題： 進出口條例 憲報編號：  
條： 35 條文標題： 本條例對郵包的適用 版本日期： 30/06/1997

- (1) 本條例的條文適用於裝載在郵包內任何物品。
- (2) 儘管第(1)款另有規定，凡裝載在密封郵袋內(該郵袋為已列載於將其輸入或輸出的船隻、飛機或車輛的艙單上者)的郵包，為施行本條例，該郵包不得被解釋為貨物。
- (3) 任何獲授權人員或海關人員，均可在郵政署人員在場時和在其指示下，將郵政署保管的任何郵包拆開查驗。
- (4) 為施行本條規定，“郵袋”(mail bag)、“郵政署”(Post Office)、“郵政署人員”(officer of the Post Office)及“郵包”(postal packet)的涵義，具有《郵政署條例》(第98章)第2條分別給予該等詞語的涵義。

[前一條文](#)[下一條文](#)[轉換語言](#)[返回法例名單](#)



### Individual Section Mode

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws

### Contents of Section



Chapter:	60	Title:	IMPORT AND EXPORT ORDINANCE	Gazette Number:	
Section:	35	Heading:	<b>Application of Ordinance to postal packets</b>	Version Date:	30/06/1997

- (1) The provisions of this Ordinance shall apply to any article contained in a postal packet.
- (2) Notwithstanding the provisions of subsection (1), a postal packet contained in a sealed mail bag shall, if the mail bag is listed in the manifest of the vessel, aircraft or vehicle in or on which it is imported or exported, not be construed as cargo for the purposes of this Ordinance.
- (3) Any authorized officer or any member of the Customs and Excise Service may, in the presence of and under the directions of an officer of the Post Office, open and examine any postal packet held in the custody of the Post Office.
- (4) For the purposes of this section, the terms "mail bag"(郵袋), "Post Office"(郵政署), "officer of the Post Office" (郵政署人員) and "postal packet" (郵包) shall have the meanings assigned to such terms, respectively, under section 2 of the Post Office Ordinance (Cap 98).

Previous section of  
enactment

Next section of  
enactment

Switch language

Back to the List of  
Laws