

津政司  
法 律 草 擬 科

香港金鐘道 66 號  
金鐘道政府合署高座 8 樓至 9 樓  
圖文傳真: 852-2869 1302 (8 樓)  
852-2845 2215 (9 樓)



DEPARTMENT OF JUSTICE  
Law Drafting Division

8/F - 9/F., High Block  
Queensway Government Offices  
66 Queensway, Hong Kong  
Fax: 852-2869 1302 (8/F)  
852-2845 2215 (9/F)

本司檔號 Our Ref.: LDT/6064/1C  
來函檔號 Your Ref.:  
電話號碼 Tel. No.: 2867 2422

By Post &  
By Fax : 2179 5190

Dr. the Hon. Margaret Ng  
Member of Legislative Council  
Room 116, New Henry House,  
10 Ice House Street,  
Central, Hong Kong

13 May 2011

*Dear Margaret,*

**Legislation Publication Bill (the "Bill")**

Thank you for your letter of 26 April 2011 and your detailed comments on the Bill. Further to our interim reply to you on 5 May 2011, we have studied very carefully your comments and would like to set out our response to them in detail.

2. We understand that the remaining issue is about the scope of editorial powers under Clause 12 and the revision powers under Clause 17 of the Bill. Clause 12 is designed to deal with minor and uncontroversial editorial amendments which are subject to the overriding principle that they should not change the legal effect of an Ordinance. In line with other common law jurisdictions, although legislative scrutiny is not required, editorial amendments must be properly recorded for them to be effective.<sup>1</sup> Clause 17 is a different regime. It is intended for making revisions to Ordinance and is subject to negative vetting. The exercise of both editorial and revision powers are to enhance the readability and presentation of the statute book for the benefit of the public.

3. While we believe that the approach taken in the Bill to editorial and revision powers is appropriate, nevertheless having considered your detailed comments we would propose to make some changes to the Bill.

<sup>1</sup> For comparisons with other common law jurisdictions, please see Annex 1 of the LC Paper No. CB(2)989/10-11(01).

## **Power to make editorial amendments (Clause 12)**

### Clause 12(1)(a)

4. This clause is intended for grammatical, clerical or typographical errors that are minor and straightforward in nature. Although a similar power has already been provided for under section 98A of the Interpretation and General Clauses Ordinance (Cap. 1), there is a need to revise the wording of section 98A to fit it into the Database regime. Accepting the prevailing practice in other common law jurisdictions like Canada, Australia and New Zealand<sup>2</sup>, we believe that it would be to the convenience of statute users to consolidate all the editorial and revision powers into one single Ordinance. Hence we propose to repeal section 98A and re-enact it in an amended form through this Bill.

5. We have always taken a very cautious and meticulous approach in preparing section 98A orders pursuant to Cap.1 and since 1989 we are not aware of any debate by the Legislative Council (“LegCo”) on any of them. We are checking our records prior to that date. We will continue to take the same cautious and meticulous approach. Clause 12(1)(a) of the Bill provides a more efficient way to facilitate early rectification of such minor errors in the statute book.

6. To address your concern on the scope of the power, we propose to delete “or an error of a similar nature” so as to remove any possible uncertainty of the scope of Clause 12(1)(a).

### Clause 12(1)(b)

7. We agree with your observation that Clause 12(1)(b) is substantially the same as section 98B of Cap.1. As explained in paragraph 4, we prefer placing all the editorial and revision powers under the same roof. We would propose transferring Clause 12(1)(b) to Clause 17 so that it has to be done by an order in the Gazette (which will be subsidiary legislation subject to LegCo’s scrutiny).

---

<sup>2</sup> For example, the Legislation Act in New Zealand, the Reprints Act in Western Australia and the Legislation Revision and Consolidation Act in Federal Canada.

Clause 12(1)(c)

8. To allay your concern about the scope of the power to re-number statutory provisions, we would remove the renumbering power from the Bill.

Clause 12(1)(d)

9. We are prepared to streamline Clause 12(1)(d) by deleting “penalty” and moving the power concerning “provision” to Clause 17.

Clause 12(1)(e)

10. We propose to revise the wording of Clause 12(1)(e) to help readers to understand the new power. This power would only be exercised in limited circumstances as demonstrated in the example in *Annex 2 (example 3)*. There must be a deeming provision in the first place before we could alter the text of the relevant provisions to give effect to the intended meaning.

Clause 12(1)(f)

11. We have adopted a gender-neutral drafting policy for drafting legislation. The power to make gender-neutral changes is essential for us to implement the policy and to update the statute book in an efficient way.

12. To alleviate members’ concerns about any uncertainty under Clause 12(1)(f), we propose transferring Clause 12(1)(f) to Clause 17 so that any gender-neutral drafting changes would be subject to the scrutiny of the LegCo.

Clause 12(1)(g)

13. We would propose to revise Clause 12(1)(g) in a way similar to section 2(2)(c) of the Laws (Loose-leaf Publication) Ordinance 1990 (“Loose-leaf Ordinance”) so that only enacting, expired or spent provisions could be omitted. The power to omit obsolete or redundant provisions would be transferred to Clause 17.

Clause 12(1)(h)

14. The power is needed to tidy up the heading for a group of provisions in order to reflect the contents of the provisions succinctly.

Section 18(3) of Cap. 1 stipulates that a heading to any provision of any Ordinance shall not have legislative effect and shall not in any way vary, limit or extend the interpretation of any Ordinance. It is therefore not possible for the legal effect to be affected. Nevertheless, we propose transferring the power to Clause 17 so that it is subject to the scrutiny of the LegCo.

#### Clause 12(1)(i)

15. At present, we have lists of items arranged in different ways. While most are arranged alphabetically or in accordance with the number of strokes, there are some with no apparent logical order. To facilitate convenient navigation through items in a list, a logical order of arrangement is preferred. Noting your concern regarding renumbering, we propose limiting the scope of the power to rearranging unnumbered items only.

#### New Clause 12(1)(ia)

16. As the English text and the Chinese text for many lists of items are arranged according to different logical orders to facilitate the use of legislation by monolingual readers, we believe it would be beneficial to statute users to convert a list of items into bilingual format by adding next to the items the corresponding equivalent terms in the other official language. As a result, a Chinese reader would be able to locate a particular item by counting the number of strokes of the first Chinese character of the item and at the same time would find out the English equivalent (and vice versa). This would save readers effort in locating the equivalent in the other language. This is consistent with the established approach adopted for definition provisions.

#### New Clause 12(1)(j)

17. Clause 12(1)(j) is necessary for us to modernize the text of the statute book. Changing the format, layout and printing style of the text would not alter the legal effect of the provision. It is intended to be used in polishing the appearance of the text for ease of reading, for example, changing the capitalization of the headings, changing Roman numbers to Arabic numbers, removing the quotation marks of defined terms and changing defined terms to bold and italic format. These are for the purpose of achieving a consistent look throughout a piece of legislation.

#### Clause 12(1)(k)

18. The power to make consequential amendments is necessary for tidying up the statute book effectively. All the editorial amendments made under Clause 12 are subject to the overriding principle that they cannot change the legal effect of any Ordinance. As editorial amendments are minor and straightforward, any consequential amendments would be of the same nature.

19. In addition, since we have proposed substantial revisions to Clause 12 to address your concern on the scope of editorial powers and the transfer of a number of powers to Clause 17, the remaining substantive editorial powers and the power to make consequential amendments under the revised Clause 12 are certainly uncontroversial and minor in nature.

#### Clause 12(2)

20. The rationale of Clause 12(2) is the same as section 98C of Cap.1, except that Clause 12(2) will be extended to cover the replacement of a general reference in an Ordinance to an item of subsidiary legislation with the name of that subsidiary legislation where it is appropriate to do so. As elaborated above, one of the objects of the Bill is to consolidate all editorial powers for tidiness and that explains why we have to repeal section 98C.

21. To enhance certainty, we would propose transferring Clause 12(2) to Clause 17 so that the LegCo would be involved in scrutinizing the relevant amendments.

#### Clauses 13 to 16

22. Clauses 13 to 16 are necessary for the effective operation of the Clause 12 regime and therefore no changes will be required.

### **Power to make revisions by subsidiary legislation (Clause 17)**

#### Clause 17(a)

23. We will take your advice to adopt wording along the lines of section 5(c) of the Revised Edition of Law Ordinance 1965 (“Revised Edition Ordinance”) for Clause 17(a).

#### Clause 17(b)

24. This power originates from the Revised Edition Ordinance and its exercise was not subject to scrutiny at that time. As demonstrated in the example in *Annex 3 (example 2)*, it helps dividing a very old provision into two subsections for easier referencing and a more organized structure. As it is subject to negative vetting under the Database regime, ultimately the extent of the revisions will be determined by the LegCo.

#### Clause 17(c)

25. Similar to the power under Clause 17(b), this power comes from the Revised Edition Ordinance and no scrutiny was required. As shown in the example in *Annex 3 (example 3)*, it could be used to transfer the transitional provisions in an Amendment Ordinance to the principal Ordinance for readers' easy reference.

#### Clause 17(d)

26. It would be beneficial to readers' navigation within an Ordinance if we could further divide an Ordinance into subdivisions or smaller units. For effective exercise of the power, we would like to have the power to organize and assign numbers and headings to these subdivisions or units. We do appreciate that the sequence of provisions may affect the interpretation of an Ordinance and have provided that the sequence of provisions should not be changed in the exercise of the power.

#### Clause 17(e)

27. We are grateful for your support for this revision power.

#### Clause 17(f)

28. Same as for other substantive revision powers under Clause 17, the power to make consequential amendments will be subject to the scrutiny of the LegCo. In our example in *Annex 3 (example 12)*, after "First Schedule" has been changed to "Schedule 1" in the English text of the Insurance Companies Ordinance (Cap. 41), it is necessary to make consequential amendments to all other relevant Ordinances which have references to "First Schedule". Without the power to make consequential amendments, it would be very confusing to the readers of section 3(c) of the Occupational Retirement Schemes (Insurance Arrangement) Rules (Cap. 426E) if the "First Schedule" remains unchanged. As Clause 17 is

only intended to cover technical amendments, any consequential amendments could not be more than those in nature.

### **Examples of the revised Clause 12 and Clause 17 powers**

29. *Annex 1* is the English version of the marked-up copy of the Bill showing all the proposed Committee Stage Amendments (“CSAs”). To facilitate the understanding of the scope of editorial and revision powers, *Annex 2* contains examples of the revised Clause 12 powers while *Annex 3* contains examples of the original Clause 17 powers and the powers migrated from Clause 12.

### **Additional editorial powers under the Loose-leaf Ordinance (Clause 20)**

30. As you know, we adopted a new legislation format in July 2010. Additional editorial powers are required to update the existing text of the Loose-leaf Edition to make it consistent with the new format. For example, defined terms are in double quotation marks in the past but they are now in bold and italic format. It is unsatisfactory to have defined terms in both formats on the same page of the Loose-leaf Edition as shown in *Annex 4*.

### **New Section 3A (Clause 21)**

31. *Annex 1* shows the proposed CSAs to the new section 3A in view of the proposed changes to Clauses 2, 5, 9 and 10.

### **Repeal of the Loose-leaf Ordinance (Clause 26) and the Revised Edition Ordinance Clause 27)**

32. The Revised Edition was last published in 1990 and the Loose-leaf Edition will be phased out gradually on the implementation of the Database. As the keeper of the statute book, we have the responsibility to remove obsolete Ordinances from the statute book. To highlight the repeals being made, we would propose to revise the heading of Part 6 of the Bill to “Repeals and Consequential Amendments”.

33. As regards how the repeal should be done, we are of the view that the present Bill is the appropriate vehicle to effect the repeal of the two Ordinances. We will consult the AJLS Panel, the Hong Kong Bar Association and the Law Society of Hong Kong and other stakeholders before we seek to commence Clauses 26 and 27 by commencement notice (which itself is a piece of subsidiary legislation) in order to repeal the two Ordinances.

#### **Amendment to Cap. 1 (Clause 28)**

34. Upon the full implementation of the Database, all Ordinances would be assigned a chapter number before they are entered into the Database pursuant to the Legislation Publication Ordinance (Clause 11 of the Bill). We would propose swapping the sequence of paragraphs (i) and (ii) and revise the wording of Clause 28 to make it easier to follow.

#### **Amendment to Cap. 221 (Clause 35)**

35. Section 113C(5) of the Criminal Procedures Ordinance (Cap. 221) reads as follows—

“(5) The Secretary for Justice may in the loose-leaf edition of the laws published *under the Laws (Loose-leaf Publication) Ordinance 1990* (51 of 1990) alter the text of an Ordinance so that it corresponds with the changes deemed to have been made under this section.” (emphasis added)

36. Section 113C(5) was drafted in the context of the Loose-leaf regime. In any event, it has to be amended so as to fit into the Database regime. For tidiness sake, we would like to consolidate the power to update the fine amount with the corresponding fine level into the Bill instead of revising section 113C(5).

37. We take it to be our duty to improve the readability and presentation of our legislation whenever possible. The power to make editorial amendments and revisions will not only facilitate the consolidation of Hong Kong legislation, but also enhance the efficiency of the mechanism to rectify minor errors.



38. We have carefully reviewed the policies and have endeavoured to balance different objectives and we hope that the revised proposal will be supported by the Bills Committee. Please let me know if we can clarify further on any matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Gilbert Mo". The signature is fluid and cursive, with the first letter "G" being large and prominent.

( Gilbert Mo )  
Deputy Law Draftsman  
(Bilingual Drafting and Administration)

Encls.

# A BILL

## To

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

Enacted by the Legislative Council.

### Part 1

#### Preliminary

##### 1. Short title and commencement

- (1) This Ordinance may be cited as the Legislation Publication Ordinance.
- (2) Subject to subsection (3), this Ordinance comes into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.
- (3) This Part, Part 4, Part 5 (except section 21) and Part 6, Division 1, Division 2 (except section 26) and Division 5 come into operation on the day on which this Ordinance is published in the Gazette.

##### 2. Interpretation

(1) In this Ordinance—

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

~~*as-made Ordinance* (原版條例) means an Ordinance as originally enacted or made;~~

~~*authenticated copy* (經認證文本) — see section 5(1);~~

*consolidated copyversion* (編訂文版本), in relation to an Ordinance, means a copyversion of thean Ordinance showing its text as amended bythat has incorporated all permitted amendments in foreethat have taken effect as at a date specified in the copyparticular time on a particular date;

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

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

*editorial amendment* (編輯修訂) means an amendment to an Ordinance made under section 12~~(1) or (2)~~;

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

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

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

- (a) an amendment to the Ordinance made by another Ordinance;
- (b) an editorial amendment to the Ordinance; or
- (c) an amendment to the Ordinance made under section 2(2)(b), (c), (d) or (e) of the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990);

*verified copy* (經核證文本)— see section 4A(1).

(2) In this Ordinance, a reference to a database instrument as at a date specified in a copy or reproduction of a copy of the instrument includes, if a time on that date is specified in the copy or reproduction, a reference to the instrument as at that time on that date.

## Part 2

### Database of Legislation

#### 3. Establishment of database

The Secretary for Justice may—

- (a) establish and maintain an electronic database of the legislation applying in Hong Kong; and
- (b) approve a website on which the information in the database may be published and accessed.

#### 4. Contents of database

(1) The database is to contain—

- (a) consolidated ~~versions~~ copies of Ordinances that have been given chapter numbers under section 11(a);

(aa) gazetted copies of Ordinances published in the Gazette on or after the date on which this Part comes into operation;

(ab) the Basic Law;

- (b) national laws applying in Hong Kong; and
- (c) the record of editorial amendments compiled under section 15.

(2) The database may also contain—

- (a) bills to be introduced or introduced into the Legislative Council; and
- (b) ~~as-made Ordinances; and~~
- (c) other ~~legislation,~~ materials and information that the Secretary for Justice considers useful to users of an approved website.

**4A. Status of verified copies of database instruments**

(1) A copy of a database instrument—

(a) that is published on or printed directly from an approved website; and

(b) that bears an official verification mark,  
is a verified copy of the instrument.

(2) A verified copy of a database instrument is presumed, unless the contrary is proved, to correctly state the instrument as at the date specified in the copy.

**5. Status of authenticated copies of Ordinances**

~~(1) A copy of an Ordinance is an authenticated copy of the Ordinance as at a particular time on a particular date if the copy is—~~

~~—(a) published on an approved website; and~~

~~—(b) certified by the Law Draftsman to be the consolidated version of the Ordinance as at that time on that date.~~

~~(2) An authenticated copy of an Ordinance as at a particular time on a particular date is presumed, unless the contrary is proved, to correctly state the Ordinance as at that time on that date.~~

**6. Status of copies of national laws published on approved website**

~~A copy of a national law applying in Hong Kong, as published on an approved website, is presumed, unless the contrary is proved, to correctly state the national law.~~

**7. Status of copies of as made Ordinances published on approved website**

~~A copy of an as made Ordinance, as published on an approved website, is presumed, unless the contrary is proved, to correctly state the Ordinance.~~

**8. Status of copies of other legislation published on approved website**

~~A copy of an item of legislation referred to in section 4(2)(c), as published on an approved website, is presumed, unless the contrary is proved, to correctly state the item of legislation.~~

**9. Publication of booklets of Ordinances**

~~(1) The Secretary for Justice may cause an authenticated copy of any Ordinance to be published in the form of a booklet.~~

~~(2) If a booklet of an authenticated copy of an Ordinance as at a particular time on a particular date published under subsection (1) contains the information and statement specified in subsection (3), the booklet is presumed, unless the contrary is proved, to correctly state the Ordinance as at that time on that date.~~

~~(3) The information and statement are—~~

~~—(a) the particular time and date; and~~

~~—(b) a statement that the booklet is published under this section.~~

**10. Evidential provisions**

(1) A website purporting to be an approved website is presumed, unless the contrary is proved, to be an approved website.

(2) A document purporting to be an authenticated a verified copy of an a database instrument Ordinance as at a particular time on a particular date is presumed, unless the contrary is proved, to be an authenticated a verified copy of the instrument Ordinance as at that time on that date.

(3) ~~A document purporting to be a copy of a national law applying in Hong Kong published on an approved website is presumed, unless the contrary is proved, to be a copy of the national law so published.~~

~~(4) A document purporting to be a copy of an as made Ordinance published on an approved website is presumed, unless the contrary is proved, to be a copy of the Ordinance so published.~~

~~(5) A document purporting to be a copy of an item of legislation referred to in section 4(2)(c) published on an approved website is presumed, unless the contrary is proved, to be a copy of the item of legislation so published.~~

~~(6) A document purporting—~~

~~—(a) to be a booklet of a copy of an Ordinance published under section 9(1); and~~

~~—(b) to contain the information and statement specified in section 9(3);~~

~~is presumed, unless the contrary is proved, to be a booklet of an authenticated copy of the Ordinance so published.~~

## **Part 2A**

### **Reproduction of Verified Copies of Database instruments**

#### **10A. Interpretation**

In this Part—

*official booklet* (官方單行本) means a booklet published under section 10B(1);

*official storage medium* (官方儲存器) means a storage medium published under section 10C(1);

*storage medium* (儲存器) means a medium—

(a) in which electronic data relating to verified copies of database instruments are stored; and

(b) from which verified copies of database instruments are capable of being reproduced.

#### **10B. Publication of official booklets**

(1) The Secretary for Justice may cause reproductions of verified copies of database instruments to be published in the form of booklets.

(2) A reproduction of a verified copy of a database instrument contained in an official booklet is presumed, unless the contrary is proved, to correctly state the instrument as at the date specified in the reproduction.

#### **10C. Publication of official storage media**

(1) The Secretary for Justice may cause storage media to be published.

(2) An electronic or printed reproduction of a verified copy of a database instrument accessed or printed directly from an

official storage medium is presumed, unless the contrary is proved, to correctly state the instrument as at the date specified in the reproduction.

#### **10D. Evidential provisions**

- (1) A document purporting to be a reproduction of a verified copy of a database instrument contained in an official booklet is presumed, unless the contrary is proved, to be such a reproduction.
- (2) A document purporting to be an electronic or printed reproduction of a verified copy of a database instrument accessed or printed directly from an official storage medium is presumed, unless the contrary is proved, to be such a reproduction.

## **Part 3**

### **Editorial Amendments and Record**

#### **Division 1**

#### **Editorial Powers**

##### **11. Powers to give chapter numbers etc.**

The Secretary for Justice may—

- (a) give a chapter number to an Ordinance; and
- (b) in the database, arrange the grouping and sequence of database instruments~~Ordinances, national laws applying in Hong Kong, and other legislation contained in it.~~

##### **12. Powers to make editorial amendments**

~~(1)~~ The Secretary for Justice may, in an Ordinance—

- (a) correct a grammatical, clerical or typographical error, ~~or an error of a similar nature;~~
- (b) ~~replace a reference to a date in the form of a description by the actual calendar date;~~
- (c) ~~if it is necessary or expedient to do so, renumber provisions;~~
- (d) change the way of referring to or expressing a number, year, date, time, amount of money, ~~penalty, quantity, or measurement or provision;~~
- (e) alter the text of a provision to give effect to reflect an amendment to the provision deemed to have been made by another provision under which the provision is deemed to be amended in a manner as specified in that other provision;

- (f) ~~replace a word or expression indicating gender or that could be taken to indicate gender to a gender neutral word or expression;~~

~~—(g) omit—~~

- ~~—(i) anythe enacting, expired or spent provision; and~~

- ~~—(ii) any word, expression or provision that has expired, the operation of which is exhausted or spent or that is otherwise obsolete or redundant;~~

- (h) ~~amend the heading of a provision or a group of provisions to reflect the contents of the provision or the group of provisions;~~

- (i) change the sequence of definitions, or of unnumbered items, in a list ~~or schedule~~;

- ~~(ia) insert, after an item in a list appearing in the text of one official language, the equivalent of that item in the other official language;~~

- (j) change the format, layout, printing style or any other presentational aspect; or

- (k) make an amendment that is consequential on any amendment made under this section (other than this paragraph).

- ~~(2) The Secretary for Justice may, in any item of subsidiary legislation, replace a general reference to another item of subsidiary legislation by—~~

- ~~—(a) the title or citation of that other item of subsidiary legislation;~~

- ~~—(b) its number among the subsidiary legislation of the year in which it was made; or~~

- ~~—(c) the chapter number given to it under section 11(a).~~

### 13. Editorial amendments not to change legal effect of Ordinances

Section 12 does not permit any editorial amendment that would change the legal effect of any Ordinance.

### 14. Effect of editorial amendments

- (1) Subject to section 16, aAn Ordinance that is amended under section 12 has effect for all purposes, on and after the publication date, as if the amendment had been made by another Ordinance that commenced on the publication date.

- (2) A copy of the amended Ordinance, as published on an approved website, must indicate in a suitable place the fact that it has been amended under section 12.

- (3) In this section—

*publication date* (發布日期), in relation to an Ordinance amended under section 12, means the date on which a consolidated version copy of the Ordinance showing the amendment in its text~~(that has incorporated the amendment)~~ is first published on an approved website.

## Division 2

### Record of Editorial Amendments

### 15. Secretary for Justice to compile record of editorial amendments

- (1) The Secretary for Justice must compile a record containing—
- (a) descriptions of editorial amendments made;
  - (b) the time and date on which each description of editorial amendments is entered in the record; and
  - (c) other information that the Secretary for Justice considers useful to users of the record.
- (2) The record is to be kept in a form that the Secretary for Justice considers appropriate.

**16. Editorial amendments without effect if not contained in record**

An editorial amendment does not have effect unless the information relating to it as specified in section 15(1)(a) and (b) is contained in the record compiled under section 15.

---

**Part 4****Revisions to Ordinances****17. Powers to make revisions**

The Secretary for Justice may, by order in the Gazette—

- (a) make an ~~alteration~~~~amendment~~ to an Ordinance for the purpose of securing ~~consistency~~~~uniformity~~ in expression within the Ordinance or with another Ordinance;
- (b) alter the form or arrangement of a section ~~of an Ordinance~~, by transferring words, by combining it in whole or in part with another section or other sections ~~of the Ordinance~~ or by dividing it into subsections;
- (c) transfer a provision in an Ordinance to another Ordinance to which that provision more properly belongs;
- (d) ~~divide~~~~organize the provisions of~~ an Ordinance into, ~~and assign numbers and headings to, groups of provisions, without changing the sequence of those provisions~~~~parts or divisions~~;
- ~~(da) amend the heading of a provision or a group of provisions in an Ordinance to reflect the contents of the provision or the group of provisions;~~
- (e) if the name, title, location or address of a department, office, officer or place has changed, make an alteration to that name, title, location or address appearing in an Ordinance to reflect the change; ~~and~~
- ~~(ea) amend an Ordinance to effect the replacement of a reference to a date in the form of a description by the actual calendar date;~~
- ~~(eb) amend an Ordinance to effect the replacement of a general reference to another Ordinance by—~~



- (i) the short title or citation of that Ordinance;
- (ii) its number among the Ordinances of the year in which it was made; or
- (iii) the chapter number given to it under section 11(a);
- (ec) replace a word or expression in an Ordinance indicating gender or that could be taken to indicate gender by a gender-neutral word or expression;
- (ed) amend an Ordinance to change the way of referring to or expressing a provision;
- (ee) omit from an Ordinance any word, expression or provision which is obsolete or redundant; and
- (f) make an amendment to an Ordinance that is consequential on any amendment made under this section (other than this paragraph).

#### 18. Commencement of revision order

An order made under section 17 is not to come into operation before the expiry of the period within which a resolution providing for the amendment of the order may be passed in accordance with section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

## Part 5

### Additional Editorial Powers for Loose-leaf Edition

#### 19. Laws (Loose-leaf Publication) Ordinance 1990 amended

The Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) is amended as set out in sections 20 and 21.

#### 20. Section 2 amended (Publication of Ordinances, etc. in a loose-leaf edition)

- (1) Section 2(2), Chinese text—

**Repeal paragraph (a)**

**Substitute**

“(a) 將法例按類集合及編排序列；”.

- (2) Section 2(2)(b)—

**Repeal**

“appears; and”

**Substitute**

“appears;”.

- (3) Section 2(2)(c)—

**Repeal the full stop**

**Substitute a semicolon.**

- (4) After section 2(2)(c)—

**Add**

“(d) change the sequence of definitions, or of unnumbered items in a list ~~or schedule~~, in any Ordinance; and

(e) ~~make editorial changes to~~change the format, layout, printing style or any other presentational aspect of any Ordinance.”.

(5) Section 2—

**Repeal subsection (7)**

**Substitute**

“(7) If—

(a) the short title or citation of an Ordinance is altered under subsection (2)(b), and any provision of any Ordinance is altered accordingly under that subsection;

~~(ab) any enacting, expired or spent provision is omitted from any Ordinance under subsection (2)(c);~~

(b) the sequence of definitions, or of unnumbered items in a list ~~or schedule~~, in any Ordinance is changed under subsection (2)(d); or

(c) ~~an editorial change is made to the format, layout, printing style or any other presentational aspect of~~ any Ordinance is changed under subsection (2)(e),

the ~~altered provision or changed~~ affected Ordinance has effect for all purposes as if the alteration, omission or change had been made by another Ordinance.”.

**21. Section 3A added**

After section 3—

**Add**

**“3A. Omission of Ordinances**

(1) The Secretary for Justice may omit ~~an authenticated a~~ verified Ordinance from the loose-leaf edition.

~~(2) For the purposes of subsection (1), an Ordinance is authenticated if a copy of the Ordinance, as published on an approved website, is certified by the Law Draftsman to be the consolidated version of the Ordinance as at a particular time on a particular date.~~

(2) For the purposes of subsection (1), an Ordinance is verified if a consolidated copy of the Ordinance, as published on an approved website, bears an official verification mark.

(3) In this section—

*approved website* (認可網站) has the meaning given by section 2 of the Legislation Publication Ordinance ( of 2011);

*consolidated ~~copy~~version* (編訂文版本) has the meaning given by section 2 of the Legislation Publication Ordinance ( of 2011);

*official verification mark* (官方核證標記) has the meaning given by section 2 of the Legislation Publication Ordinance (... of 2011).”.

**Part 6****Repeals and Consequential Amendments****Division 1****Enactments Amended****22. Enactments amended**

The enactments specified in Divisions 2, 3, 4, 5 and 6 are amended as set out in those Divisions.

**Division 2****Amendments to Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990)****23. Section 1 heading amended**

Section 1, heading—

**Repeal**

“Short title and commencement”

**Substitute**

“Short title”.

**24. Section 1 amended (Short title)**

Section 1—

**Repeal subsection (2).**

**25. Section 6 repealed (Reprint of Ordinances)**

Section 6—

**Repeal the section.**

**26. Laws (Loose-leaf Publication) Ordinance 1990 repealed**

The Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990)—  
**Repeal the Ordinance.**

**Division 3****Amendment to Revised Edition of the Laws Ordinance 1965 (53 of 1965)****27. Revised Edition of the Laws Ordinance 1965 repealed**

The Revised Edition of the Laws Ordinance 1965 (53 of 1965)—  
**Repeal the Ordinance.**

**Division 4****Amendments to Interpretation and General Clauses Ordinance (Cap. 1)****28. Section 13 amended (Citation of Ordinance)**

Section 13(1)—

**Repeal paragraph (c)**

**Substitute**

“(c) any chapter number lawfully given to it under the authority of—

~~(i) any Ordinance providing for the issue of a revised or other edition of the laws of Hong Kong; or~~

~~(ii) the Legislation Publication Ordinance ( of 2011) or~~

~~\_\_\_\_\_ (ii) any other Ordinance providing for the issue of a revised or other edition of the laws of Hong Kong.”.~~

**29. Section 98A repealed (Rectification of errors)**

Section 98A—

**Repeal the section.****30. Section 98B repealed (Power to substitute dates)**

Section 98B—

**Repeal the section.****31. Section 98C repealed (Power to substitute title of subsidiary legislation)**

Section 98C—

**Repeal the section.****32. Section 99 repealed (Reprint of Ordinances)**

Section 99—

**Repeal the section.****Division 5****Amendments to Official Languages Ordinance (Cap. 5)****33. Section 4B amended (Publication in an official language of the text of an existing law enacted in the other)**

Section 4B—

**Repeal subsections (2) and (3).****34. Section 4D repealed (Secretary for Justice's power to achieve consistency)**

Section 4D—

**Repeal the section.****Division 6****Amendment to Criminal Procedure Ordinance (Cap. 221)****35. Section 113C amended (Provision for fines for offences)**

Section 113C—

**Repeal subsection (5).**  

---

**Examples of the Revised Clause 12 Editorial Amendments**

Clause	Examples		No.
	Provisions	Editorial changes	
12(a) (grammatical error)	Regulation 6(1)(d)(ii) Post Office Regulations (Cap. 98, sub. leg. A)	In the English text, change “comply” to “complies”.	1
12(a) (clerical error)	Section 118C(6(b)) Banking Ordinance (Cap. 155)	In the English text, change “coviction” to “conviction”.	
12(a) (typographical error)	Section 42(1) Inland Revenue Ordinance (Cap. 112)	Change the indentation of the proviso in the Chinese text to align with the English text.	
12(d) (number)	Section 20 Credit Unions Ordinance (Cap. 119)	In the English text, change “ninety” to “90”.	2
12(d) (date)	Section 2A Widows and Orphans Pension Ordinance (Cap. 94)	<ul style="list-style-type: none"> <li>➤ In the English text, change “1<sup>st</sup> day of July 1959” to “1 July 1959”.</li> <li>➤ In the English text, change “30<sup>th</sup> day of June 1959” to “30 June 1959”.</li> </ul>	
12(d) (amount of money)	Section 4 Hotel Proprietors Ordinance (Cap. 158)	<ul style="list-style-type: none"> <li>➤ In the English text, change “one thousand dollars” to “\$1,000”.</li> <li>➤ In the English text, change “two thousand dollars” to “\$2,000”.</li> </ul>	

12(e)	Sections 5 & 27 Tung Chung Cable Car Ordinance (Cap. 577)  Schedule 1 Prevention of Bribery Ordinance (Cap. 201)	A body specified in Schedule 1 to Cap. 201 is regarded as a “public body”. If there is a change of the franchisee under section 5 or 27 of Cap.577, the name of the franchisee as listed in Schedule 1 to Cap. 201 would be changed accordingly.	3
12(g)	Mainland Judgments (Reciprocal Enforcement) Ordinance (Cap. 597)	Omit the enacting provision. Omit the spent commencement provision.	4
12(i)	Schedule Road Tunnels (Government) Ordinance (Cap. 368)	Rearrange the unnumbered items in alphabetical order to facilitate searching.	5
New power under Clause 12(i)(a)	Second Schedule Dangerous Drugs Ordinance (Cap. 134)	To convert a list of items to bilingual format. To supplement, for an item in a list of one official language, the name of that item in the other official language.  The Second Schedule to the Dangerous Drugs Ordinance (Cap. 134) was originally in monolingual format and the arrangement of items was unsatisfactory. The Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2010 (L.N. 64 of 2010) repealed and re-enacted the items in bilingual format. To facilitate searching, the English items are arranged alphabetically while the Chinese items are arranged by the number of strokes of the first Chinese character.	6
12(j) (style)	Guardianship of Minors Ordinance (Cap. 13)	Change the capitalization of the Part numbers and headings.	7

12(j) (format)	Section 2 Produce Eco-Responsibility Ordinance (Cap. 603)	Change the definitions to be in bold and italic to accord with the new legislation format.	
12(k) (consequential amendments)	Section 1 Produce Eco-Responsibility Ordinance (Cap. 603)	Since the commencement provision has been omitted as spent, the section heading should be consequentially amended to “Short title”.	8
	<i><b>Note:</b> Section 18(3) of Cap.1 stipulates that section heading to any provision of any Ordinance shall <b>not</b> have legislative effect and shall not in any way vary, limit or extend the interpretation of any Ordinance.</i>		

- (ia) 在任何選舉委員會界別分組選舉中由每一位候選人在香港投寄的一封信件，該信件是致予在界別分組正式投票人登記冊內其獲提名所屬界別分組的每一位已登記投票人，而且是符合根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂規定的；及 (1999 年第 48 號第 47 條)
- (ii) 在《立法會條例》(第 542 章) 所指的任何選舉中由每一位候選人在香港投寄(就地方選區而言，由每一份候選人名單上的候選人共同在香港投寄)的一封信件，該信件是致予在正式選民登記冊內該候選人(或該候選人名單)獲提名所屬選區或功能界別的每一位已登記選民，而且是符合根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂規定的；及 (1991 年第 270 號法律公告；1999 年第 8 號第 89 條；1999 年第 48 號第 47 條；2001 年第 21 號第 49 條；2003 年第 25 號第 50 條)
- (iii) 在《行政長官選舉條例》(第 569 章) 所指的選舉中由每一位候選人在香港投寄的兩封信件，該等信件是致予選舉委員會每一位委員，而且是符合根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂規定的。(2001 年第 21 號第 49 條)
- (2) 就第 (1)(d) 款而言——
- (a) 任何人不得被當作候選人，除非他在按照根據《選舉管理委員會條例》(第 541 章) 第 7 條訂立的規例於憲報內刊登的候選人提名公告中被列載為獲有效提名的人；但在刊登該公告前，任何聲稱自己為候選人的人，如能向署長提供保證金，作為他如隨後沒有在上述公告中未被列載為獲有效提名的人時他須繳付的郵資的保證金，則該人有權行使本條所授予的免付郵資的權利；(1993 年第 40 號第 27 條；1999 年第 8 號第 89 條)
- (b) “正式選民登記冊”(final register) 指為《立法會條例》(第 542 章) 所指的選舉而設的正式選民登記冊或為《區議會條例》(第 547 章) 所指的選舉而設的選民登記冊(視乎情況所需而定)；
- “功能界別”(constituency) 指根據《立法會條例》(第 542 章) 設立的功能界別；

- (ia) one letter posted in Hong Kong from each candidate at any Election Committee subsector election addressed to each voter registered in the subsector final register in respect of the subsector for which the candidate is nominated, which complies with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and (48 of 1999 s. 47)
- (ii) one letter posted in Hong Kong from each candidate (or, in the case of a geographical constituency, from each list of candidates) at any election under the Legislative Council Ordinance (Cap. 542) addressed to each elector registered in the final register in respect of the constituency for which the candidate (or the list of candidates) is nominated, which comply with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); and (L.N. 270 of 1991; 8 of 1999 s. 89; 48 of 1999 s. 47; 21 of 2001 s. 49; 25 of 2003 s. 50)
- (iii) two letters posted in Hong Kong from each candidate at an election within the meaning of the Chief Executive Election Ordinance (Cap. 569) addressed to each member of the Election Committee which comply with the requirements in regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541). (21 of 2001 s. 49)
- (2) For the purposes of subregulation (1)(d)—
- (a) a person shall not be deemed to be a candidate unless he is shown as a person validly nominated in the notice of nominations published in the Gazette in accordance with the regulations made under section 7 of the Electoral Affairs Commission Ordinance (Cap. 541); but until the publication of that notice any person who declares himself to be a candidate shall be entitled to exercise the right to free postage conferred by this regulation if he furnishes the Postmaster General with such security as may be required for the payment of postage should he not subsequently be shown in such notice as a person validly nominated; (40 of 1993 s. 27; 8 of 1999 s. 89)
- (b) the expression—
- “constituency” (選區、功能界別) means a geographical constituency declared under the Legislative Council Ordinance (Cap. 542) or a functional constituency established under that Ordinance or a constituency declared under the District Councils Ordinance (Cap. 547), as the case may require;



(5) 金融管理專員在根據第(1)(b)款行使其權力而拒絕核准某公司前，須給予該公司在金融管理專員以書面指明的期限內陳詞的機會，而該期限在所有情況下均須屬合理的。

(6) 任何核准貨幣經紀違反根據第(1)(a)或(4)款對其核准證明書附加的任何條件，其每名董事及每名經理均屬犯罪——

(a) 一經循公訴程序定罪，可處第 7 級罰款；或

(b) 一經循簡易程序定罪，可處第 5 級罰款，

如屬持續的罪行，可就罪行持續期間的每一日，另加第 2 級罰款。

(7) 為使謀求核准的公司有所遵循，金融管理專員可不時安排擬備並藉憲報公告刊登不抵觸本條例的指引，表明他擬行使本條及附表 11 向他授予或委予的職能的方式。

#### 118D. 核准的撤銷

(1) 在符合第(1A)及(2)款及第 118E 條的規定下，金融管理專員可在諮詢財政司司長後，提議 (由 1997 年第 362 號法律公告修訂；由 2005 年第 19 號第 15 條修訂)

(a) 以附表 12 指明而適用於某核准貨幣經紀或與該經紀有關的任何一項或多於一項理由；及

(b) 藉向該經紀送達的書面通知，

撤銷該經紀的核准。

(1A) 如撤銷某核准貨幣經紀的核准的理由是該貨幣經紀以書面向金融管理專員要求撤銷其核准，則第(1)款中須在提議撤銷核准貨幣經紀的核准前諮詢財政司司長的規定並不適用。 (由 2005 年第 19 號第 15 條增補)

(2) 如——

(a) 任何核准貨幣經紀向金融管理專員送達書面通知，述明它不擬根據第 132A(5) 條就其核准根據第(1)款被提議撤銷一事而提出上訴；

(b) 任何核准貨幣經紀就其核准根據第(1)款被提議撤銷一事在《行政上訴規則》(第 1 章，附屬法例 A) 所指明的可根據第 132A(5) 條提出上訴的期限已屆滿，但該經紀並沒有提出上訴；或

(5) Before exercising his power under subsection (1)(b) to refuse to approve a company, the Monetary Authority shall give the company an opportunity, within such period as the Monetary Authority may specify in writing, being a period reasonable in all the circumstances, of being heard.

(6) Every director and every manager of an approved money broker which contravenes any condition attached under subsection (1)(a) or (4) to its certificate of approval commits an offence and is liable—

(a) on conviction upon indictment to a fine at tier 7; or

(b) on summary conviction to a fine at tier 5,

and, in the case of a continuing offence, to a further fine at tier 2 for every day during which the offence continues.

(7) The Monetary Authority may from time to time cause to be prepared and published by notice in the Gazette, for the guidance of companies seeking approval, guidelines not inconsistent with this Ordinance, indicating the manner in which he proposes to exercise functions conferred or imposed by this section and the Eleventh Schedule upon him.

#### 118D. Revocation of approval

(1) Subject to subsections (1A) and (2) and section 118E, the Monetary Authority may, after consultation with the Financial Secretary, propose to revoke the approval of an approved money broker— (Amended 19 of 2005 s. 15)

(a) on any one or more of the grounds specified in the Twelfth Schedule applicable to or in relation to the broker; and

(b) by notice in writing served on the broker.

(1A) The requirement in subsection (1) to consult the Financial Secretary before proposing to revoke the approval of an approved money broker shall not apply where the ground for the revocation of the approval of an approved money broker is a request in writing by the money broker to the Monetary Authority to revoke its approval. (Added 19 of 2005 s. 15)

(2) Where—

(a) an approved money broker serves a notice in writing on the Monetary Authority stating that it does not propose to appeal under section 132A(5) against the proposed revocation of its approval under subsection (1);

(b) the period specified in the Administrative Appeals Rules (Cap. 1 sub. leg. A) within which an approved money broker may appeal under section 132A(5) against the proposed revocation of its approval under subsection (1) expires without any such appeal having been made; or

- (a) 任何已去世的個人或代該人行事的遺囑執行人已選擇就死者去世的課稅年度按個人入息而評稅；及
- (b) 該名個人是某合夥的合夥人；及
- (c) 該名個人在其去世的課稅年度的下一課稅年度內，在該合夥的應評稅利潤或虧損中佔有部分。

則該名個人的遺囑執行人可要求將該部分按照第 IV 部計算後所得的應評稅利潤或虧損包括在死者在其去世的課稅年度的入息總額內。(由 1975 年第 7 號第 29 條增補)

(3) 根據本條作出的任何選擇，須以書面作出並呈交局長，時間不得遲於作出選擇的課稅年度結束後 2 年，或不得遲於就構成該名個人在該課稅年度的入息總額中的入息或利潤作出的評稅根據第 70 條成為最終及決定性評稅後的 1 個月，或須在局長根據個別情況而認為合理的更長期限(如有的話)內作出及呈交，三者中以較遲的為準。(由 1971 年第 2 號第 31 條修訂)

(4) 在本條中——

“永久性居民”(permanent resident)指通常居住於香港的個人；(由 1986 年第 7 號第 12 條修訂)

“臨時居民”(temporary resident)指符合以下情況的個人：該人在作出選擇的課稅年度內，在香港一次或多次逗留期間總共超過 180 天，或在兩個連續的課稅年度(其中一個是作出選擇的課稅年度)內，在香港一次或多次逗留期間總共超過 300 天。

(由 1955 年第 36 號第 47 條代替。由 1983 年第 71 號第 20 條修訂；由 1986 年第 7 號第 12 條修訂；由 1993 年第 56 號第 20 條修訂)

#### 42. 入息總額的計算

(1) 為本部的施行，一名個人在任何課稅年度的入息總額須是以下款額的總和——(由 2004 年第 30 號第 3 條修訂)

(a) (i) (由 1993 年第 56 號第 21 條廢除)

(ii) 就 1983 年 4 月 1 日或其後開始的各課稅年度而言，一筆相等於按照第 5(1A) 及 5B 條而確定的應評稅淨值的款額；(由 1983 年第 8 號第 12 條增補)

但如一名個人是物業的聯權共有人或分權共有人，則須以下述方式分攤按照第 5(1A) 或 5B 條而確定的價值，藉以計算該名個人的一份應評稅淨值——

The indentation of the proviso is not correct.

- typographical error
- (a) a deceased individual, or his executor on his behalf, elected to be personally assessed for the year of assessment in which the deceased died; and
  - (b) that individual was a partner in a partnership; and
  - (c) that individual had a share of the partnership assessable profits or losses in the year of assessment following that in which he died.

then his executor may claim to have that share of such assessable profits or losses computed in accordance with Part IV included in the deceased's total income for the year of assessment in which he died. (Added 7 of 1975 s. 29)

(3) Any election under this section shall be made in writing and lodged with the Commissioner not later than 2 years after the end of the year of assessment in respect of which the election is made or 1 month after an assessment of income or profits forming part of the individual's total income for such year of assessment becomes final and conclusive under section 70 or within such further period, if any, as the Commissioner may allow as being reasonable in the particular circumstances, whichever is the later. (Amended 2 of 1971 s. 31)

(4) In this section—

“permanent resident”(永久性居民) means an individual who ordinarily resides in Hong Kong; (Amended 7 of 1986 s. 12)

“temporary resident”(臨時居民) means an individual who stays in Hong Kong for a period or a number of periods amounting to more than 180 days during the year of assessment in respect of which the election is made or for a period or periods amounting to more than 300 days in 2 consecutive years of assessment one of which is the year of assessment in respect of which the election is made.

(Replaced 36 of 1955 s. 47. Amended 71 of 1983 s. 20; 7 of 1986 s. 12; 56 of 1993 s. 20)

#### 42. Calculation of total income

(1) For the purposes of this Part the total income of an individual for any year of assessment shall be the aggregate of the following amounts—(Amended 30 of 2004 s. 3)

(a) (i) (Repealed 56 of 1993 s. 21)

(ii) in respect of the years of assessment commencing on or after 1 April 1983, the sum equivalent to the net assessable value as ascertained in accordance with sections 5(1A) and 5B; (Added 8 of 1983 s. 12)

Provided that where an individual is a joint owner or co-owner of property, that individual's share of the net assessable value shall be computed by apportioning the value ascertained in accordance with section 5(1A) or 5B—

(2) 任何獲妥為收納為儲蓄互助社社員的人如未成年，不得因此而阻止其簽立根據本條例須簽立或發出的文件，亦不得以此為理由而使其與儲蓄互助社訂立的合約無效或撤銷；此外，即使該人並未成年，其與儲蓄互助社訂立的合約，不論是以主事人身份或保證人身份訂立，在法律上均可由該人強制執行或針對該人強制執行。

### 18. 開除社員

(1) 儲蓄互助社的任何社員如違反本條例任何條文或作出任何損害儲蓄互助社利益的作為，則可在周年會議或為此目的而召開的特別會議上，由出席而又有資格表決的社員中三分之二人數通過決議而將其開除。

(2) 考慮開除任何社員所根據的理由，須由董事會在動議作出開除該社員的決議前不少於 7 天，以書面傳達予該社員，而該社員須獲給予機會在會議前以書面答辯或在會議上以口頭答辯。

(3) 任何儲蓄互助社的章程均可就開除該社社員事宜作出規定。

### 19. 社籍的終止

在符合本條例的規定下，任何儲蓄互助社的任何社員如將其在該社所佔的全部股份轉讓或退股，或該社員遭開除，則該社員自該項股份轉讓、退股或開除日期起，即不再是該儲蓄互助社的社員。

### 20. 社籍終止時的付款

(1) 除本條另有規定外，任何儲蓄互助社就股份欠某名前社員的任何款項，須在扣除該名前社員欠該儲蓄互助社的任何款項後，付予該名前社員。

(2) 任何儲蓄互助社如認為適當，可將該社欠任何前社員的款項延遲付款，但延遲不得超過該社員的社籍終結後 90 天。

(3) 除非任何前社員對其儲蓄互助社負有的所有法律責任（不論他是以借款人、質押人、擔保人或是以其他身分而負有法律責任）已獲完全解除或由另一人（該儲蓄互助社除外）以其他方式完全承擔，否則該儲蓄互助社不得付款予該名前社員。

(2) The minority of any person duly admitted as a member of any credit union shall not debar that person from executing any document necessary to be executed or given under this Ordinance, and shall not be a ground for invalidating or avoiding any contract entered into by any such person with the credit union; and any such contract entered into by any such person with the credit union, whether as principal or as surety, shall be enforceable at law by or against such person notwithstanding his minority.

### 18. Expulsion of member

(1) A member of the credit union who contravenes any provision of this Ordinance or acts in any way detrimental to the interests of the credit union may be expelled therefrom upon a resolution passed by two-thirds of the members present and qualified to vote, at an annual meeting, or at a special meeting called for the purpose.

(2) The grounds on which his expulsion is being considered shall be communicated to the member in writing by the board not less than seven days before the resolution for his expulsion is to be moved and he shall be given the opportunity to answer, either in writing before the meeting or orally thereat.

(3) The by-laws of a credit union may make provision in respect of the expulsion of members therefrom.

### 19. Cessation of membership

Subject to this Ordinance, a member of a credit union who transfers or withdraws all his shares therein or who is expelled therefrom shall, from the date of such transfer, withdrawal or expulsion, cease to be a member of the credit union.

### 20. Payment on cessation of membership

(1) Subject to this section, any money owed in respect of shares by a credit union to a past member thereof shall, after deduction of any money owed by him to the credit union, be paid to him.

(2) A credit union may, if it thinks fit, postpone the payment of any money owed to a past member for not more than ninety days after his membership ends.

(3) No payment shall be made by a credit union to a past member unless all his liabilities to the credit union, whether as borrower, pledgor, guarantor or otherwise, have been fully discharged or otherwise fully provided for by a person other than the credit union.

“領取撫恤金者”(pensioner)指任何根據本條例有權領取撫恤金的人，但如文意默示所提述的是供款人本身，則屬例外；

“撫恤金”(pension)指根據本條例批給的任何撫恤金，但如文意默示所提述的是供款人本身的退休金，則屬例外。

(由 1911 年第 50 號修訂；由 1912 年第 12 號附表修訂；由 1924 年第 5 號第 36 條修訂；由 1931 年第 2 號第 5 條修訂；由 1939 年第 33 號附表修訂)

(2)-(4) (由 1993 年第 3 號第 35 條廢除)

(5) 任何人員的子女如現由或已由任何其他人士根據與按照《領養條例》(第 290 章)的條文(該條例第 5(1)(c)條除外)領養，或以該條例第 17 或 20F 條所提述的其他方式領養，—— (由 2004 年第 28 號第 35 條修訂)

(a) 而領養是在該名人員在生時作出，或是在該名子女的母親現正或當時正在根據本條例獲支付撫恤金期間作出的，則就本條例而言，該名子女須當作已在領養日期去世，除非在《1967 年孤寡撫恤金(修訂)(第 2 號)條例》\*(1967 年第 72 號)制定日期，該名子女正在根據本條例獲支付一筆撫恤金或其中份額，在此情況下則該名子女須繼續獲支付該筆撫恤金或該份額；

(b) 而領養是在該名人員去世後作出的，如該名子女正在根據本條例獲支付一筆撫恤金或其中份額，則該名子女須繼續獲支付該筆撫恤金或該份額。(由 1967 年第 72 號第 2 條增補)

## 2A. 薪金

(1) 在符合第 (4) 款的規定下以及除另有規定外，為施行本條例，任何人員的薪金均須按照本條條文釐定。(由 1987 年第 36 號第 39 條修訂)

(2) 就以下服務而言——

(a) 1959 年 7 月 1 日前的服務；及

(b) 1959 年 6 月 30 日後的服務，而任何人員是繼續按 1959 年 7 月 1 日前所適用的薪級表就該項服務收取薪金的，

薪金指以下的總和——

\* “1967 年孤寡撫恤金(修訂)(第 2 號)條例”乃“Widows and Orphans Pension (Amendment) (No. 2) Ordinance 1967”之譯名。

Clause 12(d)  
- date

“pensioner”(領取撫恤金者) means any person entitled to a pension under this Ordinance, except where the context implies that the contributor himself is referred to;

“wife”(妻子) means the lawful wife of any officer married to him by a Christian marriage or its civil equivalent, or in the case of Chinese the kit fat or tin fong, or in the case of any other Asiatic nation, the principal wife; and “widow”(遺孀) shall be construed accordingly. (Replaced 33 of 1939 Schedule)

(Amended 50 of 1911; 12 of 1912 Schedule; 5 of 1924 s. 36; 2 of 1931 s. 5; 33 of 1939 Schedule)

(2)-(4) (Repealed 3 of 1993 s. 35)

(5) The child of an officer who is or has been adopted by any other person under and in accordance with the provisions of the Adoption Ordinance (Cap. 290) (other than section 5(1)(c) of that Ordinance), or in such other manner as is referred to in section 17 or 20F of that Ordinance,— (Amended 28 of 2004 s. 35)

(a) in the lifetime of the officer, or while a pension is or was then being paid under this Ordinance to the mother of that child, shall be deemed, for the purposes of this Ordinance, to have died at the date of the adoption unless, at the date of enactment of the Widows and Orphans Pension (Amendment) (No. 2) Ordinance 1967 (72 of 1967), such child was being paid a pension or a share of a pension under this Ordinance, in which case such child shall continue to be paid such pension or such share;

(b) after the death of the officer shall, if he is being paid a pension or a share of a pension under this Ordinance, continue to be paid such pension or such share. (Added 72 of 1967 s. 2)

## ✓ 2A. Salary

(1) Subject to subsection (4) and save as otherwise provided, the salary of an officer shall be determined for the purposes of this Ordinance in accordance with the provisions of this section. (Amended 36 of 1987 s. 39)

(2) Salary—

(a) in respect of service prior to the 1st day of July 1959; and

(b) in respect of service after the 30th day of June 1959 for which an officer continued to be in receipt of a salary on a scale applicable prior to the 1st day of July 1959.

means the aggregate of—

1 July 1959

1 July 1959

30 June 1959

- (v) 任何人不不論是親自或是透過代理人或代表並未經事先預定或通知而到臨。 (由 1998 年第 39 號第 2 條增補)

[比照 1956 c. 62 s. 1(3) U.K.]

### 3. 旅店及旅店主人

(1) 本條例意指的酒店須當作為旅店，而任何其他場所均不得當作為旅店；在緊接本條例生效日期前，依法加於旅店主人身上作為旅店主人的職責、法律責任和權利，除本條例條文另有規定外，須加於本條例意指的酒店東主身上，而不得加於其他人身上。

(2) 酒店東主對帶進其酒店的財物所受的損毀作為旅店主人向其任何客人所須負的法律責任(如有的話)，與假使該財物損失時，他須負的補償責任相同。

[比照 1956 c. 62 s. 1(1) & (2) U.K.]

### 4. 作為旅店主人的法律責任及權利的修改

(1) 在不影響酒店東主就帶進其酒店的財物所承擔的其他法律責任的原則下，酒店東主無須作為旅店主人而就該等財物的損失或損毀向任何人作出補償，但下列情況除外——

- (a) 在財物遭受損失或損毀時，該酒店已保留住宿地方給該人；及
- (b) 在某段期間內，該人是該酒店的客人，並有權使用已如此保留的住宿地方，而損失或損毀事件的發生時間，是介乎緊接該段期間之前的午夜與緊接該段期間之後的午夜之間。 (由 1998 年第 39 號第 3 條修訂)

(2) 在不影響酒店東主的其他法律責任、不影響第 5 條條文、亦不影響酒店東主就第 5 條所享有的其他權利的原則下，酒店東主無須作為旅店主人而就任何車輛或任何留在車輛內的財物的損失或損毀向其客人作出補償，對該等車輛或財物亦無留置權。

(3) 凡酒店東主作為旅店主人有法律責任就帶進其酒店的財物的損失或損毀作出補償時，他對任何一名客人的法律責任，以每件物件計，不得超過款額 \$1,000，以總數計，不得超過款額 \$2,000，但下列情況除外——

- amount of money

- (v) any person presenting himself, whether in person or through an agent or a representative, without prior booking or notice. (Added 39 of 1998 s. 2)

[cf. 1956 c. 62 s. 1(3) U.K.]

### 3. Inns and innkeepers

(1) An hotel within the meaning of this Ordinance shall, and any other establishment shall not, be deemed to be an inn; and the duties, liabilities and rights which immediately before the commencement of this Ordinance by law attached to an innkeeper as such shall, subject to the provisions of this Ordinance, attach to the proprietor of such an hotel and shall not attach to any other person.

(2) The proprietor of an hotel shall, as an innkeeper, be under the like liability, if any, to make good to any guest of his any damage to property brought to the hotel as he would be under to make good the loss thereof.

[cf. 1956 c. 62 s. 1(1) & (2) U.K.]

### 4. Modifications of liabilities and rights of innkeepers as such

(1) Without prejudice to any other liability incurred by him with respect to any property brought to the hotel, the proprietor of an hotel shall not be liable as an innkeeper to make good to any person any loss of or damage to such property except where—

- (a) at the time of the loss or damage sleeping accommodation at the hotel had been engaged for the person; and
- (b) the loss or damage occurred during the period commencing with the midnight immediately preceding, and ending with the midnight immediately following, a period for which the person was a guest at the hotel and entitled to use the accommodation so engaged. (Amended 39 of 1998 s. 3)

(2) Without prejudice to any other liability of his or to the provisions of section 5 or other right of his with respect thereto, the proprietor of an hotel shall not as an innkeeper be liable to make good to any guest of his any loss of or damage to, or have any lien on, any vehicle or any property left therein.

(3) Where the proprietor of an hotel is liable as an innkeeper to make good the loss of or any damage to property brought to the hotel, his liability to any one guest shall not exceed the sum of one thousand dollars in respect of any one article, or the sum of two thousand dollars in the aggregate, except where—

## 5. 轉讓或以其他方式處置權利及義務

(1) 除非事先取得行政長官會同行政會議的同意並按照該項同意的條款行事，否則吊車公司不得轉讓、再批出、分包或以按揭、押記、容許留置權產生或其他方式處置該公司在工程項目協議或本條例下的權利或義務，亦不得為該等處置訂立任何協議。

(2) 行政長官會同行政會議不得不合理地拒絕給予第(1)款所規定的同意，而行政長官會同行政會議如信納——

- (a) 有關處置對為遵從根據第 25 條送達的補救失責行為通知的目的而實施任何安排屬必要或可取；
- (b) 該等安排足以達致該目的；及
- (c) 有關權利或義務將在符合第(4)(a)款的情況下被處置而轉予某人，而該等權利或義務可恰當地歸屬或轉移予該人，

則不得拒絕給予第(1)款所規定的同意。

(3) 如行政長官會同行政會議根據第(1)款同意將權利或義務處置而轉予某人，則局長須在切實可行的範圍內盡快在憲報刊登公告，公布擬議處置的日期、性質以及該人的姓名或名稱及地址。

(4) 如依據第(1)款作出的處置相當於轉讓專營權，則——

- (a) 該處置必須向某法人團體作出；而
- (b) 《防止賄賂條例》(第 201 章)附表 1 即當作已予修訂以——
  - (i) 刪除處置其權利和義務的吊車公司(它是香港鐵路有限公司則除外)；及 (由 2007 年第 11 號第 36 條修訂)
  - (ii) 納入獲轉讓專營權的該法人團體。

## 第 3 部

## 土地的使用及佔用

## 6. 佔用吊車系統區的權利

在專營期內，吊車公司具有按照工程項目協議的條款及條件並在該協議為政府而豁除和保留的任何權利的規限下佔用吊車系統區的權利。

## 5. Assignment or other disposal of rights and obligations

(1) The Company shall not assign, subgrant, underlet, mortgage, charge, allow a lien to arise on or otherwise dispose of any of its rights or obligations under the Project Agreement or this Ordinance, or enter into any agreement for such disposal, except with the prior consent of the Chief Executive in Council and in accordance with the terms of such consent.

(2) The consent required under subsection (1) shall not be unreasonably withheld and shall not be withheld if the Chief Executive in Council is satisfied—

- (a) that such disposal is necessary or desirable to give effect to any arrangements for the purpose of complying with a notice to remedy a default served under section 25;
- (b) that the arrangements are adequate for that purpose; and
- (c) that the person to whom the rights or obligations are to be disposed is a person in whom such rights or obligations may properly be vested or to whom such rights or obligations may properly be transferred, consistently with subsection (4)(a).

(3) If the Chief Executive in Council consents to a disposal of rights or obligations under subsection (1), the Secretary shall, as soon as practicable, publish a notice in the Gazette of the date of the intended disposal, the nature of the disposal, and the name and address of the person to whom the rights or obligations will be disposed.

(4) If the disposal pursuant to subsection (1) amounts to an assignment of the franchise—

- (a) it must be to a body corporate; and
- (b) Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is deemed to be amended—
  - (i) to remove the Company which is disposing of its rights and obligations (unless it is the MTR Corporation Limited); and
  - (ii) to include the body corporate to which the franchise is assigned.

## PART 3

## USE AND OCCUPATION OF LAND

## 6. Right to occupy Cable Car System area

The Company shall have the right during the franchise period to occupy the Cable Car System area, in accordance with the terms and conditions of the Project Agreement and subject to any rights excepted and reserved to the Government by that Agreement.

- (a) 在解除責任日期前發生，根據第 (3) 或 (4) 款發出的通知須送達第 25(5)(a) 條所指明的各人；
- (b) 在解除責任日期當日或之後發生，根據第 (3) 或 (4) 款發出的通知須送達第 25(5)(b) 條所指明的各人。
- (6) 根據第 (3) 款發出的通知須指明該通知是就該款 (a) 段抑或 (b) 段而發出，並且——
  - (a) 就第 (3) 款 (a) 段發出的通知須指明有關失責行為的性質；
  - (b) 就第 (3) 款 (b) 段發出的通知須載有第 25(2) 條提述的補救失責行為通知的詳情以及局長根據第 (1) 款作出的報告的摘要。
- (7) 根據第 (4) 款發出的通知須指明有關失責行為的性質。
- (8) 如有通知根據第 (3) 或 (4) 款向任何人發出，則該人或任何屬吊車公司股東或出資人的其他人均可在該通知發出後的 28 日內或在行政長官會同行政會議所容許的較長限期內，向行政長官會同行政會議作出書面陳述，以提出不應根據第 27 條作出命令的理由。

## 27. 撤銷專營權的命令

- (1) 行政長官會同行政會議如信納——
  - (a) 第 26 條所訂明的程序已獲依循；
  - (b) 並沒有充分理由提出支持何以不應根據本條作出命令；及
  - (c) 撤銷專營權屬公正合理，
 則可在不抵觸第 (3) 款的規定下，藉命令撤銷專營權。
- (2) 行政長官會同行政會議在根據第 (1) 款行使權力時，須考慮——
  - (a) 有關失責行為在甚麼程度上是因吊車公司不能控制的情況所造成；
  - (b) 根據第 26(8) 條作出的任何陳述。
- (3) 如有仲裁程序就某事宜展開，而擬作出的撤銷關乎該事宜，則行政長官會同行政會議不得根據第 (1) 款作出命令，直至有關仲裁程序的裁定或 (如適當的話) 被放棄為止。
- (4) 根據第 (1) 款作出的命令——
  - (a) 在有保證協議且失責行為於解除責任日期前發生的情況下，須送達吊車公司及保證人；
  - (b) 在其他情況下，須送達吊車公司。

- (a) in the case of a default arising before the discharge date, on the persons specified in section 25(5)(a);
- (b) in the case of a default arising on or after the discharge date, on the persons specified in section 25(5)(b).
- (6) A notice issued under subsection (3) shall specify whether it is issued in relation to paragraph (a) or (b) of that subsection and—
  - (a) if issued in relation to that paragraph (a), shall specify the nature of the default;
  - (b) if issued in relation to that paragraph (b), shall give particulars of the notice to remedy a default referred to in section 25(2) and brief particulars of the report of the Secretary under subsection (1).
- (7) A notice issued under subsection (4) shall specify the nature of the default.
- (8) If a notice is issued under subsection (3) or (4), any person to whom it is issued, or any other person who is a shareholder of the Company or a financier may, within 28 days after the issue of the notice, or within any further period the Chief Executive in Council allows, make written representations to the Chief Executive in Council to show cause why an order should not be made under section 27.

## 27. Order of revocation

- (1) If satisfied—
  - (a) that the procedure prescribed by section 26 has been followed;
  - (b) that sufficient cause has not been shown why an order under this section should not be made; and
  - (c) that it is just and reasonable to do so,
 the Chief Executive in Council may, subject to subsection (3), by order revoke the franchise.
- (2) In exercising the power under subsection (1), the Chief Executive in Council shall take into consideration—
  - (a) the extent to which the default was or is occasioned by circumstances beyond the control of the Company;
  - (b) any representations made under section 26(8).
- (3) If the proposed revocation relates to a matter in respect of which arbitration proceedings have commenced, the Chief Executive in Council shall not make an order under subsection (1) until the determination or, where appropriate, the abandonment of the arbitration proceedings.
- (4) An order made under subsection (1) shall be served—
  - (a) if there is a guarantee agreement and the default arises prior to the discharge date, on the Company and the guarantors;
  - (b) in any other case, on the Company.

(5) 根據第(1)款作出的命令須在其作出後的切實可行範圍內盡快在憲報刊登，並在該命令所指明的日期起實施。

(6) 《釋義及通則條例》(第1章)第34條不適用於根據第(1)款作出的命令。

(7) 如專營權根據第(1)款被撤銷，則行政長官會同行政會議可藉命令，為施行本條例而按行政長官會同行政會議認為合適並符合本條例規定的條款及條件，指定另一法人團體為吊車公司，而在該命令於憲報刊登時，專營權即歸屬該法人團體。

(8) 在有命令根據第(7)款刊登時，《防止賄賂條例》(第201章)附表1即當作已予修訂以——

- (a) 刪除已被撤銷專營權的吊車公司(它是香港鐵路有限公司則除外)；及  
(由2007年第11號第36條修訂)
- (b) 納入根據第(7)款指定的法人團體。

## 28. 專營權的終止

(1) 除為實施第29及30條所需要的範圍內，吊車公司在本條例下的專營權及所有權利及義務均在下列事件中的最先者發生時終止——

- (a) 吊車公司開展自動清盤；
- (b) 就吊車公司作出清盤令；
- (c) 專營權根據第27條被撤銷；或
- (d) 專營期屆滿。

(2) 當專營權終止時，第32條提述的吊車公司資產連同第10(1)及11條設定的地役權以及第6、7、8及14條賦予的各項權利，即歸屬政府，但在有法人團體在第27(7)條下獲指定為吊車公司時，上述資產、地役權及權利即在沒有進一步命令的情況下歸屬該法人團體。

## 29. 專營權終止的後果

(1) 當專營權終止時，吊車公司仍——

- (a) 有法律責任進行局長認為有合理需要進行的並與局長按照第(3)款發出的書面通知有關的資產修理；
- (b) 有法律責任就根據第16條須繳付的專營權費以及根據工程項目協議須支付予政府的其他任何款項，與政府結清帳目；

(5) An order made under subsection (1) shall be published in the Gazette as soon as practicable after being made but shall take effect on the date specified in the order.

(6) Section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) does not apply to an order made under subsection (1).

(7) If the franchise is revoked under subsection (1), the Chief Executive in Council may by order designate another body corporate as the Company for the purposes of this Ordinance, on such terms and conditions, consistent with this Ordinance, as the Chief Executive in Council thinks fit, and upon the publication of that order in the Gazette the franchise vests in that body corporate.

(8) Upon the publication of an order under subsection (7), Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is deemed to be amended—

- (a) to remove the Company whose franchise has been revoked (unless it is the MTR Corporation Limited); and
- (b) to include the body corporate designated under subsection (7).

## 28. Termination of franchise

(1) Except to the extent necessary to give effect to sections 29 and 30, the franchise and all rights and obligations of the Company under this Ordinance terminate on—

- (a) the commencement of the voluntary winding up of the Company;
- (b) the making of a winding-up order in respect of the Company;
- (c) the revocation of the franchise under section 27; or
- (d) the expiry of the franchise period,

whichever first occurs.

(2) Upon the termination of the franchise, the assets of the Company referred to in section 32, together with the easements created by sections 10(1) and 11 and the rights conferred by sections 6, 7, 8 and 14, vest in the Government, but upon the designation of a body corporate as the Company under section 27(7), they vest in that body corporate without further order.

## 29. Consequences of termination

(1) Upon the termination of the franchise, the Company remains liable for—

- (a) effecting any repairs to the assets which the Secretary considers are reasonably required and of which the Secretary has given written notice to the Company in accordance with subsection (3);
- (b) settling accounts with the Government in respect of royalty payable under section 16 and any other sums payable to the Government under the Project Agreement;



(3) 法庭審理根據第(2)款提出的申請時，須考慮一切有關情況，包括該命令作出後申請人情況的任何改變，以及將該命令更改或取消是否符合公眾利益。

(4) 根據第(2)款提出申請的人，須在該申請聆訊之前不少於 7 天，將其意圖以書面通知律政司司長，而律政司司長有權在有關申請的任何聆訊中出庭及陳詞。  
(由 1997 年第 362 號法律公告修訂)

(5) 受法庭根據第(1)款所作命令限制的人如違反該命令，即屬犯罪，可處罰款 \$50,000 及監禁 12 個月。

(由 1980 年第 28 號第 16 條增補)

#### 34. 若干條文的適用範圍擴及已廢除條例所訂罪行

(1) 第 III 部所載條文對懷疑或指稱犯了已廢除的《防止貪污條例》\*(第 215 章，1964 年版)所訂罪行及其有關情況適用，一如對懷疑或指稱犯了本條例所訂罪行及其有關情況適用。

(2) 第 27、29 及 30 條提述本條例之處，當作包括提述已廢除的《防止貪污條例》\*(第 215 章，1964 年版)。

#### 35. 附表的修訂

行政長官會同行政會議可藉憲報刊登的命令修訂各附表。

(由 1999 年第 20 號第 5 條修訂；由 2003 年第 1 號第 3 條修訂)

附表 1

[第 2(1) 及 35 條]

公共機構

(由 1999 年第 20 號第 6 條修訂)

1. 香港國際電訊有限公司。(由 1999 年第 20 號第 6 條代替)
2. 中華電力有限公司。

\* “《防止貪污條例》”乃 “Prevention of Corruption Ordinance” 之譯名。

(3) On an application under subsection (2) the court shall consider all the circumstances including any changes in the applicant's circumstances since the making of the order and whether it would be in the public interest for the order to be varied or cancelled.

(4) Not less than 7 days before the hearing of an application under subsection (2) the person applying shall give written notice to the Secretary for Justice of his intentions and on any hearing of an application the Secretary for Justice shall have the right to appear and be heard. (Amended L.N. 362 of 1997)

(5) Any person in respect of whom an order under subsection (1) has been made who contravenes the order commits an offence and is liable to a fine of \$50,000 and to imprisonment for 12 months.

(Added 28 of 1980 s. 16)

#### 34. Extension of certain provisions in relation to offences under repealed Ordinance

(1) The provisions contained in Part III shall apply to and in respect of offences suspected or alleged to have been committed under the repealed Prevention of Corruption Ordinance (Cap. 215, 1964 Ed.) as they apply to and in respect of offences suspected or alleged to have been committed under this Ordinance.

(2) The references in sections 27, 29 and 30 to this Ordinance shall be deemed to include a reference to the repealed Prevention of Corruption Ordinance (Cap. 215, 1964 Ed.).

#### 35. Amendment of Schedules

The Chief Executive in Council may by order published in the Gazette amend the Schedules.

(Amended 20 of 1999 s. 5; 1 of 2003 s. 3)

SCHEDULE 1

[ss. 2(1) & 35]

PUBLIC BODIES

(Amended 20 of 1999 s. 6)

1. Hong Kong Telecom International Limited. (Replaced 20 of 1999 s. 6)
2. China Light and Power Company Limited.

3. (由 1999 年第 20 號第 6 條廢除)
4. 香港中文大學。
5. 香港藝術發展局。(由 1995 年第 26 號第 19 條增補)
6. (由 1999 年第 198 號法律公告廢除)
7. 魚類統營處。
8. 香港中華煤氣有限公司。
9. 香港油蔴地小輪船有限公司。
10. 香港空運貨站有限公司。
11. 香港建屋貸款有限公司。
12. 香港商業廣播有限公司。
13. 香港電燈有限公司。
14. 香港出口信用保險局。
15. 香港房屋委員會。
16. 香港房屋協會。
17. (由 1987 年第 50 號第 13 條廢除)
18. 香港理工大學。(由 1994 年第 94 號第 23 條代替)
19. 香港生產力促進局。
20. 香港平民屋宇有限公司。
21. 香港電話有限公司。
22. 香港旅遊發展局。(由 2001 年第 3 號第 45 條代替)
23. 香港貿易發展局。
24. 香港電車有限公司。
25. 九龍汽車(1933)有限公司。
26. (由 1990 年第 249 號法律公告廢除)
27. 海洋公園公司。(由 1987 年第 35 號第 40 條修訂)
28. 山頂纜車有限公司。
29. 亞洲電視有限公司。(由 1983 年第 31 號法律公告代替)
30. 香港賽馬會。(由 1999 年第 20 號第 6 條修訂)
31. 香港賽馬會(慈善)有限公司。(由 1994 年第 512 號法律公告代替)
32. 天星小輪有限公司。

3. (Repealed 20 of 1999 s. 6)
4. The Chinese University of Hong Kong. (Replaced 20 of 1999 s. 6)
5. Hong Kong Arts Development Council. (Added 26 of 1995 s. 19)
6. (Repealed L.N. 198 of 1999)
7. Fish Marketing Organization.
8. Hong Kong and China Gas Company Limited.
9. Hong Kong and Yaumati Ferry Company Limited.
10. Hong Kong Air Cargo Terminals Limited.
11. Hong Kong Building and Loan Agency.
12. Hong Kong Commercial Broadcasting Company Limited.
13. Hong Kong Electric Company Limited.
14. Hong Kong Export Credit Insurance Corporation.
15. Hong Kong Housing Authority.
16. Hong Kong Housing Society.
17. (Repealed 50 of 1987 s. 13)
18. The Hong Kong Polytechnic University. (Replaced 94 of 1994 s. 23)
19. Hong Kong Productivity Council.
20. Hong Kong Settlers Housing Corporation Limited.
21. Hong Kong Telephone Company Limited.
22. Hong Kong Tourism Board. (Replaced 3 of 2001 s. 45)
23. Hong Kong Trade Development Council.
24. Hong Kong Tramways Limited.
25. Kowloon Motor Bus Company (1933) Limited.
26. (Repealed L.N. 249 of 1990)
27. Ocean Park Corporation. (Amended 35 of 1987 s. 40)
28. Peak Tramways Company Limited.
29. Asia Television Limited. (Replaced L.N. 31 of 1983)
30. Hong Kong Jockey Club. (Amended 20 of 1999 s. 6)
31. The Hong Kong Jockey Club (Charities) Limited. (Replaced L.N. 512 of 1994)
32. “Star” Ferry Company Limited.

## 第 597 章

Looseleaf Copy

## CHAPTER 597

## 內地判決 (交互強制執行) 條例

## MAINLAND JUDGMENTS (RECIPROCAL ENFORCEMENT)

本條例旨在施行由中華人民共和國最高人民法院與香港特別行政區政府訂立、並經不時修訂的《關於內地與香港特別行政區法院相互認可和執行當事人管轄的民商事案件判決的安排》，並為該目的訂定條文，使內地在民事或商業事宜中作出的判決可以在香港強制執行，及利便香港在民事或商業事宜中作出的判決在內地強制執行；以及為相關事宜訂定條文。

An Ordinance to give effect to the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region pursuant to Choice of Court Agreements between Parties Concerned made between the Supreme People's Court of the People's Republic of China and the Government of the Hong Kong Special Administrative Region (as amended from time to time), and for that purpose to make provisions for the enforcement in Hong Kong of judgments in civil or commercial matters that are given in the Mainland and for facilitating the enforcement in the Mainland of judgments in civil or commercial matters that are given in Hong Kong; and to provide for matters connected therewith.

[2008 年 8 月 1 日] 2008 年第 195 號法律公告

[1 August 2008] L.N. 195 of 2008

## 第 1 部

## PART I

## 導言

## PRELIMINARY

## 1. 簡稱及生效日期

## 1. Short title and commencement

- (1) 本條例可引稱為《內地判決 (交互強制執行) 條例》。  
(2) (已失時效而略去)

- (1) This Ordinance may be cited as the Mainland Judgments (Reciprocal Enforcement) Ordinance.

(2) (Omitted as spent) ← The Ordinance was commenced by L.N. 195 of 2008.

## 2. 釋義

## 2. Interpretation

在本條例中，除文意另有所指外——  
“已登記判決” (registered judgment) 指已根據第 5(2) 條登記的內地判決；  
“內地” (Mainland) 指中國的任何部分，但不包括香港、澳門及台灣；

In this Ordinance, unless the context otherwise requires—  
“choice of Hong Kong court agreement” (選用香港法院協議) has the meaning assigned to it by section 3(1);

香港特別行政區

2008 年第 9 號條例

印章位置

行政長官  
曾蔭權  
2008 年 4 月 30 日

本條例旨在施行由中華人民共和國最高人民法院與香港特別行政區政府訂立、並經不時修訂的《關於內地與香港特別行政區法院相互認可和執行當事人管轄的民商事案件判決的安排》，並為該目的訂定條文，使內地在民事或商業事宜中作出的判決可以在香港強制執行，及利便香港在民事或商業事宜中作出的判決在內地強制執行；以及為相關事宜訂定條文。

由立法會制定。

## 第 1 部

## 導言

## 1. 簡稱及生效日期

- (1) 本條例可引稱為《內地判決(交互強制執行)條例》。
- (2) 本條例自律政司司長以憲報公告指定的日期起實施。

## 2. 釋義

在本條例中，除文意另有所指外——

*Gazette Copy*

## HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 9 OF 2008

L.S.

Donald TSANG  
Chief Executive  
30 April 2008

An Ordinance to give effect to the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region pursuant to Choice of Court Agreements between Parties Concerned made between the Supreme People's Court of the People's Republic of China and the Government of the Hong Kong Special Administrative Region (as amended from time to time), and for that purpose to make provisions for the enforcement in Hong Kong of judgments in civil or commercial matters that are given in the Mainland and for facilitating the enforcement in the Mainland of judgments in civil or commercial matters that are given in Hong Kong; and to provide for matters connected therewith.

Enacted by the Legislative Council.

## PART 1

## PRELIMINARY

## 1. Short title and commencement

(1) This Ordinance may be cited as the Mainland Judgments (Reciprocal Enforcement) Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.

## 2. Interpretation

In this Ordinance, unless the context otherwise requires—  
*The Ordinance was  
Commenced by  
L.N. 195 of 2008  
and thus was  
omitted as spent  
in the looseleaf*

*Enacting provision was  
omitted in the looseleaf*

2008 年第 195 號法律公告

《〈內地判決(交互強制執行)條例〉(生效日期)公告》

現根據《內地判決(交互強制執行)條例》(2008 年第 9 號)第 1(2) 條，指定 2008 年 8 月 1 日為該條例開始實施的日期。

2008 年 6 月 30 日

律政司司長  
黃仁龍

L.N. 195 of 2008

MAINLAND JUDGMENTS (RECIPROCAL  
ENFORCEMENT) ORDINANCE  
(COMMENCEMENT) NOTICE

Under section 1(2) of the Mainland Judgments (Reciprocal Enforcement) Ordinance (9 of 2008), I appoint 1 August 2008 as the day on which the Ordinance shall come into operation.

30 June 2008

WONG Yan Lung  
Secretary for Justice

(2) 第 (1) 款就《1999 年道路及隧道法例 (雜項修訂) 條例》(1999 年第 29 號) 附表 3 第 6 條生效日期之前訂立的協議而適用，一如該款就該生效日期當日或其後訂立的協議而適用，但本條不得解釋為適用於第 (1) 款所指的財政司司長批准的日期之前為政府而籌集或收受的款項。

(由 1999 年第 29 號第 2 條增補)

## 附表

## [第 3 條]

香港仔隧道

城門隧道

\* 海底隧道 (由 1999 年第 44 號第 31 條增補)

將軍澳隧道

獅子山隧道

啟德隧道

(由 1989 年第 421 號法律公告代替。由 1990 年第 314 號法律公告修訂；  
由 2006 第 34 號法律公告修訂)

*Rearrange the items  
in alphabetical order  
to facilitate searching*

## \* 附註：

1. 《1999 年收入條例》(1999 年第 44 號) 第 31 條在本附表中加入海底隧道；與此同時，該條例第 45 及 46 條則廢除《海底隧道條例》(第 203 章)、《海底隧道 (使用稅) 條例》(第 274 章) 及其所有附屬法例。
2. 《1999 年收入條例》(1999 年第 44 號) 第 47 條作如下規定：

## “47. 就相應修訂等訂立規例的權力

運輸局局長可訂立規例，藉以就任何隨着第 45 及 46 條所指的廢除以致是需要或合宜的相應修訂 (不論該等相應修訂是就任何條例的條文或就任何附屬法例的條文作出) 以及保留和過渡性安排，訂定條文。”

3. 根據《1999 年收入條例》(1999 年第 44 號) 第 47 條訂立的《廢除〈海底隧道條例〉及〈海底隧道 (使用稅) 條例〉(保留條文、過渡性條文及相應條文) 規例》(1999 年第 198 號法律公告) 載有以下保留和過渡性條文：

## “2. 保留條文

(1) 在緊接 1999 年 9 月 1 日前根據任何已廢除條例仍有待支付或退還 (視屬何情況而定) 的所有專營權費款項、隧道費、費用、使用稅款項或賠償均繼續須予支付或退還 (視屬何情況而定)，猶如該條例未被廢除一樣。

(2) 所有就——

- (a) 第 (1) 款所述的任何專營權費款項、隧道費、費用、使用稅款項及賠償；及
- (b) 有關罪行，

(2) Subsection (1) applies in relation to an agreement entered into before the commencement of section 6 of Schedule 3 to the Roads and Tunnels Legislation (Miscellaneous Amendments) Ordinance 1999 (29 of 1999) as it applies in relation to an agreement entered into on or after that commencement, but nothing in this section shall be construed as applying to any moneys raised or received for the purposes of the Government before the date of the approval of the Financial Secretary under subsection (1).

(Added 29 of 1999 s. 2)

## SCHEDULE

## [s. 3]

Aberdeen Tunnel.

Kai Tak Tunnel.

\* Cross-Harbour Tunnel. (Added 44 of 1999 s. 31)

Lion Rock Tunnel.

Shing Mun Tunnels.

Tseung Kwan O Tunnel.

(Replaced L.N. 421 of 1989. Amended L.N. 314 of 1990; L.N. 34 of 2006)

## \* Notes:

1. Section 31 of the Revenue Ordinance 1999 (44 of 1999) added the Cross-Harbour Tunnel into this Schedule, while sections 45 and 46 of that Ordinance repealed the Cross-Harbour Tunnel Ordinance (Cap. 203), the Cross-Harbour Tunnel (Passage Tax) Ordinance (Cap. 274) and all their subsidiary legislation.
2. Section 47 of the Revenue Ordinance 1999 (44 of 1999) provides as follows:

## “47. Power to make regulation for consequential amendments, etc.

The Secretary for Transport may by regulation provide for such consequential amendments (whether made to the provisions of any Ordinance or to the provisions of any subsidiary legislation), and such savings and transitional arrangements, as are required or expedient consequent on the repeal under sections 45 and 46.”

3. The Repeal of Cross-Harbour Tunnel Ordinance and Cross-Harbour Tunnel (Passage Tax) Ordinance (Savings, Transitional and Consequential Provisions) Regulation (L.N. 198 of 1999), which was made under section 47 of the Revenue Ordinance 1999 (44 of 1999), contains the following saving and transitional provisions:

## “2. Saving

(1) All royalty payments, tolls, fees, passage tax payments or compensation that remain to be payable or refundable (as the case may be) under either or both of the repealed Ordinances immediately before 1 September 1999 shall continue to be payable or refundable (as the case may be) as if the repealed Ordinances had not been repealed.

(2) All investigations, legal proceedings or remedies in respect of—

- (a) any royalty payments, tolls, fees, passage tax payments and compensation mentioned in subsection (1); and
- (b) a relevant offence,

6

Clause 12 (1a)

Chapter:	134	Title:	DANGEROUS DRUGS ORDINANCE	Gazette Number:	L.N. 37 of 2007
Schedule:	2	Heading:	<b>PRESCRIBED HOSPITALS AND INSTITUTIONS, OTHER THAN HOSPITALS MAINTAINED BY THE GOVERNMENT</b>	Version Date:	04/05/2007

**Caution :** This is a past version. See the current version for the latest position.

[sections 2, 50 & 52]  
(Amended L.N. 59 of 1999)

1. Alice Ho Miu Ling Nethersole Hospital
2. Canossa Hospital
3. Caritas Medical Centre
4. Castle Peak Hospital
5. Cheshire Home, Chung Hom Kok
6. Cheshire Home, Shatin
7. David Trench Rehabilitation Centre
8. The Duchess of Kent Children's Hospital at Sandy Bay (Replaced L.N. 249 of 1999)
9. East Kowloon Polyclinic
10. Evangel Hospital
11. Fanling Hospital
12. Grantham Hospital
13. Haven of Hope Hospital
14. Home of Loving Faithfulness Fellowship
15. Hong Kong Adventist Hospital
16. Hong Kong Baptist Hospital
17. Hong Kong Buddhist Hospital
18. Hong Kong Central Hospital
19. Hong Kong Red Cross Blood Transfusion Service
20. Hong Kong Sanatorium and Hospital
21. Kowloon Hospital
22. Kwai Chung Hospital
23. Kwong Wah Hospital
24. (Repealed L.N. 190 of 2005)
25. Li Ka Shing Specialist Clinic
26. Lock Tao Nursing Home
27. (Repealed L.N. 79 of 2004)
28. MacLehose Medical Rehabilitation Centre
29. (Repealed L.N. 359 of 2000)
30. Matilda and War Memorial Hospital
31. (Repealed L.N. 190 of 2005)
32. Our Lady of Maryknoll Hospital
33. (Repealed L.N. 59 of 1999)
34. Pok Oi Hospital
35. Precious Blood Hospital
36. Prince of Wales Hospital
37. Prince Philip Dental Hospital

章：	134	標題：	危險藥物條例	憲報編號：	L.N. 37 of 2007
附表：	2	條文標題：	非政府辦的訂明醫院及院所	版本日期：	04/05/2007

注意：這是過去版本，最新情況見現行版本。

[第2、50及52條]  
(由1999年第59號法律公告修訂)

1. 雅麗氏何妙齡那打素醫院
2. 嘉諾撒醫院
3. 明愛醫院
4. 青山醫院
5. 春磡角慈氏護養院 (由1999年第59號法律公告修訂)
6. 沙田慈氏護養院 (由1999年第59號法律公告修訂)
7. 戴麟趾康復中心
8. 大口環根德公爵夫人兒童醫院 (由1999年第249號法律公告代替)
9. 東九龍分科診療所
10. 播道醫院
11. 粉嶺醫院
12. 葛量洪醫院
13. 靈實醫院
14. 可愛忠實的家
15. 港安醫院
16. 香港浸信會醫院
17. 香港佛教醫院
18. 港中醫院



## 2010 年第 64 號法律公告

## 《2010 年危險藥物條例 (修訂附表 2) 令》

(由保安局局長根據《危險藥物條例》  
(第 134 章) 第 50(2) 條作出)

## 1. 生效日期

本命令自 2010 年 7 月 17 日起實施。

## 2. 非政府辦的訂明醫院及院所

《危險藥物條例》(第 134 章) 附表 2 現予修訂，廢除在標題之後的所有字句而代以——

“九龍醫院 (Kowloon Hospital)  
大口環根德公爵夫人兒童醫院 (The Duchess of Kent Children's Hospital at Sandy Bay)  
大埔醫院 (Tai Po Hospital)  
上水區貴雅修女紀念婦女康復中心 (Sheung Shui Sister Aquinas Memorial Women's Treatment Centre)  
小欖醫院 (Siu Lam Hospital)  
屯門醫院 (Tuen Mun Hospital)  
仁濟醫院 (Yan Chai Hospital)  
仁濟醫院歐陽森紀念安老院暨日間護理中心 (Yan Chai Hospital Au Yeung Sum Memorial Elderly Home cum Day Care Unit)  
仁濟護理院 (Yan Chai Nursing Home)  
北區醫院 (North District Hospital)  
白普理寧養中心 (Bradbury Hospice)  
可愛忠實之家 (Home of Loving Faithfulness)  
石鼓洲康復院 (Shek Kwu Chau Treatment & Rehabilitation Centre)  
凹頭青少年中心 (Au Tau Youth Centre)  
伊利沙伯醫院 (Queen Elizabeth Hospital)  
沙田國際醫務中心仁安醫院 (Shatin International Medical Centre Union Hospital)  
沙田慈氏護養院 (Cheshire Home, Shatin)  
沙田醫院 (Shatin Hospital)

## L.N. 64 of 2010

## DANGEROUS DRUGS ORDINANCE (AMENDMENT OF SECOND SCHEDULE) ORDER 2010

(Made by the Secretary for Security under section 50(2) of the Dangerous Drugs Ordinance (Cap. 134))

## 1. Commencement

This Order comes into operation on 17 July 2010.

## 2. Prescribed hospitals and institutions, other than hospitals maintained by the Government

The Second Schedule to the Dangerous Drugs Ordinance (Cap. 134) is amended by repealing everything after the heading and substituting—

“Alice Ho Miu Ling Nethersole Hospital (雅麗氏何妙齡那打素醫院)  
Alice Ho Miu Ling Nethersole Nursing Home (雅麗氏何妙齡那打素護養院)  
Au Tau Youth Centre (凹頭青少年中心)  
Bradbury Hospice (白普理寧養中心)  
Buddhist Li Chong Yuet Ming Nursing Home for the Elderly (佛教李莊月明護養院)  
Canossa Hospital (Caritas) (嘉諾撒醫院)  
Caritas Medical Centre (明愛醫院)  
Caritas Wong Yiu Nam Centre (明愛黃耀南中心)  
Castle Peak Hospital (青山醫院)  
Cheshire Home, Chung Hom Kok (春磡角慈氏護養院)  
Cheshire Home, Shatin (沙田慈氏護養院)  
Evangel Hospital (播道醫院)  
Evergreen Nursing Home Cum Day Care Centre (松悅園耆欣護養院暨日間護理中心)  
General Eye and Low Vision Centre (普通眼科及低視能中心)  
Grace Nursing Home (Tak Tin) (頌恩護理院 (德田))  
Grantham Hospital (葛量洪醫院)  
Haven of Hope Holistic Care Centre (靈實寧養院)  
Haven of Hope Hospital (靈實醫院)  
Haven of Hope Nursing Home (靈實護養院)  
Haven of Hope Sister Annie Skau Nursing Home (靈實司務道護養院)

佛教李莊月明護養院 (Buddhist Li Chong Yuet Ming Nursing Home for the Elderly)  
 青山醫院 (Castle Peak Hospital)  
 長洲醫院 (St. John Hospital)  
 松悅園耆欣護養院暨日間護理中心 (Evergreen Nursing Home Cum Day Care Centre)  
 東區尤德夫人那打素醫院 (Pamela Youde Nethersole Eastern Hospital)  
 東華三院血液透析中心 (Tung Wah Group of Hospitals Haemodialysis Centre)  
 東華三院香港西區婦女福利會護養安老院 (Tung Wah Group of Hospitals Women's Welfare Club Western District, Hong Kong Residential Care Home for the Elderly)  
 東華三院黃大仙醫院 (Tung Wah Group of Hospitals Wong Tai Sin Hospital)  
 東華三院馮堯敬醫院 (Tung Wah Group of Hospitals Fung Yiu King Hospital)  
 東華東院 (Tung Wah Eastern Hospital)  
 東華醫院 (Tung Wah Hospital)  
 明愛黃耀南中心 (Caritas Wong Yiu Nam Centre)  
 明愛醫院 (Caritas Medical Centre)  
 明德醫院 (Matilda & War Memorial Hospital)  
 保良局天恩護老院暨耆昌長者日間護理中心 (Po Leung Kuk Tin Yan Home for the Elderly cum Green Joy Day Care Centre for the Elderly)  
 保良局癸未年樂頤居 (Po Leung Kuk Eco-Home for the Senior)  
 保良局郭羅桂珍護老院 (Po Leung Kuk Kwok Law Kwai Chun Home for the Elderly)  
 保良局葵涌護老院 (Po Leung Kuk Kwai Chung Home for the Elderly)  
 保良局樂安居 (Po Leung Kuk Comfort Court for the Senior)  
 香港佛教醫院 (Hong Kong Buddhist Hospital)  
 香港防癌會賽馬會癌症康復中心 (The Hong Kong Anti-Cancer Society Jockey Club Cancer Rehabilitation Centre)  
 香港紅十字會輸血服務中心 (Hong Kong Red Cross Blood Transfusion Service)  
 香港洗腎中心有限公司 (Hong Kong Renal Centre Limited)  
 香港浸信會醫院 (Hong Kong Baptist Hospital)  
 香港眼科醫院 (Hong Kong Eye Hospital)  
 香港港安醫院 (Hong Kong Adventist Hospital)  
 香港基督教服務處賽馬會日出山莊 (Hong Kong Christian Service Jockey Club Lodge of Rising Sun)  
 香港腎臟基金會有限公司 (九龍城洗腎中心) (Hong Kong Kidney Foundation Limited (Kowloon City Dialysis Centre))  
 香港腎臟基金會有限公司 (賽馬會洗腎中心) (Hong Kong Kidney Foundation Limited (Jockey Club Dialysis Centre))

Home of Loving Faithfulness (可愛忠實之家)  
 Hong Kong Adventist Hospital (香港港安醫院)  
 Hong Kong Baptist Hospital (香港浸信會醫院)  
 Hong Kong Buddhist Hospital (香港佛教醫院)  
 Hong Kong Central Hospital (港中醫院)  
 Hong Kong Christian Service Jockey Club Lodge of Rising Sun (香港基督教服務處賽馬會日出山莊)  
 Hong Kong Eye Hospital (香港眼科醫院)  
 Hong Kong Kidney Foundation Limited (Jockey Club Dialysis Centre) (香港腎臟基金會有限公司 (賽馬會洗腎中心))  
 Hong Kong Kidney Foundation Limited (Kowloon City Dialysis Centre) (香港腎臟基金會有限公司 (九龍城洗腎中心))  
 Hong Kong Red Cross Blood Transfusion Service (香港紅十字會輸血服務中心)  
 Hong Kong Renal Centre Limited (香港洗腎中心有限公司)  
 Hong Kong Sanatorium & Hospital, Limited (香港養和醫院有限公司)  
 Hong Kong Sheng Kung Hui Nursing Home (香港聖公會護養院)  
 Integrated Dialysis Facilities (HK) Limited (香港綜合腎科中心)  
 Kowloon Hospital (九龍醫院)  
 Kwai Chung Hospital (葵涌醫院)  
 Kwong Wah Hospital (廣華醫院)  
 Lions Kidney Educational Centre and Research Foundation Chan Wong Sau Wah Memorial Renal Dialysis Centre (國際獅子會腎病教育中心及研究基金陳黃秀華紀念洗腎中心)  
 Lions Kidney Educational Centre and Research Foundation Renal Dialysis Centre (國際獅子會腎病教育中心及研究基金洗腎中心)  
 Lock Tao Nursing Home (樂道健康院)  
 MacLehose Medical Rehabilitation Centre (麥理浩復康院)  
 Matilda & War Memorial Hospital (明德醫院)  
 North District Hospital (北區醫院)  
 Oasis Nursing Home (紫雲閣沁怡護養院)  
 Our Lady of Maryknoll Hospital (聖母醫院)  
 Pamela Youde Nethersole Eastern Hospital (東區尤德夫人那打素醫院)  
 Po Leung Kuk Comfort Court for the Senior (保良局樂安居)  
 Po Leung Kuk Eco-Home for the Senior (保良局癸未年樂頤居)  
 Po Leung Kuk Kwai Chung Home for the Elderly (保良局葵涌護老院)  
 Po Leung Kuk Kwok Law Kwai Chun Home for the Elderly (保良局郭羅桂珍護老院)  
 Po Leung Kuk Tin Yan Home for the Elderly cum Green Joy Day Care Centre for the Elderly (保良局天恩護老院暨耆昌長者日間護理中心)  
 Pok Oi Hospital (博愛醫院)

香港聖公會護養院 (Hong Kong Sheng Kung Hui Nursing Home)  
 香港綜合腎科中心 (Integrated Dialysis Facilities (HK) Limited)  
 香港養和醫院有限公司 (Hong Kong Sanatorium & Hospital, Limited)  
 律敦治醫院 (Ruttonjee Hospital)  
 威爾斯親王醫院 (Prince of Wales Hospital)  
 真光護老之家 (True Light Home for the Aged)  
 荃灣港安醫院 (Tsuen Wan Adventist Hospital)  
 將軍澳醫院 (Tseung Kwan O Hospital)  
 麥理浩復康院 (MacLehose Medical Rehabilitation Centre)  
 紫雲間沁怡護養院 (Oasis Nursing Home)  
 基督教聯合那打素護康院 (United Christian Nethersole Care Home)  
 基督教聯合醫院 (United Christian Hospital)  
 國際獅子會腎病教育中心及研究基金洗腎中心 (Lions Kidney Educational Centre and Research Foundation Renal Dialysis Centre)  
 國際獅子會腎病教育中心及研究基金陳黃秀華紀念洗腎中心 (Lions Kidney Educational Centre and Research Foundation Chan Wong Sau Wah Memorial Renal Dialysis Centre)  
 春磡角慈氏護養院 (Cheshire Home, Chung Hom Kok)  
 港中醫院 (Hong Kong Central Hospital)  
 黃竹坑醫院 (Wong Chuk Hang Hospital)  
 雅明灣畔護養院 (Scenic Resort (Nursing Home))  
 雅麗氏何妙齡那打素醫院 (Alice Ho Miu Ling Nethersole Hospital)  
 雅麗氏何妙齡那打素護養院 (Alice Ho Miu Ling Nethersole Nursing Home)  
 普通眼科及低視能中心 (General Eye and Low Vision Centre)  
 復康專科及資源中心 (Rehabaid Centre)  
 博愛醫院 (Pok Oi Hospital)  
 博愛醫院屯門護養院 (Pok Oi Hospital Tuen Mun Nursing Home)  
 菲臘牙科醫院 (The Prince Philip Dental Hospital)  
 聖母醫院 (Our Lady of Maryknoll Hospital)  
 聖保祿醫院 (St. Paul's Hospital)  
 聖德肋撒醫院 (St. Teresa's Hospital)  
 圓玄護養院 (秀茂坪邨) (Yuen Yuen Nursing Home (Sau Mau Ping Estate))  
 圓玄護養院暨長者日間護理中心 (梨木樹邨) (Yuen Yuen Nursing Home cum Day Care Centre for the Elderly (Lei Muk Shue Estate))  
 圓玄護養院暨長者日間護理中心 (順利邨) (Yuen Yuen Nursing Home cum Day Care Centre for the Elderly (Shun Lee Estate))  
 葵涌醫院 (Kwai Chung Hospital)  
 頌恩護理院 (德田) (Grace Nursing Home (Tak Tin))  
 葛量洪醫院 (Grantham Hospital)

Pok Oi Hospital Tuen Mun Nursing Home (博愛醫院屯門護養院)  
 Precious Blood Hospital (Caritas) (寶血醫院 (明愛))  
 Prince of Wales Hospital (威爾斯親王醫院)  
 Princess Margaret Hospital (瑪嘉烈醫院)  
 Queen Elizabeth Hospital (伊利沙伯醫院)  
 Queen Mary Hospital (瑪麗醫院)  
 Rehabaid Centre (復康專科及資源中心)  
 Ruttonjee Hospital (律敦治醫院)  
 Scenic Resort (Nursing Home) (雅明灣畔護養院)  
 Shatin Hospital (沙田醫院)  
 Shatin International Medical Centre Union Hospital (沙田國際醫務中心仁安醫院)  
 Shek Kwu Chau Treatment & Rehabilitation Centre (石鼓洲康復院)  
 Sheung Shui Sister Aquinas Memorial Women's Treatment Centre (上水區貴雅修女紀念婦女康復中心)  
 Siu Lam Hospital (小欖醫院)  
 St. John Hospital (長洲醫院)  
 St. Paul's Hospital (聖保祿醫院)  
 St. Teresa's Hospital (聖德肋撒醫院)  
 Tai Po Hospital (大埔醫院)  
 Tang Shiu Kin Hospital (鄧肇堅醫院)  
 The Duchess of Kent Children's Hospital at Sandy Bay (大口環根德公爵夫人兒童醫院)  
 The Hong Kong Anti-Cancer Society Jockey Club Cancer Rehabilitation Centre (香港防癌會賽馬會癌症康復中心)  
 The Prince Philip Dental Hospital (菲臘牙科醫院)  
 True Light Home for the Aged (真光護老之家)  
 Tsan Yuk Hospital (贊育醫院)  
 Tseung Kwan O Hospital (將軍澳醫院)  
 Tsuen Wan Adventist Hospital (荃灣港安醫院)  
 Tuen Mun Hospital (屯門醫院)  
 Tung Wah Eastern Hospital (東華東院)  
 Tung Wah Group of Hospitals Fung Yiu King Hospital (東華三院馮堯敬醫院)  
 Tung Wah Group of Hospitals Haemodialysis Centre (東華三院血液透析中心)  
 Tung Wah Group of Hospitals Women's Welfare Club Western District, Hong Kong Residential Care Home for the Elderly (東華三院香港西區婦女福利會護養安老院)  
 Tung Wah Group of Hospitals Wong Tai Sin Hospital (東華三院黃大仙醫院)

瑪嘉烈醫院 (Princess Margaret Hospital)  
 瑪麗醫院 (Queen Mary Hospital)  
 嘉諾撒醫院 (Canossa Hospital (Caritas))  
 廣華醫院 (Kwong Wah Hospital)  
 樂道健康院 (Lock Tao Nursing Home)  
 播道醫院 (Evangel Hospital)  
 鄧肇堅醫院 (Tang Shiu Kin Hospital)  
 贊育醫院 (Tsan Yuk Hospital)  
 寶血醫院 (明愛) (Precious Blood Hospital (Caritas))  
 靈實司務道護養院 (Haven of Hope Sister Annie Skau Nursing Home)  
 靈實寧養院 (Haven of Hope Holistic Care Centre)  
 靈實醫院 (Haven of Hope Hospital)  
 靈實護養院 (Haven of Hope Nursing Home)  
 灣仔指導所 (Wanchai Nursing Home)”。

保安局局長  
 李少光

2010年5月12日

### 註 釋

本命令修訂《危險藥物條例》(第134章)附表2,以——

- (a) 在該附表中加入5間院所,即東華三院血液透析中心、保良局葵涌護老院、紫雲間沁怡護養院、基督教聯合那打素護康院及圓玄護養院暨長者日間護理中心(梨木樹邨);及
- (b) 在該附表中刪去1間醫院及2間院所,即粉嶺醫院、成人婦女康復中心及培康中心。

2. 本命令亦藉此機會重新排列該附表中所列的醫院及院所。此外,為免重疊提述,任何院所如屬該附表中所訂明的醫院的一部分,其名稱會被略去。

Tung Wah Hospital (東華醫院)  
 United Christian Hospital (基督教聯合醫院)  
 United Christian Nethersole Care Home (基督教聯合那打素護康院)  
 Wanchai Nursing Home (灣仔指導所)  
 Wong Chuk Hang Hospital (黃竹坑醫院)  
 Yan Chai Hospital (仁濟醫院)  
 Yan Chai Hospital Au Yeung Sum Memorial Elderly Home cum Day Care Unit (仁濟醫院歐陽森紀念安老院暨日間護理中心)  
 Yan Chai Nursing Home (仁濟護養院)  
 Yuen Yuen Nursing Home cum Day Care Centre for the Elderly (Lei Muk Shue Estate) (圓玄護養院暨長者日間護理中心(梨木樹邨))  
 Yuen Yuen Nursing Home cum Day Care Centre for the Elderly (Shun Lee Estate) (圓玄護養院暨長者日間護理中心(順利邨))  
 Yuen Yuen Nursing Home (Sau Mau Ping Estate) (圓玄護養院(秀茂坪邨))”。

Ambrose S. K. LEE  
 Secretary for Security

12 May 2010

### Explanatory Note

This Order amends the Second Schedule to the Dangerous Drugs Ordinance (Cap. 134) by—

- (a) adding 5 institutions, namely, the Oasis Nursing Home, Po Leung Kuk Kwai Chung Home for the Elderly, Tung Wah Group of Hospitals Haemodialysis Centre, United Christian Nethersole Care Home and Yuen Yuen Nursing Home cum Day Care Centre for the Elderly (Lei Muk Shue Estate) to that Schedule; and
- (b) deleting 1 hospital and 2 institutions, namely, the Fanling Hospital, Pui Hong Geriatric Day Centre and Shatin Sister Aquinas Memorial Women's Treatment Centre from that Schedule.

2. The opportunity is also taken to rearrange the sequence of the hospitals and institutions appearing in that Schedule. Moreover, the name of any institution that forms part of a hospital prescribed in that Schedule is omitted to avoid overlapping references.

## 第 13 章

### 未成年人監護條例

本條例旨在綜合及修訂有關未成年人監護的法律。

[1977 年 2 月 17 日]

#### 第 I 部

#### 導言

#### 1. 簡稱

本條例可引稱為《未成年人監護條例》。

#### 2. 釋義

在本條例中，除文意另有所指外——

“父母”(parent)指父親或母親；

“法院”(court)指原訟法庭或區域法院；(由 1998 年第 25 號第 2 條修訂)

“贍養”(maintenance)包括教育在內；(由 2007 年第 20 號第 2 條修訂)

“贍養令”(maintenance order)指——

- (a) 根據第 10(2)(b)、11(1)(b)(ii)、12(b)(ii) 或 13(2)(b)、(3)(a) 或 (4) 條發出的定期付款命令；或
- (b) 根據第 10(2)(c)、11(1)(b)(iii) 或 12(b)(iii) 條發出的有保證定期付款命令；或
- (c) 根據第 10(2)(a)、11(1)(b)(i)、12(b)(i) 或 13(2)(a) 條發出的支付一筆款項的命令。(由 2003 年第 18 號第 2 條增補)

## CHAPTER 13

### GUARDIANSHIP OF MINORS

To consolidate and amend the law relating to the guardianship of minors.

[17 February 1977]

#### PART I

#### PRELIMINARY

→ Part I  
→ Preliminary

#### 1. Short title

This Ordinance may be cited as the Guardianship of Minors Ordinance.

#### 2. Interpretation

In this Ordinance, unless the context otherwise requires—

“court”(法院) means the Court of First Instance or the District Court:  
(Amended 25 of 1998 s. 2)

“maintenance”(贍養) includes education;

“maintenance order”(贍養令) means an order made—

- (a) under section 10(2)(b), 11(1)(b)(ii), 12(b)(ii) or 13(2)(b), (3)(a) or (4) for periodical payments; or
  - (b) under section 10(2)(c), 11(1)(b)(iii) or 12(b)(iii) for secured periodical payments; or
  - (c) under section 10(2)(a), 11(1)(b)(i), 12(b)(i) or 13(2)(a) for payment of a lump sum; (Added 18 of 2003 s. 2)
- “parent”(父母) means father or mother.

Clause 12(j)

- (2) 上述計劃或措施可包括(但不限於)以下各項——
- (a) 推行產品回收計劃，規定製造商、進口商、批發商或零售商回收若干產品，以作妥善的廢物處理；
  - (b) 推行按金退還計劃，規定消費者繳付按金，而該按金須於將若干產品交回指明回收點時退還；
  - (c) 徵收循環再造費用，為對若干產品實行妥善的廢物處理提供資金；
  - (d) 徵收環保徵費，以降低使用若干產品的動機；及
  - (e) 限制於《廢物處置(指定廢物處置設施)規例》(第 354 章，附屬法例 L) 第 2 條所界定的指定廢物處置設施處置若干產品。

- (2) Such schemes or measures may include (but are not limited to) the following—
- (a) a product take-back scheme under which a manufacturer, importer, wholesaler or retailer is required to collect certain products for proper waste management;
  - (b) a deposit-refund scheme under which a consumer is required to pay a deposit to be refunded on the return of certain products to a specified collection point;
  - (c) the imposition of a recycling fee to finance the proper waste management of certain products;
  - (d) the imposition of an environmental levy to discourage the use of certain products; and
  - (e) the restriction on the disposal of certain products at any designated waste disposal facility as defined in section 2 of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L).

### 3. 釋義

- (1) 在本條例中，除文意另有所指外——
- “局長”(Secretary) 指環境局局長；
- “訂明產品”(prescribed product) 指第 4 條所述的任何產品；
- “產品”(product) 包括任何物品、物料及物質；
- “塑膠購物袋”(plastic shopping bag) 指本條例按照第 18 條所適用的塑膠購物袋；
- “署長”(Director) 指環境保護署署長；
- “獲授權人員”(authorized officer) 指根據第 6 條獲授權的公職人員。
- (2) 在本條例中，除文意另有所指外——
- (a) 凡提述任何產品，即包括提述該產品的任何部分；
  - (b) 凡提述職能，即包括提述權力及責任；及
  - (c) 凡提述執行職能，即包括提述行使權力及履行責任。

To revise the format of definitions to bold and italic to accord with the new legislation format

### 3. Interpretation

- (1) In this Ordinance, unless the context otherwise requires—
- “authorized officer” (獲授權人員) means a public officer authorized under section 6;
- “Director” (署長) means the Director of Environmental Protection;
- “plastic shopping bag” (塑膠購物袋) means a plastic shopping bag to which this Ordinance applies according to section 18;
- “prescribed product” (訂明產品) means any product mentioned in section 4;
- “product” (產品) includes any article, material and substance;
- “Secretary” (局長) means the Secretary for the Environment.
- (2) In this Ordinance, unless the context otherwise requires—
- (a) a reference to any product includes a reference to any part of the product;
  - (b) a reference to a function includes a reference to a power and a duty; and
  - (c) a reference to the performance of a function includes a reference to the exercise of a power and the discharge of a duty.

## 第 603 章

## 產品環保責任條例

本條例旨在推行措施，將若干種類產品對環境的影響盡量減低；並就相關事宜訂定條文。

[本條例 (第 18(3)、19(3) 及 (4)、22(2) 及 (3)、23(1)、(5) 及 (6) 及 24 至 28 條及附表 3 除外) ]

2009 年 4 月 30 日 2009 年第 86 號法律公告

第 18(3)、19(3) 及 (4)、22(2) 及 (3)、23(1)、(5) 及 (6) 及 24 至 28 條及附表 3 ]

2009 年 7 月 7 日 2009 年第 86 號法律公告

## 第 1 部

## 導言

## 1. 簡稱及生效日期

- (1) 本條例可引稱為《產品環保責任條例》。
- (2) (已失時效而略去)

## 2. 本條例的目的

- (1) 本條例的目的是——
  - (a) 將不同種類產品對環境的影響盡量減低，有關產品的種類可包括塑膠購物袋、車輛輪胎、電器及電子設備、包裝物料、飲品容器及可重複充電式電池；及

## CHAPTER 603

## PRODUCT ECO-RESPONSIBILITY

An Ordinance to introduce measures to minimize the environmental impact of certain types of products; and to provide for related matters.

[The Ordinance (except sections 18(3), 19(3) and (4), 22(2) and (3), 23(1), (5) and (6) and 24 to 28 and Schedule 3) ]

30 April 2009 L.N. 86 of 2009

Sections 18(3), 19(3) and (4), 22(2) and (3), 23(1), (5) and (6) and 24 to 28 and Schedule 3 ]

7 July 2009 L.N. 86 of 2009

## PART 1

## PRELIMINARY

1. Short title and commencement

- (1) This Ordinance may be cited as the Product Eco-responsibility Ordinance.
- (2) (Omitted as spent)

→ As the commencement provision has been omitted, the heading can be revised to "short title" only.

2. Purposes of this Ordinance

- (1) The purposes of this Ordinance are—
  - (a) to minimize the environmental impact of various types of products, which may include plastic shopping bags, vehicle tyres, electrical and electronic equipment, packaging materials, beverage containers and rechargeable batteries; and

**Examples of the Revised Clause 17 Powers**

Clause	Examples		No.
	Provisions	Revisions	
17(a) (uniformity of expression)	Section 60B(4)(b)(ii) Probate and Administration Ordinance (Cap.10)	“充分” is used as the Chinese rendition for “sufficient” in other similar provisions (e.g. sections 60D(1)(b)(ii) and 60E(4)(b)(ii)) in Cap.10.  The Official Languages (Alteration of Text under Section 4D) (Reference to “Sufficient Proof” in the Probate and Administration Ordinance) Order) (L.N. 13 of 2006) is to substitute “足夠” by “充分” in the Chinese text for s.60B(4)(b)(ii) for consistency sake.	1
17(b) (arrangement of a section)	Section 11 Tramway Ordinance (Cap. 107)	Divide the section into two subsections for easy referencing.	2
17(c) (transfer of provisions)	Bankruptcy Ordinance (Cap. 6)	Transfer the transitional and saving provisions in the Bankruptcy (Amendment) Ordinance 2005 to the Bankruptcy Ordinance (Cap.6).	3
17(d) (organization of Ordinance)	Tramway Ordinance (Cap. 107)	The Ordinance is currently divided by different cross headings. Organize the provisions of the Ordinance into appropriate groups of provisions for easy referencing.	4
17(da) (proper heading)	Section 74 Bills of Exchange Ordinance (Cap.19)	The heading was changed from “Presentment of cheque for payment” to “Delay in presentment of cheque for payment” to reflect the contents of the provisions more succinctly.	5



17(e) (update of changes)	Schedule 3 Education Ordinance (Cap. 279)	Update the addresses of schools set out in Schedule 3 to reflects the changes in addresses.	<b>6</b>
17(ea) (substitution of dates)	Section 7AE(4) Mandatory Provident Fund Schemes (Cap. 485)	Replace “the date of commencement of section 7AA” to “1 December 2008”.	<b>7</b>
17(eb) (replacement of references)	L.N. 196 of 2006 L.N. 191 of 2006	To replace a general reference to another sub leg with the name of the sub leg actually made.	<b>8</b>
17(ec) (gender-neutral)	Section 94(1) Trade Marks Rules (Cap. 559A)	Change “he” to “the Registrar”.	<b>9</b>
17(ed) (expressing a provision)	Section 2 Credit Unions (Forms) Regulations (Cap.119A)	Change “subsection (2) of section 4” to “section 4(2)” for easy reference.	<b>10</b>
17(ee) (omission of obsolete provision)	Section 15 Community Service Orders (Cap. 378)	The Community Service Order Ordinance (Cap. 378) came into operation on 23 November 1984. The transitional provision under section 15 is obsolete and thus can be omitted.	<b>11</b>
17(f) (consequential amendments)	First Schedule Insurance Companies (Cap.41)  Section 3(c) Occupational Retirement Schemes (Insurance Arrangement) Rules (Cap.426E)	Assuming that Clause 17(1)(ec) is used to change “First Schedule” to “Schedule 1” in the English text of Cap.41, any cross-references in other Ordinances should also be amended consequentially and thus Clause 17(1)(f) could be used to change “First Schedule” to “Schedule 1” in section 3(c) of Cap. 426E.	<b>12</b>

2006年第13號法律公告

《法定語文(根據第4D條修改文本)(《遺囑認證及遺產管理條例》中對“充分”的提述)令》

(在獲律政司司長依據《律政人員條例》(第87章)第7條授權下由法律草擬專員根據《法定語文條例》(第5章)第4D條作出)

1. 生效日期

本命令自2006年3月17日起實施。

《遺囑認證及遺產管理條例》

2. 從死者銀行戶口支用款項的證明書

《遺囑認證及遺產管理條例》(第10章)第60B(4)(b)(ii)條現予修訂，在中文文本中，廢除“足夠”而代以“充分”。

法律草擬專員  
嚴元浩

2006年1月9日

註 釋

《法定語文條例》(第5章)第4D條賦權律政司司長在某條例的其中一種法定語文文本的字、詞句或片語及另一字、詞句或片語均宣稱是另一種法定語文的同一文意下的同一字、詞句或片語的相對應版本的情況下，對首述的法定語文文本作出形式上的修改，使該文本內的有關的字、詞句或片語與上述的另一字、詞句或片語達致一致。律政司司長已依據《律政人員條例》(第87章)第7條授權法律草擬專員作出上述形式上的修改。

L.N. 13 of 2006

OFFICIAL LANGUAGES (ALTERATION OF TEXT UNDER SECTION 4D) (REFERENCE TO “SUFFICIENT PROOF” IN THE PROBATE AND ADMINISTRATION ORDINANCE) ORDER

(Made by the Law Draftsman under section 4D of the Official Languages Ordinance (Cap. 5) on the authority of the Secretary for Justice pursuant to section 7 of the Legal Officers Ordinance (Cap. 87))

1. Commencement

This Order shall come into operation on 17 March 2006.

Probate and Administration Ordinance

2. Certificate for releasing money from bank account of deceased

Section 60B(4)(b)(ii) of the Probate and Administration Ordinance (Cap. 10) is amended, in the Chinese text, by repealing “足夠” and substituting “充分”.

Tony YEN  
Law Draftsman

9 January 2006

Explanatory Note

Section 4D of the Official Languages Ordinance (Cap. 5) empowers the Secretary for Justice to make formal alterations to the text of an Ordinance in one official language to achieve consistency between a word, expression or phrase with another word, expression or phrase where both such words, expressions or phrases purport to be the equivalent of the same word, expression or phrase in the other official language in the same context. The Secretary for Justice has authorized the Law Draftsman pursuant to section 7 of the Legal Officers Ordinance (Cap. 87) to make such formal alterations.

2. 本命令對《遺囑認證及遺產管理條例》(第 10 章)的中文文本作出形式上的修改，在第 60B(4)(b)(ii) 條中，廢除“足夠”而代以“充分”，使該條的中文文本內與“sufficient proof”相對應的中文版本，與該條例第 60D(1)(b)(ii) 及 60E(4)(b)(ii) 條的中文文本內與“sufficient proof”相對應的中文版本達致一致。

2. This Order makes a formal alteration to the Chinese text of the Probate and Administration Ordinance (Cap. 10) by repealing “足夠” in section 60B(4)(b)(ii) and substituting “充分” so as to achieve consistency between the Chinese equivalent of “sufficient proof” in the Chinese text of that section and that in the Chinese text of sections 60D(1)(b)(ii) and 60E(4)(b)(ii) of the Ordinance.

- (b) 公司不得開掘或挖開任何道路或更改任何道路的水平線，但若獲得署長授權及在其監督下進行及使其滿意，則屬例外。

#### 11. 工程的完成及道路的修復

- (1) 如公司已開掘或挖開任何道路的任何部分，則須履行以下的進一步義務，即——
- (a) 公司須在方便範圍內盡快完成因該項工程而開掘或挖開道路的有關工程，並(在構成、保養、翻新或更改、增建或移走電車軌道後)填平地面及修補路面，並修復道路以達到使署長滿意的良好狀況；
  - (b) 公司須在這期間安排在開掘或挖開道路的地方加設欄柵及派人看守，並於夜間提供適當照明。
- (2) 如公司沒有遵從本條的任何條文，則可處罰款 \$1,000；如屬持續的罪行，則可按初犯之日後過失持續的日數，另處罰款每日 \$250 (並且不損害強制執行特定履行本條例的規定或對此而提出的其他補救方法)。(由 1911 年第 30 號第 10 條修訂；由 1924 年第 5 號第 13 條及附表修訂；由 1939 年第 33 號附表修訂；由 1962 年第 48 號第 5 條修訂)

#### 12. 有關建造電車軌道的進一步條文

除第 10 條的規定外，公司在將其為上述任何目的而開掘或挖開任何道路的意向以上述方式向署長作通知時，如署長提出要求，公司須向署長提交一份橫截面圖，顯示公司計擬開掘或挖開有關道路以建造、敷設、保養、翻新、更改、增建或移走電車軌道或工程設施的計擬進行方式，以及擬在工程中使用的材料的陳述書；而在所需的橫截面圖及陳述書(如有的話)已獲署長批准前，除非為了進行必需的修葺，否則公司不得開始建造、敷設、保養、翻新、更改、增建或移走該電車軌道或工程設施或兩者的任何部分；有關工程亦須在署長監督下進行及使其滿意，而凡有獲批准的橫截面圖及陳述書，有關工程亦須按照有關橫截面圖及陳述書進行。

(由 1924 年第 5 號第 8 條修訂；由 1962 年第 48 號第 6 條修訂)

- (b) it shall not open or break up or alter the level of any road except with the authority, under the superintendence and to the satisfaction of the Director.

#### 11. Completion of works, and restoration of road

- (1) When the company has opened or broken up any portion of any road, it shall be under the following further obligations, namely—
- (a) it shall, with all convenient speed, complete the work on account of which it opened or broke up the same, and (subject to the formation, maintenance, renewal or alteration of, addition to, or removal of the tramway) fill in the ground and make good the surface and, to the satisfaction of the Director, restore the road to a good condition;
  - (b) it shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night.
- (2) If the company fails to comply with any of the provisions of this section it shall (without prejudice to the enforcement of specific performance of the requirements of this Ordinance or to any other remedy against it) be liable to a fine of \$1,000, and in case of a continuing offence to a further fine of \$250 for every day after the first on which the default continues. (Amended 30 of 1911 s. 10; 5 of 1924 s. 13 & Schedule; 33 of 1939 Schedule; 48 of 1962 s. 5)

#### 12. Further provisions as to construction of tramway

In addition to the requirements of section 10, the company shall, when it gives notice as aforesaid to the Director of its intention to open or break up any road for any of the purposes aforesaid, lay before the Director, if so required by him, a cross section showing the proposed mode of constructing, laying down, maintaining, renewing, altering, adding to or removing the tramway or works in respect of which it proposes to open or break up such road, and a statement of the materials intended to be used therein; and the company shall not commence the construction, laying down, maintenance, renewal, alteration of, addition to or removal of such tramway or works, or any part thereof respectively, except for the purpose of necessary repairs, until the required cross section and statement, if any, have been approved by the Director; and the work shall be executed under the superintendence and to the satisfaction of the Director, and where there are an approved cross section and statement in accordance therewith.

(Amended 5 of 1924 s. 8; 48 of 1962 s. 6)

## 第 6 章

### 破產條例\*

本條例旨在修訂與破產有關的法律。

[1932 年 1 月 1 日]

#### 第 I 部

#### 簡稱及釋義

##### 1. 簡稱

本條例可引稱為《破產條例》。

##### 2. 釋義

在本條例中，除文意另有所指外——

“代名人”(nominee)指破產管理署署長或某名由於其經驗及資格而獲法院認為是履行第 20A、20D、20E 及 20G 條指明的代名人的職責的適當人選的人士；(由 1996 年第 76 號第 2 條增補)

“司法常務官”(Registrar)指高等法院司法常務官及高等法院的任何高級副司法常務官、副司法常務官或助理司法常務官；(由 1984 年第 47 號第 2 條代替。由 1998 年第 25 號第 2 條修訂；由 2005 年第 10 號第 167 條修訂)

“有抵押債權人”(secured creditor)指持有債務人財產或其中任何部分的按揭、押記或留置權的人，而所持有的按揭、押記或留置權是作為債務人欠持有人的債項的抵押者；

“自願安排”(voluntary arrangement)指任何清償債務人債項的債務重整協議或債務人事務的債務償還安排；(由 1996 年第 76 號第 2 條增補)

\*《2005 年破產(修訂)條例》(2005 年第 18 號)對本條例作出修訂。有關的過渡性及保留條文載於該修訂條例第 49 條。該條轉錄於本條例之後。

## CHAPTER 6

### BANKRUPTCY\*

To amend the law relating to bankruptcy.

[1 January 1932]

#### PART I

#### SHORT TITLE AND INTERPRETATION

##### 1. Short title

This Ordinance may be cited as the Bankruptcy Ordinance.

##### 2. Interpretation

In this Ordinance, unless the context otherwise requires—

“affidavit”(誓章) includes statutory declaration, affirmation and attestation on honour;

“bailiff”(執達主任) includes any officer charged with the execution of a writ or other process;

“bankruptcy debt”(破產債項), in relation to a bankrupt, means—

(a) any debt or liability to which he is subject at the commencement of the bankruptcy; and

(b) any debt or liability to which he may become subject after the commencement of the bankruptcy (including after his discharge from bankruptcy) by reason of any obligation incurred before the commencement of the bankruptcy; (Added 76 of 1996 s. 2)

“court”(法院、法庭) means the Court of First Instance sitting in its bankruptcy jurisdiction; (Amended 92 of 1975 s. 59; 25 of 1998 s. 2)

\* This Ordinance was amended by the Bankruptcy (Amendment) Ordinance 2005 (18 of 2005). The transitional and savings provisions contained in s. 49 of that Amendment Ordinance are reproduced at the end of the Ordinance.

註：《2005 年破產(修訂)條例》(2005 年第 18 號)第 49 條內容如下——

**“49. 過渡性及保留條文**

(1) 儘管有本條例所載的規定，根據本條例作出的修訂(第 12、19 及 32 條除外)不適用於任何在生效日期前已提出破產呈請的個案，而該個案須繼續進行和予以處置，猶如本條例不曾制定一樣。

(2) 本條增補而非減損《釋義及通則條例》(第 1 章)第 23 條。

(3) 就本條而言，\*“生效日期”(commencement date)指財經事務及庫務局局長根據本條例第 1(2)條指定的日期。”。

\* 生效日期：2007 年 12 月 10 日。

Note: Section 49 of the Bankruptcy (Amendment) Ordinance 2005 (18 of 2005) reads as follows—

**“49. Transitional and savings provisions**

(1) Notwithstanding anything contained in this Ordinance, the amendments effected under this Ordinance (except sections 12, 19 and 32) shall not apply to any case in which the bankruptcy petition was presented before the commencement date, and such case shall continue and be disposed of as if this Ordinance had not been enacted.

(2) This section is in addition to and not in derogation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

(3) For the purpose of this section, \*“commencement date” (生效日期) means the day appointed by the Secretary for Financial Services and the Treasury under section 1(2) of this Ordinance.”.

\* Commencement date: 10 December 2007.

核對表及指引  
Check List and Instructions

電車條例  
(第 107 章)  
TRAMWAY ORDINANCE  
(CAP. 107)

如欲確定此乃本成文法則的最新核對表及指引，請參閱第 I 冊內的總核對表及指引第 II 部所載本成文法則的核對表及指引的刊印期數，該刊印期數應與此頁右下角所示的刊印期數相同。

To verify that this is the latest Check List and Instructions for this enactment, please refer to the issue number of Check List and Instructions shown in Part II of the Master Check List and Instructions in Volume I.  
Such issue number should be the same as the issue number shown at the lower right hand corner of this page.

如欲知悉本成文法則文本切合何時的法律情況，請參閱第 I 冊內的總核對表及指引第 I 部。  
To determine how up to date the text of this enactment is, please see Part I of the Master Check List and Instructions in Volume I.

移去頁數

Withdraw pages

.....

加插頁數

Insert pages

.....

目前應有頁數

You should now have pages

I - 32.....

刊印期數

Issue number

19

## 制定史

本為 1902 年第 10 號(第 107 章, 1950 年版) — 1902 年第 32 號, 1910 年第 12 號, 1911 年第 30 號, 1911 年第 50 號, 1911 年第 51 號, 1912 年第 1 號, 1912 年第 2 號, 1912 年第 8 號, 1912 年第 20 號, 1912 年第 21 號, 1912 年第 22 號, 1912 年第 43 號, 1913 年第 17 號, 1913 年第 246 號政府公告, 1915 年第 34 號, 1924 年第 5 號, 1937 年第 25 號, 1939 年第 33 號, 1946 年第 32 號, 1948 年第 20 號, 1950 年第 9 號, 1962 年第 48 號, 1964 年編正版, 1967 年第 30 號, 1969 年第 35 號, 1971 年第 54 號, 1972 年第 7 號, 1972 年第 41 號, 1972 年第 48 號, 1975 年第 78 號, 1977 年第 156 號法律公告, 1982 年第 76 號法律公告, 1982 年第 298 號法律公告, 1982 年第 75 號, 1986 年第 127 號法律公告, 1988 年第 9 號, 1989 年編正版, 1993 年第 8 號, 1995 年第(C)116 號法律公告(中文真確本), 1997 年第 80 號, 1999 年第 62 號

## Enactment History

Originally 10 of 1902 (Cap. 107, 1950) — 32 of 1902, 12 of 1910, 30 of 1911, 50 of 1911, 51 of 1911, 1 of 1912, 2 of 1912, 8 of 1912, 20 of 1912, 21 of 1912, 22 of 1912, 43 of 1912, 17 of 1913, G.N. 246 of 1913, 34 of 1915, 5 of 1924, 25 of 1937, 33 of 1939, 32 of 1946, 20 of 1948, 9 of 1950, 48 of 1962, R. Ed. 1964, 30 of 1967, 35 of 1969, 54 of 1971, 7 of 1972, 41 of 1972, 48 of 1972, 78 of 1975, L.N. 156 of 1977, L.N. 76 of 1982, L.N. 298 of 1982, 75 of 1982, L.N. 127 of 1986, 9 of 1988, R. Ed. 1989, 8 of 1993, L.N. (C) 116 of 1995 (Chinese authentic version), 80 of 1997, 62 of 1999

尚未實施 —

第 6(7)條的代替 — 見 2004 年第 26 號第 104 條(附表 3 第 37 條)

The following are not yet in operation —

Replacement of s. 6(7) — see 26 of 2004 s. 104 (s. 37 of Schedule 3)



## 第 107 章

### 電車條例

#### 目錄

#### 條次

1. 簡稱
2. 釋義

#### 電車軌道的建造

3. 電車軌道的建造及路線
4. 獲授權敷設雙軌道綫而敷設單軌道綫的權力，及再改回雙軌道綫的權力
5. 擴闊橋樑等的權力
6. 附加物
7. 電力
8. 敷設海水喉管的權力
9. 電車軌道軌距
10. 挖開道路的權力
11. 工程的完成及道路的修復
12. 有關建造電車軌道的進一步條文
13. 敷設有電車軌道的道路的修葺
14. 路軌的保養和水平綫
15. 更改軌道
16. 為工程付款
17. 在有需要時可建設臨時電車軌道
18. 在建造工程時掘出的道路材料的應用
19. 對有關部門及人士的保障
20. 污水渠等的保護
21. 政府電纜電線或電報電纜電線的保護
22. 各部門等開掘道路的權利
23. 公司與其他部門或人士(署長除外)之間的異議
24. 公司與署長之間的異議
25. 電車軌道須經核證適宜作交通用途後方可開放

#### 電車軌道使用不足

26. 公眾未充分獲得電車軌道的益處時的程序
27. 不遵從命令時的程序

#### 電車軌道的中止使用

28. 電車軌道的中止使用

## CHAPTER 107 TRAMWAY ORDINANCE

#### CONTENTS

#### Section

1. Short title
2. Interpretation

#### CONSTRUCTION OF TRAMWAY

3. Construction and route of tramway
4. Power to lay single line where double line authorized, and to reconvert into double line
5. Power to widen bridges, etc.
6. Attachment
7. Electricity
8. Power to lay down sea water pipes
9. Gauge of tramway
10. Power to break up roads
11. Completion of works, and restoration of road
12. Further provisions as to construction of tramway
13. Repair of roads on which tramway laid
14. Maintenance and level of rails
15. Alteration of track
16. Payment for works
17. Temporary tramways may be made when necessary
18. Application of road materials excavated in construction of works
19. Protection of departments and persons
20. Protection of sewers, etc.
21. Protection of Government or telegraph cables or lines
22. Rights of departments, etc., to open roads
23. Differences between company and others (other than the Director)
24. Differences between company and Director
25. Tramway not to be opened until certified fit for traffic

#### INSUFFICIENT USER OF TRAMWAY

26. Procedure when public not afforded full benefit of tramway
27. Procedure on non-compliance with order

#### DISCONTINUANCE OF TRAMWAY

28. Discontinuance of tramway

## 條次

- 公司無力清償債務
29. 如公司無力清償債務時的程序
- 電車的購買
30. 政府購買電車
- 動力
31. 動力
32. 電車廂的建造
33. 主管當局檢查電車廂等的權力
34. 在違反本條例下使用電力的罰則
- 35-37. (廢除)
- 規則
38. 行政長官會同行政會議訂立的規例
39. 公司訂立的規則
- 車輪及電車廂寬度
40. 車輪及電車廂寬度
- 出售的權力
41. 出售的權力
- 出租的權力
42. 出租的權力
- 按揭的權力
43. 按揭的權力
- 政府的權利
44. 軍情緊急時政府的權利
45. 在上述緊急情況下須繳付的車費等
46. (廢除)
- 電車軌道上的交通
47. 電車軌道上的交通
48. 公司可拒絕運載某些物品
49. (廢除)
- 車費
50. 乘客車費

## Section

- INSOLVENCY OF COMPANY
29. Proceedings in case of insolvency of company
- PURCHASE OF TRAMWAY
30. Purchase by Government of tramway
- MOTIVE POWER
31. Motive power
32. Construction of cars
33. Powers to authorities to inspect cars, etc.
34. Penalty for using electric power contrary to Ordinance
- 35-37. (*Repealed*)
- RULES
38. Regulations made by the Chief Executive in Council
39. Rules made by the company
- WHEELS AND WIDTH OF CARS
40. Wheels and width of cars
- POWER TO SELL
41. Power to sell
- POWER TO LEASE
42. Power to lease
- POWER TO MORTGAGE
43. Power to mortgage
- RIGHTS OF GOVERNMENT
44. Rights of Government in military emergency
45. Fares, etc., to be paid in such emergency
46. (*Repealed*)
- TRAFFIC UPON THE TRAMWAY
47. Traffic upon tramway
48. Company may refuse to carry certain goods
49. (*Repealed*)
- FARES
50. Fares for passengers

條次

- 51. 車費率的修訂
- 52. (廢除)
- 53. 如電車乘客滿時，公司並非必須載客
- 54. 乘客的行李
- 55. 車費的繳付
- 55A. 對租車服務及遊覽服務的豁免
- 業務的放棄
- 56. 放棄業務時須修復道路
- 罪行
- 57. 違反條例條文等
- 58. 與電車廂或電車軌道有關的罪行
- 59. 與乘客有關的罪行
- 60. 扣留犯罪的人的權力
- 61. 在電车上攜帶危險品的罰則
- 62. 在電車軌道上使用裝上凸緣車輪的車廂等的罰則
- 雜項
- 63. 車費、收費及罰款的追討
- 64. 須在 6 個月內就車費等提出起訴
- 65. 公司須對其作為或過失所造成的一切損害負責
- 66. 只取得道路的使用權
- 67. 給予警方規管交通的權力
- 68. 公眾權利的保留
- 69. 滋擾
- 70. 保留條款

Section

- 51. Alteration of the rates of fares
- 52. (Repealed)
- 53. If cars full, company not bound to carry
- 54. Passengers' luggage
- 55. Payment of fares
- 55A. Exemption of hire service and tour service
- ABANDONMENT OF UNDERTAKING
- 56. On abandonment, road to be restored
- OFFENCES
- 57. Breach of provisions of Ordinance, etc.
- 58. Offences concerning car or tramway
- 59. Offences concerning passengers
- 60. Power to detain persons who commit offences
- 61. Penalty for bringing dangerous goods on tramway
- 62. Penalty for using tramway with flange-wheeled carriages, etc.
- MISCELLANEOUS
- 63. Recovery of fares, charges and fines
- 64. Fares etc., to be sued for within 6 months
- 65. Company to be responsible for all damage through its act or default
- 66. Right of user of roads only acquired
- 67. Power to police to regulate traffic
- 68. Rights of public reserved
- 69. Nuisances
- 70. Saving

- (b) 本條不適用於隨後進行的該支票的出示。
- (3) 根據第(2)款要求出示支票的實物，並不構成因不付款而不兌現支票。
- (4) 就本條而言，關乎支票的基要資料指——
- (a) 作為支票受票人的銀行編配予支票的編號；
  - (b) 印在支票上以識別作為支票受票人的銀行的代號；
  - (c) 支票的出票人在作為支票受票人的銀行開立的帳戶的帳號；及
  - (d) 支票的出票人所填寫的支票款額。
- (5) 在本條中，“電子紀錄”(electronic record)的涵義與《電子交易條例》(第 553 章)中該詞的涵義相同。

**73B. 持有人就根據第 73A(1)條出示的支票所負有的責任**

第 52(4) 條——

- (a) 在它關乎出示匯票以求付款的範圍內，不適用於根據第 73A(1) 條出示支票以求付款的情況；及
- (b) 在它關乎就匯票獲得付款的範圍內，不適用於在根據第 73A(1) 條出示支票後就該支票獲得付款的情況。”。

**3. 修訂標題**

第 74 條的標題現予修訂，廢除“出示”而代以“延遲出示”。

**4. 以未經背書的支票作為付款證據**

第 85 條現予修訂——

- (a) 將該條重編為第 85(1) 條；
- (b) 加入——

“(2) 任何未經背書的支票的副本如表面看來載有由作為該支票受票人的銀行作出的陳述，述明——

- (b) this section shall not apply to the subsequent presentment of the cheque.
- (3) A request under subsection (2) that the cheque itself shall be presented shall not constitute dishonour of the cheque by non-payment.
- (4) For the purposes of this section, the essential information relating to a cheque is—
- (a) the serial number of the cheque assigned to it by the banker on whom the cheque is drawn;
  - (b) the code printed on the cheque which identifies the banker on whom the cheque is drawn;
  - (c) the account number of the account maintained by the drawer of the cheque with the banker on whom the cheque is drawn; and
  - (d) the amount of the cheque entered by the drawer of the cheque.
- (5) In this section, “electronic record” (電子紀錄) has the same meaning as in the Electronic Transactions Ordinance (Cap. 553).

**73B. Duties of holder as regards cheque presented under section 73A(1)**

Section 52(4)—

- (a) so far as it relates to presenting a bill for payment, shall not apply to presenting a cheque for payment under section 73A(1); and
- (b) so far as it relates to a bill which is paid, shall not apply to a cheque which is paid following presentment under section 73A(1).”.

**3. Heading amended**

The heading of section 74 is amended by repealing “**Presentment**” and substituting “**Delay in presentment**”.

**4. Unindorsed cheques as evidence of payment**

Section 85 is amended—

- (a) by renumbering it as section 85(1);
- (b) by adding—

“(2) A copy of an unindorsed cheque which appears to contain a statement made by the banker on whom the cheque is drawn stating that—

- (b) 在它關乎就匯票獲得付款的範圍內，不適用於在根據第 73A(1) 條出示支票後就該支票獲得付款的情況。

(由 2003 年第 10 號第 2 條增補)

#### 74. 延遲出示支票以求付款

(由 2003 年第 10 號第 3 條修訂)

除本條例條文另有規定外——

- (a) 如有任何支票沒有在其發給後的合理時間內予以出示以求付款，而該支票若已在上述合理時間出示，則就出票人或以自己帳戶出票的人與銀行之間而言，該出票人或該人有權利使銀行就該支票付款，但由於該支票延遲出示，致使上述的人蒙受實際損害，則該人獲解除其法律責任，但以該實際損害的款額為限；換言之，該出票人或以自己帳戶出票的人作為銀行債權人而被欠的款額，較該支票假若已獲支付則該人作為銀行債權人會被欠的款額為大，而該增大部分的款額，即該人獲解除法律責任的範圍；
- (b) 在決定何謂合理時間時，須考慮有關票據的性質、有關行業和銀行的慣常做法，以及有關個案的事實；
- (c) 凡上述支票的出票人或以自己帳戶出票的人已獲解除對該支票的某持有人的法律責任，則該持有人須代替該出票人或以自己帳戶出票的人而成為該銀行的債權人，但僅以該項解除所涉款額為限，該持有人並有權向該銀行追討該款額。

[比照 1882 c. 61 s. 74 U.K.]

#### 75. 銀行權能的撤銷

在支付由銀行客戶所發以銀行為受票人的支票方面，銀行的責任及權能在以下情況終止——

- (a) 付款的取消；
- (b) 銀行知悉客戶死亡。

[比照 1882 c. 61 s. 75 U.K.]

#### 劃線支票

#### 76. 普通劃線及特別劃線的定義

- (1) 凡任何支票的票面上——

- (b) so far as it relates to a bill which is paid, shall not apply to a cheque which is paid following presentment under section 73A(1).

(Added 10 of 2003 s. 2)

#### 74. Delay in presentment of cheque for payment

(Amended 10 of 2003 s. 3)

Subject to the provisions of this Ordinance—

- (a) where a cheque is not presented for payment within a reasonable time of its issue, and the drawer or the person on whose account it is drawn had the right, at the time of such presentment, as between him and the banker, to have the cheque paid and suffers actual damage through the delay, he is discharged to the extent of such damage, that is to say, to the extent to which such drawer or person is a creditor of such banker to a larger amount than he would have been had such cheque been paid;
- (b) in determining what is a reasonable time, regard shall be had to the nature of the instrument, the usage of trade and of bankers, and the facts of the particular case;
- (c) the holder of such cheque as to which such drawer or person is discharged shall be a creditor, in lieu of such drawer or person, of such banker to the extent of such discharge and entitled to recover the amount from him.

[cf. 1882 c. 61 s. 74 U.K.]

#### 75. Revocation of banker's authority

The duty and authority of a banker to pay a cheque drawn on him by his customer are determined by—

- (a) countermand of payment;
- (b) notice of the customer's death.

[cf. 1882 c. 61 s. 75 U.K.]

#### Crossed cheques

#### 76. Definition of general and special crossings

- (1) Where a cheque bears across its face an addition of—

2006 年第 272 號法律公告

## 《2006 年教育條例(修訂附表 3) 公告》

(由教育統籌局局長根據《教育條例》(第 279 章)  
第 40AC(1) 條訂立)

## 1. 生效日期

本公告自 2007 年 2 月 8 日起實施。

## 2. 指明學校

《教育條例》(第 279 章) 附表 3 現予修訂——

## (a) 廢除——

“鳳溪第二中學 新界上水馬會道 15 號”；

## (b) 在與“國際基督教優質音樂中學暨小學”有關的一項中，廢除“九龍深水埗順寧道 372 號”而代以“九龍鑽石山蒲崗村道 182 號”；

## (c) 廢除——

“弘立書院 香港灣仔皇后大道東 373 號”

而代以——

“弘立書院

(a) 香港灣仔皇后大道東 373 號

(b) 香港銅鑼灣東院道 3 號”；

## (d) 廢除——

“鳳凰國際學校 九龍深水埗東京街 5 號”；

## (e) 加入——

“啟新書院 新界沙田馬鞍山恒明街 5 號”；

## (f) 廢除——

“大埔三育中學 新界大埔大埔頭徑 2 號”；

L.N. 272 of 2006

EDUCATION ORDINANCE (AMENDMENT OF  
SCHEDULE 3) NOTICE 2006(Made by the Secretary for Education and Manpower under  
section 40AC(1) of the Education Ordinance (Cap. 279))

## 1. Commencement

This Notice shall come into operation on 8 February 2007.

## 2. Specified schools

Schedule 3 to the Education Ordinance (Cap. 279) is amended—

## (a) by repealing—

“Fung Kai No. 2 15 Jockey Club Road, Sheung Shui,  
Secondary School New Territories”;

## (b) in the item relating to “International Christian Quality Music Secondary and Primary School”, by repealing “372 Shun Ning Road, Sham Shui Po, Kowloon” and substituting “182 Po Kong Village Road, Diamond Hill, Kowloon”;

## (c) by repealing—

“ISF Academy 373 Queen's Road East, Wanchai,  
Hong Kong”

and substituting—

“Independent Schools (a) 373 Queen's Road East, Wanchai,  
Foundation Academy Hong Kong(b) 3 Eastern Hospital Road,  
Causeway Bay, Hong Kong”;

## (d) by repealing—

“Phoenix International 5 Tonkin Street, Shamshui Po,  
School Kowloon”;

## (e) by adding—

“Renaissance College No. 5 Hang Ming Street, Ma On Shan,  
Shatin, New Territories”;

## (f) by repealing—

“Tai Po Sam Yuk 2 Tai Po Tau Drive, Tai Po, New  
Secondary School Territories”;

(g) 加入——

“滬江維多利亞學校

香港灣仔愛群道 30 號”。

教育統籌局局長  
李國章

2006 年 12 月 4 日

### 註 釋

《教育條例》(第 279 章) (“該條例”) 附表 3 載有指明學校的名單。

2. 根據該條例第 40AC 條，除非某學校——

- (a) 是小學或中學；
- (b) 既非資助學校亦非已參加直接資助計劃的學校；
- (c) 是不設法團校董會學校；
- (d) 並非為牟利而營辦；
- (e) 的辦學團體並非牟利機構；
- (f) 有接受政府的任何津貼；及
- (g) 被教育統籌局常任秘書長認為屬財政健全，

否則不得在該條例附表 3 指明該學校。

3. 該條例容許指明學校按照該條例第 40BJ 至 40BN 條設立法團校董會。

4. 本公告修訂該條例附表 3 ——

- (a) 從該附表中刪去 3 間學校；
- (b) 更新列於該附表的一間學校英文名稱；
- (c) 更新列於該附表的 2 間學校地址；及
- (d) 在該附表中加入 2 間學校。

(g) by adding—

“Victoria Shanghai  
Academy

30 Oi Kwan Road, Wanchai, Hong  
Kong”.

Arthur K. C. LI  
Secretary for Education and  
Manpower

4 December 2006

### Explanatory Note

Schedule 3 to the Education Ordinance (Cap. 279) (“the Ordinance”) contains a list of specified schools.

2. Under section 40AC of the Ordinance, a school shall not be specified in Schedule 3 to the Ordinance unless—

- (a) the school is a primary school or secondary school;
- (b) the school is neither an aided school nor a school which has joined the Direct Subsidy Scheme;
- (c) the school is a school without incorporated management committee;
- (d) the school is not operated for the purpose of making profit;
- (e) the sponsoring body of the school is not a profit-making organization;
- (f) the school receives any subsidy from the Government; and
- (g) the school is, in the opinion of the Permanent Secretary for Education and Manpower, financially sound.

3. The Ordinance allows a specified school to establish an incorporated management committee in accordance with sections 40BJ to 40BN of the Ordinance.

4. This Notice amends Schedule 3 to the Ordinance—

- (a) to delete 3 schools from that Schedule;
- (b) to update the English name of one school set out in that Schedule;
- (c) to update the addresses of 2 schools set out in that Schedule; and
- (d) to add 2 schools to that Schedule.

(2) 在生效日期當日，符合以下說明的供款的款額即屬到期須付予管理局——

(a) 假若有關僱員於每段在指明期間內出現的，而該僱員並非註冊計劃成員的供款期均屬註冊計劃的成員，則僱主根據第 7A 條本須向有關註冊計劃支付的；而且

(b) 在生效日期仍未支付。

(3) 為免生疑問，即使在生效日期當日，有關僱員已不再受僱於有關僱主，本條仍適用於該僱主。

(4) 在本條中——

\*“生效日期”(commencement date) 指第 7AA 條生效的日期；

“供款期”(contribution period) 的涵義與第 7A(10) 條中該詞的涵義相同，但不包括於生效日期之前的某日期開始，並於生效日期當日或之後終結的供款期；

“指明期間”(specified period) 指由 2000 年 12 月 1 日起至緊接生效日期之前的日子為止的期間。

(由 2008 年第 18 號第 5 條增補)

#### 7B. 第 7、7A 及 7AA 條不適用於某些僱員

(由 2008 年第 18 號第 6 條修訂)

第 7、7A 及 7AA 條不適用於獲僱主僱用少於 60 日的僱員，亦不就該等僱員而適用，但屬臨時僱員者則除外。

(由 1998 年第 4 號第 2 條增補。由 2008 年第 18 號第 6 條修訂)

#### 7C. 自僱人士成為計劃成員的責任

(1) 每名自僱人士——

(a) 必須在有關時間之後的特准限期內成為某註冊計劃的成員；及

(b) 必須按照《強制性公積金計劃(一般)規例》(第 485 章，附屬法例 A) 的條文，在每一供款期終結之前，用其本身的資金而為其本身的利益，向

\* 生效日期：2008 年 12 月 1 日。

(2) On the commencement date, the amount of contributions that—

(a) would have been payable by the employer under section 7A to a registered scheme for each contribution period occurring in the specified period during which the relevant employee was not a member of a registered scheme, had the employee been such a member for the relevant contribution period; and

(b) remains unpaid as at the commencement date,

becomes due for payment to the Authority.

(3) For the avoidance of doubt, this section applies to an employer even if the relevant employee is no longer employed with the employer on the commencement date.

(4) In this section—

→ 1 December 2008

\*“commencement date” (生效日期) means the date of commencement of section 7AA;

“contribution period” (供款期) has the same meaning as in section 7A(10) except that it does not include the contribution period that begins on a date before the commencement date and ending on or after the commencement date;

“specified period” (指明期間) means the period beginning on 1 December 2000 and ending on the day immediately before the commencement date.

(Added 18 of 2008 s. 5)

#### 7B. Sections 7, 7A and 7AA not to apply to certain employees

(Amended 18 of 2008 s. 6)

Sections 7, 7A and 7AA do not, except in the case of a casual employee, apply to or in respect of an employee who is employed by an employer for less than 60 days.

(Added 4 of 1998 s. 2. Amended 18 of 2008 s. 6)

#### 7C. Duty of self-employed/ person to become scheme member

(1) Every self-employed person—

(a) must, within the permitted period after the relevant time, become a member of a registered scheme; and

(b) must, in accordance with the provisions of the Mandatory Provident Fund Schemes (General) Regulation (Cap. 485 sub. leg. A), before the end of each contribution period, pay to the

\* Commencement date: 1 December 2008.



## 《商船(本地船隻)(工程)規例》

(由經濟發展及勞工局局長根據《商船(本地船隻)條例》  
(第 548 章) 第 89 條訂立)

## 第 1 部

## 導言

## 1. 生效日期

本規例自經濟發展及勞工局局長以憲報公告指定的日期起實施。

## 2. 釋義

(1) 在本規例中，除文意另有所指外——

“工作地方”(workplace) 指受僱人進行工程所在的本地船隻上的任何地方；

“工程督導員”(works supervisor) 指根據第 19 條委任的人；

“安全操作負荷”(safe working load)——

- (a) 就經合資格檢驗員按附表 1 訂明的方式測試及檢驗的起重裝置或起重工具而言，指現行測試及檢驗證明書指明的該起重裝置或起重工具的適當安全操作負荷；
- (b) 就憑藉第 71(1) 條而無需根據本規例測試及檢驗的起重裝置或起重工具而言，指該條提述的現行證明書或紀錄指明的該起重裝置或起重工具的適當安全操作負荷；
- (c) 就屬滑輪組且憑藉第 71(2) 條而無需根據本規例測試及檢驗的起重工具而言，指第 43 條規定印在該滑輪組上的安全操作負荷；
- (d) 就屬鏈條且憑藉第 71(2) 條而無需根據本規例測試及檢驗的起重工具而言，指第 44(2) 條規定在該鏈條上或在附於該鏈條的壓塊或環圈上標示的安全操作負荷；

MERCHANT SHIPPING (LOCAL VESSELS) (WORKS)  
REGULATION

(Made by the Secretary for Economic Development and Labour under  
section 89 of the Merchant Shipping (Local Vessels)  
Ordinance (Cap. 548))

## PART I

## PRELIMINARY

## 1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Economic Development and Labour by notice published in the Gazette.

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

“certificate of test and examination” (測試及檢驗證明書), in relation to a lifting appliance or lifting gear, means a certificate of test and examination, in the form specified by the Director, issued by the competent examiner who tests and examines the lifting appliance or lifting gear, and containing all the particulars required to be entered in the certificate with regard to the test and examination;

“competent examiner” (合資格檢驗員) means a person who—

- (a) is registered under the Engineers Registration Ordinance (Cap. 409) within a discipline specified in Schedule 3; or
- (b) is appointed as a competent examiner for the purposes of this Regulation by an organization specified under subsection (2);

“competent person” (合資格的人) means a person who is competent to perform an inspection or any other particular task permitted or required to be performed by a competent person under the relevant provision of this Regulation;

“employer” (僱主), in relation to a person employed, means that person's employer;

“hatch” (艙口) means an opening in a deck of a vessel used for—

- (a) loading or unloading the vessel;
- (b) trimming; or
- (c) ventilation;

(2) 如第(1)款遭違反，有關起重工具的擁有人及有關工程負責人即屬犯罪，一經定罪，可各處第3級罰款。

(3) 就第(1)款而言，任何鋼絲纜索如已按以下規定經測試及檢驗，即屬經妥為測試及檢驗——

- (a) 它已經合資格檢驗員按附表1訂明的方式測試及檢驗；
- (b) 它已經按照根據《船舶及港口管制條例》(第313章)第80條訂立的任何新規例測試及檢驗；或
- (c) 它已在符合《船舶及港口管制(貨物處理)規例》(第313章，附屬法例B)第22(1)(b)條的規定下經測試及檢驗。

### 36. 其他起重工具的檢查——鋼絲纜索

(1) 任何曾有鋼絲斷裂的鋼絲纜索如在之前一個月內未經合資格的人檢查，均不得用作起重工具。

(2) 任何其他鋼絲纜索如在之前3個月內未經合資格的人檢查，均不得用作起重工具。

(3) 如第(1)或(2)款遭違反，有關起重工具的擁有人及有關工程負責人即屬犯罪，一經定罪，可各處第3級罰款。

(4) 在以下情況下，第(1)款不適用——

- (a) 有關鋼絲纜索已在之前一個月內，在符合第35條的規定下經妥為測試及檢驗；
- (b) 有關鋼絲纜索已在之前一個月內，在符合根據《船舶及港口管制條例》(第313章)第80條訂立的任何新規例的規定下經檢查；或
- (c) 有關鋼絲纜索已在之前一個月內，在符合《船舶及港口管制(貨物處理)規例》(第313章，附屬法例B)第22(2)條的規定下經檢查。

(5) 在以下情況下，第(2)款不適用——

- (a) 有關鋼絲纜索已在之前3個月內，在符合第35條的規定下經妥為測試及檢驗；
- (b) 有關鋼絲纜索已在之前3個月內，在符合根據《船舶及港口管制條例》(第313章)第80條訂立的任何新規例的規定下經檢查；或
- (c) 有關鋼絲纜索已在之前3個月內，在符合《船舶及港口管制(貨物處理)規例》(第313章，附屬法例B)第22(2)條的規定下經檢查。

(2) If there is a contravention of subsection (1), the owner of the lifting gear and the person in charge of works commit an offence and each is liable on conviction to a fine at level 3.

(3) For the purposes of subsection (1), a wire rope has been duly tested and examined if—

- (a) it has been tested and examined by a competent examiner in the manner prescribed in Schedule 1;
- (b) it has been tested and examined in accordance with any new regulation made under section 80 of the Shipping and Port Control Ordinance (Cap. 313); or
- (c) it has been tested and examined in compliance with regulation 22(1)(b) of the Shipping and Port Control (Cargo Handling) Regulations (Cap. 313 sub. leg. B).

### 36. Inspection of other lifting gear—wire ropes

(1) A wire rope in which any wire has broken shall not be used as lifting gear if it has not been inspected by a competent person, within the preceding month.

(2) Any other wire rope shall not be used as lifting gear if it has not been inspected by a competent person, within the preceding 3 months.

(3) If there is a contravention of subsection (1) or (2), the owner of the lifting gear and the person in charge of works commit an offence and each is liable on conviction to a fine at level 3.

(4) Subsection (1) does not apply if—

- (a) the wire rope has been duly tested and examined in compliance with section 35, within the preceding month;
- (b) the wire rope has been inspected in compliance with any new regulation made under section 80 of the Shipping and Port Control Ordinance (Cap. 313), within the preceding month; or
- (c) the wire rope has been inspected in compliance with regulation 22(2) of the Shipping and Port Control (Cargo Handling) Regulations (Cap. 313 sub. leg. B), within the preceding month.

(5) Subsection (2) does not apply if—

- (a) the wire rope has been duly tested and examined in compliance with section 35, within the preceding 3 months;
- (b) the wire rope has been inspected in compliance with any new regulation made under section 80 of the Shipping and Port Control Ordinance (Cap. 313), within the preceding 3 months; or
- (c) the wire rope has been inspected in compliance with regulation 22(2) of the Shipping and Port Control (Cargo Handling) Regulations (Cap. 313 sub. leg. B), within the preceding 3 months.

## 《船舶及港口管制(工程)規例》

(由行政長官會同行政會議根據《船舶及港口管制條例》  
(第 313 章) 第 80 條訂立)

## 第 1 部

## 導言

## 1. 生效日期

本規例自經濟發展及勞工局局長以憲報公告指定的日期起實施。

## 2. 釋義

(1) 在本規例中，除文意另有所指外——

“工作地方”(workplace)指受僱人進行工程所在的船隻上的任何地方；

“工程督導員”(works supervisor)指根據第 19 條委任的人；

“安全操作負荷”(safe working load)——

- (a) 就經合資格檢驗員按附表 1 訂明的方式測試及檢驗的起重裝置或起重工具而言，指現行測試及檢驗證明書指明的該起重裝置或起重工具的適當安全操作負荷；
- (b) 就憑藉第 70(1) 條而無需根據本規例測試及檢驗的起重裝置或起重工具而言，指該條提述的現行證明書或紀錄指明的該起重裝置或起重工具的適當安全操作負荷；
- (c) 就屬滑輪組且憑藉第 70(2) 條而無需根據本規例測試及檢驗的起重工具而言，指第 43 條規定印在該滑輪組上的安全操作負荷；
- (d) 就屬鏈條且憑藉第 70(2) 條而無需根據本規例測試及檢驗的起重工具而言，指第 44(2) 條規定在該鏈條上或在附於該鏈條的壓塊或環圈上標示的安全操作負荷；
- (e) 就屬鋼絲纜吊索且憑藉第 70(2) 條而無需根據本規例測試及檢驗的起重工具而言，指——
  - (i) 第 44(3)(a) 條規定在該鋼絲纜吊索上或在附於該鋼絲纜吊索的壓塊或環圈上標示的安全操作負荷；或
  - (ii) 在第 44(3)(b) 條規定的告示中述明的該鋼絲纜吊索的安全操作負荷；或

## SHIPPING AND PORT CONTROL (WORKS) REGULATION

(Made by the Chief Executive in Council under section 80 of the  
Shipping and Port Control Ordinance (Cap. 313))

## PART I

## PRELIMINARY

## 1. Commencement

This Regulation shall come into operation on a day to be appointed by the Secretary for Economic Development and Labour by notice published in the Gazette.

## 2. Interpretation

(1) In this Regulation, unless the context otherwise requires—

“certificate of test and examination” (測試及檢驗證明書), in relation to a lifting appliance or lifting gear, means a certificate of test and examination, in the specified form, issued by the competent examiner who tests and examines the lifting appliance or lifting gear, and containing all the particulars required to be entered in the certificate with regard to the test and examination;

“competent examiner” (合資格檢驗員) means a person who—

(a) is registered under the Engineers Registration Ordinance (Cap. 409) within a discipline specified in Schedule 3; or

(b) is appointed as a competent examiner for the purposes of this Regulation by an organization specified under subsection (2);

“competent person” (合資格的人) means a person who is competent to perform an inspection or any other particular task permitted or required to be performed by a competent person under the relevant provision of this Regulation;

“employer” (僱主), in relation to a person employed, means that person's employer;

“hatch” (艙口) means an opening in a deck of a vessel used for—

(a) loading or unloading the vessel;

(b) trimming; or

(c) ventilation;

“hatchway” (艙口間) means the whole space within the square of the hatches, from the top deck to the bottom of the hold;

- (c) 它已在符合《船舶及港口管制(貨物處理)規例》(第 313 章, 附屬法例 B) 第 22(1)(b) 條的規定下經測試及檢驗。

### 36. 其他起重工具的檢查——鋼絲繩索

- (1) 任何曾有鋼絲斷裂的鋼絲繩索如在之前一個月內未經合資格的人檢查, 均不得用作起重工具。
- (2) 任何其他鋼絲繩索如在之前 3 個月內未經合資格的人檢查, 均不得用作起重工具。
- (3) 如第 (1) 或 (2) 款遭違反, 有關起重工具的擁有人及有關工程負責人即屬犯罪, 一經定罪, 可各處第 3 級罰款。
- (4) 在以下情況下, 第 (1) 款不適用——
- 有關鋼絲繩索已在之前一個月內, 在符合第 35 條的規定下經妥為測試及檢驗;
  - 有關鋼絲繩索已在之前一個月內, 在符合有關本地船隻規例的規定下經檢查; 或
  - 有關鋼絲繩索已在之前一個月內, 在符合《船舶及港口管制(貨物處理)規例》(第 313 章, 附屬法例 B) 第 22(2) 條的規定下經檢查。
- (5) 在以下情況下, 第 (2) 款不適用——
- 有關鋼絲繩索已在之前 3 個月內, 在符合第 35 條的規定下經妥為測試及檢驗;
  - 有關鋼絲繩索已在之前 3 個月內, 在符合有關本地船隻規例的規定下經檢查; 或
  - 有關鋼絲繩索已在之前 3 個月內, 在符合《船舶及港口管制(貨物處理)規例》(第 313 章, 附屬法例 B) 第 22(2) 條的規定下經檢查。

### 37. 處長及督察要求起重裝置或起重工具須經測試及檢驗、徹底檢驗或檢查的權力

- (1) 處長或督察如覺得為受僱人工作過程中的安全着想, 適宜要求某起重裝置——
- 在使用前經合資格檢驗員按附表 1 訂明的方式測試及檢驗; 或
  - 在使用前經合資格檢驗員徹底檢驗,
- 則可提出該要求。

- (c) it has been tested and examined in compliance with regulation 22(1)(b) of the Shipping and Port Control (Cargo Handling) Regulations (Cap. 313 sub. leg. B).

### 36. Inspection of other lifting gear—wire ropes

- (1) A wire rope in which any wire has broken shall not be used as lifting gear if it has not been inspected by a competent person, within the preceding month.
- (2) Any other wire rope shall not be used as lifting gear if it has not been inspected by a competent person, within the preceding 3 months.
- (3) If there is a contravention of subsection (1) or (2), the owner of the lifting gear and the person in charge of works commit an offence and each is liable on conviction to a fine at level 3.
- (4) Subsection (1) does not apply if—
- the wire rope has been duly tested and examined in compliance with section 35, within the preceding month;
  - the wire rope has been inspected in compliance with the relevant local vessels regulation, within the preceding month; or
  - the wire rope has been inspected in compliance with regulation 22(2) of the Shipping and Port Control (Cargo Handling) Regulations (Cap. 313 sub. leg. B), within the preceding month.
- (5) Subsection (2) does not apply if—
- the wire rope has been duly tested and examined in compliance with section 35, within the preceding 3 months;
  - the wire rope has been inspected in compliance with the relevant local vessels regulation, within the preceding 3 months; or
  - the wire rope has been inspected in compliance with regulation 22(2) of the Shipping and Port Control (Cargo Handling) Regulations (Cap. 313 sub. leg. B), within the preceding 3 months.

### 37. Powers of Director and inspector to request lifting appliances or lifting gear to be tested and examined, thoroughly examined or inspected

- (1) The Director or an inspector may, if it appears to him to be desirable in the interest of safety of persons employed at work, request a lifting appliance—
- to be tested and examined by a competent examiner in the manner prescribed in Schedule 1 before it is used; or
  - to be thoroughly examined by a competent examiner before it is used.

## 第 12 部

文件的修訂、不當之處的更正以及  
時限的延展

## 92. 文件的修訂

在本條例或本規則與修訂商標註冊申請及其他文件有關的條文的規限下，如處長認為修訂向他提交的任何文件是合適的，則該文件可按他指示的條款修訂。

## 93. 不當之處的更正

- (1) 除第(2)款另有規定外，在註冊處內或於在註冊處席前進行的程序中的不當之處，可按處長指示的條款更正。
- (2) 任何限期不得根據本條延展。

## 94. 時限的延展

(表格 T13) (第 29 號費用)

- (1) 除第 95 條另有規定外，如有關一方採用指明表格提交要求，處長可將——
  - (a) 本規則所訂明的限期；或
  - (b) 處長指明作出任何作為或提起任何法律程序的限期，
 按處長指示的條款(如有的話)延展一段他所指示的期間。
- (2) 凡延展時限的要求是根據第(1)款就第 18、19、20、38、42、43、44、50(7)、74(第 74(2)條除外)或 91(2)條訂明的限期而提交的，或是就處長根據第 120(7)條指明的限期而提交的，則尋求延展的一方須向該法律程序的其他每一方送交該要求的副本。
- (3) 凡——
  - (a) 在處長席前進行的法律程序的任何其他一方根據本規則提交證據的限期，是自另一方提交證據的限期屆滿時開始計算的；而
  - (b) 該另一方通知處長他不打算提交證據，
 則處長可指示(a)段所述的一方提交證據的限期須自指示所指明的日期開始計算，凡他發出上述指示，他須將有關日期通知該法律程序的每一方。

## PART 12

AMENDMENT OF DOCUMENTS, RECTIFICATION OF IRREGULARITIES  
AND EXTENSION OF TIME LIMITS

## 92. Amendment of documents

Subject to any provisions of the Ordinance or these Rules relating to the amendment of applications for registration of trade marks and other documents, any document filed with the Registrar may, if the Registrar thinks fit, be amended on such terms as he may direct.

## 93. Rectification of irregularities

- (1) Subject to subrule (2), any irregularity in procedure in or before the Registry may be rectified on such terms as the Registrar may direct.
- (2) No period of time may be extended under this rule.

## 94. Extension of time limits

(Form T13) (Fee No. 29)

- (1) Subject to rule 95, the Registrar may, on a request being filed on the specified form by the party concerned, extend any period of time—
  - (a) prescribed by these Rules; or
  - (b) specified by the Registrar for doing any act or taking any proceedings,
 for such period and on such terms, if any, as <sup>the Registrar</sup> he may direct.
- (2) Where a request for an extension of time is filed under subrule (1) in relation to a period of time prescribed by rule 18, 19, 20, 38, 42, 43, 44, 50(7), 74 (other than rule 74(2)) or 91(2), or in relation to a period of time specified by the Registrar under rule 120(7), the party seeking the extension shall send a copy of the request to every other party to the proceedings.
- (3) Where—
  - (a) the period within which any party to any proceedings before the Registrar may file evidence under these Rules is to begin on the expiry of any period during which any other party may file evidence; and
  - (b) the other party notifies the Registrar that he does not intend to file evidence,
 the Registrar may direct that the period within which the party mentioned in paragraph (a) may file evidence shall begin on such date as may be specified in the direction, and where he issues such a direction he shall notify each party to the proceedings of the relevant date.

## 儲蓄互助社 (表格) 規例

(第 119 章第 85 條)

[1970 年 2 月 28 日]

### 1. 引稱

本規例可引稱為《儲蓄互助社 (表格) 規例》。

### 2. 組織章程大綱 <sup>第 4(2) 款</sup>

本條例第 4 條第 (2) 款所規定的組織章程大綱，須採用附表內表格 1 的格式。

### 3. 註冊證

根據本條例第 5 條第 (3) 款發出的註冊證，須採用附表內表格 2 的格式。

#### 附表

##### 表格 1

[條例第 4(2) 條]

儲蓄互助社條例  
(第 119 章)

組織章程大綱  
(條例第 4 條)

1. 以下簽署人現根據《儲蓄互助社條例》的條文申請將儲蓄互助社註冊。
2. 本儲蓄互助社的社籍只限於 [描述社籍的共同連繫] .....
3. 本儲蓄互助社的法團名稱將為 .....
4. 本儲蓄互助社的資本並無限額，並須分為每股價值 \$5 的股份。

## CREDIT UNIONS (FORMS) REGULATIONS

(Cap. 119, section 85)

[28 February 1970]

### 1. Citation

These regulations may be cited as the Credit Unions (Forms) Regulations.

### 2. Memorandum of association <sup>section 4(2)</sup>

The memorandum of association required under subsection (2) of section 4 of the Ordinance shall be in Form 1 in the Schedule.

### 3. Certificate of registration

The certificate of registration issued under subsection (3) of section 5 of the Ordinance shall be in Form 2 in the Schedule.

#### SCHEDULE

##### FORM 1

[s. 4(2)]

THE CREDIT UNIONS ORDINANCE  
(Chapter 119)

MEMORANDUM OF ASSOCIATION  
(Section 4)

1. The undersigned hereby apply for the registration of a Credit Union under the provisions of the Credit Unions Ordinance.
2. The membership of the Credit Union shall be limited to [describe the common bond of membership] .....
3. The corporate name of the Credit Union is to be .....
4. The capital of the Credit Union shall be unlimited in amount and shall be divided into shares of a value of five dollars each.

## 第 IV 部

## 雜項

## 12. 違反社會服務令並非由陪審團決定

根據本條例由原訟法庭處理的法律程序中，任何關於罪犯是否不遵守第 6(1) 條規定，或是否在社會服務令生效期間因犯罪而被定罪的問題，須由法院裁定，而非由陪審團裁決而裁定。

(由 1998 年第 25 號第 2 條修訂)

## 13. 修訂附表的權力

勞工及福利局局長可藉命令修訂附表，而在修訂附表時可藉提述為何人工作或在何處工作或以任何其他方法而指明有關工作。

(由 1997 年第 80 號第 23 條修訂；由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)

## 14. 訂立規例的權力

勞工及福利局局長可訂立規例，以便更有效實現本條例的目的及施行本條例的條文。

(由 1997 年第 80 號第 24 條修訂；由 1997 年第 362 號法律公告修訂；由 2002 年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)

## 15. 過渡性條文

任何人如在法庭有權作出社會服務令的日期前犯罪而被定罪，只要該人並未因所犯罪行而被判處，法庭仍可針對該人作出社會服務令。

## 附表

[第 6(3) 及 13 條]

## 工作類別

- (1) 在任何醫院，或任何慈善、教育、文化或康樂機構或組織工作，或為任何醫院或該等機構或組織工作。
- (2) 在任何其他照顧老、弱、傷殘者的機構或組織工作，或為該等機構或組織工作。
- (3) 在由政府或任何公共機構租賃、佔用、管理、保養或保持清潔的土地上工作。(由 1998 年第 29 號第 83 條代替)

## PART IV

## MISCELLANEOUS

12. Breach of community service order  
not for jury to decide

In proceedings before the Court of First Instance under this Ordinance, any question whether an offender has failed to comply with section 6(1), or has been convicted of an offence committed during the period that a community service order was in force, shall be determined by the court and not by the verdict of a jury.

(Amended 25 of 1998 s. 2)

## 13. Power to amend Schedule

The Secretary for Labour and Welfare may by order amend the Schedule and in so doing may specify work by reference to the person for whom, or the place where, it is to be performed, or in any other way.

(Amended 80 of 1997 s. 23; L.N. 106 of 2002; L.N. 130 of 2007)

## 14. Power to make regulations

The Secretary for Labour and Welfare may make regulations for the better carrying out of the purpose and provisions of this Ordinance.

(Amended 80 of 1997 s. 24; L.N. 106 of 2002; L.N. 130 of 2007)

Commencement date of Cap. 378 -  
23 Nov 1984

## 15. Transitional

A court may make a community service order against a person who is convicted of an offence before the date on which the court acquires the power to make such an order provided that he has not already been sentenced for the offence.

## SCHEDULE

[ss. 6(3) & 13]

## TYPE OF WORK

- (1) Work at or for any hospital, or at or for any charitable, education, cultural, or recreational institution or organization.
- (2) Work at or for any other institution or organization for old, infirm or handicapped persons.
- (3) Work on any land that is leased, occupied, administered, maintained or kept clean by the Government or any public body. (Replaced 29 of 1998 s. 83)

## 附表 1

[第 3、51 及 61 條]

## 保險業務的類別

## 第 1 部

## 導言

1. 本附表第 2 及 3 部所指明的保險業務類別，即為與施行本條例有關的保險業務類別。
2. 根據第 8 條所作的授權，在描述所關乎的類別或部分類別時，可藉提述本附表第 4 部所指明的適當組別以作描述。
3. 如任何獲授權經營長期業務的保險人訂立與執行任何保險合約，而該合約併合長期業務及性質屬本附表第 3 部就類別 1 或 2 所指明的額外業務，則就該合約而言，該額外業務須視為長期業務而非一般業務。
- 3A. 在同一合約中，不得將本附表第 2 部類別 G 或 H 所指明性質的長期業務，與本附表所指明的任何其他性質的業務併合一起，除非該合約是由保險業監督根據第 3B 段藉在憲報刊登公告指明為本段不適用的合約，或屬於公告內指明為本段不適用的類別或種類的合約，則不在此限。  
(由 1993 年第 59 號第 17 條增補)
- 3AA. (a) 第 3A 段不適用於任何有關人壽的年金合約，而根據該合約，一筆整付保費須予繳付，以換取一筆自該合約的簽立日期起立即須定期支付的年金。  
(b) (a) 節須當作已自《1993 年保險公司(修訂)條例》\*(1993 年第 59 號)的生效日期起實施。  
(由 1995 年第 75 號第 11 條增補)
- 3B. 保險業監督可藉在憲報刊登公告指明第 3A 段所不適用的合約(包括任何類別或種類的合約)。  
(由 1993 年第 59 號第 17 條增補)
- 3C. 在符合第 3D 段的規定下，凡在《1993 年保險公司(修訂)條例》\*(1993 年第 59 號)的生效日期或之後訂立與執行的任何合約可以既是本附表第 2 部類別 I 所指明性質的合約，亦是另一類別(或另外多個類別)的長期業務所指明性質的合約，則就本條例而言，該合約須視為只屬類別 I 所指明性質的合約，而本條例條文亦據此而對其有效。  
(由 1993 年第 59 號第 17 條增補)
- 3D. 當《1993 年保險公司(修訂)條例》\*(1993 年第 59 號)第 19 條的有效期限屆滿，第 3C 段立即對該段所提述的日期前訂立與執行的合約有效，一如其對在該日期或之後訂立與執行的合約有效一樣。  
(由 1993 年第 59 號第 17 條增補)
- 3E. 在本附表第 1 及 2 部內，“退休計劃”(retirement scheme)指書面或口頭、明訂或隱含的計劃，而根據該計劃，以退休金、津貼、酬金或其他付款形式作出的利益是會在下述情況下向計劃的成員(或就該等成員)提供的——  
(a) 計劃的成員因被終止服務(包括因無行為能力而被終止)、死亡或退休而停止被僱用(包括自我僱用)；  
(b) 計劃的成員根據服務合約停止服務；或  
(c) 計劃的成員停止為某一組織或合夥的成員，  
但不包括任何由保險業監督根據第 3F 或 3FB 段藉在憲報刊登公告指明就本條例而言並非屬退休計劃的任何計劃(包括任何類別或種類的計劃)。  
(由 1993 年第 59 號第 17 條增補。由 1994 年第 398 號法律公告修訂)
- 3F. 在符合第 3FB 段的規定下，除《職業退休計劃條例》(第 426 章)所指的職業退休計劃外，保險業監督可藉在憲報刊登公告，指明任何計劃(包括任何類別或種類的計劃)就本條例而言，並非屬退休計劃。  
(由 1993 年第 59 號第 17 條增補。由 1994 年第 398 號法律公告修訂)

\* “《1993 年保險公司(修訂)條例》”乃“Insurance Companies (Amendment) Ordinance 1993”之譯名。

## FIRST SCHEDULE → Schedule 1 [ss. 3, 51 &amp; 61]

## CLASSES OF INSURANCE BUSINESS

## PART 1

## PRELIMINARY

1. The classes of insurance business specified in Parts 2 and 3 of this Schedule shall constitute the classes of insurance business that are relevant for the purposes of this Ordinance.
2. An authorization under section 8, in describing the classes or parts of classes to which it relates, may do so by reference to the appropriate groups specified in Part 4 of this Schedule.
3. If an insurer authorized to carry on long term business effects and carries out a contract of insurance which combines long term business and additional business of the nature specified in Part 3 of this Schedule in relation to class 1 or 2, the additional business shall as respects that contract be regarded as long term business and not as general business.
- 3A. There shall not be combined in the one contract long term business of the nature specified in class G or H in Part 2 of this Schedule and business of any other nature specified in this Schedule unless that contract is a contract (or belongs to a class or description of contract) specified by the Insurance Authority by notice in the Gazette under paragraph 3B as being a contract to which this paragraph shall not apply. (Added 59 of 1993 s. 17)
- 3AA. (a) Paragraph 3A shall not apply to any annuity contract on a human life under which a single premium is paid in return for an annuity which becomes payable periodically immediately upon the date of the execution of the contract.  
(b) Subparagraph (a) shall be deemed to have come into operation on the commencement of the Insurance Companies (Amendment) Ordinance 1993 (59 of 1993). (Added 75 of 1995 s. 11)
- 3B. The Insurance Authority may specify, by notice in the Gazette, any contract (including any class or description of contract) to which paragraph 3A shall not apply. (Added 59 of 1993 s. 17)
- 3C. Subject to paragraph 3D, where a contract effected and carried out on or after the date of commencement of the Insurance Companies (Amendment) Ordinance 1993 (59 of 1993) can be both a contract of the nature specified in class I in Part 2 of this Schedule and a contract of the nature specified in another class (or classes) of long term business, the contract shall, for the purposes of this Ordinance, be treated as being only a contract of the nature specified in class I, and the provisions of this Ordinance shall have effect accordingly. (Added 59 of 1993 s. 17)
- 3D. Immediately upon the expiration of section 19 of the Insurance Companies (Amendment) Ordinance 1993 (59 of 1993), paragraph 3C shall operate in relation to a contract effected and carried out before the date referred to in that paragraph as it operates in relation to a contract effected and carried out on or after that date. (Added 59 of 1993 s. 17)
- 3E. In Parts 1 and 2 of this Schedule, “retirement scheme” (退休計劃) means any scheme, whether in writing or oral, express or implied, under which benefits, in the form of pensions, allowances, gratuities or other payments, are payable to or in respect of a member of the scheme on the cessation of his—  
(a) employment (including any self-employment) by termination of service (including termination for disability), death or retirement;  
(b) service under a contract for services; or  
(c) membership of an association or partnership,  
but does not include any scheme (including any class or description of scheme) specified by the Insurance Authority by notice in the Gazette under paragraph 3F or 3FB as not being a retirement scheme for the purposes of this Ordinance. (Added 59 of 1993 s. 17. Amended L.N. 398 of 1994)
- 3F. Subject to paragraph 3FB, the Insurance Authority may, except in relation to a scheme which is an occupational retirement scheme within the meaning of the Occupational Retirement Schemes Ordinance (Cap. 426), specify, by notice in the Gazette, any scheme (including any class or description of scheme) as not being a retirement scheme for the purposes of this Ordinance. (Added 59 of 1993 s. 17. Amended L.N. 398 of 1994)



[Subsidiary]

[附屬法例]

## OCCUPATIONAL RETIREMENT SCHEMES (INSURANCE ARRANGEMENT) RULES

## 職業退休計劃 (保險安排) 規則

(Cap. 426, section 73)

(第 426 章第 73 條)

[15 October 1993]

[1993 年 10 月 15 日]

1. (Omitted as spent)

1. (已失時效而略去)

2. Definition

2. 定義

In these Rules, unless the context otherwise requires—  
“relevant insurer” (有關保險人) means, in relation to an agreement or arrangement, the insurer with whom the relevant employer of the relevant scheme enters into the agreement or arrangement;  
“relevant scheme” (有關計劃) means, in relation to an agreement or arrangement, the occupational retirement scheme which is the subject of or regulated by the agreement or arrangement.

在本規則中，除文意另有所指外——  
“有關計劃” (relevant scheme) 就一項協議或安排來說，指構成該協議或安排的主題或受該協議或安排所規管的職業退休計劃；  
“有關保險人” (relevant insurer) 就一項協議或安排來說，指與有關計劃的有關僱主訂立協議或安排的保險人。

3. Insurance arrangement

3. 保險安排

For the purposes of the Ordinance, an agreement or arrangement shall not be regarded as an insurance arrangement unless—

為本條例的目的，一項協議或安排除非符合以下條件，否則不得被視為一項保險安排——

- (a) under the terms of the agreement or arrangement the relevant insurer has the duty to ensure, on the basis of all relevant scheme documents in his possession and all relevant information furnished by the relevant employer of the relevant scheme including all such information verified by the employer's auditor, that contributions are made by the employer in accordance with the terms of the scheme;
- (b) the terms of the agreement or arrangement provide that the relevant insurer shall, in relation to payment of any benefit under the terms of the relevant scheme in respect of any member of the scheme, comply with the Occupational Retirement Schemes (Payment of Benefits) Rules (Cap. 426 sub. leg.); and

- (a) 根據該協議或安排的條款，有關保險人有責任憑着所有由他管有的有關計劃文件，以及憑着所有由有關計劃的有關僱主提供的有關資料 (包括經該僱主的核數師核實的該等資料)，確保該僱主依照該計劃的條款作出供款；
- (b) 該協議或安排的條款規定，有關保險人在根據有關計劃的條款就該計劃任何成員支付利益方面，須遵守《職業退休計劃 (利益的支付) 規則》(第 426 章，附屬法例)；及

[Subsidiary]

- (c) the nature of the business transacted or to be transacted under the agreement or arrangement meets the description of the nature of business relating to long term business class G, H or I in Part 2 of the First Schedule to the Insurance Companies Ordinance (Cap. 41).

↑  
Schedule 1

[附屬法例]

- (c) 該協議或安排所訂定處理的業務 (不論是已處理或將要處理者) 的性質，符合《保險公司條例》(第 41 章) 附表 1 第 2 部中對 G、H 或 I 類長期業務的業務性質的描述。

第 362 章  
[附屬法例]

第 1 條

《商品說明(製造地方)(紡織製成品)令》

(2005 年第 9 號第 8 條)

(第 362 章第 2(2)(b)(ii) 條)

[2005 年 1 月 1 日]

1. (已失時效而略去)

2. 釋義

在本命令中——

內地 (the Mainland) 指中國的任何部分，但不包括香港、澳門及台灣；(2010 年第 114 號法律公告)

《內地與香港關於建立更緊密經貿關係的安排》(Mainland and Hong Kong Closer Economic Partnership Arrangement) 指不時修訂的由中央人民政府與香港特別行政區政府訂立並於 2003 年 6 月 29 日簽署的《內地與香港關於建立更緊密經貿關係的安排》(包括在 2003 年 9 月 29 日簽署的附件)；(2010 年第 114 號法律公告)

《中國香港與新西蘭緊密經貿合作協定》(Hong Kong, China—New Zealand Closer Economic Partnership Agreement) 指不時修訂的由香港特別行政區政府與新西蘭政府訂立並於 2010 年 3 月 29 日簽署的《中國香港與新西蘭緊密經貿合作協定》；(2010 年第 114 號法律公告)

Section 1

TRADE DESCRIPTIONS (PLACE OF  
MANUFACTURE) (TEXTILE MADE-UP  
ARTICLES) ORDER

(9 of 2005 s. 8)

(Cap. 362, section 2(2)(b)(ii))

[1 January 2005]

1. (Omitted as spent)

2. Interpretation

In this Order—

*Definition in new format*  
“Hong Kong, China—New Zealand Closer Economic Partnership Agreement” (《中國香港與新西蘭緊密經貿合作協定》) means the Hong Kong, China—New Zealand Closer Economic Partnership Agreement entered into between the Government of the Hong Kong Special Administrative Region and the Government of New Zealand and signed on 29 March 2010, as amended from time to time; (L.N. 114 of 2010)

*Definition in old format*  
“HS code” (協調制度編號) means the code described as item code in the Hong Kong Imports and Exports Classification List (Harmonized System) issued by the Commissioner of Customs and Excise by notice G.N. (S.) 59 of 2006 published in the Gazette, as amended by notices G.N. (S.) 5 of 2007, G.N. (S.) 79 of 2007, G.N. (S.) 75 of 2008 and G.N. (S.) 78 of 2009 published in the Gazette; (L.N. 114 of 2010)

*Definition in new format*  
“the Mainland” (內地) means any part of China other than Hong Kong, Macau and Taiwan; (L.N. 114 of 2010)