

《土地 (雜項條文) 條例》
(第 28 章)

Land (Miscellaneous Provisions) Ordinance
(Cap. 28)

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經核證文本
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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

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制定史

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《土地(雜項條文)條例》

(第 28 章)

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Land (Miscellaneous Provisions) Ordinance

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本條例旨在就關於政府土地的事宜訂定條文。

(由 1998 年第 29 號第 11 條修訂)
(格式變更——2020 年第 5 號編輯修訂紀錄)

To provide for matters relating to Government land.

(Amended 29 of 1998 s. 11)
(Format changes—E.R. 5 of 2020)

[1972 年 10 月 1 日] 1972 年第 186 號法律公告

[1 October 1972] L.N. 186 of 1972

第 I 部

Part I

導言

Preliminary

(格式變更——2020 年第 5 號編輯修訂紀錄)

(Format changes—E.R. 5 of 2020)

1. 簡稱

本條例可引稱為《土地(雜項條文)條例》。

(由 1998 年第 29 號第 12 條修訂)

1. Short title

This Ordinance may be cited as the Land (Miscellaneous Provisions) Ordinance.

(Amended 29 of 1998 s. 12)

2. 釋義

在本條例中，除文意另有所指外——

已批租土地 (leased land) 指下述土地——

- (a) 根據政府租契持有者；或 (由 1998 年第 29 號第 105 條修訂)
- (b) 由某一條例歸屬於某人者；

市區 (urban area) 指香港島、九龍及新九龍；

未批租土地 (unleased land) 指並非已批租土地的土地；

佔用 (occupy) 包括使用、居住、管有或享用土地，及在土地上或土地上空建造或保存任何構築物，以及在土地上放置或保存任何物件；

2. Interpretation

In this Ordinance, unless the context otherwise requires—

authorized person (獲授權人) means any public officer, or other person, acting on the direction of the Authority given under section 6(2), (2A) or (4A) or 12(2) and any public officer or other person assisting any such public officer or other person;
(Amended 56 of 1979 s. 2; E.R. 5 of 2020)

contractor (承判商), for an excavation or emergency excavation to which an excavation permit or emergency excavation permit relates, means—

- (a) any person who enters into a contract, express or implied, with the permittee of the permit to make or

私家街道 (private street) 指在已批租土地範圍內的街道或其部分；

承判商 (contractor) 就任何挖掘准許證或緊急挖掘准許證所關乎的挖掘或緊急挖掘工作而言，指——

- (a) 任何以明訂或隱含方式與有關准許證的持准許證人訂立合約，為該持准許證人進行或維持該項工作的全部或任何部分的人；或
- (b) 任何以明訂或隱含方式訂立合約，以進行或維持 (a) 段所指定的人根據該段所指的合約須進行或維持的工作的全部或任何部分的人；(由 2003 年第 17 號第 2 條增補)

承租人 (lessee) 指持有已批租土地的人；

挖掘、挖掘工作 (excavation) 指挖掘土地；(由 2003 年第 17 號第 2 條增補)

挖掘准許證 (excavation permit) 指根據第 10A 條發出的挖掘准許證；(由 2003 年第 17 號第 2 條代替)

持准許證人 (permittee) 指挖掘准許證或緊急挖掘准許證的持有人；(由 2003 年第 17 號第 2 條增補)

持證人 (licensee) 指根據許可證或根據其他條例批出或發出的任何許可證或准許證而佔用土地的人；

指定持准許證人 (nominated permittee) 指根據第 10G 條被視為指定持准許證人的人；(由 2003 年第 17 號第 2 條增補)

許可證 (licence) 指根據第 5 條發出的許可證；

發證當局 (licensing authority) 指獲第 5 條賦權發出許可證的當局；

構築物 (structure) 包括在土地上或土地上空建造的樁柱、平台、欄柵及任何其他物件；

緊急事故 (emergency incident) 指一項事故，而該事故的發生即會使立即為以下目的進行挖掘成為合理所需——

- (a) 防止任何人受傷；

maintain all or any part of the excavation for such permittee; or

- (b) any person who enters into a contract, express or implied, to make or maintain all or any part of an excavation which the person referred to in paragraph (a) has to make or maintain under the contract referred to in paragraph (a); (Added 17 of 2003 s. 2)

emergency excavation (緊急挖掘) means an excavation that is made or maintained consequential upon the occurrence of an emergency incident; (Added 17 of 2003 s. 2)

emergency excavation permit (緊急挖掘准許證) means an emergency excavation permit issued under section 10C; (Added 17 of 2003 s. 2)

emergency incident (緊急事故) means an incident the occurrence of which reasonably requires an immediate excavation for the purpose of—

- (a) the prevention of injury to any person;
- (b) the saving of life of any person;
- (c) the prevention of damage to any property; or
- (d) the prevention of serious interruption or disruption to any public transport system or utility services; (Added 17 of 2003 s. 2)

excavation (挖掘、挖掘工作) means an excavation of land; (Added 17 of 2003 s. 2)

excavation permit (挖掘准許證) means an excavation permit issued under section 10A; (Replaced 17 of 2003 s. 2)

leased land (已批租土地) means land which is—

- (a) held under a Government lease; or (Amended 29 of 1998 s. 105)
- (b) vested in a person by an Ordinance;

- (b) 拯救人命；
- (c) 防止任何財產受損害；或
- (d) 防止任何公共運輸系統或公用設施出現嚴重的中斷或被擾亂情況；(由 2003 年第 17 號第 2 條增補)

緊急挖掘 (emergency excavation) 指因發生緊急事故而致須進行或維持的挖掘工作；(由 2003 年第 17 號第 2 條增補)

緊急挖掘准許證 (emergency excavation permit) 指根據第 10C 條發出的緊急挖掘准許證；(由 2003 年第 17 號第 2 條增補)

獲授權人 (authorized person) 指按當局根據第 6(2)、(2A) 或 (4A) 或 12(2) 條發出的指示而行事的任何公職人員或其他人，以及協助上述公職人員或其他人的公職人員或其他人；(由 1979 年第 56 號第 2 條修訂；編輯修訂——2020 年第 5 號編輯修訂紀錄)

覆核委員會 (Review Board) 指根據第 100 條組成的覆核委員會。(由 2003 年第 17 號第 2 條增補)

(編輯修訂——2020 年第 5 號編輯修訂紀錄)

2A. 對政府的適用範圍

- (1) 在符合本條的規定下，第 III 部在關於於屬由路政署維修的街道的未批租土地上進行挖掘工作的範圍內，對政府具約束力。

lessee (承租人) means a person holding leased land;

licence (許可證) means a licence issued under section 5;

licensee (持證人) means a person occupying land under a licence or under a licence or permit granted or issued under any other Ordinance;

licensing authority (發證當局) means the Authority empowered by section 5 to issue a licence;

nominated permittee (指定持准許證人) means a person regarded as a nominated permittee under section 10G; (Added 17 of 2003 s. 2)

occupy (佔用) includes use, inhabit, be in possession of, enjoy, erect or maintain a structure on or over, and place or maintain anything on, land;

permittee (持准許證人) means the holder of an excavation permit or emergency excavation permit; (Added 17 of 2003 s. 2)

private street (私家街道) means a street or part of a street on leased land;

Review Board (覆核委員會) means the Review Board constituted under section 100; (Added 17 of 2003 s. 2)

structure (構築物) includes a stilt, platform, fence and any other thing erected on or over land;

unleased land (未批租土地) means land which is not leased land;

urban area (市區) means Hong Kong Island, Kowloon and New Kowloon.

2A. Application to Government

- (1) Subject to this section, Part III binds the Government so far as it relates to an excavation in unleased land which is a street maintained by the Highways Department.

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第 2A 條

- (2) 第 III 部並無准許對政府或對在為政府服務時以公職人員身分執行本身職責的過程中作出任何事情的人採取法律程序的效力，亦無對政府或該人施加刑事法律責任的效力。
- (3) 如當局認為任何公職人員在為政府服務而執行本身職責時作出或不作出某些事情而違反第 III 部，則當局須——
- (a) 將該事項向發展局局長報告；並
 - (b) 在報告中按實際情況而通知他該作為或不作為——
 - (i) 已終止以令當局感到滿意；或
 - (ii) 並未終止以令當局感到滿意。
- (4) 在發展局局長接獲第 (3) 款所指的報告後，如該款的 (b)(ii) 段適用，他須對該報告所關乎的事項進行調查，並確定有關的公職人員是正繼續違反第 III 部或是已停止該違例事項。
- (5) 如第 (4) 款所指的調查顯示有關的公職人員正繼續違反第 III 部，發展局局長須確保採取最佳的切實可行步驟以——(由 2007 年第 130 號法律公告修訂)
- (a) 停止該違例事項；及
 - (b) (如他認為有關的公職人員或任何其他公職人員相當可能會犯任何相類似的違例事項) 避免該相類似的違例事項再發生。
- (6) 如——
- (a) 以下其中一種情況出現——
 - (i) 接獲第 (3) 款所指的報告，而該款的 (b)(i) 段適用；或
 - (ii) 第 (4) 款所指的調查顯示有關的公職人員已停止有關的違例事項；但
 - (b) 發展局局長認為有關的公職人員或任何其他公職人員相當可能會犯任何相類似的違例事項，

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- (2) Part III does not have effect to permit proceedings to be taken against, or to impose any criminal liability on, the Government or a person doing anything in the course of carrying out his duties as a public officer in the service of the Government.
- (3) If the Authority considers that a public officer, in carrying out his duties in the service of the Government, has done an act or made an omission in contravention of Part III, the Authority shall—
- (a) report the matter to the Secretary for Development; and
 - (b) in the report, advise him, that the act or omission has, as the case may be—
 - (i) been terminated to the Authority's satisfaction; or
 - (ii) not been terminated to the Authority's satisfaction.
- (4) On receiving a report under subsection (3) where paragraph (b)(ii) of that subsection is applicable, the Secretary for Development shall investigate the matter to which the report relates and ascertain if the public officer concerned is continuing to contravene Part III or has stopped the contravention.
- (5) If an investigation under subsection (4) shows that the public officer concerned is continuing to contravene Part III, the Secretary for Development shall ensure that the best practicable steps are taken to—(Amended L.N. 130 of 2007)
- (a) stop the contravention; and
 - (b) avoid the recurrence of any like contravention if he considers that the public officer concerned or any other public officer, is likely to commit the like contravention.
- (6) If—
- (a) either—

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第 I 部
第 3 條

Part I
Section 3

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則發展局局長須確保採取最佳的切實可行步驟以避免該相類似的違例事項再發生。

(由 2003 年第 17 號第 3 條增補。由 2007 年第 130 號法律公告修訂)

3. 當局的指定

- (1) 為施行附表第 1 欄所指明的本條例條文，附表第 3 欄所指明的人或公職人員，即為附表第 2 欄所指明的地區的當局。(由 1973 年第 23 號第 36 條修訂)
- (2) 行政長官可藉憲報刊登的公告修訂附表。(由 2000 年第 3 號第 3 條修訂)

- (i) a report under subsection (3) is received where paragraph (b)(i) of that subsection is applicable; or
- (ii) an investigation under subsection (4) shows that the public officer concerned has stopped the contravention; but

- (b) the Secretary for Development considers that the public officer concerned or any other public officer, is likely to commit a like contravention,

then the Secretary for Development shall ensure that the best practicable steps are taken to avoid the recurrence of the like contravention.

(Added 17 of 2003 s. 3. Amended L.N. 130 of 2007)

3. Designation of Authorities

- (1) For the purpose of the provisions of this Ordinance specified in the first column of the Schedule the Authority shall, in the areas specified in the second column of that Schedule, be the person or public officer specified in respect thereof in the third column of that Schedule. *(Amended 23 of 1973 s. 36)*
- (2) The Chief Executive may by notice in the Gazette amend the Schedule. *(Amended 3 of 2000 s. 3)*

第 II 部**佔用未批租土地***(格式變更——2015 年第 3 號編輯修訂紀錄)***4. 佔用未批租土地**

除非根據許可證、撥地契據或撥地備忘錄，否則不得佔用未批租土地。

5. 許可證的發出及有效期

- (1) 當局可在收到適當的訂明費用後，發出佔用未批租土地的許可證。
- (2) 除第 (3) 款另有規定外，許可證的有效期為證上指明的期間，並可按發證當局認為適合的期限予以續期。
- (3) 發證當局可藉發出許可證上所指明的通知而將許可證終止。

6. 不合法佔用未批租土地

- (1) 除第 (2A) 款另有規定外，如有並非根據許可證、撥地契據或撥地備忘錄而佔用未批租土地的情況出現，則當局可安排張貼通知，飭令在通知內指明的日期前停止佔用該土地，通知可張貼在下列一處或多處地方——*(由 1979 年第 56 號第 3 條修訂)*
 - (a) 該土地上或附近；或
 - (b) 該土地上的任何財產或構築物上。
- (2) 如佔用未批租土地的情況未有遵照根據第 (1) 款發出的通知所飭令者而停止，則按當局指示行事的任何公職人員或其他人(有需要時由其他公職人員或其他人協助)，可——

Part II**Occupation of Unleased Land***(Format changes—E.R. 3 of 2015)***4. Occupation of unleased land**

Unleased land shall not be occupied except under a licence or a deed or memorandum of appropriation.

5. Issue and validity of licences

- (1) The Authority may, on payment of the appropriate prescribed fee, issue a licence to occupy unleased land.
- (2) Subject to subsection (3), a licence shall be valid for the period specified therein and may be renewed for such period as the licensing authority thinks fit.
- (3) A licence may be terminated by the licensing authority by giving such notice as may be specified in the licence.

6. Unlawful occupation of unleased land

- (1) Subject to subsection (2A), if unleased land is occupied, otherwise than under a licence or a deed or memorandum of appropriation, the Authority may cause a notice, requiring the occupation of the land to cease before such date as may be specified in the notice, to be posted in one or more places—*(Amended 56 of 1979 s. 3)*
 - (a) on or near the land; or
 - (b) on any property or structure on the land.
- (2) If the occupation of unleased land does not cease as required by a notice under subsection (1), any public officer, or other person, acting on the direction of the Authority may, with the

- (a) 將該土地上的任何人(如有的話)驅逐;及
- (b) 接管該土地上的任何財產或構築物。
- (2A) 不論第(1)款有何規定,凡——
- (a) 有構築物並非根據許可證、撥地契據或撥地備忘錄而正在未批租土地上或土地上空建造;或
- (b) 已有構築物並非根據許可證、撥地契據或撥地備忘錄而在未批租土地上建造,而當局合理地信納該構築物並無慣常及真正地使用,
- 則按當局指示行事的任何公職人員或其他人(有需要時由其他公職人員或其他人協助)可無須發出通知,即行——
- (i) 將該構築物內的任何人驅逐或將其內任何財產移走;
- (ii) 拆掉該構築物;及
- (iii) 接管此等財產及接管因拆掉該構築物而得的任何財產。(由 1979 年第 56 號第 3 條增補)
- (3) 根據第(2)(b)或(2A)(iii)款接管的任何財產或構築物,即成為政府的財產而不再受任何人在該財產或構築物中的任何權益所規限,並可按當局認為適合的任何方式,將該財產或構築物拆掉或作其他處理。(由 1979 年第 56 號第 3 條修訂;由 1998 年第 29 號第 105 條修訂;編輯修訂——2020 年第 5 號編輯修訂紀錄)
- (4) 任何人並非根據許可證、撥地契據或撥地備忘錄而佔用未批租土地,且在無合理辯解下,沒有遵從第(1)款所指的通知所飭令而停止佔用該土地,即屬犯罪。(由 2015 年第 3 號第 3 條修訂)
- (4AA) 任何人如犯第(4)款所訂罪行——
- (a) 在該人首度被裁定犯該罪行時——可處罰款 \$500,000 及監禁 6 個月,如屬持續的罪行,則可就罪行持續期間的每一日,另處罰款 \$50,000;及

- assistance of such other public officers or other persons as may be necessary—
- (a) remove from the land the persons (if any) thereon; and
- (b) take possession of any property or structure on the land.
- (2A) Notwithstanding subsection (1), where—
- (a) a structure is being erected on or over unleased land, otherwise than under a licence or a deed or memorandum of appropriation; or
- (b) a structure has been erected on unleased land, otherwise than under a licence or a deed or memorandum of appropriation, and the Authority is reasonably satisfied that the structure is not being habitually and bona fide used,
- any public officer, or other person, acting on the direction of the Authority may, with the assistance of such other public officers or other persons as may be necessary, and without giving any notice—
- (i) remove from the structure any person or property therein;
- (ii) demolish the structure; and
- (iii) take possession of such property and of any property resulting from the demolition of the structure. (*Added 56 of 1979 s. 3*)
- (3) Any property or structure of which possession is taken under subsection (2)(b) or (2A)(iii) shall become the property of the Government free from the rights of any person and may be demolished or otherwise dealt with as the Authority thinks fit. (*Amended 56 of 1979 s. 3; 29 of 1998 s. 105; E.R. 5 of 2020*)
- (4) Any person occupying unleased land, otherwise than under a licence or a deed or memorandum of appropriation, who without reasonable excuse does not cease to occupy the same

- (b) 在該人其後每次被裁定犯該罪行時——可處罰款 \$1,000,000 及監禁 6 個月，如屬持續的罪行，則可就罪行持續期間的每一日，另處罰款 \$100,000。(由 2015 年第 3 號第 3 條增補)
- (4A) 任何人——
- (a) 以任何方式參與在未批租土地上建造構築物的工作；或
- (b) 安排或指示在未批租土地上建造構築物，而該構築物並非根據許可證、撥地契據或撥地備忘錄而建造者，該人即屬犯罪。(由 1979 年第 56 號第 3 條增補。由 1982 年第 46 號第 2 條修訂；由 2015 年第 3 號第 3 條修訂)
- (4B) 任何人如犯第 (4A) 款所訂罪行——
- (a) 在該人首度被裁定犯該罪行時——
- (i) 如作出有關違例作為的目的，是將有關構築物處置，以便為該人或他人圖利(圖利目的)——可處罰款 \$2,500,000 及監禁 1 年；或
- (ii) 如作出有關違例作為，是為任何其他目的——可處罰款 \$500,000 及監禁 6 個月；及
- (b) 在該人其後每次被裁定犯該罪行時——
- (i) 如作出有關違例作為是為圖利目的——可處罰款 \$5,000,000 及監禁 1 年；或
- (ii) 如作出有關違例作為，是為任何其他目的——可處罰款 \$1,000,000 及監禁 6 個月。(由 2015 年第 3 號第 3 條增補)
- (5) 當局可向根據第 (4) 或 (4A) 款被定罪的人收回因根據第 (2A) 或 (3) 款拆掉財產或構築物以及行使本條所賦權力而招致或引起的任何費用。(由 1979 年第 56 號第 3 條修訂)
- (6) 在就第 (4) 或 (4A) 款所訂罪行而進行的法律程序中，法院可應當局申請而作出命令，或主動作出命令，飭令被

- as required by a notice under subsection (1) shall be guilty of an offence. (*Amended 3 of 2015 s. 3*)
- (4AA) A person who is guilty of an offence under subsection (4) is liable—
- (a) on the first occasion on which the person is convicted of the offence, to a fine of \$500,000 and to imprisonment for 6 months and, in the case of a continuing offence, to a further fine of \$50,000 for each day during which the offence continues; and
- (b) on each subsequent occasion on which the person is convicted of the offence, to a fine of \$1,000,000 and to imprisonment for 6 months and, in the case of a continuing offence, to a further fine of \$100,000 for each day during which the offence continues. (*Added 3 of 2015 s. 3*)
- (4A) Any person who—
- (a) is engaged in any way in the erection of a structure on unleased land; or
- (b) arranges or directs the erection of a structure on unleased land,
- being a structure being erected otherwise than under a licence or a deed or memorandum of appropriation, shall be guilty of an offence. (*Added 56 of 1979 s. 3. Amended 46 of 1982 s. 2; 3 of 2015 s. 3*)
- (4B) A person who is guilty of an offence under subsection (4A) is liable—
- (a) on the first occasion on which the person is convicted of the offence—
- (i) if the contravening act is done for the purpose of disposing of the structure for the gain of the

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裁定犯該罪行的人繳付第(5)款所述的費用。(由 2015 年第 3 號第 3 條增補)

- (7) 除根據第(4AA)及(4B)款就有關罪行對某人施加的罰則外，可另行向該人進行追討，或針對該人作出命令，以收回第(5)款所述的費用。(由 2015 年第 3 號第 3 條增補)
- (8) 第(1)、(2)及(3)款的效力，受《私營骨灰安置所條例》(第 630 章)第 110 條所規限。(由 2017 年第 8 號第 115 條及 2017 年第 4 號編輯修訂紀錄增補)

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person or another (**gainful purpose**)—to a fine of \$2,500,000 and to imprisonment for 1 year; or

- (ii) if the contravening act is done for any other purpose—to a fine of \$500,000 and to imprisonment for 6 months; and
- (b) on each subsequent occasion on which the person is convicted of the offence—
- (i) if the contravening act is done for a gainful purpose—to a fine of \$5,000,000 and to imprisonment for 1 year; or
- (ii) if the contravening act is done for any other purpose—to a fine of \$1,000,000 and to imprisonment for 6 months. (*Added 3 of 2015 s. 3*)
- (5) The Authority may recover from any person convicted of an offence under subsection (4) or (4A) any cost incurred in or arising out of the demolition of any property or structure under subsection (2A) or (3) and the exercise of the powers conferred by this section. (*Amended 56 of 1979 s. 3*)
- (6) In any court proceedings for an offence under subsection (4) or (4A), the court may, on application by the Authority or on the court's own initiative, order the person convicted of the offence to pay the cost mentioned in subsection (5). (*Added 3 of 2015 s. 3*)
- (7) The cost mentioned in subsection (5) may be recovered from or ordered against a person in addition to any penalty imposed on the person under subsections (4AA) and (4B) for the offence. (*Added 3 of 2015 s. 3*)
- (8) Subsections (1), (2) and (3) have effect subject to section 110 of the Private Columbaria Ordinance (Cap. 630). (*Added 8 of 2017 s. 115 and E.R. 4 of 2017*)

6A. Presumption

在就第 6(4A) 條 (a) 或 (b) 段所訂罪行而針對某構築物進行的法律程序中，凡證實某人作出該條 (a) 或 (b) 段所指明的作為，須推定他如此作為是將該構築物處置以圖利，直至相反證明成立為止。

(由 1982 年第 46 號第 3 條增補)

7. 禁止將未批租土地的泥土、草皮或石頭移走

(編輯修訂——2020 年第 5 號編輯修訂紀錄)

- (1) 任何人不得採掘或移走未批租土地的泥土、草皮或石頭，但如根據及按照在本條下發出的移走准許證進行，則不在此限。
- (2) 當局可發出移走准許證，授權採掘並移走未批租土地的泥土、草皮或石頭。
- (3) 移走准許證於證上指明的期間有效，但當局可延長准許證的有效期。
- (4) 任何人違反第 (1) 款的規定，即屬犯罪，一經定罪，可處罰款 \$250,000 及監禁 6 個月。(由 2015 年第 3 號第 4 條修訂)

In any proceedings for an offence under paragraph (a) or (b) of section 6(4A) in respect of any structure, any person who is proved to have done any act specified in paragraph (a) or (b) of that section shall, until the contrary is proved, be presumed to have done so for the purpose of disposing of that structure for gain.

(Added 46 of 1982 s. 3)

7. Prohibition of removal of earth, turf or stone from unleased land

- (1) No person shall extract or remove earth, turf or stone from unleased land except under and in accordance with a removal permit issued under this section.
- (2) The Authority may issue a removal permit authorizing the extraction and removal of earth, turf or stone from unleased land.
- (3) A removal permit shall be valid for the period specified therein, but the Authority may extend the period for which the permit is valid.
- (4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000 and to imprisonment for 6 months. (Amended 3 of 2015 s. 4)

第 III 部

在未批租土地範圍內挖掘

(第 III 部由 2003 年第 17 號第 4 條代替)
(格式變更——2020 年第 5 號編輯修訂紀錄)

Part III

Excavation in Unleased Land

(Part III replaced 17 of 2003 s. 4)
(Format changes—E.R. 5 of 2020)

編輯附註：

本部由《2003 年土地(雜項條文)(修訂)條例》(2003 年第 17 號)第 4 條修訂。有關的過渡性條文，見 2003 年第 17 號第 10 條。

Editorial Note:

This Part was amended by section 4 of the Land (Miscellaneous Provisions) (Amendment) Ordinance 2003 (17 of 2003). For the transitional provisions, see section 10 of 17 of 2003.

8. 釋義

(1) 就本部及附表而言——

由路政署維修的街道 (street maintained by the Highways Department) 包括根據《電車條例》(第 107 章)第 2 條界定的任何道路，而該道路並非專門留作供電車使用的；

局長 (Secretary) 指發展局局長；(由 2007 年第 130 號法律公告修訂)

車路 (carriageway) 指公眾有權駕駛汽車通行的任何街道或其部分；

首段期間 (initial period) 指第 10C(3) 條所述的首段期間；

街道 (street) 包括任何非由公眾使用亦非公眾常到的斜坡，或公眾不可以進入或不獲准進入的斜坡。

(2) 在本部或附表中對**街道** (a street) 的提述，須解釋為在未批租土地範圍內並由路政署維修的街道。(編輯修訂——2020 年第 5 號編輯修訂紀錄)

8. Interpretation

(1) For the purpose of this Part and the Schedule—

carriageway (車路) means a street or part of a street over which the public has a right of way for the passage of motor vehicles;

initial period (首段期間) means the initial period mentioned in section 10C(3);

Secretary (局長) means the Secretary for Development; (*Amended L.N. 130 of 2007*)

street (街道) includes any slope not used or frequented by the public or to which the public do not have access or are not permitted to have access;

street maintained by the Highways Department (由路政署維修的街道) includes any road defined under section 2 of the Tramway Ordinance (Cap. 107) which is not reserved exclusively for use by trams.

(2) Any reference in this Part or the Schedule to **a street** (街道) shall be construed as a street in unleased land and maintained by the Highways Department. (*Amended E.R. 5 of 2020*)

9. 若干條文的適用範圍

- (1) 第 10C、10D、10E(2)、10F、10L、10M、10N、10O、10P、10U、18B 及 18C 條只適用於在街道上進行的挖掘工作。
- (2) 第 10B 及 10R 條只適用於在非街道的未批租土地上進行的挖掘工作。

10. 管制在未批租土地範圍內的挖掘

- (1) 除根據並按照勘探許可證、採礦許可證或移走沙泥准許證、或由地政總署署長發出的租契、許可證、撥地契據、撥地備忘錄或撥地工程條款行事外，任何人不得在未批租土地範圍內進行或維持任何挖掘工作，但如——
 - (a) 該人是——
 - (i) 挖掘准許證或緊急挖掘准許證的持有人；或
 - (ii) 挖掘准許證或緊急挖掘准許證的持有人的承判商；而且
 - (b) 他根據並按照該證而進行或維持該項挖掘工作，則不在此限。
- (2) 除第 (6) 款另有規定外，任何人如非——
 - (a) 挖掘准許證或緊急挖掘准許證的持有人；或
 - (b) 挖掘准許證或緊急挖掘准許證的持有人的承判商，而在未批租土地範圍內進行或維持任何挖掘工作，因而違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款及監禁 6 個月。
- (3) 除第 (6) 款另有規定外，任何人如在違反挖掘准許證或緊急挖掘准許證的任何條件下，在未批租土地範圍內進行或維持任何挖掘工作，因而違反第 (1) 款，即屬犯罪，一經定罪，可處第 5 級罰款。
- (4) 除第 (7) 款另有規定外，如——

9. Application of certain provisions

- (1) Sections 10C, 10D, 10E(2), 10F, 10L, 10M, 10N, 10O, 10P, 10U, 18B and 18C only apply in the case of an excavation in a street.
- (2) Sections 10B and 10R only apply in the case of an excavation in unleased land, other than streets.

10. Control of excavations in unleased land

- (1) Except under and in accordance with a prospecting licence, mining licence or sand removal permit, or a lease, licence, deed of appropriation, memorandum of appropriation or engineering conditions for land allocation, issued by the Director of Lands, a person shall not make or maintain any excavation in unleased land unless—
 - (a) either—
 - (i) he is the holder of an excavation permit or emergency excavation permit; or
 - (ii) he is the contractor of the holder of an excavation permit or emergency excavation permit; and
 - (b) he so makes or maintains the excavation under and in accordance with the permit.
- (2) Subject to subsection (6), a person who contravenes subsection (1) by making or maintaining an excavation in unleased land without being—
 - (a) the holder of an excavation permit or emergency excavation permit; or
 - (b) the contractor of the holder of an excavation permit or emergency excavation permit,

shall be guilty of an offence and shall be liable on conviction to a fine at level 5 and to imprisonment for 6 months.

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- (a) 任何人進行或維持任何挖掘准許證或緊急挖掘准許證所關乎的挖掘或緊急挖掘工作，而該人並非該證的持准許證人；
- (b) 因該人的任何行為以致該證的任何條件遭違反；及
- (c) 在該條件遭違反時該證並無指定持准許證人，則該證的持准許證人即屬犯罪，一經定罪，可處第 5 級罰款。
- (5) 除第 (7) 款另有規定外，如 ——
- (a) 任何人進行或維持任何挖掘准許證或緊急挖掘准許證所關乎的挖掘或緊急挖掘工作，而該人並非該證的持准許證人；
- (b) 因該人的任何行為以致該證的任何條件遭違反；及
- (c) 在該條件遭違反時該證有指定持准許證人，則 ——
- (d) 如根據該證，該條件須由該證的持准許證人遵從，則該持准許證人即屬犯罪，一經定罪，可處第 5 級罰款；
- (e) 如根據該證，該條件須由該證的指定持准許證人遵從，而該指定持准許證人未屬犯第 (3) 款所訂罪行，則他即屬犯罪，一經定罪，可處第 5 級罰款；或
- (f) 如根據該證，該條件須由該證的持准許證人及指定持准許證人兩者遵從的，而 ——
- (i) 該持准許證人未屬犯第 (3) 款所訂罪行，他即屬犯罪；及
- (ii) 該指定持准許證人未屬犯第 (3) 款所訂罪行，他即屬犯罪，一經定罪，可各處第 5 級罰款。
- (6) 凡任何並非指定持准許證人的人被控犯第 (2) 或 (3) 款所訂罪行，他如能顯示 ——

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- (3) Subject to subsection (6), a person who contravenes subsection (1) by making or maintaining an excavation in unleased land in contravention of any condition of an excavation permit or emergency excavation permit shall be guilty of an offence and shall be liable on conviction to a fine at level 5.
- (4) Subject to subsection (7), where—
- (a) any person, other than a permittee of an excavation permit or emergency excavation permit, makes or maintains an excavation or emergency excavation to which the permit relates;
- (b) there is a breach of any condition of the permit as a result of any conduct of the person; and
- (c) there is no nominated permittee in relation to the permit at the time of the breach of the condition, the permittee shall be guilty of an offence and shall be liable on conviction to a fine at level 5.
- (5) Subject to subsection (7), where—
- (a) any person, other than a permittee of an excavation permit or emergency excavation permit, makes or maintains an excavation or emergency excavation to which the permit relates;
- (b) there is a breach of any condition of the permit as a result of any conduct of the person; and
- (c) there is a nominated permittee in relation to the permit at the time of the breach of the condition, then—
- (d) where the condition is under the permit to be complied with by the permittee, the permittee shall be guilty of an offence and shall be liable on conviction to a fine at level 5;

- (a) 他是在另一人的指示下進行或維持有關的挖掘工作；及
- (b) 他有合理理由相信——
- (i) 該另一人是根據某挖掘准許證或緊急挖掘准許證獲授權進行和維持該項工作；及
- (ii) 憑藉該證他獲授權進行和維持該項工作，即可以此作為免責辯護。
- (7) 凡任何挖掘准許證或緊急挖掘准許證的持准許證人或指定持准許證人被控犯第(4)或(5)款所訂罪行，他如能顯示他並沒有授權第(4)(a)或(5)(a)款(視屬何情況而定)所提述的人進行或維持該證所關乎的挖掘或緊急挖掘工作，即可以此作為免責辯護。
- (8) 如有人未有挖掘准許證或緊急挖掘准許證而在未批租土地範圍內進行或維持挖掘工作，當局可——
- (a) 進行其認為需要的工程，以將以下土地恢復原狀及予以修復——
- (i) 該未批租土地；及
- (ii) 當局認為因該項挖掘工作而致有需要恢復原狀及予以修復的任何其他土地；及
- (b) 向該人收回當局根據本款進行的任何工程的費用。

- (e) where the condition is under the permit to be complied with by the nominated permittee, the nominated permittee shall, unless he is already guilty of an offence under subsection (3), be guilty of an offence and shall be liable on conviction to a fine at level 5; or
- (f) where the condition is under the permit to be complied with by both the permittee and the nominated permittee, then—
- (i) the permittee, unless he is already guilty of an offence under subsection (3); and
- (ii) the nominated permittee, unless he is already guilty of an offence under subsection (3), shall each be guilty of an offence and shall each be liable on conviction to a fine at level 5.
- (6) It shall be a defence for a person, other than a nominated permittee, charged with an offence under subsection (2) or (3) to show that—
- (a) he was making or maintaining the excavation in question under the direction of another person; and
- (b) he believed on reasonable grounds that—
- (i) that other person was authorized under an excavation permit or emergency excavation permit to make and maintain the excavation; and
- (ii) he was authorized by virtue of the permit to make and maintain the excavation.
- (7) It shall be a defence for a permittee or nominated permittee of an excavation permit or emergency excavation permit charged with an offence under subsection (4) or (5) to show that the person referred to in subsection (4)(a) or (5)(a) (as the case may be) was not authorized by him to make or maintain the

10A. 挖掘准許證的發出

- (1) 當局可在適當的訂明費用繳付後，按其認為適合的條件發出挖掘准許證，授權在未批租土地範圍內進行和維持挖掘工作。
- (2) 除非挖掘准許證根據第 10K 條被終止，否則該證在其上所指明的有效期內有效。
- (3) 當局可在適當的訂明費用繳付後，延長挖掘准許證的有效期。
- (4) 如 ——
 - (a) 當局發出挖掘准許證以進行某項挖掘工作；而
 - (b) 該證的持准許證人在 ——
 - (i) 該證的有效期開始後但在挖掘工作開始前，未能進入有關街道中按理屬相當大的部分以進行或維持該項工作，而他未能進入並非因該持准許證人本人、該項工作的承判商或兩者的僱員的過失所致；或

excavation or emergency excavation to which the permit relates.

- (8) If any person makes or maintains an excavation in unleased land, without an excavation permit or emergency excavation permit, the Authority may—
 - (a) carry out such works as he considers necessary to reinstate and make good—
 - (i) the unleased land; and
 - (ii) any other land the reinstatement and making good of which is in his opinion necessary in consequence of the excavation; and
 - (b) recover the cost of any work carried out by him under this subsection from the person.

10A. Issue of excavation permit

- (1) The Authority may, on payment of the appropriate prescribed fee and subject to such conditions as he thinks fit, issue an excavation permit, authorizing the making and maintaining of excavations in unleased land.
- (2) An excavation permit shall be valid for the period specified therein as that for which it is valid unless it is terminated under section 10K.
- (3) The Authority may, on payment of the appropriate prescribed fee, extend the period for which an excavation permit is valid.
- (4) Where—
 - (a) the Authority issued an excavation permit for an excavation; and
 - (b) the permittee of the permit is unable to have access to—
 - (i) a reasonably substantial portion of the street concerned for the purpose of making or maintaining

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- (ii) 該證的有效期間開始後，未能進入並非街道的有關土地中按理屬相當大的部分以進行或維持該項工作，而他未能進入並非因該持准許證人本人、該項工作的承判商或兩者的僱員的過失所致，

則當局可按該持准許證人如此未能進入該土地的日數，延長該證的有效期，而無須他繳付任何訂明費用或任何訂明費用的任何部分(已根據第(1)及(3)款繳付的除外)。

- (5) 除第 10L 條另有規定外，根據第(1)款繳付的任何訂明費用，不得退還。

10B. 豁免

- (1) 任何擬在未批租土地範圍內進行或維持任何挖掘工作的人可以書面向當局提出申請，使該項挖掘工作獲豁免而無須遵從本部的所有或任何條文，該人並須列出該項申請的理由。
- (2) 在接獲根據第(1)款作出的申請後，當局如認為該項申請所提述的挖掘工作——
- 屬小規模；
 - 不會涉及或相當可能不涉及側向承托或以挖掘工作的規模、時間、面積及該項挖掘工作會影響或相當可能影響的地方而論屬重大的工程；
 - 不會或相當可能不會對公眾引致任何不便或危險；

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the excavation, after the commencement of the period for which the permit is valid but before the commencement of the excavation, for reason other than the fault of the permittee, the contractor for the excavation or their employees; or

- (ii) a reasonably substantial portion of the land concerned, other than a street, for the purpose of making or maintaining the excavation, after the commencement of the period for which the permit is valid, for reason other than the fault of the permittee, the contractor for the excavation or their employees,

the Authority may, without payment of any prescribed fee or any part thereof (other than that paid under subsections (1) and (3)), extend that period by the number of days for which the permittee is so unable to have access to the land.

- (5) Subject to section 10L, any prescribed fee paid under subsection (1) is not refundable.

10B. Exemption

- (1) Any person who intends to make and maintain an excavation in unleased land may apply to the Authority in writing to exempt the excavation from complying with all or any provision of this Part and shall set out the reasons for the application.
- (2) On receipt of an application made under subsection (1), the Authority may by notice in writing exempt the excavation referred to in the application from all or any provision of this Part if the Authority is of the opinion that the excavation—
- is minor;
 - will not involve or is unlikely to involve lateral support or substantial work in terms of the extent, duration and

- (d) 不會或相當可能不會引致任何交通阻塞；及
- (e) 不會或相當可能不會對任何地下器具或財產造成危險，
- 則當局可藉書面通知豁免該項挖掘工作，使其無須遵從本部的所有或任何條文。

10C. 緊急挖掘准許證的發出

- (1) 當局可按其認為適合的條件發出緊急挖掘准許證，授權進行和維持緊急挖掘工作。
- (2) 除非緊急挖掘准許證根據第 10K 條被終止，否則在 6 個月內有效。
- (3) 在緊急挖掘准許證的有效期內，該證的持准許證人在符合該證指明的條件的情況下，可在由每一緊急事故報知當局之日起計的 7 天期間(首段期間)內，就該事故進行和維持緊急挖掘工作。
- (4) 當局可要求持准許證人就在首段期間內進行或維持的緊急挖掘工作，繳付適當的訂明費用，該要求可在首段期間屆滿之前或之後提出。
- (5) 為計算適當的訂明費用的目的，能夠在首段期間內完成的緊急挖掘工作的時期須為以下日數——
 - (a) 由有關緊急事故報知當局之日起計至報知當局完成挖掘工作為止的日數；或
 - (b) 如無報知當局完成挖掘工作，則為 7 天。
- (6) 除第 10L 條另有規定外，根據第 (4) 款繳付的任何訂明費用，不得退還。
- (7) 如——
 - (a) 當局發出緊急挖掘准許證以進行某項挖掘工作；而

- size of the excavation and the area that will be or is likely to be affected by the excavation;
- (c) will not cause or is unlikely to cause any inconvenience or danger to the public;
- (d) will not cause or is unlikely to cause any delay to traffic; and
- (e) will not pose or is unlikely to pose a danger to any underground apparatus or properties.

10C. Issue of emergency excavation permit

- (1) The Authority may, subject to such conditions as he thinks fit, issue an emergency excavation permit, authorizing the making and maintaining of emergency excavations.
- (2) An emergency excavation permit shall be valid for 6 months unless it is terminated under section 10K.
- (3) During the period for which an emergency excavation permit is valid, the permittee of the permit may, subject to the conditions specified in the permit, make and maintain an emergency excavation for each emergency incident during a period (*initial period*) of 7 days from the date of the report of the incident to the Authority.
- (4) The Authority may require a permittee to pay the appropriate prescribed fee for an emergency excavation made or maintained during the initial period either before or after the expiration of the initial period.
- (5) For the purpose of calculation of the appropriate prescribed fee, the duration of an emergency excavation which can be completed within the initial period shall be—
 - (a) the number of days commencing from the date of the report of the emergency incident to the Authority and

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- (b) 該證的持准許證人在根據第 (3) 款將有關緊急事故報知當局之日後但在挖掘工作開始前，未能進入有關土地中按理屬相當大的部分以進行或維持該項工作，而他未能進入並非因該持准許證人本人、該項工作的承判商或兩者的僱員的過失所致，

則當局可按該持准許證人如此未能進入該土地的日數，延長首段期間，而無須他繳付任何訂明費用或任何訂明費用的任何部分（根據第 (4) 款須繳付的除外）。

10D. 為期超過 7 天的緊急挖掘工作

- (1) 如緊急挖掘准許證的持准許證人預計須要進行或維持緊急挖掘工作超過 7 天，他須在該項挖掘工作的首段期間屆滿前，向當局申請發出挖掘准許證。
- (2) 在接獲第 (1) 款所述的申請後 ——
 - (a) 挖掘准許證即當作已發給緊急挖掘准許證的持准許證人，而 ——

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- expiring on the date of the report of the completion of the excavation to the Authority; or
- (b) 7 days if there is no report of the completion of the excavation to the Authority.

- (6) Subject to section 10L, any prescribed fee paid under subsection (4) is not refundable.

- (7) Where—

- (a) the Authority issued an emergency excavation permit for an excavation; and
- (b) the permittee of the permit is unable to have access to a reasonably substantial portion of the land concerned for the purpose of making or maintaining the excavation, after the date of the report of the emergency incident concerned to the Authority under subsection (3) but before the commencement of the excavation, for reason other than the fault of the permittee, the contractor for the excavation or their employees,

the Authority may, without payment of any prescribed fee or any part thereof (other than that required to be paid under subsection (4)), extend the initial period by the number of days for which the permittee is so unable to have access to the land.

10D. Emergency excavation which lasts for more than 7 days

- (1) If the permittee of an emergency excavation permit anticipates that he has to make or maintain an emergency excavation for more than 7 days, the permittee shall apply to the Authority for the issue of an excavation permit before the expiry of the initial period of the excavation.
- (2) Upon receipt of an application mentioned in subsection (1)—

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- (i) 該准許證的發給條款及條件與有關緊急挖掘准許證者相同；及
 - (ii) 該准許證的生效日期為該緊急挖掘准許證所關乎的緊急事故的開始日期，而屆滿日期則為知會申請結果的日期；及
- (b) 緊急挖掘准許證下的首段期間即當作終結。
- (3) 當局須決定根據第 (2)(a) 款當作已發出的挖掘准許證的有效期間，並可將該證的屆滿日期修訂為一個比原先屆滿日較後的日期。
- (4) 如當局根據第 (3) 款所決定的期間短於持准許證人根據第 (1) 款申請的期間，則當局可就在第 (2)(a) 款下當作已發出的挖掘准許證批予延期，為期由該准許證屆滿翌日開始，至持准許證人所申請的期間的最後一日為止。
- (5) 當局可規定持准許證人就根據本條當作已發出的挖掘准許證及批予的延期，繳付適當的訂明費用。

10E. 拒絕發給挖掘准許證

- (1) 當局如 ——
 - (a) 有合理理由相信申請發給挖掘准許證或緊急挖掘准許證的人 ——

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- (a) an excavation permit is deemed to be issued to the permittee of an emergency excavation permit—
 - (i) on the same terms and conditions as an emergency excavation permit; and
 - (ii) commencing from the date of the commencement of the emergency incident to which an emergency excavation permit relates and expiring on the date of the notification of the result of the application; and
 - (b) the initial period under an emergency excavation permit is deemed to be extinguished.
- (3) The Authority shall determine the period for which an excavation permit deemed to be issued under subsection (2)(a) shall be valid and may revise the expiry date of the permit to a date which is later than the original expiry date.
- (4) If the period determined by the Authority under subsection (3) is shorter than the period applied for by the permittee under subsection (1), the Authority may, in respect of an excavation permit deemed to be issued under subsection (2)(a), grant an extension for a period commencing from a date next following the expiry of the permit and expiring on the last day of the period applied for by the permittee.
- (5) The Authority may require a permittee to pay the appropriate prescribed fee for an excavation permit deemed to be issued and an extension granted under this section.

10E. Refusal of issue of excavation permit

- (1) The Authority may refuse to issue an excavation permit or emergency excavation permit if—
 - (a) he reasonably believes that the person making the application for the issue of the permit—

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- (i) 並非在未批租土地範圍內進行或維持挖掘工作的適當人選；
 - (ii) 不能遵從根據有關准許證施加的條件；或
 - (iii) 沒有足夠的財力以進行或維持有關准許證所關乎的挖掘工作；
- (b) 認為挖掘准許證或緊急挖掘准許證所關乎的申請是不合理的；或
- (c) 在顧及有關個案的情況後，認為在該等情況下發給挖掘准許證或緊急挖掘准許證是不適當的，則可拒絕發給有關准許證。
- (2) 除第 (1) 款指明的理由外，當局可基於合理理由——
- (a) 在下列情況下，拒絕發出挖掘准許證或緊急挖掘准許證——
 - (i) 申請發出准許證的人並沒有在當局根據第 18C 條指明的時限內提交申請；或
 - (ii) 准許證所關乎的街道是當局根據第 18C 條指明的新建街道；
 - (b) 在申請延長挖掘准許證的人並沒有在當局根據第 18C 條指明的時限內提交申請的情況下，拒絕延長准許證的有效期。
- (3) 如當局拒絕發給准許證或延長准許證的有效期，他須以書面將拒絕理由通知作出申請的人。

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- (i) is not a fit and proper person to make or maintain any excavation in unleased land;
 - (ii) cannot comply with the conditions imposed under the permit; or
 - (iii) does not have sufficient financial resources to make or maintain an excavation to which the permit relates;
- (b) in the opinion of the Authority, the application to which the permit relates is unreasonable; or
- (c) having regard to the circumstances of the case, the issue of the permit is, in the opinion of the Authority, inappropriate in such circumstances.
- (2) In addition to the grounds specified in subsection (1), the Authority may, on reasonable grounds—
- (a) refuse to issue an excavation permit or emergency excavation permit if—
 - (i) the person who makes the application for the issue of the permit fails to submit the application within the time limit specified by the Authority under section 18C; or
 - (ii) the street to which the permit relates is a newly constructed street specified by the Authority under section 18C;
 - (b) refuse to extend the period for which an excavation permit is valid if the person who makes the application for the extension fails to submit the application within the time limit specified by the Authority under section 18C.
- (3) Where the Authority refuses to issue a permit or extend the period for which a permit is valid, he shall notify the person

10F. 逾期申請延長挖掘准許證

- (1) 在不損害第 10E(2) 條的原則下，凡——
- 持准許證人在根據第 18C 條就有關的挖掘工作而指明的時限以外但在有關的挖掘准許證的屆滿日期前，申請延長挖掘准許證的有效期；
 - 該項申請附有適當的訂明費用，該費用是根據該持准許證人所申請的期間的持續期而計算的；而
 - 當局在該准許證的屆滿日期當日或之前並未就該項申請作出其決定，
- 則(除根據本條例提早終止該准許證外和在第(2)款另有規定的情況下)該准許證須當作延長至該持准許證人所申請的期間屆滿時。
- 當局須決定根據第(1)款當作已延長的挖掘准許證的有效期間，並可將該證的屆滿日期修訂為一個比第(1)款所指的屆滿日期較早的日期。
 - 當局須將其根據第(2)款作出的決定的通知送達有關的持准許證人。
 - 如當局根據第(2)款所決定的期間短於有關的持准許證人所申請的期間，則當局須向該持准許證人免息退還多付的訂明費用。

10G. 指定持准許證人

為施行本條例，就任何挖掘准許證或緊急挖掘准許證而言，

who made the application in writing of the grounds for such refusal.

10F. Late application for extension of excavation permit

- (1) Without prejudice to section 10E(2), where—
- a permittee applies for an extension of the validity period of an excavation permit beyond the time limit specified for such excavation under section 18C but before the expiry date of the permit;
 - the application is accompanied by the appropriate prescribed fee based on the duration of the period applied for by the permittee; and
 - the Authority has not made his decision on the application on or before the expiry date of the permit,
- the permit shall, unless sooner terminated under this Ordinance and subject to subsection (2), be deemed to be extended up to the expiry of the period applied for by the permittee.
- The Authority shall determine the period for which an excavation permit deemed to be extended under subsection (1) shall be valid and may revise the expiry date of the permit to a date which is earlier than the expiry date in subsection (1).
 - The Authority shall serve a notice of his determination under subsection (2) on the permittee concerned.
 - If the period determined by the Authority under subsection (2) is shorter than the period applied for by the permittee concerned, he shall refund any extra prescribed fee to the permittee without interest.

10G. Nominated permittee

For the purposes of this Ordinance, a contractor is regarded as

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任何承判商具備以下所有條件，即視為指定持准許證人——

- (a) 他獲持准許證人根據第 10H 條指定為指定持准許證人；
- (b) 他根據第 10I 條同意該項指定並同意遵從該證的條件；及
- (c) 當局根據第 10J 條批准該項指定。

10H. 由持准許證人指定

- (1) 除非某挖掘准許證或緊急挖掘准許證的持准許證人，已向當局送交指定某承判商為該證的指定持准許證人的書面通知，否則該承判商不得被視為已被指定為該證的指定持准許證人。
- (2) 挖掘准許證或緊急挖掘准許證的持准許證人可向當局及有關承判商送交撤回通知，撤回根據第 (1) 款對該承判商作出的指定。
- (3) 第 (2) 款所提述的撤回通知在當局收到該通知之日生效，或在該通知所指明的較後日期生效。

10I. 指定持准許證人的同意

- (1) 除非獲指定為挖掘准許證或緊急挖掘准許證的指定持准許證人的承判商已向當局送交書面通知，表明同意第 10G(b) 條所提述的事，否則該承判商不得被視為已同意該等事項。
- (2) 挖掘准許證或緊急挖掘准許證的指定持准許證人可向當局及該證的持准許證人送交撤回通知，撤回第 (1) 款所提述的同意。

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a nominated permittee in relation to an excavation permit or emergency excavation permit if—

- (a) he is nominated by a permittee of the permit as a nominated permittee under section 10H;
- (b) he consents to the nomination and agrees to comply with the conditions in the permit under section 10I; and
- (c) the Authority approves the nomination under section 10J.

10H. Nomination by permittee

- (1) A contractor shall not be regarded as being nominated as a nominated permittee in relation to an excavation permit or emergency excavation permit unless the permittee of the permit has sent to the Authority a notice in writing nominating that contractor as the nominated permittee of the permit.
- (2) A permittee of an excavation permit or emergency excavation permit may withdraw the nomination of a contractor under subsection (1) by sending a notice of withdrawal to the Authority and the contractor.
- (3) A notice of withdrawal referred to in subsection (2) takes effect on the date of the receipt of the notice by the Authority or such later date as is specified in the notice.

10I. Consent and agreement by nominated permittee

- (1) A contractor shall not be regarded as giving the consent and agreement referred to in section 10G(b) as a nominated permittee in relation to an excavation permit or emergency excavation permit unless that contractor has sent to the Authority a notice in writing to that effect.
- (2) A nominated permittee in relation to an excavation permit or emergency excavation permit may withdraw his consent and

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- (3) 第 (2) 款所提述的撤回通知在當局收到該通知之日生效，或在該通知所指明的較後日期生效。

10J. 當局對指定的批准

- (1) 當局可批准指定某承判商為指定持准許證人。
- (2) 當局可在以下說明均符合的情況下撤回其根據第 (1) 款就指定某承判商為挖掘准許證或緊急挖掘准許證的指定持准許證人而給予的批准——
 - (a) 當局信納指定持准許證人無能力遵從根據該證須由其遵從的任何條件；及
 - (b) 當局藉向該證的持准許證人及指定持准許證人發出撤回通知。
- (3) 第 (2) 款所提述的撤回通知在該通知所指明的日期生效。

10K. 挖掘准許證或緊急挖掘准許證的終止

- (1) 如某挖掘准許證或緊急挖掘准許證的任何條件遭違反，當局可藉下述方式終止該證——
 - (a) 向該證的持准許證人及該證的指定持准許證人(如有的話)送達終止通知；並且
 - (b) 在該證所關乎的未批租土地的顯眼處張貼終止通知。
- (2) 凡關乎挖掘准許證或緊急挖掘准許證的終止通知根據第 (1)(b) 款於某日張貼，該證自該日起即被視為終止。

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agreement referred to in subsection (1) by sending a notice of withdrawal to the Authority and the permittee of the permit.

- (3) A notice of withdrawal referred to in subsection (2) takes effect on the date of the receipt of the notice by the Authority or such later date as is specified in the notice.

10J. Approval by Authority of nomination

- (1) The Authority may approve the nomination of a contractor as a nominated permittee.
- (2) The Authority may withdraw his approval under subsection (1) to the nomination of a contractor as a nominated permittee in relation to an excavation permit or emergency excavation permit—
 - (a) if the Authority is satisfied that the nominated permittee is incapable of complying with any of the conditions which under the permit are to be complied with by the nominated permittee; and
 - (b) by sending a notice of withdrawal to the permittee of the permit and the nominated permittee.
- (3) A notice of withdrawal referred to in subsection (2) takes effect on the date specified in the notice.

10K. Termination of excavation permit or emergency excavation permit

- (1) If there is a breach of any condition of an excavation permit or emergency excavation permit, the Authority may terminate the permit by—
 - (a) serving a notice of the termination to the permittee of the permit and the nominated permittee (if any) in relation to the permit; and

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- (3) 為免生疑問，現聲明根據第 10A(1) 或 (3)、10C(4) 或 10D(5) 條就根據本條終止的挖掘准許證或緊急挖掘准許證而繳付的訂明費用，或與該證相關而繳付的訂明費用，概不退還。(編輯修訂——2020 年第 5 號編輯修訂紀錄)
- (4) 如某挖掘准許證或緊急挖掘准許證被終止，該項終止並不影響——
- (a) 當局要求該證的持准許證人根據第 10C(4) 或 10D(5) 條繳付適當的訂明費用的權力；及
- (b) 該持准許證人按當局根據該條要求他繳付適當的訂明費用的義務。

10L. 退還為挖掘准許證延期而付的每日費用及經濟成本

- (1) 如以下說明均符合，當局可退還為挖掘准許證延期而付的經濟成本的全部或部分——
- (a) 該證的持准許證人——
- (i) 在有關申請挖掘准許證延期的結果的通知的日期後 1 個月內提出退還經濟成本的申請；並
- (ii) 該申請述明支持該項申請的理由及列出支持該項申請的證據；及
- (b) 當局信納延期原因是持准許證人、其承判商及僱員的過失以外的原因，包括(但不限於)——
- (i) 惡劣天氣，包括在香港天文台懸掛——

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- (b) posting a notice of the termination at a conspicuous place on the unleased land to which the permit relates.
- (2) An excavation permit or emergency excavation permit is regarded as terminated from the date of the posting of the notice of the termination relating to it under subsection (1)(b).
- (3) For the avoidance of doubt, it is declared that there shall be no refund of any prescribed fee paid under section 10A(1) or (3), 10C(4) or 10D(5) in respect of or in connection with an excavation permit or emergency excavation permit which is terminated under this section. (*Amended E.R. 5 of 2020*)
- (4) Where an excavation permit or emergency excavation permit is terminated, the termination does not affect—
- (a) the power of the Authority to require a permittee of the permit to pay the appropriate prescribed fee under section 10C(4) or 10D(5); and
- (b) the obligation of the permittee to pay the appropriate prescribed fee as required by the Authority under that section.

10L. Refund of daily fee and economic costs paid for extension of excavation permit

- (1) The Authority may refund the whole or any part of the economic costs paid for an extension of an excavation permit if—
- (a) the permittee of the permit makes an application—
- (i) for a refund of the economic costs within one month from the date of the notification of the result of the application for an extension of the excavation permit; and
- (ii) stating the reasons and setting out the evidence in support of the application; and

- (A) 3 號或以上風暴警告視覺訊號；
- (B) 暴雨警告；
- (ii) 應政府的命令暫停挖掘，而發出該命令的原因並非持准許證人、其承判商或僱員的過失；
- (iii) 該證所關乎的未批租土地的狀況，而該狀況於申請該證時並不存在；及
- (c) 當局信納 (b) 段所述的理由妨礙該證所關乎的挖掘的進展。
- (2) 凡——
- (a) 挖掘准許證的持准許證人在該證的屆滿日期前或經延期的期間的屆滿日期前，完成該證所關乎的挖掘；
- (b) 該持准許證人通知當局已完成該項挖掘；及
- (c) 當局信納該持准許證人已按該證的條件的規定將該證所關乎的土地恢復原狀，
- 則當局可退還一筆款項，該款項相當於就有關期間(即自完成該項挖掘的通知日期的翌日起至該准許證的屆滿日期或經延期的期間的屆滿日期止(視屬何情況而定))所支付的每日費用及經濟成本(如有的話)。
- (3) 根據本條退還的每日費用或經濟成本由當局免息支付。
- (4) 在本條中，**暴雨警告**(rainstorm warning)指由香港天文台台長藉使用通常稱為黃色、紅色或黑色暴雨警告訊號的暴雨警告訊號而發出的關於在香港或香港附近出現暴雨的警告。

- (b) the Authority is satisfied that the extension is caused by reasons other than the fault of a permittee of the permit, its contractors and employees, including but not limited to the following—
- (i) inclement weather which includes the hoisting at the Hong Kong Observatory of—
- (A) the No. 3 visual storm warning or above;
- (B) rainstorm warning;
- (ii) suspension of excavation on order of the Government which is not due to the fault of the permittee, its contractors or employees;
- (iii) physical condition of the unleased land to which the permit relates and which is not in existence at the time of the application of the permit; and
- (c) the Authority is satisfied that the reasons mentioned in paragraph (b) hindered the progress of an excavation to which the permit relates.
- (2) Where—
- (a) the permittee of an excavation permit completes an excavation to which the permit relates before the expiry date of the permit or the extended period of the permit;
- (b) the permittee notifies the Authority of the completion of the excavation; and
- (c) the Authority is satisfied that the permittee has reinstated the land to which the permit relates as required by the conditions of the permit,

the Authority may refund a sum which is equivalent to the daily fee and economic costs (if any) paid in respect of the period commencing from the date next following the date of notification of the completion of the excavation and expiring

10M. 評估的覆核

- (1) 路政署一名職級屬於總技術主任、工程師或高級工程師或屬同等職級並具有與有關的挖掘工作有關係的工程學資格的人(統稱為**工程師**)而以路政署署長轉授人身分行事的公職人員須就以下事項作出評估——
- (a) (如他行使路政署署長在第 10A(1) 條下的權力) 挖掘准許證的持續期；
 - (b) (如他行使路政署署長在第 10C(4) 條下的權力) 按照第 10C(5) 條計算的緊急挖掘的首段期間的持續期；
 - (c) (如他行使路政署署長在第 10A(3) 條下的權力) 根據該條延期的挖掘准許證得以延期的持續期；
 - (d) (如他行使路政署署長在第 10A(4) 條下的權力) 根據該條延期的挖掘准許證得以延期的持續期；
 - (e) (如他行使路政署署長在第 10D(4) 條下的權力) 根據該條延期的挖掘准許證得以延期的持續期；
 - (f) (如他行使路政署署長在第 10F(2) 條下的權力) 根據該條延期的挖掘准許證得以延期的持續期；
 - (g) (如他行使路政署署長在第 10L(1) 條下的權力) 延期是否由第 10L(1)(b) 條所述的原因引致；

on the expiry date of the permit or the extended period of the permit, as the case may be.

- (3) Any refund of daily fee or economic costs under this section shall be paid by the Authority without interest.
- (4) In this section, **rainstorm warning** (暴雨警告) means a warning issued by the Director of the Hong Kong Observatory of a heavy rainstorm in, or in the vicinity of, Hong Kong by the use of the heavy rainstorm signal commonly referred to as Amber, Red or Black.

10M. Review of assessment

- (1) A public officer of the rank of Chief Technical Officer, Engineer or Senior Engineer or a public officer of equivalent rank with engineering qualifications relevant to the excavation concerned (collectively referred to as **the Engineer**) in the Highways Department acting as the delegate of the Director of Highways shall make an assessment on—
- (a) the duration of an excavation permit if he exercises the Director of Highways' power under section 10A(1);
 - (b) the duration of the initial period of an emergency excavation according to section 10C(5) if he exercises the Director of Highways' power under section 10C(4);
 - (c) the duration of an extended period of an excavation permit extended under section 10A(3) if he exercises the Director of Highways' power under that section;
 - (d) the duration of an extended period of an excavation permit extended under section 10A(4) if he exercises the Director of Highways' power under that section;
 - (e) the duration of an extended period of an excavation permit extended under section 10D(4) if he exercises the Director of Highways' power under that section;

- (h) (如他行使路政署署長在第 10L(1) 條下的權力) 第 10L(1)(b) 條所述的原因是否妨礙挖掘准許證所關乎的挖掘的進展；
- (i) (如他行使路政署署長在第 10L(2) 條下的權力) 持准許證人是否已符合第 10L(2)(a)、(b) 及 (c) 條的事項。
- (2) 根據第 (1) 款作出評估的工程師須將其評估結果的通知送達有關的持准許證人。
- (3) 持准許證人如因根據第 (1) 款就他作出的評估感到受屈，可——
- (a) 在自第 (2) 款所指的通知的送達日期起計的 28 天內，以書面向路政署一名職級屬於總工程師或政府工程師或屬同等職級並具有與有關的挖掘工作有關係的工程學資格的公職人員(統稱為**總工程師**)申請覆核有關工程師的評估；
- (b) 在根據 (a) 段提出的申請中，列出他自行作出的評估的結果。
- (4) 總工程師接獲根據第 (3) 款提出的申請後，須覆核有關工程師的評估，並在他接獲覆核申請日期後 28 天內將其覆核結果的通知送達有關的持准許證人。
- (5) 在根據第 (4) 款覆核時，總工程師可——
- (a) 更改被投訴的評估；
- (b) 要求根據第 (3) 款申請覆核的持准許證人支付額外的訂明費用；及
- (c) 退還該持准許證人已支付的訂明費用或訂明費用的任何部分。
- (6) 在接獲根據第 (3) 款提出的申請後，如總工程師沒有在第 (4) 款指明的時間內將其覆核結果的通知送達有關的持准許證人，則——
- (a) 在第 (3)(b) 款適用的情況下，該持准許證人的評估結果須視為總工程師的覆核結果；或

- (f) the duration of an extended period of an excavation permit extended under section 10F(2) if he exercises the Director of Highways' power under that section;
- (g) whether an extension is caused by reasons mentioned in section 10L(1)(b) if he exercises the Director of Highways' power under section 10L(1);
- (h) whether the reasons mentioned in section 10L(1)(b) hindered the progress of an excavation to which the excavation permit relates if he exercises the Director of Highways' power under section 10L(1);
- (i) whether a permittee has satisfied the matters in section 10L(2)(a), (b) and (c) if he exercises the Director of Highways' power under section 10L(2).
- (2) The Engineer who made an assessment under subsection (1) shall serve a notice of the result of his assessment on the permittee concerned.
- (3) A permittee who is aggrieved by an assessment made in respect of him under subsection (1) may—
- (a) within 28 days from the date of service of the notice under subsection (2), apply in writing to a public officer of the rank of Chief Engineer or Government Engineer or a public officer of equivalent rank with engineering qualifications relevant to the excavation concerned (collectively referred to as **the Chief Engineer**) in the Highways Department for a review of the Engineer's assessment;
- (b) set out the result of his own assessment in an application made under paragraph (a).
- (4) On receipt of an application under subsection (3), the Chief Engineer shall review the assessment of the Engineer and serve a notice of the result of his review on the permittee

- (b) 在任何其他情況下，由工程師根據第 (1) 款對該申請的標的事宜作出的評估，須視為總工程師的覆核結果，
- 而總工程師可按照該覆核結果，行使第 (5) 款賦予他的任何權力。
- (7) 持准許證人如因根據第 (5) 款就他作出的決定感到受屈，可——
- (a) 在自第 (4) 款所指的通知的送達日期起計的 28 天內，以書面向路政署署長申請覆核有關總工程師的決定；
- (b) 在根據 (a) 段提出的申請中，列出他自行作出的評估的結果。
- (8) 在接獲第 (7) 款所指的申請後，路政署署長須通知局長，而局長須按照第 10O 條設立一個覆核委員會。
- (9) 覆核委員會可訂定聆訊第 (7) 款所指的覆核申請的日期和地點，並邀請有關的持准許證人以及作出被投訴的決定的總工程師提出他們的個案。
- (10) 根據第 (9) 款獲邀請到覆核委員會席前的持准許證人可親自出席或由他所授權的代表代為出席。
- (11) 路政署署長須在覆核委員會作出決定後的 14 天內向有關的持准許證人送達覆核委員會的決定的通知。
- (12) 路政署署長須委任一名公職人員為覆核委員會的秘書，該人員須備存覆核委員會每次會議的紀錄。
- (13) 覆核委員會可——
- (a) 更改被投訴的決定；
- (b) 要求根據第 (7) 款申請覆核的持准許證人支付額外的訂明費用；及
- (c) 退還該持准許證人已支付的訂明費用或訂明費用的任何部分。

- concerned within 28 days from the date of the receipt of the application for review.
- (5) On a review under subsection (4), the Chief Engineer may—
- (a) vary the assessment complained of;
- (b) require a permittee who applied for a review under subsection (3) to pay extra prescribed fee; and
- (c) refund the prescribed fee or any part of the prescribed fee paid by the permittee.
- (6) After receipt of an application under subsection (3), if the Chief Engineer fails to serve a notice of the result of his review on the permittee concerned within the time specified in subsection (4), then—
- (a) where subsection (3)(b) is applicable, the result of the permittee's assessment shall be taken to be the result of the Chief Engineer's review; or
- (b) in any other case, the assessment made by the Engineer under subsection (1) on the subject matter of the application shall be taken to be the result of the Chief Engineer's review,
- and the Chief Engineer may, in accordance with the result of the review, exercise any of the powers conferred on him under subsection (5).
- (7) A permittee who is aggrieved by a decision made in respect of him under subsection (5) may—
- (a) within 28 days from the date of service of the notice under subsection (4), apply in writing to the Director of Highways for a review of the Chief Engineer's decision;
- (b) set out the result of his own assessment in an application made under paragraph (a).

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- (14) 在接獲根據第 (7) 款提出的申請後，如路政署署長沒有在第 (11) 款指明的時間內將覆核委員會的決定的通知送達申請人，則——
- (a) 在第 (7)(b) 款適用的情況下，該持准許證人的評估結果須視為覆核委員會的決定；或
- (b) 在任何其他情況下，總工程師根據第 (5) 款對該申請的標的事宜作出的決定，須視為覆核委員會的決定，而覆核委員會可按照該決定，行使第 (13) 款賦予他的任何權力。
- (15) 除關於根據第 (1)(d)、(g)、(h) 或 (i) 款作出的評估的決定外，符合下述說明的決定是最終的決定——
- (a) 根據第 (13) 款作出；或
- (b) 根據第 (14) 款被視為覆核委員會的決定。
- (16) 根據本條提出的覆核評估或覆核決定的申請，並不影響任何持准許證人按當局根據本部要求他繳付適當的訂明費用的義務。
- (17) 根據本條而須支付的額外訂明費用或退還的訂明費用或其任何部分，由持准許證人或當局(視屬何情況所需)免息支付。

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- (8) On receipt of an application under subsection (7), the Director of Highways shall notify the Secretary who will set up a Review Board in accordance with section 10O.
- (9) The Review Board may fix a time and place for hearing an application for review under subsection (7) and invite the permittee concerned and the Chief Engineer who made the decision complained of to present their case.
- (10) A permittee who is invited to appear before a Review Board under subsection (9) may appear in person or may be represented by his authorized representative.
- (11) The Director of Highways shall serve a notice of the Review Board's decision on the permittee concerned within 14 days from the date of the decision of the Review Board.
- (12) The Director of Highways shall appoint a public officer to be the secretary of the Review Board and the officer shall keep a record of every meeting of the Review Board.
- (13) The Review Board may—
- (a) vary the decision complained of;
- (b) require a permittee who applied for a review under subsection (7) to pay extra prescribed fee; and
- (c) refund any prescribed fee or any part of the prescribed fee paid by the permittee.
- (14) After receipt of an application under subsection (7), if the Director of Highways fails to serve a notice of the Review Board's decision on the applicant within the time specified in subsection (11), then—
- (a) where subsection (7)(b) is applicable, the result of the permittee's assessment shall be taken to be the decision of the Review Board; or
- (b) in any other case, the decision made by the Chief Engineer under subsection (5) on the subject matter of

10N. 覆核委員會

- (1) 局長可委任一個由不多於 20 名他認為適合擔任覆核委員會的成員的人士組成的委員會 (**覆核委員會**)，以覆核總工程師根據第 10M(5) 條作出的決定。
- (2) 局長不得委任公職人員為覆核委員會的成員。
- (3) 根據第 (1) 款獲委任的人任期為 3 年，並可 ——
 - (a) 再獲委任；
 - (b) 藉向局長送達書面通知而辭職。
- (4) 根據第 (1) 款獲委任的人不得連續擔任成員超過 6 年。

the application shall be taken to be the decision of the Review Board,

and the Review Board may, in accordance with the decision, exercise any of the powers conferred on it under subsection (13).

- (15) Except a decision relating to an assessment made under subsection (1)(d), (g), (h) or (i), the following decision shall be final—
 - (a) any decision made under subsection (13); or
 - (b) any decision taken to be the decision of the Review Board under subsection (14).
- (16) An application for a review of an assessment or decision made under this section does not affect the obligation of a permittee to pay the appropriate prescribed fee as required by the Authority under this Part.
- (17) Any payment of extra prescribed fees and refund of prescribed fees or any part thereof under this section shall be paid by a permittee or the Authority, as the case may require, without interest.

10N. Review Panel

- (1) The Secretary may appoint a panel of not more than 20 persons (**the Review Panel**) whom he considers suitable to sit as members of a Review Board to review the Chief Engineer's decision under section 10M(5).
- (2) The Secretary shall not appoint any public officer to the Review Panel.
- (3) A person appointed under subsection (1) shall hold office for a period of 3 years and may—
 - (a) be reappointed;
 - (b) resign by notice in writing served on the Secretary.

100. 覆核委員會

- (1) 在接獲第 10M(8) 條的通知後，局長須——
- (a) 編製一份名單，列出他擬委任以組成覆核委員會的成員的姓名，以覆核總工程師根據第 10M(5) 條作出的決定；
 - (b) 向 (a) 段所述的成員送達通知，要求他們在自該通知送達日期起計的 7 天內，作出他們在有關覆核中是否有任何直接或間接利害關係的申報；及
 - (c) 向有關的持准許證人送達通知，通知他 (a) 段所述的成員的姓名和他有權在自該通知送達日期起計的 7 天內，以任何成員在有關覆核中具有直接或間接利害關係為理由，反對委任該成員。
- (2) 第 (1)(c) 款所述的反對須以書面作出，並須附上有關持准許證人賴以支持該項反對的所有書面陳述及其他文件證據。
- (3) 在第 (1)(b) 及 (c) 款所容許的作出利害關係的申報及提出反對的限期屆滿後，並在符合第 (5) 及 (6) 款的規定下，局長須在考慮成員作出的利害關係的申報及有關持准許證人提出的反對後，以從第 (1) 款編製的名單中委任 3 人或 5 人 (不包括主席) 組成覆核委員會的方式將覆核委員會的組成定案。
- (4) 路政署署長須擔任覆核委員會的主席。
- (5) 為施行第 (3) 款，局長須委任——
- (a) 最少 1 名來自路政署並屬政府工程師或以上職級的公職人員或屬同等職級並具有與有關的挖掘工作有關係的工程學資格的公職人員；
 - (b) 最少 1 名來自覆核委員會的成員；及
 - (c) 1 名或 3 名他認為合適的其他人士。

- (4) A person appointed under subsection (1) shall not hold office for more than 6 consecutive years.

100. Review Board

- (1) On receipt of a notification under section 10M(8), the Secretary shall—
- (a) compile a list of the names of members whom he intends to appoint to constitute the Review Board to review the Chief Engineer's decision under section 10M(5);
 - (b) serve a notice on the members mentioned in paragraph (a) requiring them to make a declaration as to whether they have or do not have any direct or indirect interest in the review concerned within 7 days from the date of service of the notice; and
 - (c) serve a notice on the permittee concerned notifying him the names of the members mentioned in paragraph (a) and his right to raise any objection on the appointment of any member on the ground that the member has direct or indirect interest in the review within 7 days from the date of service of the notice.
- (2) The objection in subsection (1)(c) shall be in writing and shall be accompanied by all written statements and other documentary evidence relied upon by the permittee concerned in support of the objection.
- (3) After the expiry of the period allowed for the declaration of interest and the raising of objection under subsection (1)(b) and (c), the Secretary shall, subject to subsections (5) and (6), finalize the composition of the Review Board by appointing 3 or 5 persons (excluding the Chairman) from the list compiled under subsection (1) to constitute the Review Board after

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- (6) 並非公職人員的人士須在覆核委員會成員(不包括主席)中佔過半數。
- (7) 如在覆核程序中任何時間,發現覆核委員會的任何成員在有關覆核中有任何直接或間接的利害關係,主席可將該程序押後並通知局長。
- (8) 局長須終止該成員的委任,並須依循經他認為必需的變通的第(1)、(2)及(3)款所述的程序,委任另一成員。
- (9) 在新成員根據第(8)款委任後,覆核委員會如信納重新聆訊該申請的全部或部分是不公平的,可聆訊該申請的全部或有關部分。

10P. 覆核委員會程序

- (1) 除非所有根據第 10O(3) 條委任的成員出席,否則覆核委員會只可押後聆訊而不得對覆核總工程師根據第 10M(5) 條作出的決定的申請進行聆訊。

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- taking into consideration the declaration of interest of the members and the objection raised by the permittee concerned.
- (4) The Director of Highways shall be the Chairman of the Review Board.
 - (5) For the purpose of subsection (3), the Secretary shall appoint—
 - (a) at least one public officer of the rank of Government Engineer or above or a public officer of equivalent rank with engineering qualifications relevant to the excavation concerned from the Highways Department;
 - (b) at least one member from the Review Panel; and
 - (c) 1 or 3 other persons as he thinks fit.
 - (6) The majority of the persons constituting a Review Board, excluding the Chairman, shall be persons other than public officers.
 - (7) If at any time during the review proceedings, it is discovered that any member of the Review Board has a direct or indirect interest in the review concerned, the Chairman may adjourn the proceedings and inform the Secretary.
 - (8) The Secretary shall terminate the appointment of the member and appoint another member by applying the procedures in subsections (1), (2) and (3) with necessary modification as he thinks fit.
 - (9) After the appointment of a new member under subsection (8), the Review Board may rehear the application wholly or in part if it is satisfied that it is just to do so.

10P. Proceedings of Review Board

- (1) The Review Board shall not proceed to hear an application for a review of the Chief Engineer's decision under section

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- (2) 所有有待在覆核委員會聆訊中決定的事宜須由出席聆訊的成員以過半數票決定。
- (3) 主席不得在覆核委員會的聆訊中表決。
- (4) 如出現票數相等情況，主席須解散覆核委員會並通知局長。
- (5) 在接獲第(4)款的通知後，局長須依循經必需的變通的第10O(1)、(2)及(3)條所述的程序，委任另一覆核委員會以聆訊有關的覆核。
- (6) 如在根據第(5)款委任的覆核委員會的聆訊的表決中出現票數相等情況，則——
- (a) 在第10M(7)(b)條適用的情況下，該持准許證人的評估結果須視為覆核委員會的決定；或(由2014年第150號法律公告修訂)
- (b) 在任何其他情況下，由總工程師根據第10M(5)條對該申請的標的事宜作出的評估，須視為覆核委員會的決定，
- 而覆核委員會可按照該決定，行使第10M(13)條賦予它的任何權力。

10Q. 將根據挖掘准許證而進行挖掘的未批租土地恢復原狀

- (1) 挖掘准許證或緊急挖掘准許證的持准許證人，必須在准許證有效期屆滿或終止前，按准許證規定的條件，將土地恢復原狀及修復。
- (2) 任何未批租土地，如未有按照第(1)款的規定——

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- 10M(5) at a hearing other than to adjourn unless all the members appointed under section 10O(3) are present.
- (2) All the matters for determination at a hearing of the Review Board shall be decided by a majority of vote of the members present.
- (3) The Chairman shall not vote at the hearing of the Review Board.
- (4) In case there is an equality of votes, the Chairman shall discharge the Review Board and notify the Secretary.
- (5) On receipt of the notification under subsection (4), the Secretary shall apply the procedures in section 10O(1), (2) and (3) with necessary modification to appoint another Review Board to hear the review concerned.
- (6) In case there is an equality of votes at a hearing of the Review Board appointed under subsection (5), then—
- (a) where section 10M(7)(b) is applicable, the result of the permittee's assessment shall be taken to be the decision of the Review Board; or
- (b) in any other case, the decision made by the Chief Engineer under section 10M(5) on the subject matter of the application shall be taken to be the decision of the Review Board,
- and the Review Board may, in accordance with the decision, exercise any of the powers conferred on it under section 10M(13).

10Q. Reinstatement of unleased land after excavation made under an excavation permit

- (1) A permittee of an excavation permit or emergency excavation permit shall, before the expiry or termination of the permit,

- (a) 在准許證有效期屆滿或終止前；或
- (b) 按准許證規定的條件，
恢復原狀及修復，當局可進行其認為需要的工程，將土地或其認為因該項挖掘工程而需恢復原狀及修復的任何其他土地恢復原狀及修復，即使該挖掘工作是為某項工程而進行而該項工程尚未完成，當局亦可如此辦。
- (3) 當局可向上述持准許證人收回——
- (a) 當局根據第(2)款進行的任何工程的費用；及
- (b) 當局將任何未批租土地恢復原狀及修復的任何工程的費用，但作出該項工程的需要，須是——
- (i) 在根據本條而對土地進行的恢復原狀及修復工程完成後 12 個月內出現的；及
- (ii) 因該持准許證人或其僱工或代理人的過失所致。
- (4) 為免生疑問，現聲明任何根據第(2)款進行的工程，為本條例的施行，不得視為一項挖掘工作。

10R. 將根據租契、許可證等而進行挖掘的未批租土地恢復原狀

- (1) 任何人如根據並按照由地政總署署長發出的租契、許可證、撥地契據、撥地備忘錄或撥地工程條款進行或維持挖掘，必須按照該租契、許可證、撥地契據、撥地備忘

reinstate and make good the land as required by any condition of the permit.

- (2) If any unleased land is not reinstated and made good in accordance with subsection (1)—
- (a) before the expiry or termination of the permit; or
- (b) as required by any condition of the permit,
- the Authority may carry out such work as he considers necessary to reinstate and make good the land, and any other land the reinstatement and making good of which is, in his opinion, necessary in consequence of the excavation, notwithstanding that the work for the carrying out of which the excavation was made have not been completed.
- (3) The Authority may recover from the permittee—
- (a) the cost of any work carried out by the Authority under subsection (2); and
- (b) the cost of any work carried out by the Authority to reinstate and make good any unleased land if the necessity for such work—
- (i) arises within 12 months after the completion of work for the reinstatement and making good of the land under this section; and
- (ii) is attributable to any fault on the part of such permittee or his servants or agents.
- (4) For the avoidance of doubt, it is declared that any work carried out under subsection (2) shall not be regarded as an excavation for the purpose of this Ordinance.

10R. Reinstatement of unleased land after excavation made under a lease, licence, etc.

- (1) Any person who makes or maintains an excavation under and in accordance with a lease, licence, deed of appropriation,

錄或撥地工程條款(視屬何情況而定)規定的條件,將土地恢復原狀或修復。

- (2) 任何未批租土地,如未有按照第(1)款的規定恢復原狀及修復,地政總署署長可進行其認為需要的工程,將土地或其認為因該項挖掘工作以致需恢復原狀及修復的任何其他土地恢復原狀及修復,即使該項挖掘工作是為某項工程而進行而該項工程尚未完成,地政總署署長亦可如此辦。
- (3) 地政總署署長可向第(1)款所述的人收回他根據第(2)款進行的任何工程的費用。
- (4) 為免生疑問,現聲明任何根據第(2)款進行的工程,為本條例的施行,不得視為一項挖掘工作。

10S. 與挖掘相關的安全設施的提供

如挖掘准許證或緊急挖掘准許證規定須為公眾的安全或方便提供設施的條件遭違反,則當局可提供該等設施,並向該證的持准許證人追討提供該等設施的費用。

10T. 安全預防措施及支持的提供

- (1) 挖掘准許證或緊急挖掘准許證的持准許證人及指定持准許證人須——

memorandum of appropriation or an engineering conditions for land allocation issued by the Director of Lands shall reinstate and make good the land as required by any condition of the lease, licence, deed of appropriation, memorandum of appropriation or engineering conditions for land allocation, as the case may be.

- (2) If any unleased land is not reinstated and made good in accordance with subsection (1), the Director of Lands may carry out such work as he considers necessary to reinstate and make good the land, and any other land the reinstatement and making good of which is, in his opinion, necessary in consequence of the excavation, notwithstanding that the works for the carrying out of which the excavation was made have not been completed.
- (3) The Director of Lands may recover from the person mentioned in subsection (1) the cost of any work carried out by the Director under subsection (2).
- (4) For the avoidance of doubt, it is declared that any work carried out under subsection (2) shall not be regarded as excavation for the purpose of this Ordinance.

10S. Provision of safety facilities in connection with excavation

If any condition of an excavation permit or emergency excavation permit requiring the provision of facilities for the safety or convenience of the public is contravened, the Authority may provide such facilities and recover the cost thereof from the permittee of the permit.

10T. Provision of safety precautions and support

- (1) The permittee and nominated permittee of an excavation permit or emergency excavation permit shall—

- (a) 採取一切必需的安全預防措施，以對公眾或任何進行或維持該准許證所關乎的挖掘工作的人士提供保障，使其免於任何危險或遭受任何損傷；
- (b) 在該挖掘工作的毗鄰建築物、道路、斜坡、構築物、喉管、燈柱、公用設施或相類裝置的結構穩定方面，提供足夠支持，以避免公眾或任何人士因泥土、岩石或其他物料墮下或移位而受到危害。
- (2) 在有持准許證人但沒有指定持准許證人的情況下，如有人違反第(1)款，則持准許證人即屬犯罪，一經定罪，可處罰款 \$200,000。
- (3) 在有持准許證人及指定持准許證人的情況下，如有人違反第(1)款，則持准許證人及指定持准許證人均屬犯罪，一經定罪，可各處罰款 \$200,000。
- (4) 在就第(2)或(3)款所訂的罪行而針對某人進行的法律程序中，如被控人證明他已採取一切合理步驟和已盡一切應盡的努力以避免犯該罪行，即可以此作為免責辯護。
- (5) 法庭就第(4)款所規定的免責辯護作出決定時，可考慮被控犯第(2)或(3)款所訂罪行的人已——
- (a) 聘用合資格人士監督有關的挖掘工作；
- (b) 設有以文件記錄的制度監督有關的挖掘工作，包括(但不只限於)符合以下說明的制度——
- (i) 由合資格人士管理；並
- (ii) 規定對挖掘工作進行視察以確保第(1)款施加的責任獲得履行，並記錄該等視察；
- (c) 設有以文件記錄的制度以確保其承判商履行第(1)款施加的責任；
- (d) 採取其他合理步驟。
- (6) 就第(5)款而言，**合資格人士** (competent person) 指——
- (a) 根據《建築師註冊條例》(第 408 章)註冊為註冊建築師的人；

- (a) adopt all necessary safety precautions to protect the public or any person making or maintaining an excavation to which the permit relates from any danger or injury;
- (b) provide adequate support for the structural stability of buildings, roads, slopes, structures, pipes, lighting posts, utility services or similar installations adjacent to the excavation so as to prevent the public or any person from being endangered by a fall or displacement of earth, rock or other material.
- (2) Where there is a permittee and no nominated permittee and subsection (1) is contravened, the permittee shall be guilty of an offence and shall be liable on conviction to a fine of \$200,000.
- (3) Where there is a permittee and a nominated permittee and subsection (1) is contravened, both the permittee and the nominated permittee shall each be guilty of an offence and shall each be liable on conviction to a fine of \$200,000.
- (4) It is a defence in a proceeding against a person for an offence under subsection (2) or (3) if the person charged shows that he took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (5) A court may, in making a decision on the defence provided under subsection (4), take into consideration that a person charged with an offence under subsection (2) or (3) has—
- (a) hired a competent person to supervise the excavation concerned;
- (b) a documented system for supervising the excavation concerned, including but not limited to a system which—
- (i) is managed by a competent person; and

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- (b) 根據《工程師註冊條例》(第 409 章)註冊為註冊專業工程師，並屬與有關的挖掘工作或與在該項挖掘工作內的工程有關的界別的人；
- (c) 根據《測量師註冊條例》(第 417 章)註冊為註冊專業測量師，並屬與有關的挖掘工作或與在該項挖掘工作內的工程有關的界別的人；或
- (d) 根據《工廠及工業經營(安全主任及安全督導員)規例》(第 59 章，附屬法例 Z)註冊為安全主任的人，並——
- (i) (如第 (5)(a) 款適用)具有最少 3 年監督與有關的挖掘工作相類似的挖掘工作的經驗；或
- (ii) (如第 (5)(b)(i) 款適用)具有最少 3 年管理與該款所描述的以文件記錄的制度相類似的制度的經驗。

10U. 策略性街道、敏感街道及餘下街道的指定

- (1) 路政署署長可藉憲報刊登的公告——

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- (ii) requires inspection of the excavation to ensure compliance with duties imposed under subsection (1) and record of such inspection;
- (c) a documented system to ensure his contractor complies with the duties imposed under subsection (1);
- (d) taken other reasonable steps.
- (6) For the purpose of subsection (5), **competent person** (合資格人士) means a person who is registered as—
- (a) a registered architect under the Architects Registration Ordinance (Cap. 408);
- (b) a registered professional engineer under the Engineers Registration Ordinance (Cap. 409) and is within a discipline which is relevant to the excavation concerned or the works within that excavation;
- (c) a registered professional surveyor under the Surveyors Registration Ordinance (Cap. 417) and is within a discipline which is relevant to the excavation concerned or the works within that excavation; or
- (d) a safety officer under the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (Cap. 59 sub. leg. Z) and—
- (i) where subsection (5)(a) is applicable, has at least 3 years' experience in supervising excavation which is similar to the excavation concerned; or
- (ii) where subsection (5)(b)(i) is applicable, has at least 3 years' experience in managing documented system which is similar to the system described in that subsection. (*Amended E.R. 5 of 2020*)

10U. Designation of strategic street, sensitive street and remaining street

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- (a) 在考慮因在任何街道上進行挖掘工作而引致或相當可能引致的車路交通阻塞的經濟成本後，指定該條街道或其部分為策略性街道、敏感街道或餘下街道；及
- (b) 修訂或撤銷任何上述的指定。
- (2) 為免生疑問，現宣布根據第(1)款刊登的公告並非附屬法例。

10V. 送達通知

如無相反證據，根據本部須向或可向當局以外的任何人(不論如何描述)送交或送達的通知(不論如何描述)在以下情況下，須當作已如此送交或送達——

- (a) 就個人而言，該通知——
- (i) 已交付該人；
 - (ii) 已留在該人最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的居住地方或業務地址；
 - (iii) 已藉郵遞送交該人最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址；或
 - (iv) 已藉電傳、圖文傳真或其他相類的方法送交該人最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址，或其最後為人所知的在香港的居住地方或業務地址；
- (b) 就公司而言，該通知——
- (i) 已發給或送達該公司的董事或經理；

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- (1) The Director of Highways may, by notice published in the Gazette—
- (a) designate any street or part of a street as a strategic street, a sensitive street or a remaining street after taking into consideration the economic costs of traffic delay in a carriageway caused or likely to be caused by an excavation carried out on the street; and
 - (b) amend or revoke any such designation.
- (2) For the avoidance of doubt, it is declared that a notice published under subsection (1) is not subsidiary legislation.

10V. Service of notice

A notice (howsoever described) which under this Part is required to be, or may be, sent or served to or on a person (howsoever described) other than the Authority shall, in the absence of evidence to the contrary, be deemed to be so sent or served if—

- (a) in the case of an individual, it is—
- (i) delivered to him;
 - (ii) left at his last known address for service, or at his last known place of residence or business, in Hong Kong;
 - (iii) sent by post to him at his last known address for service, or at his last known postal address, in Hong Kong; or
 - (iv) sent by telex, facsimile transmission or other similar method to him at his last known address for service, or at his last known postal address, or at his last known place of residence or business, in Hong Kong;
- (b) in the case of a company, it is—

- (ii) 已留在該公司最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的業務地址；
- (iii) 已藉郵遞送交該公司最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址；或
- (iv) 已藉電傳、圖文傳真或其他相類的方法送交該公司最後為人所知的在香港的供送達文件的地址，或其最後為人所知的在香港的通信地址，或其最後為人所知的在香港的業務地址；
- (c) 就合夥而言——
 - (i) (就屬個人的合夥人而言)該通知已按照(a)段交付、留下或送交；或
 - (ii) (就屬公司的合夥人而言)該通知已按照(b)段發給、留下或送交；
- (d) 當某人(受權人)持有授權書，而根據授權書受權人獲授權就另一須向其送交或送達通知的人接受送達，則就受權人而言——
 - (i) (如受權人屬個人)該通知已按照(a)段交付、留下或送交；
 - (ii) (如受權人屬公司)該通知已按照(b)段發給、留下或送交；
 - (iii) (如受權人屬合夥，就屬個人的合夥人而言)該通知已按照(a)段交付、留下或送交；或

- (i) given to or served on a director or manager of the company;
- (ii) left at the company's last known address for service, or at its last known place of business, in Hong Kong;
- (iii) sent by post to the company at its last known address for service, or at its last known postal address, in Hong Kong; or
- (iv) sent by telex, facsimile transmission or other similar method to the company at its last known address for service, or at its last known postal address, or at its last known place of business, in Hong Kong;
- (c) in the case of a partnership, it is—
 - (i) delivered, left or sent in accordance with paragraph (a) in respect of any partner who is an individual; or
 - (ii) given, left or sent in accordance with paragraph (b) in respect of any partner which is a company;
- (d) in the case of a person (*attorney*) holding a power of attorney under which the attorney is authorized to accept service in respect of another person on whom it is required to be so sent or served, it is—
 - (i) where the attorney is an individual, delivered, left or sent in accordance with paragraph (a);
 - (ii) where the attorney is a company, given, left or sent in accordance with paragraph (b);
 - (iii) where the attorney is a partnership, delivered, left or sent in accordance with paragraph (a) in respect of any partner who is an individual; or

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(iv) (如受權人屬合夥，就屬公司的合夥人而言) 該通知已按照 (b) 段發給、留下或送交。

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(iv) where the attorney is a partnership, given, left or sent in accordance with paragraph (b) in respect of any partner which is a company.

第 IV 部

違反政府租契及許可證的簡易糾正辦法

(由 1979 年第 56 號第 4 條代替。由 1998 年第 29 號第 13 條修訂)
(格式變更——2020 年第 5 號編輯修訂紀錄)

11. 承租人或持證人通知當局有不合法構築物的責任

- (1) 如承租人或持證人知悉，有構築物在違反政府租契或許可證的情況下——(由 1998 年第 29 號第 105 條修訂)
 - (a) 正在建造或放置在土地上或土地上的任何建築物上；或
 - (b) 自 1965 年 10 月 22 日後建造或放置其上，而且並非由其本人進行或並非由他人代其進行者，則必須在知悉此事後 48 小時內通知當局。
- (2) 任何人無合理辯解而違反第 (1) 款的規定，即屬犯罪，一經定罪，可處第 1 級罰款。(編輯修訂——2020 年第 5 號編輯修訂紀錄)
- (3) 在就第 (2) 款所訂罪行而進行的法律程序中，除非承租人或持證人證明不知情及在合理情況下他不可能知情，否則須推定承租人或持證人知悉該構築物當時正在建造或放置在土地上，或已建造或已放置在土地上。

12. 拆掉不合法構築物

- (1) 如——

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Summary Remedy for Breaches of Government Leases and Licences

(Replaced 56 of 1979 s. 4. Amended 29 of 1998 s. 13)
(Format changes—E.R. 5 of 2020)

11. Duty of lessee or licensee to notify Authority of unlawful structure

- (1) If it comes to the knowledge of a lessee or licensee that, in breach of the Government lease or licence, a structure—(Amended 29 of 1998 s. 105)
 - (a) is being erected or placed on the land or on any building on the land; or
 - (b) has been erected or placed thereon since 22 October 1965,
otherwise than by him or on his behalf, the lessee or licensee shall notify the Authority within 48 hours.
- (2) Any person who without reasonable excuse contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine at level 1. (Amended E.R. 5 of 2020)
- (3) In proceedings for an offence under subsection (2), the lessee or licensee shall be presumed to have known that the structure was being or had been erected or placed on the land, unless he proves that he did not know, and could not reasonably have known, of the same.

12. Demolition of unlawful structures

- (1) If—

- (a) 在已批租土地上或根據許可證佔用的土地上，或在此等土地上的任何建築物上，有構築物於違反政府租契或許可證的情況下，正在建造或放置或已建造或已放置；或（由 1998 年第 29 號第 14 條修訂）
- (b) 有構築物在已批租土地或根據許可證佔用的土地上，而該構築物憑藉政府租契或許可證的契諾、條件或規定只限作農業用途者——（由 1998 年第 29 號第 14 條修訂）
- (i) 正被用作其他用途，而違反上述契諾、條件或規定；及
- (ii) 該其他用途，並未在《1979 年官地(修訂)條例》(Crown Land (Amendment) Ordinance 1979)(1979 年第 56 號) 實施當日 * 前，得到當局授予的任何准許所授權，亦未有見諸當局在該日之前所作的任何測量或紀錄中，
- 則當局可藉向承租人或持證人送達書面通知，並可在通知內指明日期，飭令承租人或持證人在該日期前——
- (i) (如屬 (a) 段適用的情況) 拆掉該構築物；
- (ii) (如屬 (b) 段適用的情況) 停止該用途，又如當局認為適當，亦可飭令將該構築物回復至可作農業用途。（由 1979 年第 56 號第 5 條代替）
- (2) 如承租人或持證人未有遵從根據第 (1) 款向其送達的通知，則按當局指示行事的任何公職人員或其他人(有需要時由其他公職人員或其他人協助)，可進入該土地範圍內，並——
- (a) (如屬第 (1)(a) 款適用的情況) 拆掉該構築物；
- (b) (如屬第 (1)(b) 款適用的情況) 拆掉該構築物，或如當局認為適合，進行所需工程將該構築物回復至可作農業用途。（由 1979 年第 56 號第 5 條修訂）
- (3) 承租人或持證人(為遵從根據第 (1) 款所發出的通知) 及任何獲授權人(為施行第 (2) 款) 可——

- (a) a structure is being or has been erected or placed on leased land, or on land occupied under a licence, or on any building on such land, in breach of a Government lease or licence; or (*Amended 29 of 1998 s. 14*)
- (b) a structure on leased land or land occupied under a licence, being a structure which by virtue of a covenant, condition or stipulation in a Government lease or licence can be used only for agricultural purposes— (*Amended 29 of 1998 s. 14*)
- (i) is being used for any other purpose in breach of that covenant, condition or stipulation; and
- (ii) the use for that other purpose is not authorized by any permission granted, or does not appear in any survey or record made, by the Authority before the date* on which the Crown Land (Amendment) Ordinance 1979 (56 of 1979) came into operation,
- the Authority may, by notice in writing served on the lessee or licensee, require him—
- (i) in a case to which paragraph (a) applies, to demolish the structure;
- (ii) in a case to which paragraph (b) applies, to discontinue such use and, if the Authority thinks it appropriate, to restore the structure so that it may be used for agricultural purposes,
- before such date as may be specified in the notice. (*Replaced 56 of 1979 s. 5*)
- (2) If a lessee or licensee does not comply with a notice served on him under subsection (1), any public officer, or other person, acting on the direction of the Authority may, with the assistance of such other public officers or other persons as may be necessary, enter on the land and—

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- (a) 將該構築物內的任何人驅逐或將其內的任何財產移走；及
- (b) 接管此等財產及接管因拆掉該構築物而得的任何財產。
- (4) 由獲授權人根據第(3)(b)款接管的任何財產或構築物，即成為政府的財產而不再受任何人在該財產或構築物中的任何權益所規限；並且除第(5)款另有規定外，可按當局認為適合的方式處理。(由 1998 年第 29 號第 14 條修訂)
- (5) 行政長官可命令將——
- (a) 任何根據第(4)款而成為政府的財產的全部或部分；或 (由 1998 年第 29 號第 14 條修訂)
- (b) 任何此等財產的價值的全部或部分，交付或支付予行政長官覺得在道義上對該財產有權利的人。(由 2000 年第 3 號第 3 條修訂)
- (6) 當局可向承租人或持證人收回根據第(2)款拆掉構築物及行使第(3)款所賦權力而招致或引起的任何費用。
- (7) 根據第(1)款發出的通知，可用下述方式送達——
- (a) 交付承租人或持證人；
- (b) 以掛號郵遞寄往承租人或持證人最後為當局所知的辦事處或住所的地址；或
- (c) 張貼於通知所涉的土地或構築物之內或之上。
- (8) 本條所賦權力增補而非減損《政府土地權(重收及轉歸補救)條例》(第 126 章)所賦予政府的權力。(由 1979 年第 56 號第 5 條增補。由 1998 年第 29 號第 14 條修訂)

編輯附註：

* 實施日期：1979 年 7 月 20 日。

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- (a) in a case to which subsection (1)(a) applies, demolish the structure;
- (b) in a case to which subsection (1)(b) applies, demolish the structure or, if the Authority thinks fit, carry out such works as may be necessary to restore the structure so that it may be used for agricultural purposes. (*Amended 56 of 1979 s. 5*)
- (3) A lessee or licensee (for the purpose of complying with a notice under subsection (1)) and (for the purpose of subsection (2)) any authorized person may—
- (a) remove from the structure any person or property therein; and
- (b) take possession of such property and of any property resulting from the demolition of the structure.
- (4) Any property of which possession is taken under subsection (3)(b) by an authorized person shall become the property of the Government free from the rights of any person and, subject to subsection (5), may be dealt with as the Authority thinks fit. (*Amended 29 of 1998 s. 14*)
- (5) The Chief Executive may order that— (*Amended 3 of 2000 s. 3*)
- (a) the whole or a part of any property which has become the property of the Government under subsection (4); or (*Amended 29 of 1998 s. 14*)
- (b) the whole or a part of the value of any such property, shall be delivered or paid to any person who appears to him to have a moral claim thereto.
- (6) The Authority may recover from the lessee or licensee any cost incurred in or arising out of the demolition of a structure under subsection (2) and of the exercise of the powers conferred by subsection (3).

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13. 進入及視察的權力

為了——

- (a) 施行第 12(1) 條而確定是否有違反政府租契或許可證的情況出現；或 (由 1998 年第 29 號第 105 條修訂)
- (b) 在按照本條例所賦權力清理任何土地、拆掉已批租土地上的構築物或拆掉根據許可證佔用的土地上的構築物之前，進行任何工程或會晤任何人，

獲當局書面授權的任何公職人員，在出示授權證明下，可於任何合理時間進入有關土地範圍及土地上的任何構築物並作視察，同時亦可——

- (i) 進行任何會晤或調查；
- (ii) 進行任何審查，或在該構築物上記上號碼，以便確立可獲配公共房屋的人的資格；及
- (iii) 計算任何工業、商業或農業經營的補償及津貼。

- (7) A notice under subsection (1) may be served by—
 - (a) delivering it to the lessee or licensee;
 - (b) posting it to him by registered post addressed to his last place of business or residence known to the Authority; or
 - (c) posting the notice in or on the land or structure to which the notice relates.
- (8) The powers conferred by this section are in addition to and not in derogation from the powers conferred on the Government by the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126). (*Added 56 of 1979 s. 5. Amended 29 of 1998 s. 14*)

Editorial Note:

* Commencement date: 20 July 1979.

13. Power of entry and inspection

For the purpose of—

- (a) ascertaining whether there has been a breach of a Government lease or licence for the purposes of section 12(1); or (*Amended 29 of 1998 s. 105*)
- (b) carrying out any work or interviewing any person prior to the clearance of any land or the demolition of any structure on leased land or land occupied under a licence in accordance with the powers conferred by this Ordinance,

any public officer authorized in writing by the Authority may, on production of his authority, enter and inspect the land and any structure thereon at any reasonable time and may also carry out—

- (i) any interview or investigation;

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(由 1979 年第 56 號第 6 條代替)

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- (ii) any screening, or affixing of numbers on structures, for the purpose of establishing eligibility of persons for public housing; and
 - (iii) any computation of compensation and allowances for any industrial, commercial or agricultural undertaking.

(Replaced 56 of 1979 s. 6)

第 V 部**私家街道***(格式變更——2020 年第 5 號編輯修訂紀錄)***14. 私家街道歸屬於政府**

- (1) 如政府租契或與已批租土地有關的放棄土地協議中載有規定，承租人須在有要求提出時，應該要求將私家街道交回政府而不收取任何費用，則當局可藉憲報刊登的公告，宣布該私家街道或公告所指明的其中某部分，為公共街道。*(由 1998 年第 29 號第 105 條修訂)*
- (2) 當局須在根據第 (1) 款刊登公告後 7 日內，將公告一份連同公告宣布為公共街道的土地的圖則一份，在土地註冊處註冊。*(由 1993 年第 8 號第 2 條修訂)*
- (3) 根據第 (2) 款在土地註冊處將根據第 (1) 款刊登的公告一份註冊後——*(由 1993 年第 8 號第 2 條修訂)*
 - (a) 承租人在該私家街道或公告所指明的部分所具有的一切權利及義務，即告終絕；及
 - (b) 該私家街道或該部分的私家街道，即歸屬於政府，其方式及效力猶如該私家街道或該部分的私家街道已遭放棄而歸還政府一樣，不再受任何人在其中的任何權益所規限。*(由 1998 年第 29 號第 105 條修訂)*

15. 不得就私家街道權利的終絕而訴訟

如根據第 14(3) 條而致使任何人在該私家街道或該部分的私家街道所具有的權利終絕，不得就該權利的終絕而提起訴訟或

Part V**Private Streets***(Format changes—E.R. 5 of 2020)***14. Vesting of private streets in the Government**

- (1) If a Government lease, or an agreement for surrender relating to leased land, contains a provision that the lessee shall, when required, hand back any private street to the Government free of cost, the Authority may, by notice in the Gazette, declare the private street, or such part thereof as may be specified in the notice, to be a public street. *(Amended 29 of 1998 s. 105)*
- (2) The Authority shall, within 7 days after the publication of a notice under subsection (1), register a copy thereof in the Land Registry together with a plan showing the land declared by such notice to be a public street. *(Amended 8 of 1993 s. 2)*
- (3) Upon the registration under subsection (2) in the Land Registry of a copy of a notice published under subsection (1)— *(Amended 8 of 1993 s. 2)*
 - (a) all rights and obligations of the lessee in, upon or over the private street, or the part of the private street specified in the notice, shall be extinguished; and
 - (b) the private street, or such part of the private street, shall vest in the Government free from the rights of any person in the same manner and to the same effect as if it had been surrendered to the Government. *(Amended 29 of 1998 s. 105)*

15. No action to lie in respect of extinguishment of rights in private street*(Amended E.R. 5 of 2020)*

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第 15 條

繼續進行訴訟，亦不得給予任何補償。

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No action shall be brought or continued, and no compensation shall be payable, in respect of the extinguishment under section 14(3) of the rights of any person in, upon or over the private street or such part of the private street.

第 VI 部

一般規定

(格式變更——2020 年第 5 號編輯修訂紀錄)

15A. 政府租契中行政長官會同行政會議的批准權

凡政府租契載有條件，其作用為規定如某一事宜或事情未得行政長官會同行政會議批准或同意即不得進行，則須將該條件當作包括可由行政長官行使該等授予批准或給予同意的權力的規定。

(由 1973 年第 72 號第 2 條增補。由 1998 年第 29 號第 105 條修訂；由 2000 年第 3 號第 3 條修訂)

16. 妨礙行為

任何人妨礙獲授權人根據本條例行使權力、執行職責或履行職能，即屬犯罪，一經定罪，可處第 2 級罰款及監禁 6 個月。

(編輯修訂——2020 年第 5 號編輯修訂紀錄)

16A. 虛假陳述

任何人——

- (a) 在答覆根據本條例或為施行本條例而向他查詢的問題時；或
- (b) 在根據本條例或為施行本條例而被要求提供的文件中，

作出他知道在要項上屬虛假或誤導的陳述，即屬犯罪，一經定罪，可處第 1 級罰款及監禁 6 個月。

Part VI

General

(Format changes—E.R. 5 of 2020)

15A. Power of approval by Chief Executive in Council in Government leases

Where any Government lease contains a condition to the effect that any matter or thing may not be done without the approval or consent of the Chief Executive in Council, the condition shall be deemed to include a provision that the power of the Chief Executive in Council to grant approval or give consent may be exercised by the Chief Executive.

(Added 72 of 1973 s. 2. Amended 29 of 1998 s. 105; 3 of 2000 s. 3)

16. Obstruction

Any person who obstructs an authorized person exercising any power, performing any duty, or carrying out any function, under this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine at level 2 and to imprisonment for 6 months.

(Amended E.R. 5 of 2020)

16A. False statements

Any person who makes a statement—

- (a) in reply to any question put to him under or for the purposes of this Ordinance; or
- (b) in any document required by, under or for the purposes of this Ordinance,

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(由 1979 年第 56 號第 7 條增補。編輯修訂——2020 年第 5 號
編輯修訂紀錄)

16B. 證明書作為證據

在就本條例所訂罪行而進行的法律程序中，如有證明書呈堂，且該證明書夾附關乎被指稱已犯的該罪行所涉土地的地圖，並看來是由一名產業測量師簽署，證明——

- (a) 地圖所示土地為未批租土地；及 (編輯修訂——2020 年第 5 號編輯修訂紀錄)
- (b) (i) 未有批出授權在土地上建造構築物的許可證、撥地契據或撥地備忘錄；或
- (ii) 未有批出授權採掘及移走土地的泥土、草皮或石頭的移走准許證；或
- (iii) 未有批出授權在土地上進行或維持任何挖掘工作的挖掘許可證，

即無須再加證明而接納該證明書為證據，同時——

- (A) 須推定該證明書乃由產業測量師簽署，直至相反證明成立為止；及
- (B) 證明書及所夾附的地圖即為其中所載事實的表面證據。

(由 1982 年第 46 號第 4 條增補)

16C. 從當局的電腦系統產生的資料的紀錄證明書

(1) 在根據本條例而在任何法庭或裁判官席前進行的任何法

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which he knows to be false or misleading in a material particular shall be guilty of an offence and shall be liable on conviction to a fine at level 1 and to imprisonment for 6 months.

(Added 56 of 1979 s. 7. Amended E.R. 5 of 2020)

16B. Evidence by certificate

In any proceedings for an offence under this Ordinance, a certificate having attached thereto a map relating to any land in respect of which the offence is alleged to have been committed and purporting to be signed by an Estate Surveyor and certifying that—

- (a) the land as shown on the map is unleased land; and (Amended E.R. 5 of 2020)
- (b) (i) no licence, deed or memorandum of appropriation has been granted authorizing erection of a structure on the land; or
- (ii) no removal permit has been granted authorizing the extraction and removal of earth, turf or stone from the land; or
- (iii) no excavation licence has been granted authorizing the making or maintaining of any excavation in the land,

shall be admitted in evidence on its production without further proof and—

- (A) until the contrary is proved it shall be presumed that the certificate was signed by an Estate Surveyor; and
- (B) the certificate and the map attached thereto shall be prima facie evidence of the facts contained therein.

(Added 46 of 1982 s. 4)

16C. Certificate of record of information produced from Authority's computer systems

- 律程序中，任何文件如看來是——
- (a) 從當局任何電腦系統產生的任何資料的紀錄的文本；及
 - (b) 經當局核證為上述文本的，
- 則該文件一經交出，即須接納為證據而無須進一步證明。
- (2) 凡任何文件根據第 (1) 款被接納為證據——
 - (a) 在相反證明成立之前，法庭或裁判官須推定——
 - (i) 該文件是第 (1)(a) 款所提述的資料的紀錄的真實文本；
 - (ii) 該文件是當局為施行第 (1)(b) 款而適當地核證的；及
 - (iii) 該紀錄是在該文件所提述的紀錄作出時間(如有的話)妥為作出的；及
 - (b) 該文件即屬第 (1)(a) 款所提述的資料的內容的表面證據。
 - (3) 凡在任何法庭或裁判官席前交出的任何文件根據第 (1) 款被接納為證據，該法庭或裁判官如認為適合，可主動或應有關的法律程序的任何一方的申請，傳召看來是曾為施行第 (1)(b) 款而核證該文件的人，並就該文件的標的事宜訊問該人。

(由 2003 年第 17 號第 5 條增補)

17. 武力的使用

- (1) In any proceedings under this Ordinance before a court or magistrate, a document purporting—
 - (a) to be a copy of a record of any information produced from any of the computer systems of the Authority; and
 - (b) to be certified by the Authority as being such a copy, shall be admitted in evidence on its production without further proof.
- (2) Where a document is admitted in evidence under subsection (1)—
 - (a) the court or magistrate before which it is produced shall, until the contrary is proved, presume that—
 - (i) the document is a true copy of the record of information referred to in subsection (1)(a);
 - (ii) it was properly certified by the Authority for the purposes of subsection (1)(b); and
 - (iii) the record was duly made at the time (if any) referred to in the document as that at which it was made; and
 - (b) the document is prima facie evidence of the contents of the information referred to in subsection (1)(a).
- (3) Where a document is admitted in evidence under subsection (1), the court or magistrate before which or whom it is produced may, if it or he thinks fit, on its or his own motion or on the application of any party to the proceedings in question, summon the person who purports to have certified the document for the purpose of subsection (1)(b) and examine him as to its subject matter.

(Added 17 of 2003 s. 5)

17. Use of force

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獲授權人根據本條例行使權力、執行職責或履行職能時，可使用必需的武力。

18. 不得向政府、當局或發展局局長索償*(由 2007 年第 130 號法律公告修訂)*

- (1) 不論政府或當局，均無須對當局根據第 6、10、10A、10B、10C、10D、10E、10F、10J、10K、10L、10M、10O、10P、10Q、10R、10S、10U、12 或 18C 條所做一切而致使任何人遭受的損失或損害負責。*(由 2003 年第 17 號第 6 條修訂)*
- (1A) 不論政府或發展局局長，均無須對根據第 10N、10O 或 10P 條所做的一切致使任何人遭受的損失或損害負責。*(由 2003 年第 17 號第 6 條增補。由 2007 年第 130 號法律公告修訂)*
- (2) 在本條中，**當局** (Authority) 包括任何獲授權人。

18A. 轉授

本條例的當局，可將其任何權力及職能轉授予任何公職人員或任何職類的公職人員。

*(由 1973 年第 23 號第 36 條增補)***18B. 針對決定提出的上訴**

- (1) 任何人因覆核委員會根據第 10M(13) 條就他作出的關於根據第 10M(1)(d)、(g)、(h) 或 (i) 條作出的評估的決定而感到受屈，可向行政上訴委員會上訴。
- (2) 根據第 (1) 款提出的上訴須於在自有關決定的通知送達感到受屈的人的日期起計的 28 天內提出。

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An authorized person may use such force as may be necessary for the exercise of any power, the performance of any duty, or the carrying out of any function, under this Ordinance.

18. No claim to lie against Government, Authority or Secretary for Development*(Amended L.N. 130 of 2007)*

- (1) Neither the Government nor the Authority shall be liable for any loss or damage suffered by any person in consequence of anything done under section 6, 10, 10A, 10B, 10C, 10D, 10E, 10F, 10J, 10K, 10L, 10M, 10O, 10P, 10Q, 10R, 10S, 10U, 12 or 18C by the Authority. *(Amended 17 of 2003 s. 6)*
- (1A) Neither the Government nor the Secretary for Development shall be liable for any loss or damage suffered by any person in consequence of anything done under section 10N, 10O or 10P. *(Added 17 of 2003 s. 6. Amended L.N. 130 of 2007)*
- (2) In this section, **Authority** (當局) includes any authorized person.

18A. Delegation

An Authority under this Ordinance may delegate any of its powers and functions to any public officer or class of public officer.

*(Added 23 of 1973 s. 36)***18B. Appeals against decision**

- (1) A person who is aggrieved by a decision of the Review Board made in respect of him under section 10M(13) relating to an assessment made under section 10M(1)(d), (g), (h) or (i) may appeal to the Administrative Appeals Board.
- (2) An appeal made under subsection (1) shall be made within 28 days from the date of service of a notice of the decision on the aggrieved person.

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- (3) 依據行政上訴委員會的決定而裁定須退還予感到受屈的人的任何訂明費用須由路政署署長免息支付。
(由 2003 年第 17 號第 7 條增補)

18C. 當局指明時限及新建街道的權力

- (1) 當局可藉於憲報刊登的公告，指明——
- (a) 提出要求——
- (i) 就某項挖掘工作或某類別的挖掘工作發出挖掘准許證或緊急挖掘准許證；或
- (ii) 就某項挖掘工作或某類別的挖掘工作延長挖掘准許證的有效期，
- 的申請的時限；
- (b) 某街道或某類別的街道為新建街道或某類別的新建街道，以及該街道或該類別的街道(視屬何情況而定)不得作任何挖掘的持續期及範圍。
- (2) 為免生疑問，現宣布根據第(1)款刊登的公告並非附屬法例。

(由 2003 年第 17 號第 7 條增補)

19. 規例

- (1) 行政長官會同行政會議可為下述全部或其中任何目的而訂立規例——(由 2000 年第 3 號第 3 條修訂；由 2003 年第 17 號第 8 條修訂)
- (a) 訂明根據本條例須予或可予訂明的任何事項；

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- (3) Any prescribed fee determined to be refunded to an aggrieved person pursuant to a decision of the Administrative Appeals Board shall be paid by the Director of Highways and without interest.

(Added 17 of 2003 s. 7)

18C. Authority's power to specify time limit and newly constructed street

- (1) The Authority may, by notice published in the Gazette, specify—
- (a) the time limit for the submission of an application for—
- (i) the issue of an excavation permit or emergency excavation permit in relation to an excavation or any class of excavation; or
- (ii) the extension of the period for which an excavation permit is valid in relation to an excavation or any class of excavation;
- (b) a street or any class of streets as a newly constructed street or a class of newly constructed streets and the duration for which and the extent to which such street or such class of streets, as the case may be, shall not be used for any excavation.
- (2) For the avoidance of doubt, it is declared that a notice published under subsection (1) is not subsidiary legislation.

(Added 17 of 2003 s. 7)

19. Regulations

- (1) The Chief Executive in Council may make regulations for all or any of the following purposes— (Amended 3 of 2000 s. 3; 17 of 2003 s. 8)

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第 20 條Part VI
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Cap. 28

- (b) 對各式許可證或其副本的申請作出規定；
 - (c) 就各式許可證副本的發出訂定費用；
 - (d) 賦權任何公職人員，釐定根據許可證佔用或行將佔用的土地，現時或將來是否用作非牟利、慈善或福利用途；
 - (e) 概括而言，使本條例的執行更為妥善。
- (2) 根據本條訂立的規例所訂明的各項費用，可——
- (a) 釐定在以下水平——
 - (i) 可收回政府總括而言就管理、規管和管制本條例所關乎的事項而招致或相當可能招致的開支的水平；及
 - (ii) 可收回在街道上進行挖掘工作而引致或相當可能引致的車路交通阻塞的經濟成本的水平；
 - (b) 就不同類別或名目的事務或個案或街道訂明不同的須繳付的費用；及
 - (c) 訂明須繳付的費用以規例所指明的任何方式計算。(由 2003 年第 17 號第 8 條增補)

- (a) prescribing anything which is to be or may be prescribed under this Ordinance;
 - (b) providing for applications for licences or copies of licences;
 - (c) fixing fees for the issue of copies of licences;
 - (d) empowering any public officer to determine whether land occupied or to be occupied under a licence is being or will be occupied for non-profit making, charitable or welfare purposes;
 - (e) generally, for the better carrying out of this Ordinance.
- (2) Any fees prescribed by regulations made under this section may—
- (a) be fixed at a level which provides for the recovery of—
 - (i) expenditure incurred or likely to be incurred by the Government in relation generally to the administration, regulation and control of matters to which this Ordinance relates; and
 - (ii) economic costs of traffic delay in a carriageway caused or likely to be caused by excavations on streets;
 - (b) provide for the payment of different fees in respect of matters or cases or streets of different classes or descriptions; and
 - (c) provide for the payment of fees to be calculated in any manner specified in the regulations. (*Added 17 of 2003 s. 8*)

20. 保留條文

本條例的條文並不影響政府或任何公職人員根據任何其他法律而具有的權利或權力。

20. Saving

Nothing in this Ordinance shall affect the rights or powers of the Government or any public officer under any other law.

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(由 2000 年第 3 號第 3 條修訂)

(Amended 3 of 2000 s. 3)

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附表

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附表

[第 3 及 8 條]
(由 2003 年第 17 號第 9 條修訂)

指定當局

(格式變更——2015 年第 3 號編輯修訂紀錄)

在本附表中，**房屋委員會屋邨** (Housing Authority estate) 指歸屬於房屋委員會或由房屋委員會控制與管理的土地。

條次	地區	當局
5(1)	市區	地政總署署長(房屋委員會屋邨除外)
	新界(不包括新九龍)	地政總署署長(房屋委員會屋邨除外)
6(1) 6(2) 6(2A)	市區	地政總署署長、食物環境衛生署署長或房屋委員會
6(3) 6(4A) 6(5) 6(6)	新界(不包括新九龍)	地政總署署長、食物環境衛生署署長或房屋委員會

Schedule

[ss. 3 & 8]
(Amended 17 of 2003 s. 9)

Designated Authorities

(Format changes—E.R. 3 of 2015)

In this Schedule, **Housing Authority estate** (房屋委員會屋邨) means land vested in the Housing Authority or over which the Housing Authority has control and management.

Section	Area	Authority
5(1)	Urban area	Director of Lands, except for Housing Authority estates
	New Territories, except New Kowloon	Director of Lands, except for Housing Authority estates
6(1) 6(2) 6(2A)	Urban area	Director of Lands, the Director of Food and Environmental Hygiene or the Housing Authority
6(3) 6(4A) 6(5) 6(6)	New Territories, except New Kowloon	Director of Lands, the Director of Food and Environmental Hygiene or the Housing Authority

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條次	地區	當局	Section	Area	Authority		
7(2)	市區	地政總署署長	7(2)	Urban area	Director of Lands		
7(3)	新界(不包括新九龍)	(就屬街道的未批租土地而言)路政署署長或(就並非街道的未批租土地而言)地政總署署長	7(3)	New Territories, except New Kowloon	Director of Highways in the case of unleased land which is a street; or the Director of Lands in the case of unleased land, other than streets		
2A(3)	市區及新界	(就屬街道的未批租土地而言)路政署署長或(就並非街道的未批租土地而言)地政總署署長	2A(3)	Urban area and New Territories	Director of Highways in the case of unleased land which is a street; or the Director of Lands in the case of unleased land, other than streets		
10(8)							
10A(1)							
10A(3)							
10A(4)							
10B(1)							
10B(2)							
10C(1)							
10C(3)							
10C(4)							
10C(5)							
10C(7)							
10D(1)							
10D(3)							
10D(4)							
10D(5)							
10E(1)							
10E(2)							
10E(3)							
10F(1)							
10F(2)							

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條次	地區	當局	Section	Area	Authority		
10F(3)			10F(3)				
10F(4)			10F(4)				
10G(c)			10G(c)				
10H(1)			10H(1)				
10H(2)			10H(2)				
10H(3)			10H(3)				
10I(1)			10I(1)				
10I(2)			10I(2)				
10I(3)			10I(3)				
10J(1)			10J(1)				
10J(2)			10J(2)				
10K(1)			10K(1)				
10K(4)			10K(4)				
10L(1)			10L(1)				
10L(2)			10L(2)				
10L(3)			10L(3)				
10M(16)			10M(16)				
10M(17)			10M(17)				
10Q(2)			10Q(2)				
10Q(3)			10Q(3)				
10S			10S				
10V			10V				
16C(1)			16C(1)				
16C(2)			16C(2)				
18C(1)			18C(1)				
11(1)	市區	房屋署署長	11(1)	Urban area	The Director of Housing		
	新界(不包括新九龍)	地政總署署長或房屋署署長		New Territories, except New Kowloon	Director of Lands or the Director of Housing		

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附表

Schedule

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條次	地區	當局
12(1) 12(2) 12(4)	市區	地政總署署長或房屋署署長
12(6) 12(7) 13	新界(不包括新九龍)	地政總署署長或房屋署署長
14(1) 14(2)	市區及新界	地政總署署長

Section	Area	Authority
12(1) 12(2) 12(4)	Urban area	Director of Lands or the Director of Housing
12(6) 12(7) 13	New Territories, except New Kowloon	Director of Lands or the Director of Housing
14(1) 14(2)	Urban area and New Territories	Director of Lands

(由 1973 年第 23 號第 36 條修訂；由 1974 年第 94 號法律公告修訂；
由 1974 年第 113 號法律公告修訂；由 1976 年第 269 號法律公告修訂；
由 1979 年第 56 號第 8 條修訂；由 1981 年第 347 號法律公告修訂；
由 1981 年第 370 號法律公告修訂；由 1982 年第 76 號法律公告修訂；
由 1982 年第 73 號第 39 條修訂；由 1986 年第 94 號法律公告修訂；由
1986 年第 127 號法律公告修訂；由 1993 年第 291 號法律公告修訂；
由 1999 年第 78 號第 7 條修訂；由 2003 年第 17 號第 9 條修訂；由
2015 年第 3 號第 5 條修訂；編輯修訂——2020 年第 5 號編輯修訂紀錄)

(Amended 23 of 1973 s. 36; L.N. 94 of 1974; L.N. 113 of 1974; L.N. 269 of 1976; 56 of 1979 s. 8; L.N. 347 of 1981; L.N. 370 of 1981; L.N. 76 of 1982; 73 of 1982 s. 39; L.N. 94 of 1986; L.N. 127 of 1986; L.N. 291 of 1993; 78 of 1999 s. 7; 17 of 2003 s. 9; 3 of 2015 s. 5; E.R. 5 of 2020)