

《防止賄賂條例》
(第 201 章)
Prevention of Bribery Ordinance
(Cap. 201)

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經核證文本
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(《法例發布條例》(第 614 章)第 5 條)
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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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《防止賄賂條例》

(第 201 章)

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Prevention of Bribery Ordinance

(Cap. 201)

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本條例旨在為防止賄賂事宜以及因該事宜所需或為與該事宜有關的目的而訂定更詳盡完備的條文。

To make further and better provision for the prevention of bribery and for purposes necessary thereto or connected therewith.

[1971 年 5 月 14 日] 1971 年第 58 號法律公告

[14 May 1971] L.N. 58 of 1971

第 I 部

Part I

導言

Preliminary

(格式變更——2017 年第 1 號編輯修訂紀錄)

(Format changes—E.R. 1 of 2017)

1. 簡稱

本條例可引稱為《防止賄賂條例》。

1. Short title

This Ordinance may be cited as the Prevention of Bribery Ordinance.

2. 釋義

(1) 在本條例中，除文意另有所指外——

子女 (child) 包括非婚生或領養的子女，亦包括寄養子女及繼子女；

公司簿冊 (company books) 指公司在通常業務上使用的年報及資產負債表，以及任何分類帳、日記帳、現金帳、帳簿、銀行存摺、報告、信件或其他簿冊或文件；(由 1980 年第 28 號第 2 條修訂)

公共機構 (public body) 指——

- (a) 政府；
- (b) 行政會議；(由 2003 年第 1 號第 3 條修訂)
- (c) 立法會；(由 2003 年第 1 號第 3 條修訂)
- (d) (由 1999 年第 78 號第 7 條廢除)

2. Interpretation

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

advantage (利益) means—

- (a) any gift, loan, fee, reward or commission consisting of money or of any valuable security or of other property or interest in property of any description;
- (b) any office, employment or contract;
- (c) any payment, release, discharge or liquidation of any loan, obligation or other liability, whether in whole or in part;
- (d) any other service, or favour (other than entertainment), including protection from any penalty or disability incurred or apprehended or from any action or proceedings of a disciplinary, civil or criminal nature, whether or not already instituted;

- (da) 各區議會；(由 1981 年第 42 號第 27 條增補)
- (db) (由 1999 年第 78 號第 7 條廢除)
- (e) 由行政長官或行政長官會同行政會議委出，或由他人代行政長官或行政長官會同行政會議委出的各類委員會或其他機構，不論該委員會或機構是否獲得酬勞；及(由 2003 年第 1 號第 3 條修訂)
- (f) 附表 1 指明的各類委員會或其他機構；(由 1999 年第 20 號第 2 條修訂)

公職人員 (public servant) 指訂明人員，及公共機構的僱員，如該公共機構——(由 1996 年第 48 號第 2 條修訂；由 2003 年第 14 號第 13 條修訂)

- (a) 不屬本定義 (aa)、(b) 或 (c) 段所指的公共機構，亦指其成員；(由 1999 年第 20 號第 2 條修訂)
- (aa) 屬附表 2 指明的公共機構，亦指——
 - (i) 該公共機構的幹事(名譽幹事除外)；
 - (ii) 該公共機構中獲委以處理或管理該公共機構事務的責任的各類委員會或其他團體的成員；(由 1999 年第 20 號第 2 條增補)
- (b) 屬會社或協會，亦指該公共機構中——
 - (i) 擔任幹事的成員(名譽幹事除外)；或
 - (ii) 獲賦予責任處理或管理該機構事務的成員；
- (c) 屬由條例設立或藉條例存續的教育院校，亦指該院校的人員，以及(除第(3)款另有規定外)指該院校轄下的各類委員會或其他團體的成員，而該委員會或團體本身亦屬公共機構，或是——

- (e) the exercise or forbearance from the exercise of any right or any power or duty; and
- (f) any offer, undertaking or promise, whether conditional or unconditional, of any advantage within the meaning of any of the preceding paragraphs (a), (b), (c), (d) and (e),

but does not include an election donation within the meaning of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), particulars of which are included in an election return in accordance with that Ordinance; (*Amended 33 of 1991 s. 2; 10 of 2000 s. 47*)

agent (代理人) includes a public servant and any person employed by or acting for another;

banker's books (銀行簿冊) means—

- (a) any ledger, ledger card, statement of account, day book, cash book, account book or other book or document whatsoever;
- (b) any cheque, voucher, record card, report, letter or other document whatsoever; and
- (c) any copy of anything referred to in paragraph (a) or (b), used in the ordinary business of a bank; (*Replaced 28 of 1980 s. 2*)

child (子女) includes a child who is illegitimate or adopted, a foster child and a step-child;

Commissioner (專員) means the Commissioner of the Independent Commission Against Corruption appointed in accordance with the Basic Law and includes the Deputy Commissioner appointed under section 6 of the Independent Commission Against Corruption Ordinance (Cap. 204) and the person appointed to act as the Commissioner of the Independent

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第 2 條Part I
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- (i) 由或根據與該院校有關的條例設立者；
- (ii) 獲賦予責任處理或管理該院校的事務者（純社群、康樂或文化性質的事務除外）；及
- (iii) 未根據第 (3) 款列為例外者，
不論該僱員、人員或成員屬臨時或永久性質，或是否有酬勞，但任何人不會只因以下情況而成為公職人員——
 - (A) 在一間屬公共機構的公司持有股份；或
 - (B) 在一個屬公共機構的會社或協會的會議上有投票資格；(由 1987 年第 50 號第 2 條代替)

文件 (document) 包括任何登記冊、簿冊、紀錄、紀錄帶、任何形式的電腦輸入或輸出資料，以及任何其他資料（不論是用機械、電力、人手或任何其他方法所產生者）；(由 1980 年第 28 號第 2 條增補)

父母 (parents) 包括配偶的父母，亦包括繼父母；

主事人 (principal) 包括——

- (a) 僱主；
- (b) 信託受益人；
- (c) 信託產業（猶如該產業是一個人）；
- (d) 享有遺產實益權益的人；
- (e) 遺產（猶如該遺產是一個人）；及
- (f) （就公共機構的僱員而言）有關的公共機構；

代理人 (agent) 包括公職人員及受僱於他人或代他人辦事的人；

Commission Against Corruption under section 7(2) of that Ordinance; (Replaced 1 of 2003 s. 3)

利益 (advantage) 指 ——

- (a) 任何饋贈、貸款、費用、報酬或佣金，其形式為金錢、任何有價證券或任何種類其他財產或財產權益；
- (b) 任何職位、受僱工作或合約；
- (c) 將任何貸款、義務或其他法律責任全部或部分予以支付、免卻、解除或了結；
- (d) 任何其他服務或優待（款待除外），包括維護使免受已招致或料將招致的懲罰或資格喪失，或維護使免遭採取紀律、民事或刑事上的行動或程序，不論該行動或程序是否已經提出；
- (e) 行使或不行使任何權利、權力或職責；及
- (f) 有條件或無條件提供、承諾給予或答應給予上文 (a)、(b)、(c)、(d) 及 (e) 段所指的任何利益，但不包括《選舉（舞弊及非法行為）條例》（第 554 章）所指的選舉捐贈，而該項捐贈的詳情是已按照該條例的規定載於選舉申報書內的；（由 1991 年第 33 號第 2 條修訂；由 2000 年第 10 號第 47 條修訂）

法庭 (court) 包括根據《裁判官條例》（第 227 章）第 85 條為交付審訊事宜進行聆訊程序的裁判官；

company books (公司簿冊) means the annual return and balance sheets and any ledger, day book, cash book, account book, bank book, report, letter or other book or document used in the ordinary business of a company; (*Amended 28 of 1980 s. 2*)

court (法庭) includes a magistrate hearing proceedings with a view to committal for trial under section 85 of the Magistrates Ordinance (Cap. 227);

document (文件) includes any register, book, record, tape-recording, any form of computer input or output, and any other material (whether produced mechanically, electrically, or manually or by any other means whatsoever); (*Added 28 of 1980 s. 2*)

entertainment (款待) means the provision of food or drink, for consumption on the occasion when it is provided, and of any other entertainment connected with, or provided at the same time as, such provisions;

investigating officer (調查人員) means any person authorized by the Commissioner to exercise the powers of an investigating officer under this Ordinance; (*Added 9 of 1974 s. 2*)

parents (父母) includes parents-in-law and step-parents;

prescribed officer (訂明人員) means—

- (a) any person holding an office of emolument, whether permanent or temporary, under the Government; and
- (b) the following persons (to the extent that they are not persons included in paragraph (a))—

訂明人員 (prescribed officer) ——

- (a) 指擔任政府轄下的受薪職位的人，不論該職位屬永久或臨時性質；及
- (b) 在以下人士不屬於 (a) 段所指的人的範圍內，指該等人士 ——
 - (i) 任何按照《基本法》委任的政府主要官員；
 - (ii) 根據《外匯基金條例》(第 66 章) 第 5A 條委任的金融管理專員及根據該條例第 5A(3) 條委任的人；
 - (iii) 公務員絀用委員會主席；
 - (iv) 廉政公署的任何職員；
 - (v) 擔任於《司法人員推薦委員會條例》(第 92 章) 附表 1 指明的司法職位的司法人員和由終審法院首席法官委任的司法人員，以及司法機構的任何職員；(由 2003 年第 14 號第 13 條增補)

配偶 (spouse) 包括妾侍；

專員 (Commissioner) 指按照《基本法》委任的廉政專員，亦包括根據《廉政公署條例》(第 204 章) 第 6 條委任的副廉政專員及根據該條例第 7(2) 條獲委任署理廉政專員一職的人；(由 2003 年第 1 號第 3 條代替)

款待 (entertainment) 指供應在當場享用的食物或飲品，以及任何與此項供應有關或同時提供的其他款待；

銀行簿冊 (banker's books) 指銀行在通常業務上使用的 ——

- (a) 任何分類帳、分類帳卡、帳目報表、日記帳、現金帳、帳簿或其他各式簿冊或文件；
- (b) 任何支票、單據、紀錄卡、報告、信件或其他各式文件；及
- (c) (a) 或 (b) 段所指任何物品的副本；(由 1980 年第 28 號第 2 條代替)

- (i) any principal official of the Government appointed in accordance with the Basic Law;
- (ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) and any person appointed under section 5A(3) of that Ordinance;
- (iii) Chairman of the Public Service Commission;
- (iv) any member of the staff of the Independent Commission Against Corruption;
- (v) any judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92) and any judicial officer appointed by the Chief Justice, and any member of the staff of the Judiciary; (*Added 14 of 2003 s. 13*)

principal (主事人) includes——

- (a) an employer;
- (b) a beneficiary under a trust;
- (c) a trust estate as though it were a person;
- (d) any person beneficially interested in the estate of a deceased person;
- (e) the estate of a deceased person as though it were a person; and
- (f) in the case of an employee of a public body, the public body;

調查人員 (investigating officer) 指由專員授權行使本條例所訂調查人員權力的人。(由 1974 年第 9 號第 2 條增補)

(編輯修訂——2017 年第 1 號編輯修訂紀錄)

- (2) 就本條例而言——
- (a) 任何人，不論由其本人或由他人代其向他人或為他人的利益或以為他人設立信託的形式，直接或間接給予、付出或供給任何利益，或同意、承諾或答應給予、付出或供給任何利益，即屬提供利益；
- (b) 任何人，不論由其本人或由他人代其為自己或為他人直接或間接需索、招引、問取或表示願意收取任何利益，即屬索取利益；及
- (c) 任何人，不論由其本人或由他人代其為自己或為他人直接或間接拿取、收取或獲得任何利益，或同意拿取、收取或獲得任何利益，即屬接受利益。
- (3) 行政長官可藉憲報公告規定——(由 2003 年第 1 號第 3 條修訂)
- (a) 將公告內列明的教育院校轄下任何委員會或其他團體列為例外，使其不包括在第 (1) 款中**公職人員**的定義範圍內；

public body (公共機構) means—

- (a) the Government;
- (b) the Executive Council;
- (c) the Legislative Council;
- (d) *(Repealed 78 of 1999 s. 7)*
- (da) any District Council; *(Added 42 of 1981 s. 27. Amended 8 of 1999 s. 89)*
- (db) *(Repealed 78 of 1999 s. 7)*
- (e) any board, commission, committee or other body, whether paid or unpaid, appointed by or on behalf of the Chief Executive or the Chief Executive in Council; and *(Amended 1 of 2003 s. 3)*
- (f) any board, commission, committee or other body specified in Schedule 1; *(Amended 20 of 1999 s. 2)*

public servant (公職人員) means any prescribed officer and also any employee of a public body and— *(Amended 48 of 1996 s. 2; 14 of 2003 s. 13)*

- (a) in the case of a public body other than a body referred to in paragraph (aa), (b) or (c) of this definition, any member of the public body; *(Amended 20 of 1999 s. 2)*
- (aa) in the case of a public body specified in Schedule 2—
- (i) an office holder of the public body (other than an honorary office holder);
- (ii) any member of any council, board, committee or other body of the public body which is vested with any responsibility for the conduct or management of the affairs of the public body; *(Added 20 of 1999 s. 2)*

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- (b) 將任何教育院校轄下任何委員會或其他團體的任何成員（因其成員身分而按**公職人員**的定義本應列為公職人員者）列為例外，使其不包括在該定義的範圍內。（由 1987 年第 50 號第 2 條增補）
（由 2003 年第 14 號第 13 條修訂）

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- (b) in the case of a public body which is a club or association, any member of the public body who—
- (i) is an office holder of the body (other than an honorary office holder); or
 - (ii) is vested with any responsibility for the conduct or management of its affairs;
- (c) in the case of a public body which is an educational institution established or continued in being by an Ordinance, any officer of the institution and, subject to subsection (3), any member of any council, board, committee or other body of the institution, which is itself a public body, or which—
- (i) is established by or under the Ordinance relating to the institution;
 - (ii) is vested with any responsibility for the conduct or management of the affairs of the institution (not being affairs of a purely social, recreational or cultural nature); and
 - (iii) is not excluded under subsection (3), whether the employee, officer or member is temporary or permanent and whether paid or unpaid, but—
- (A) the holding of a share by a person in a company which is a public body; or
 - (B) the entitlement of a person to vote at meetings of a club or association which is a public body,
- shall not of itself constitute that person a public servant;
(Replaced 50 of 1987 s. 2)

spouse (配偶) includes a concubine.

- (2) For the purposes of this Ordinance—

-
- (a) a person offers an advantage if he, or any other person acting on his behalf, directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any advantage to or for the benefit of or in trust for any other person;
- (b) a person solicits an advantage if he, or any other person acting on his behalf, directly or indirectly demands, invites, asks for or indicates willingness to receive, any advantage, whether for himself or for any other person; and
- (c) a person accepts an advantage if he, or any other person acting on his behalf, directly or indirectly takes, receives or obtains, or agrees to take, receive or obtain any advantage, whether for himself or for any other person.
- (3) The Chief Executive may by notice in the Gazette— (*Amended 1 of 2003 s. 3*)
- (a) exclude, for the purposes of the definition of **public servant** in subsection (1), any council, board, committee or other body of any educational institution specified in the notice;
- (b) exclude from the definition of **public servant** any member of any council, board, committee or other body of any educational institution, who would otherwise by virtue of his membership thereof fall within that definition. (*Added 50 of 1987 s. 2*)
- (*Amended 14 of 2003 s. 13*)
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第 II 部**罪行***(格式變更——2017 年第 1 號編輯修訂紀錄)***3. 索取或接受利益**

任何訂明人員未得行政長官一般或特別許可而索取或接受任何利益，即屬犯罪。

(由 2003 年第 1 號第 3 條修訂；由 2003 年第 14 號第 14 條修訂)

編輯附註：

為施行本條，行政長官已於 2010 年 4 月 9 日頒布《2010 年接受利益（行政長官許可）公告》。該公告刊登於香港特別行政區政府憲報（第 14 卷第 14 期）的第 1967 號公告。

4. 賄賂

(1) 任何人（不論在香港或其他地方）無合法權限或合理辯解，向任何公職人員提供任何利益，作為該公職人員作出以下行為的誘因或報酬，或由於該公職人員作出以下行為而向他提供任何利益，即屬犯罪——*(由 1980 年第 28 號第 3 條修訂)*

- (a) 作出或不作出，或曾經作出或不作出任何憑其公職人員身分而作的作為；
- (b) 加速、拖延、妨礙或阻止，或曾經加速、拖延、妨礙或阻止由該人員作出或由其他公職人員作出任何憑該人員或該其他人員的公職人員身分而作的作為；或*(由 2008 年第 10 號第 36 條修訂)*
- (c) 協助、優待、妨礙或拖延，或曾經協助、優待、妨礙或拖延任何人與公共機構間往來事務的辦理。

Part II**Offences***(Format changes—E.R. 1 of 2017)***3. Soliciting or accepting an advantage**

Any prescribed officer who, without the general or special permission of the Chief Executive, solicits or accepts any advantage shall be guilty of an offence.

(Amended 1 of 2003 s. 3; 14 of 2003 s. 14)

Editorial Note:

The Acceptance of Advantages (Chief Executive's Permission) Notice 2010 was given by the Chief Executive and published as G.N. 1967 in the Government of the HKSAR Gazette (No. 14 Vol. 14) on 9 April 2010 for the purpose of this section.

4. Bribery

(1) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to a public servant as an inducement to or reward for or otherwise on account of that public servant's—*(Amended 28 of 1980 s. 3)*

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by that public servant or by any other public servant in his or that other public servant's capacity as a public servant; or

- (2) 任何公職人員 (不論在香港或其他地方) 無合法權限或合理辯解, 索取或接受任何利益, 作為他作出以下行為的誘因或報酬, 或由於他作出以下行為而索取或接受任何利益, 即屬犯罪 —— (由 1980 年第 28 號第 3 條修訂)
- (a) 作出或不作出, 或曾經作出或不作出任何憑其公職人員身分而作的作為;
- (b) 加速、拖延、妨礙或阻止, 或曾經加速、拖延、妨礙或阻止由該人員作出或由其他公職人員作出任何憑該人員或該其他人員的公職人員身分而作的作為; 或 (由 2008 年第 10 號第 36 條修訂)
- (c) 協助、優待、妨礙或拖延, 或曾經協助、優待、妨礙或拖延任何人與公共機構間往來事務的辦理。
- (2A) 任何人 (不論在香港或其他地方) 無合法權限或合理辯解, 向行政長官提供任何利益, 作為行政長官作出以下行為的誘因或報酬, 或由於行政長官作出以下行為而向他提供任何利益, 即屬犯罪 ——
- (a) 作出或不作出, 或曾經作出或不作出任何憑其行政長官身分而作的作為;
- (b) 加速、拖延、妨礙或阻止, 或曾經加速、拖延、妨礙或阻止由行政長官作出任何憑其行政長官身分而作的作為或由任何公職人員作出任何憑其公職人員身分而作的作為; 或
- (c) 協助、優待、妨礙或拖延, 或曾經協助、優待、妨礙或拖延任何人與公共機構間往來事務的辦理。 (由 2008 年第 22 號第 2 條增補)
- (2B) 行政長官 (不論在香港或其他地方) 無合法權限或合理辯解, 索取或接受任何利益, 作為他作出以下行為的誘因或報酬, 或由於他作出以下行為而索取或接受任何利益, 即屬犯罪 ——
- (a) 作出或不作出, 或曾經作出或不作出任何憑其行政長官身分而作的作為;

- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body, shall be guilty of an offence.
- (2) Any public servant who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his— (*Amended 28 of 1980 s. 3*)
- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as a public servant;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by himself or by any other public servant in his or that other public servant's capacity as a public servant; or
- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body, shall be guilty of an offence.
- (2A) Any person who, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, offers any advantage to the Chief Executive as an inducement to or reward for or otherwise on account of the Chief Executive's—
- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as the Chief Executive;
- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by the Chief Executive

- (b) 加速、拖延、妨礙或阻止，或曾經加速、拖延、妨礙或阻止由行政長官作出任何憑其行政長官身分而作的作為或由任何公職人員作出任何憑其公職人員身分而作的作為；或
- (c) 協助、優待、妨礙或拖延，或曾經協助、優待、妨礙或拖延任何人與公共機構間往來事務的辦理。（由 2008 年第 22 號第 2 條增補）
- (3) 非訂明人員的公職人員如有所屬公共機構的許可而索取或接受任何利益，且該項許可符合第 (4) 款的規定，則該公職人員及提供該利益的人均不算犯本條所訂罪行。（由 1980 年第 28 號第 3 條增補。由 2003 年第 14 號第 15 條修訂）
- (4) 就第 (3) 款而言，許可須為書面形式，並且——
- (a) 須在提供、索取或接受利益之前給予；或
- (b) 在利益未經事先許可而已提供或接受的情況下，須於該利益提供或接受之後在合理可能範圍內盡早申請及給予，
- 同時，公共機構在給予該許可之前須顧及申請的有關情況，該許可方具有第 (3) 款所訂效力。（由 1980 年第 28 號第 3 條增補）

in his capacity as the Chief Executive or by any public servant in his capacity as a public servant; or

- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

shall be guilty of an offence. (*Added 22 of 2008 s. 2*)

- (2B) If the Chief Executive, whether in Hong Kong or elsewhere, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his—

- (a) performing or abstaining from performing, or having performed or abstained from performing, any act in his capacity as the Chief Executive;

- (b) expediting, delaying, hindering or preventing, or having expedited, delayed, hindered or prevented, the performance of an act, whether by the Chief Executive in his capacity as the Chief Executive or by any public servant in his capacity as a public servant; or

- (c) assisting, favouring, hindering or delaying, or having assisted, favoured, hindered or delayed, any person in the transaction of any business with a public body,

he shall be guilty of an offence. (*Added 22 of 2008 s. 2*)

- (3) If a public servant other than a prescribed officer solicits or accepts an advantage with the permission of the public body of which he is an employee being permission which complies with subsection (4), neither he nor the person who offered the advantage shall be guilty of an offence under this section. (*Added 28 of 1980 s. 3. Amended 14 of 2003 s. 15*)

- (4) For the purposes of subsection (3) permission shall be in writing and—

5. 為合約事務上給予協助等而作的賄賂

- (1) 任何人無合法權限或合理辯解，向任何公職人員提供任何利益，作為該公職人員在以下事項上給予協助或運用影響力，或曾經給予協助或運用影響力的誘因或報酬，或由於該公職人員在以下事項上給予協助或運用影響力，或曾經給予協助或運用影響力而向他提供任何利益，即屬犯罪——
- (a) 以下合約的促進、簽立或促致——
- (i) 與公共機構訂立的任何有關執行工作、提供服務、辦理事務或供應物品、物料或物質的合約；或
 - (ii) 就與公共機構訂立的合約而執行所需工作、提供所需服務、辦理所需事務或供應所需物品、物料或物質的分包合約；或
- (b) 上述合約或分包合約中規定或以其他方式訂定的價格、代價或其他款項的支付。
- (2) 任何公職人員無合法權限或合理辯解，索取或接受任何利益，作為他在以下事項上給予協助或運用影響力，或曾經給予協助或運用影響力的誘因或報酬，或由於該公職人員在以下事項上給予協助或運用影響力，或曾經

- (a) be given before the advantage is offered, solicited or accepted; or
- (b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance,

and for such permission to be effective for the purposes of subsection (3), the public body shall, before giving such permission, have regard to the circumstances in which it is sought. (*Added 28 of 1980 s. 3*)

5. Bribery for giving assistance, etc. in regard to contracts

- (1) Any person who, without lawful authority or reasonable excuse, offers an advantage to a public servant as an inducement to or reward for or otherwise on account of such public servant's giving assistance or using influence in, or having given assistance or used influence in—
- (a) the promotion, execution, or procuring of—
- (i) any contract with a public body for the performance of any work, the providing of any service, the doing of any thing or the supplying of any article, material or substance, or
 - (ii) any subcontract to perform any work, provide any service, do any thing or supply any article, material or substance required to be performed, provided, done or supplied under any contract with a public body; or
- (b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or subcontract as aforesaid,
- shall be guilty of an offence.

- 給予協助或運用影響力而索取或接受任何利益，即屬犯罪——
- (a) 第 (1) 款所指合約或分包合約的促進、簽立或促致；或
- (b) 第 (1) 款所指合約或分包合約中規定或以其他方式訂定的價格、代價或其他款項的支付。
- (3) 任何人無合法權限或合理辯解，向行政長官提供任何利益，作為行政長官在以下事項上給予協助或運用影響力，或曾經給予協助或運用影響力的誘因或報酬，或由於行政長官在以下事項上給予協助或運用影響力，或曾經給予協助或運用影響力而向他提供任何利益，即屬犯罪——
- (a) 以下合約的促進、簽立或促致——
- (i) 與公共機構訂立的任何有關執行工作、提供服務、辦理事務或供應物品、物料或物質的合約；或
- (ii) 就與公共機構訂立的合約而執行所需工作、提供所需服務、辦理所需事務或供應所需物品、物料或物質的分包合約；或
- (b) (a) 段所提述的合約或分包合約中規定或以其他方式訂定的價格、代價或其他款項的支付。 (*由 2008 年第 22 號第 3 條增補*)
- (4) 行政長官無合法權限或合理辯解，索取或接受任何利益，作為他在以下事項上給予協助或運用影響力，或曾經給予協助或運用影響力的誘因或報酬，或由於行政長官在以下事項上給予協助或運用影響力，或曾經給予協助或運用影響力而索取或接受任何利益，即屬犯罪——
- (a) 第 (3)(a) 款所提述的合約或分包合約的促進、簽立或促致；或

- (2) Any public servant who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his giving assistance or using influence in, or having given assistance or used influence in—
- (a) the promotion, execution or procuring of, or
- (b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in,
- any such contract or subcontract as is referred to in subsection (1) shall be guilty of an offence.
- (3) Any person who, without lawful authority or reasonable excuse, offers any advantage to the Chief Executive as an inducement to or reward for or otherwise on account of the Chief Executive's giving assistance or using influence in, or having given assistance or used influence in—
- (a) the promotion, execution or procuring of—
- (i) any contract with a public body for the performance of any work, the providing of any service, the doing of any thing or the supplying of any article, material or substance; or
- (ii) any subcontract to perform any work, provide any service, do any thing or supply any article, material or substance required to be performed, provided, done or supplied under any contract with a public body; or
- (b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in any such contract or subcontract as is referred to in paragraph (a), shall be guilty of an offence. (*Added 22 of 2008 s. 3*)
- (4) If the Chief Executive, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to

- (b) 第 (3)(a) 款所提述的合約或分包合約中規定或以其他方式訂定的價格、代價或其他款項的支付。(由 2008 年第 22 號第 3 條增補)

or reward for or otherwise on account of his giving assistance or using influence in, or having given assistance or used influence in—

- (a) the promotion, execution or procuring of; or
(b) the payment of the price, consideration or other moneys stipulated or otherwise provided for in,

any such contract or subcontract as is referred to in subsection (3)(a), he shall be guilty of an offence. (*Added 22 of 2008 s. 3*)

6. 為促使他人撤回投標而作的賄賂

- (1) 任何人無合法權限或合理辯解，向他人提供任何利益，作為撤回為了與公共機構訂立有關執行工作、提供服務、辦理事務或供應物品、物料或物質的合約而作的投標，或不參與該項投標的誘因或報酬，或由於撤回該項投標或不參與該項投標而向他提供任何利益，即屬犯罪。
- (2) 任何人無合法權限或合理辯解，索取或接受任何利益，作為撤回為了訂立第 (1) 款所指合約而作的投標或不參與該項投標的誘因或報酬，或由於他撤回該項投標或不參與該項投標而索取或接受任何利益，即屬犯罪。

6. Bribery for procuring withdrawal of tenders

- (1) Any person who, without lawful authority or reasonable excuse, offers any advantage to any other person as an inducement to or a reward for or otherwise on account of the withdrawal of a tender, or the refraining from the making of a tender, for any contract with a public body for the performance of any work, the providing of any service, the doing of any thing or the supplying of any article, material or substance, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or a reward for or otherwise on account of the withdrawal of a tender, or the refraining from the making of a tender, for such a contract as is referred to in subsection (1), shall be guilty of an offence.

7. 與拍賣有關的賄賂

- (1) 任何人無合法權限或合理辯解，向他人提供任何利益，作為該人在任何由公共機構或代公共機構舉行的拍賣中不作競投或曾經不作競投的誘因或報酬，或由於該人在該類拍賣中不作競投或曾經不作競投而向他提供任何利益，即屬犯罪。

7. Bribery in relation to auctions

- (1) Any person who, without lawful authority or reasonable excuse, offers any advantage to any other person as an inducement to or reward for or otherwise on account of that other person's refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence.

- (2) 任何人無合法權限或合理辯解，索取或接受任何利益，作為他在任何由公共機構或代公共機構舉行的拍賣中不作競投或曾經不作競投的誘因或報酬，或由於他在該類拍賣中不作競投或曾經不作競投而索取或接受任何利益，即屬犯罪。

8. 與公共機構有事務往來的人對公職人員的賄賂

- (1) 任何人經任何政府部門、辦事處或機構與政府進行任何事務往來時，無合法權限或合理辯解而向受僱於該政府部門、辦事處或機構的訂明人員提供任何利益，即屬犯罪。（由 2003 年第 14 號第 16 條修訂）
- (2) 任何人與其他公共機構進行任何事務往來時，無合法權限或合理辯解而向受僱於該公共機構的公職人員提供任何利益，即屬犯罪。

9. 代理人的貪污交易

- (1) 任何代理人無合法權限或合理辯解，索取或接受任何利益，作為他作出以下行為的誘因或報酬，或由於他作出以下行為而索取或接受任何利益，即屬犯罪——
- (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
- (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
- (2) 任何人無合法權限或合理辯解，向任何代理人提供任何利益，作為該代理人作出以下行為的誘因或報酬，或由於該代理人作出以下行為而向他提供任何利益，即屬犯罪——

- (2) Any person who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence.

8. Bribery of public servants by persons having dealings with public bodies

- (1) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any advantage to any prescribed officer employed in that department, office or establishment of the Government, shall be guilty of an offence. (*Amended 14 of 2003 s. 16*)
- (2) Any person who, without lawful authority or reasonable excuse, while having dealings of any kind with any other public body, offers any advantage to any public servant employed by that public body, shall be guilty of an offence.

9. Corrupt transactions with agents

- (1) Any agent who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his—
- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
- (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,
- shall be guilty of an offence.

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- (a) 作出或不作出，或曾經作出或不作出任何與其主事人的事務或業務有關的作為；或
- (b) 在與其主事人的事務或業務有關的事上對任何人予以或不予，或曾經予以或不予優待或虧待。
- (3) 任何代理人意圖欺騙其主事人而使用如下所述的任何收據、帳目或其他文件——
- (a) 對其主事人有利害關係；及
- (b) 在要項上載有虛假、錯誤或欠妥的陳述；及
- (c) 該代理人明知是意圖用以誤導其主事人者，即屬犯罪。
- (4) 代理人如有其主事人的許可而索取或接受任何利益，而該項許可符合第 (5) 款的規定，則該代理人及提供該利益的人均不算犯第 (1) 或 (2) 款所訂罪行。(由 1980 年第 28 號第 4 條代替)
- (5) 就第 (4) 款而言，該許可——
- (a) 須在提供、索取或接受該利益之前給予；或
- (b) 在該利益未經事先許可而已提供或接受的情況下，須於該利益提供或接受之後在合理可能範圍內盡早申請及給予，

同時，主事人在給予該許可之前須顧及申請的有關情況，該許可方具有第 (4) 款所訂效力。(由 1980 年第 28 號第 4 條增補)

- (2) Any person who, without lawful authority or reasonable excuse, offers any advantage to any agent as an inducement to or reward for or otherwise on account of the agent's—
- (a) doing or forbearing to do, or having done or forborne to do, any act in relation to his principal's affairs or business; or
- (b) showing or forbearing to show, or having shown or forborne to show, favour or disfavour to any person in relation to his principal's affairs or business,
- shall be guilty of an offence.
- (3) Any agent who, with intent to deceive his principal, uses any receipt, account or other document—
- (a) in respect of which the principal is interested; and
- (b) which contains any statement which is false or erroneous or defective in any material particular; and
- (c) which to his knowledge is intended to mislead the principal,
- shall be guilty of an offence.
- (4) If an agent solicits or accepts an advantage with the permission of his principal, being permission which complies with subsection (5), neither he nor the person who offered the advantage shall be guilty of an offence under subsection (1) or (2). (Replaced 28 of 1980 s. 4)
- (5) For the purposes of subsection (4) permission shall—
- (a) be given before the advantage is offered, solicited or accepted; or
- (b) in any case where an advantage has been offered or accepted without prior permission, be applied for and given as soon as reasonably possible after such offer or acceptance,

10. 來歷不明財產的管有

- (1) 任何現任或曾任行政長官或訂明人員的人 —— (由 2003 年第 14 號第 17 條修訂；由 2008 年第 22 號第 4 條修訂)
- (a) 維持高於與其現在或過去的公職薪俸相稱的生活水準；或
- (b) 控制與其現在或過去的公職薪俸不相稱的金錢資源或財產，

除非就其如何能維持該生活水準或就該等金錢資源或財產如何歸其控制向法庭作出圓滿解釋，否則即屬犯罪。

- (1A) 如在因第 (1) 款所訂罪行而進行的法律程序中，被控人是現任行政長官或曾任行政長官，法庭於決定被控人是否已按該款規定作出圓滿解釋時，須考慮被控人依據《基本法》第四十七條第二款向終審法院首席法官申報的財產。(由 2008 年第 22 號第 4 條增補)
- (1B) 如法庭為施行第 (1A) 款而作出命令規定披露關於依據《基本法》第四十七條第二款向終審法院首席法官申報的財產的資料，則終審法院首席法官須向法庭披露該等資料。(由 2008 年第 22 號第 4 條增補)
- (2) 在因第 (1)(b) 款所訂罪行而進行的法律程序中，法庭經顧及任何人與被控人關係的密切程度及其他情況後，如信納有理由相信該人為被控人以信託形式持有或以其他方式代被控人持有金錢資源或財產，或因被控人的饋贈而獲取該等金錢資源或財產，則在沒有相反證據的情況下，該等金錢資源或財產須推定為由被控人控制。(由 1974 年第 9 號第 3 條增補。由 1996 年第 48 號第 3 條修訂)
- (3)-(4) (由 1973 年第 56 號第 2 條廢除)

and for such permission to be effective for the purposes of subsection (4), the principal shall, before giving such permission, have regard to the circumstances in which it is sought. (Added 28 of 1980 s. 4)

10. Possession of unexplained property

- (1) Any person who, being or having been the Chief Executive or a prescribed officer— (Amended 14 of 2003 s. 17; 22 of 2008 s. 4)
- (a) maintains a standard of living above that which is commensurate with his present or past official emoluments; or

- (b) is in control of pecuniary resources or property disproportionate to his present or past official emoluments,

shall, unless he gives a satisfactory explanation to the court as to how he was able to maintain such a standard of living or how such pecuniary resources or property came under his control, be guilty of an offence.

- (1A) If the accused in any proceedings for an offence under subsection (1) is or has been the Chief Executive, the court, in determining whether the accused has given a satisfactory explanation as provided in that subsection, shall take into account assets that he declared to the Chief Justice pursuant to Paragraph 2, Article 47 of the Basic Law. (Added 22 of 2008 s. 4)
- (1B) The Chief Justice shall disclose to a court information about assets declared to him pursuant to Paragraph 2, Article 47 of the Basic Law if the disclosure is required by an order made by the court for the purposes of subsection (1A). (Added 22 of 2008 s. 4)

- (5) 在本條中，**公職薪俸** (official emoluments) 包括根據《退休金條例》(第 89 章)、《退休金利益條例》(第 99 章) 或《退休金利益 (司法人員) 條例》(第 401 章) 須付的退休金或酬金。(由 1987 年第 36 號第 44 條修訂；由 1988 年第 85 號第 51 條修訂；由 1997 年第 192 號法律公告修訂；由 1997 年第 219 號法律公告修訂)

- (2) Where a court is satisfied in proceedings for an offence under subsection (1)(b) that, having regard to the closeness of his relationship to the accused and to other circumstances, there is reason to believe that any person was holding pecuniary resources or property in trust for or otherwise on behalf of the accused or acquired such resources or property as a gift from the accused, such resources or property shall, in the absence of evidence to the contrary, be presumed to have been in the control of the accused. (*Added 9 of 1974 s. 3. Amended 48 of 1996 s. 3*)

(3)-(4) (*Repealed 56 of 1973 s. 2*)

- (5) In this section, **official emoluments** (公職薪俸) includes a pension or gratuity payable under the Pensions Ordinance (Cap. 89), the Pension Benefits Ordinance (Cap. 99) or the Pension Benefits (Judicial Officers) Ordinance (Cap. 401). (*Amended 36 of 1987 s. 44; 85 of 1988 s. 51*)

11. 行賄者與受賄者即使目的未達仍屬有罪

- (1) 在因本部任何一條所訂罪行而進行的法律程序中，如經證明被控人接受任何利益，且接受時相信或懷疑，或有理由相信或懷疑所獲給予的利益是作為他作出或不作出，或曾經作出或不作出該條所指作為的誘因或報酬，或是由於他作出或不作出，或曾經作出或不作出該等作為而獲給予的，則以下情況不得成為免責辯護——
- (a) 被控人實際上沒有權力、權利或機會作出或不作出該作為；
- (b) 被控人接受該利益但無意作出或不作出該作為；或
- (c) 被控人事實上未有作出或不作出該作為。
- (2) 在因本部任何一條所訂罪行而進行的法律程序中，如經證明被控人向他人提供任何利益，作為該人作出或不作出，或曾經作出或不作出該條所指作為的誘因或報酬，或由於該人作出或不作出，或曾經作出或不作出該等作

11. Giver and acceptor of bribe to be guilty notwithstanding that purpose not carried out, etc.

- (1) If, in any proceedings for an offence under any section in this Part, it is proved that the accused accepted any advantage, believing or suspecting or having grounds to believe or suspect that the advantage was given as an inducement to or reward for or otherwise on account of his doing or forbearing to do, or having done or forborne to do, any act referred to in that section, it shall be no defence that—
- (a) he did not actually have the power, right or opportunity so to do or forbear;
- (b) he accepted the advantage without intending so to do or forbear; or
- (c) he did not in fact so do or forbear.

為而向他提供任何利益，同時被控人相信或懷疑，或有理由相信或懷疑該人有權力、權利或機會作出或不作出該作為，則該人沒有此權力、權利或機會，不得成為免責辯護。

- (2) If, in any proceedings for an offence under any section in this Part, it is proved that the accused offered any advantage to any other person as an inducement to or reward for or otherwise on account of that other person's doing or forbearing to do, or having done or forborne to do, any act referred to in that section, believing or suspecting or having reason to believe or suspect that such other person had the power, right or opportunity so to do or forbear, it shall be no defence that such other person had no such power, right or opportunity.

12. 罪行的罰則

- (1) 除第 3 條所訂罪行外，任何人犯了本部所訂罪行，可遭處罰如下——
- (a) 一經循公訴程序裁定——
- (i) 犯了第 10 條所訂罪行者，罰款 \$1,000,000 及監禁 10 年；
 - (ii) 犯了第 5 或 6 條所訂罪行者，罰款 \$500,000 及監禁 10 年；及
 - (iii) 犯了本部所訂其他罪行者，罰款 \$500,000 及監禁 7 年；及 (由 1987 年第 50 號第 3 條代替)
- (b) 一經循簡易程序裁定——
- (i) 犯了第 10 條所訂罪行者，罰款 \$500,000 及監禁 3 年；及
 - (ii) 犯了本部所訂其他罪行者，罰款 \$100,000 及監禁 3 年，(由 1987 年第 50 號第 3 條代替)

此外，法庭須命令該人按法庭指示的方式將所收取的利益款額或價值，或該款額或價值中由法庭指明的部分付予法庭所指示的人或公共機構。(由 1980 年第 28 號第 5 條修訂)

12. Penalty for offences

- (1) Any person guilty of an offence under this Part, other than an offence under section 3, shall be liable—
- (a) on conviction on indictment—
- (i) for an offence under section 10, to a fine of \$1,000,000 and to imprisonment for 10 years;
 - (ii) for an offence under section 5 or 6, to a fine of \$500,000 and to imprisonment for 10 years; and
 - (iii) for any other offence under this Part, to a fine of \$500,000 and to imprisonment for 7 years; and (Replaced 50 of 1987 s. 3)
- (b) on summary conviction—
- (i) for an offence under section 10, to a fine of \$500,000 and to imprisonment for 3 years; and
 - (ii) for any other offence under this Part, to a fine of \$100,000 and to imprisonment for 3 years, (Replaced 50 of 1987 s. 3)

and shall be ordered to pay to such person or public body and in such manner as the court directs, the amount or value of

- (2) 任何人犯了第 3 條所訂罪行，一經定罪，可處罰款 \$100,000 及監禁 1 年，法庭並須命令該人按法庭指示的方式將所收取的利益款額或價值，或該款額或價值中由法庭指明的部分付予政府。（由 1974 年第 9 號第 4 條修訂；由 1980 年第 28 號第 5 條修訂；由 2003 年第 1 號第 3 條修訂）
- (3) 對於未能就所獲取的金錢資源或財產向法庭提出圓滿解釋而被裁定犯了第 10(1)(b) 條所訂罪行的人，法庭除可根據第 (1) 款處以刑罰外，亦可命令該人將以下款項付予政府——（由 2003 年第 1 號第 3 條修訂）
- (a) 一筆不超過該等金錢資源款額的款項；或
- (b) 一筆不超過該財產價值的款項。（由 1974 年第 9 號第 4 條增補）
- (4) 根據第 (3) 款作出的命令可採用與高等法院民事審裁的判決同樣的強制執行方式予以強制執行。（由 1974 年第 9 號第 4 條增補。由 1998 年第 25 號第 2 條修訂）
- (5) 凡第 10(1)(b) 條所訂罪行的犯罪事實是在 1974 年 2 月 15 日之前發生者，可就該罪行根據第 (3) 款作出命令。（由 1980 年第 61 號第 2 條增補）

12AA. 資產的沒收

- (1) 除本條另有規定外，對於一經循公訴程序被裁定犯了第 10(1)(b) 條所訂罪行的人，法庭除可根據第 12(1) 條處以刑罰外，亦可命令沒收以下金錢資源或財產——

- any advantage received by him, or such part thereof as the court may specify. (*Amended 28 of 1980 s. 5*)
- (2) Any person guilty of an offence under section 3 shall be liable on conviction to a fine of \$100,000 and to imprisonment for 1 year, and shall be ordered to pay to the Government in such manner as the court directs the amount or value of the advantage received by him or such part thereof as the court may specify. (*Amended 9 of 1974 s. 4; 28 of 1980 s. 5; 1 of 2003 s. 3*)
- (3) In addition to any penalty imposed under subsection (1), the court may order a person convicted of an offence under section 10(1)(b) to pay to the Government— (*Amended 1 of 2003 s. 3*)
- (a) a sum not exceeding the amount of the pecuniary resources; or
- (b) a sum not exceeding the value of the property, the acquisition of which by him was not explained to the satisfaction of the court. (*Added 9 of 1974 s. 4*)
- (4) An order under subsection (3) may be enforced in the same manner as a judgment of the High Court in its civil jurisdiction. (*Added 9 of 1974 s. 4. Amended 25 of 1998 s. 2*)
- (5) An order may be made under subsection (3) in respect of an offence under section 10(1)(b) where the facts that gave rise to that offence arose before 15 February 1974. (*Added 61 of 1980 s. 2*)

12AA. Confiscation of assets

- (1) Subject to this section, where a person is convicted on indictment of an offence under section 10(1)(b) the court may, in addition to any penalty imposed under section 12(1), order the confiscation of any pecuniary resources or property—

- (a) 在審訊中按第 10 條訂定的情況裁定由該人控制者；及
- (b) 款額或價值不超過該人未能向法庭圓滿解釋如何獲取的金錢資源或財產的款額或價值者。
- (2) 根據第 (1) 款作出命令的任何申請，須由律政司司長在定罪日期後 28 天內提出。(由 1997 年第 362 號法律公告修訂)
- (3) 對於由並非被定罪人的人持有的金錢資源或財產，不得根據第 (1) 款作出命令，但如該人已獲可能作出該項命令的合理通知，並已有機會提出不應作出該命令的因由，則屬例外。
- (4) 並非被定罪人的人如在為根據第 (3) 款提出因由而進行的法律程序中令法庭信納以下情況，則對於該人持有的金錢資源或財產，不得根據第 (1) 款作出命令——
- (a) 該人在有關該等金錢資源或財產歸其持有的事項上本着真誠行事；及
- (b) 鑑於該人就該等金錢資源或財產行事的情況，作出該命令是不公平的。
- (5) 第 (4) 款不得解釋為限制法庭運用其酌情決定權，以並非該款所指明的理由拒絕根據第 (1) 款作出命令。
- (6) 根據第 (1) 款作出的命令——
- (a) 可由法庭視該案件的有關情況而訂下其認為適當的規限條件；及
- (b) 所針對的第 10(1)(b) 條所訂罪行，可以是有關犯罪事實在《1987 年防止賄賂(修訂)條例》(1987 年第 50 號)的生效日期之前發生者。
- (7) 法庭可就同一罪行而根據第 (1) 款及第 12(3) 條作出命令，但不得就同一項金錢資源或財產而根據該兩條條文分別作出命令。(由 1996 年第 139 號法律公告修訂)

- (a) found at the trial to be in his control as provided in section 10; and
- (b) of an amount or value not exceeding the amount or value of pecuniary resources or property the acquisition of which by him was not explained to the satisfaction of the court.
- (2) Any application for an order under subsection (1) shall be made by the Secretary for Justice within 28 days after the date of the conviction. (*Amended L.N. 362 of 1997*)
- (3) An order under subsection (1) shall not be made in respect of pecuniary resources or property held by a person other than the person convicted unless that other person has been given reasonable notice that such an order may be made and has had an opportunity to show cause why it should not be made.
- (4) An order under subsection (1) shall not be made in respect of pecuniary resources or property held by a person other than the person convicted if that other person satisfies the court in any proceedings to show cause under subsection (3) that he had—
- (a) acted in good faith as regards the circumstances in which the pecuniary resources or property came to be held by him; and
- (b) so acted in relation to the pecuniary resources or property that an order in the circumstances would be unjust.
- (5) Nothing in subsection (4) shall be construed as limiting the court's discretion to decline to make an order under subsection (1) on grounds other than those specified in subsection (4).
- (6) An order under subsection (1)—

- (8) 根據第 (1) 款作出的命令可為政府或他人代政府對該命令所適用的金錢資源或財產取得管有權及加以處置之事訂定條文。(由 2003 年第 1 號第 3 條修訂)
(由 1987 年第 50 號第 4 條增補)

編輯附註：

“《1987 年防止賄賂 (修訂) 條例》” 乃 “Prevention of Bribery (Amendment) Ordinance 1987” 之譯名。

12AB. 就沒收令提出的上訴

- (1) 在符合本條的規定下，凡法庭根據第 12AA 條對並非被定罪的人持有的金錢資源或財產作出命令，該人可在命令作出的日期後 28 天內就該命令向上訴法庭提出上訴。
- (2) 對於根據本條提出的上訴，上訴法庭可——
 - (a) 確認該命令，並對該命令作出或不作修改；或
 - (b) 推翻該命令，並可根據第 12AA 條作出其認為適當的另一命令 (如有的話)。
- (3) 根據本條進行的法律程序不產生暫停執行命令的作用，除非作出該命令的法庭或上訴法庭另行命令暫停執行該命令，而該法庭或上訴法庭可就該命令的暫停執行而在訟費、提出保證或其他方面訂下其認為適當的規限條件。

- (a) may be made subject to such conditions as the court thinks fit in all the circumstances of the case; and
- (b) may be made in respect of an offence under section 10(1)(b) where the facts that gave rise to that offence occurred before the date of commencement of the Prevention of Bribery (Amendment) Ordinance 1987 (50 of 1987).

- (7) A court may make orders under both subsection (1) and section 12(3) in respect of the same offence but shall not make orders under both provisions in respect of the same pecuniary resources or property.
- (8) An order under subsection (1) may make provision for taking possession of pecuniary resources or property to which the order applies and for the disposal of such resources or property by or on behalf of the Government. (*Amended 1 of 2003 s. 3*)

(*Added 50 of 1987 s. 4*)

12AB. Appeal against confiscation order

- (1) Subject to this section, where an order is made under section 12AA in respect of pecuniary resources or property held by a person other than the person convicted, that other person may, within 28 days after the date of making the order, appeal against the order to the Court of Appeal.
- (2) On an appeal under this section the Court of Appeal may—
 - (a) confirm the order, with or without modification; or
 - (b) quash the order and make such other order (if any) under section 12AA as it thinks appropriate.
- (3) Proceedings under this section shall not operate as a stay of execution of an order unless the court which makes the order or the Court of Appeal otherwise orders and any stay of

- (4) 在符合本條的規定下，上訴須按根據第 (5) 款訂立的規則內訂明的方式提出，並須受該規則所訂明的條件規限。
- (5) 根據《刑事訴訟程序條例》(第 221 章) 第 9 條所組成的刑事訴訟程序規則委員會可為施行本條而訂立程序規則。
(由 1995 年第 13 號第 28 條修訂)
- (6) 本條並不損害或影響被定罪人根據《刑事訴訟程序條例》(第 221 章) 第 IV 部就所判刑罰提出上訴的權利。
(由 1987 年第 50 號第 4 條增補。由 1998 年第 25 號第 2 條修訂)

12AC. 有關沒收令法律程序的訟費

- (1) 凡有關以下事項的法律程序提交法庭或上訴法庭(視屬何情況而定)處理——
- (a) 根據第 12AA 條作出命令之事；或
- (b) 根據第 12AB 條提出的上訴，
- 而該命令並無作出，或該命令遭推翻，則有關法庭或上訴法庭如認為適當，可就該法律程序向任何人判給其合理訟費。
- (2) 根據第 (1) 款判給的訟費——
- (a) 其款額除非由有關法庭或上訴法庭釐定，否則由高等法院司法常務官確定；及
- (b) 由政府一般收入撥支。
(由 1987 年第 50 號第 4 條增補。由 1998 年第 25 號第 2 條修訂)

12A. 串謀

- execution may be subject to such conditions as to costs, the giving of security or otherwise as the court or the Court of Appeal thinks fit.
- (4) Subject to this section, an appeal shall be brought in such manner and shall be subject to such conditions as are prescribed by rules made under subsection (5).
- (5) The Criminal Procedure Rules Committee constituted under section 9 of the Criminal Procedure Ordinance (Cap. 221) may make rules of procedure for the purposes of this section.
(Amended 13 of 1995 s. 28)
- (6) Nothing in this section shall prejudice or affect the right of a convicted person to appeal against his sentence under Part IV of the Criminal Procedure Ordinance (Cap. 221).
(Added 50 of 1987 s. 4)

12AC. Costs in proceedings on confiscation order

- (1) The court or the Court of Appeal, as the case may be, may, if it thinks fit, award to any person his reasonable costs in respect of any proceedings before it in relation to—
- (a) the making of an order under section 12AA; or
- (b) an appeal under section 12AB,
- where such an order is not made or is quashed.
- (2) Any costs awarded under subsection (1)—
- (a) shall, except where the amount is fixed by the court or the Court of Appeal, be ascertained by the Registrar of the High Court; and (Amended 25 of 1998 s. 2)
- (b) shall be paid from general revenue.
(Added 50 of 1987 s. 4)

12A. Conspiracy

2-31
第 201 章

第 II 部
第 12A 條

- (1) 被裁定串謀犯本部所訂罪行的人，須一如被裁定犯該罪行而以同樣方式處理及懲罰；適用於證明該罪行的證據規則，亦同樣適用於證明串謀犯該罪行。
- (2) 本條例第 III 部所授予的調查權力同樣適用於對串謀犯本條例所訂罪行的調查，一如適用於對犯本條例所訂罪行的調查。

(由 1980 年第 28 號第 6 條增補)

Part II
Section 12A

2-32
Cap. 201

- (1) Any person convicted of conspiracy to commit an offence under this Part shall be dealt with and punished in like manner as if convicted of such offence and any rules of evidence which apply with respect to the proof of any such offence shall apply in like manner to the proof of conspiracy to commit such offence.
- (2) The powers of investigation conferred by Part III of this Ordinance shall apply with respect to a conspiracy to commit an offence under this Ordinance in like manner as they apply to the investigation of any such offence.

(Added 28 of 1980 s. 6)

第 III 部**調查權力***(格式變更——2017 年第 1 號編輯修訂紀錄)***13. 特別調查權力**

(1) 凡專員信納有合理理由相信——

- (a) 任何人可能犯了本條例所訂罪行；及
- (b) 屬於經專員以書面指名的人或以其他方法識別的人或與該人有關的任何股份帳、購買帳、會社帳、認繳帳、投資帳、信託帳、互惠或信託基金帳、開銷帳、銀行戶口帳或其他各種各類的帳目，及銀行簿冊、公司簿冊、文件或其他物品，有相當可能是與調查該項罪行有關的，

則他可為此等目的而以書面授權任何調查人員在應要求（如有此要求的話）出示該授權書的情況下——

- (i) 調查及查閱屬於經專員指名的人或以其他方法識別的人或與該人有關的該等帳目、簿冊或文件或其他物品；
- (ii) 要求任何人交出可能為該調查所需而屬於經專員指名的人或以其他方法識別的人或與該人有關的任何帳目、簿冊、文件或其他物品，並要求任何人披露與以上物品有關的全部或任何資料，抄錄該等帳目、簿冊或文件或其中任何有關記項或印取其副本，以及拍攝該其他物品的照片。

(由 1996 年第 48 號第 4 條代替)

(1A) 專員不得在沒有經在內庭提出單方面申請而獲得原訟法庭許可下發出一份授權書，而根據或憑藉該授權書某名被指稱或被懷疑犯了本條例所訂罪行的人可被要求遵從

Part III**Powers of Investigation***(Format changes—E.R. 1 of 2017)***13. Special powers of investigation**

(1) Where the Commissioner is satisfied that there is reasonable cause to believe—

- (a) that an offence under this Ordinance may have been committed by any person; and
- (b) that any share account, purchase account, club account, subscription account, investment account, trust account, mutual or trust fund account, expense account, bank account or other account of whatsoever kind or description, and any banker's books, company books, documents or other article of or relating to any person named or otherwise identified in writing by the Commissioner are likely to be relevant for the purposes of an investigation of such offence,

he may for those purposes authorize in writing any investigating officer on production by him of the authorization if so required—

- (i) to investigate and inspect such accounts, books or documents or other article of or relating to the person named or otherwise identified by the Commissioner;
- (ii) to require from any person the production of such accounts, books, documents, or other article of or relating to the person named or otherwise identified by the Commissioner which may be required for the purposes of such investigation and the disclosure of all or any information relating thereto, and to take copies

- 第 (1)(i) 及 (ii) 款所提及的任何要求。(由 1996 年第 48 號第 4 條增補。由 1998 年第 25 號第 2 條修訂)
- (1B) 除非原訟法庭經考慮第 (1A) 款所指的申請後，信納根據第 (1) 款須令專員信納的事宜，否則原訟法庭不得授予根據第 (1)(i) 及 (ii) 款發出授權書的許可。(由 1996 年第 48 號第 4 條增補。由 1998 年第 25 號第 2 條修訂)
- (2) (a) 根據第 (1) 款發出的每份授權書，須當作亦授權調查人員要求任何人提供資料，表明在任何銀行、公司或其他地方是否存有根據該授權書可予調查、查閱或要求交出的任何帳目、簿冊、文件或其他物品。(由 1974 年第 9 號第 5 條修訂；由 1987 年第 50 號第 5 條修訂；由 1996 年第 48 號第 4 條修訂)
- (b) 根據 (a) 段提出的要求須為書面形式，其中所載任何關於已有根據第 (1) 款發出的適當授權書的陳述，須予接受為真實而無須就該項事實另作證明。
- (3) 任何人遇到根據本條提出的合法要求，要向根據第 (1) 款獲得授權的調查人員披露任何資料或交出任何帳目、簿冊、文件或其他物品，則即使其他條例或法律規則條文對遵照該要求辦理之事有相反規定，該人仍須遵照該要求辦理，但受《稅務條例》(第 112 章) 第 4 條規定的情況除外；該人如無合理辯解而不遵照或忽略遵照該要求辦理，以及任何人如妨礙該調查人員執行其根據第 (1) 款所獲發的授權書，均屬犯罪，一經定罪，可處罰款 \$20,000 及監禁 1 年。(由 1974 年第 9 號第 5 條修訂；由 1996 年第 48 號第 4 條修訂)
- (4) 任何人偽稱已有根據第 (1) 款發出的適當授權書，即屬犯罪，一經定罪，可處罰款 \$20,000 及監禁 1 年。

of such accounts, books or documents or of any relevant entry therein and photographs of any other article.

(Replaced 48 of 1996 s. 4)

- (1A) The Commissioner shall not, without the leave of the Court of First Instance obtained on ex parte application in chambers, issue an authorization under or by virtue of which any particular person who is alleged or suspected to have committed an offence under this Ordinance can be required to comply with any requirement of the description mentioned in subsection (1)(i) and (ii). *(Added 48 of 1996 s. 4)*
- (1B) The Court of First Instance shall not grant leave for the issue of an authorization under subsection (1)(i) and (ii) unless, on consideration of an application under subsection (1A), it is satisfied as to the matters that the Commissioner is required to be satisfied under subsection (1). *(Added 48 of 1996 s. 4)*
- (2) (a) Every authorization given under subsection (1) shall be deemed also to authorize the investigating officer to require from any person information as to whether or not at any bank, company or other place there is any account, book, document or other article liable to investigation, inspection or production under such authorization. *(Amended 9 of 1974 s. 5; 50 of 1987 s. 5; 48 of 1996 s. 4)*
- (b) A requirement under paragraph (a) shall be made in writing and any statement therein as to the existence of the appropriate authorization under subsection (1) shall be accepted as true without further proof of the fact.
- (3) Any person who, having been lawfully required under this section to disclose any information or to produce any accounts, books, documents or other article to an investigating officer authorized under subsection (1), shall, notwithstanding the provisions of other Ordinance or rule

13A. 提交物料及提供協助令

- (1) 為調查懷疑已犯的本條例所訂罪行或為進行與該罪行有關的法律程序，專員或經專員或副專員批准的調查人員可就稅務局局長或稅務局任何人員所持有的某物料或某種類物料在內庭向原訟法庭提出單方面申請，要求根據第 (2) 款作出命令。 (由 1998 年第 25 號第 2 條修訂)
- (2) 除第 (6) 款另有規定外，如原訟法庭在接獲該等申請後，信納—— (由 1998 年第 25 號第 2 條修訂)
 - (a) 有合理理由懷疑有人已犯了本條例所訂罪行；
 - (b) 有合理理由相信申請所關乎的物料相當可能與為其而申請的調查或法律程序有關；及
 - (c) 在顧及以下各項下——
 - (i) 該懷疑已犯的罪行的嚴重性；
 - (ii) 如不作出本款所指的命令則是否能有效地調查該懷疑罪行；

of law to the contrary save only the provisions of section 4 of the Inland Revenue Ordinance (Cap. 112), comply with such requirement, and any such person who fails or neglects, without reasonable excuse, so to do, and any person who obstructs any such investigating officer in the execution of the authorization given under subsection (1), shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year. (Amended 9 of 1974 s. 5; L.N. 374 of 1991; 48 of 1996 s. 4)

- (4) Any person who falsely represents that an appropriate authorization has been given under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year.

(Amended 25 of 1998 s. 2)

13A. Order to make material available and to render assistance

- (1) The Commissioner or an investigating officer with the approval of the Commissioner or the Deputy Commissioner may, for the purpose of an investigation into, or proceedings relating to, an offence suspected to have been committed under this Ordinance, make an ex parte application to the Court of First Instance in chambers for an order under subsection (2) in relation to particular material or material of a particular description held by the Commissioner of Inland Revenue or by any officer of the Inland Revenue Department. (Amended 25 of 1998 s. 2)
- (2) Subject to subsection (6), the Court of First Instance may, if on such an application it is satisfied that— (Amended 25 of 1998 s. 2)
 - (a) there are reasonable grounds for suspecting that an offence under this Ordinance has been committed;

- (iii) 將物料交予專員或調查人員或讓他們取得該物料所相當可能對該調查或法律程序帶來的利益；及
- (iv) 在對稅務局局長或稅務局任何人員在執行其在《稅務條例》(第 112 章) 下的職責時可獲悉的與任何人的事務有關的事宜予以保密方面的公眾利益，

有合理理由相信作出命令是符合公眾利益的，

則原訟法庭可作出命令，規定稅務局局長或稅務局任何人員——(由 1998 年第 25 號第 2 條修訂)

- (i) 須在命令所指明的期間內——
 - (A) 將物料交給專員或調查人員帶走；或
 - (B) 讓他們取得該物料；
- (ii) 須就該物料向根據本條例行使專員或調查人員權力或執行專員或調查人員職務的專員或調查人員提供專員或調查人員(視屬何情況而定)合理要求的協助。
- (3) 除非原訟法庭覺得在該申請的特別情況下一段較長或較短的期間乃屬適合，否則根據第(2)款作出的命令所指明的期間須為 7 天。(由 1998 年第 25 號第 2 條修訂)
- (4) 即使任何其他法律條文(包括《稅務條例》(第 112 章) 第 4 條及本條例第 13 及 14 條的條文)有相反規定，凡有命令根據第(2)款作出，稅務局局長或稅務局任何人員須在命令指明的期間內遵守該命令的條款。
- (5) 在因根據本條例所訂罪行而進行的檢控中，凡有命令根據第(2)款作出，則稅務局局長或稅務局任何人員就該命令所針對的某物料或某種類物料作證，不須受《稅務條例》(第 112 章) 第 4 條或其他方面就保密所施加的責任或就披露所施加的其他限制所規限。
- (6) 凡根據第(1)款提出的申請是關乎某種類物料的，則根據第(2)款作出的命令，只可在就某物料提出申請並不合理地切實可行的情況方可作出。

- (b) there are reasonable grounds for believing that the material to which the application relates is likely to be relevant to the investigation or proceedings for the purpose of which the application is made; and
- (c) there are reasonable grounds for believing that it is in the public interest, having regard to—
 - (i) the seriousness of the offence suspected to have been committed;
 - (ii) whether or not the suspected offence could be effectively investigated if an order under this subsection is not made;
 - (iii) the benefit likely to accrue to the investigation or proceedings if the material is so produced or if access to it is given; and
 - (iv) the public interest in preserving secrecy with regard to matters relating to the affairs of persons that may come to the knowledge of the Commissioner of Inland Revenue or to any officer of the Inland Revenue Department in the performance of their duties under the Inland Revenue Ordinance (Cap. 112),

make an order that the Commissioner of Inland Revenue or any officer of the Inland Revenue Department—

- (i) shall—
 - (A) produce the material for the Commissioner or an investigating officer to take away; or
 - (B) give them access to it,
 within such period as the order may specify;
- (ii) shall, in relation to that material, render to the Commissioner or an investigating officer in the exercise of the powers of the Commissioner or an

- (7) 凡根據本條提出的申請所關乎的物料為並非以可閱讀形式記錄的資料——
- (a) 根據第 (2)(i)(A) 款作出的命令，其效力須如同飭令將物料以可以帶走的形式交給專員或調查人員帶走的命令一樣；及
- (b) 根據第 (2)(i)(B) 款作出的命令，其效力須如同飭令將物料以可以看到和可以閱讀的形式供專員或調查人員取得的命令一樣。
- (8) 凡根據第 (2)(i) 款作出的命令所關乎的資料並非以可閱讀形式記錄，專員或調查人員可藉書面通知，要求稅務局局長或稅務局人員以可以看到、可以閱讀和可以帶走的形式將該物料交出。
- (9) 專員或調查人員可以書面通知——
- (a) 延長根據第 (2) 款作出的命令所指明的期間（而該項延長須當作為由原訟法庭根據該款所作出的命令）；
(由 1998 年第 25 號第 2 條修訂)
- (b) 解除稅務局局長或稅務局人員根據第 (8) 款所述的命令須以原本記錄物料的形式將物料交出的責任。
- (10) 專員或調查人員可拍攝或複製根據本條交出的任何物料。
(由 1996 年第 48 號第 5 條增補)

- investigating officer or the discharge of the duties of the Commissioner or an investigating officer under this Ordinance such assistance as the Commissioner or an investigating officer, as the case may be, may reasonably require.
- (3) The period to be specified in an order under subsection (2) shall be 7 days unless it appears to the Court of First Instance that a longer or shorter period would be appropriate in the particular circumstances of the application. (*Amended 25 of 1998 s. 2*)
- (4) Where an order is made under subsection (2) the Commissioner of Inland Revenue or any officer of the Inland Revenue Department shall, notwithstanding the provisions of any other law to the contrary including the provisions of section 4 of the Inland Revenue Ordinance (Cap. 112) and sections 13 and 14 of this Ordinance, comply with the terms of that order within such period as the order may specify.
- (5) For the purposes of the prosecution of an offence under this Ordinance where an order is made under subsection (2), the giving of evidence by the Commissioner of Inland Revenue or any officer of the Inland Revenue Department in relation to particular material or material of a particular description with respect to which the order is made shall not be subject to any obligation as to secrecy or other restriction as to disclosure imposed by section 4 of the Inland Revenue Ordinance (Cap. 112) or otherwise.
- (6) Where an application under subsection (1) relates to material of a particular description, an order under subsection (2) shall only be made where an application in relation to particular material is not reasonably practicable.
- (7) Where material to which an application under this section relates consists of information recorded otherwise than in legible form—

- (a) an order under subsection (2)(i)(A) shall have effect as an order to produce the material in a form in which it can be taken away; and
 - (b) an order under subsection (2)(i)(B) shall have effect as an order to give access to the material in a form in which it is visible and legible.
- (8) Where an order made under subsection (2)(i) relates to information recorded otherwise than in legible form, the Commissioner or an investigating officer may by notice in writing require the Commissioner of Inland Revenue or an officer of the Inland Revenue Department to produce the material in a form in which it is visible and legible and can be taken away.
- (9) The Commissioner or an investigating officer may by notice in writing—
- (a) extend the period specified in an order under subsection (2) (and any such extension shall be deemed to be an order made by the Court of First Instance under that subsection); (*Amended 25 of 1998 s. 2*)
 - (b) release the Commissioner of Inland Revenue or an officer of the Inland Revenue Department from any obligation under an order of the description mentioned in subsection (8) to produce material in the form in which it was recorded.
- (10) The Commissioner or an investigating officer may photograph or make copies of any material produced under this section.

(*Added 48 of 1996 s. 5*)

13B. 根據第 13A 條獲得的資料的披露

根據或憑藉第 13A 條而從稅務局局長或稅務局任何人員獲得並根據《稅務條例》(第 112 章)須受保密責任規限的資料，除為進行與本條例所訂罪行有關的法律程序或就本條例所訂罪

13B. Disclosure of information obtained under section 13A

Where any information subject to an obligation of secrecy under the Inland Revenue Ordinance (Cap. 112) has been obtained from the Commissioner of Inland Revenue or any officer of the

行進行檢控而可由專員或調查人員向律政司司長披露外，不得予以披露。

(由 1996 年第 48 號第 5 條增補。由 1997 年第 362 號法律公告修訂)

13C. 發布根據第 13B 條披露的資料的限制

- (1) 凡 ——
 - (a) 第 13B 條中所提及的種類的資料是就任何人 (**指名的人**) 的法律責任、責任或義務而已根據《稅務條例》(第 112 章) 提交予稅務局局長或稅務局任何人員的，本條適用於該資料；
 - (b) 該資料根據第 13B 條向律政司司長披露，則本條適用；
 - (c) 凡律政司司長決定任何被如此披露的資料將會為檢控本條例所訂罪行 (並非指稱由指名的人所犯的罪行) 的目的而由控方提出作為證據，則本條適用；
 - (d) 凡該等法律程序的聆訊地點、日期及時間已編定，則本條適用；及
 - (e) 凡該等法律程序可能導致有關資料向公眾公開，則本條適用。
- (2) 律政司司長在作出第 (1)(c) 款所提及的決定後，須在切實可行範圍內盡快 (而無論如何必須在第 (1)(d) 款所指的日期前 14 天前) 將該事實的書面通知送達第 (1)(a) 款所提及的提交資料的人及指名的人。
- (3) 根據第 (2) 款向某人送達的通知須附有一項書面陳述，以便能充分告知該人 ——
 - (a) 該等向律政司司長披露並如此提出作為證據的資料的詳情；
 - (b) 該等法律程序的聆訊地點、日期及時間；及

Inland Revenue Department under or by virtue of section 13A, that information may be disclosed by the Commissioner or an investigating officer to the Secretary for Justice for the purposes of any proceedings relating to or any prosecution of an offence under this Ordinance but may not otherwise be disclosed.

(Added 48 of 1996 s. 5. Amended L.N. 362 of 1997)

13C. Restriction on publication of information disclosed under section 13B

- (1) This section applies—
 - (a) to information of the description mentioned in section 13B which has been furnished to the Commissioner of Inland Revenue or to any officer of the Inland Revenue Department in respect of the liability, responsibility or obligation of any person (**the person named**) under the Inland Revenue Ordinance (Cap. 112);
 - (b) where that information is disclosed to the Secretary for Justice under section 13B;
 - (c) where the Secretary for Justice decides that any of the information so disclosed is to be adduced in evidence by the prosecution for the purpose of any prosecution of an offence under this Ordinance, not being an offence alleged to have been committed by the person named;
 - (d) where a venue for and a date and time of hearing of those proceedings has been fixed; and
 - (e) where those proceedings may result in the information being publicly revealed.
- (2) As soon as practicable after having made a decision of the description mentioned in subsection (1)(c), and in any case not less than 14 days before the date referred to in subsection (1)(d), the Secretary for Justice shall serve notice in writing

- (c) 本條的內容。
- (4) 在根據第 (2) 款向某人送達通知的 14 天內，該人可在向律政司司長發出書面通知下，在內庭向將要聆訊該法律程序的法庭申請根據第 (5) 款作出命令，而律政司司長須獲給予在該項申請中陳詞的機會。
- (5) 因應根據第 (4) 款向法庭提出的申請，法庭可藉命令作出指示，禁止或限制已向律政司司長如此披露並可致使指名的人的身分向公眾公開的資料的發布。
- (6) 在根據第 (5) 款作出命令時，法庭在考慮是否作出命令時須顧及律政司司長經在以某資料為標的之申請中提出的觀點 (如有的話) 與申請人的觀點，並須考慮在於不受禁止或限制的情況下發布該資料方面的公眾利益，是否較以下事項重要——
- (a) 該資料的私隱和保密；
- (b) 因在不受禁止或限制的情況下發布該資料而可能導致對指名的人的任何損害；及
- (c) 在對稅務局局長或稅務局任何人員在根據《稅務條例》(第 112 章) 履行其職責時可獲悉的與任何人的事務有關的事宜予以保密方面的公眾利益。
- (7) 在法庭根據第 (5) 款就某些資料作出對某人有利的命令後，如在檢控本條例所訂罪行的過程中，該法庭信納在給予該人陳詞的機會後，該命令的後果乃對該法律程序的報導或對該檢控的報導施加相當程度的和不合理的禁止和限制，並信納儘管有第 (6)(a)、(b) 及 (c) 款所提述的事項及該人的觀點 (如有的話) 免除該項禁止或放寬該項限制是符合公眾利益的，法庭或法官須指示該命令不適用於在指示中指明的任何該等資料。
- (8) 任何人在違反根據第 (5) 款所作的以某資料為標的之命令 (包括有指示根據第 (7) 款就之而作出的命令) 的情況下發布或廣播該資料，即屬犯罪，一經定罪，可處罰款 \$10,000 及監禁 6 個月。

- of that fact on the person who furnished the information as mentioned in subsection (1)(a) and on the person named.
- (3) A notice under subsection (2) shall be accompanied by a statement in writing so as to adequately inform the person on whom it is served of—
- (a) the details of such information disclosed to the Secretary for Justice that is to be so adduced;
- (b) the venue for, date and time of the hearing of those proceedings; and
- (c) the substance of this section.
- (4) Within 14 days after the service on him of a notice under subsection (2), the person on whom it is served may on notice in writing to the Secretary for Justice make an application in chambers to the court before whom the proceedings are to be heard for an order under subsection (5) and the Secretary for Justice shall be given an opportunity to be heard on that application.
- (5) On application made to it under subsection (4), the court may by order give directions prohibiting or restricting the publication of any information so disclosed to the Secretary for Justice which may lead to the identity of the person named being publicly revealed.
- (6) In the making of an order under subsection (5), the court shall in considering whether or not to make an order, have regard to the views of the Secretary for Justice on the application, if any, and those of the applicant and shall consider whether the public interest in the publication of any information being the subject of the application, without prohibition or restriction, outweighs—
- (a) the privacy and confidentiality of that information;

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(由 1996 年第 48 號第 5 條增補。由 1997 年第 362 號法律公告
修訂)

- (b) any prejudice to the person named which might result from the publication of that information without prohibition or restriction; and
 - (c) the public interest in preserving secrecy with regard to matters relating to the affairs of persons that may come to the knowledge of the Commissioner of Inland Revenue or to any officer of the Inland Revenue Department in the performance of their duties under the Inland Revenue Ordinance (Cap. 112).
- (7) If in the course of any prosecution of an offence under this Ordinance after the making of an order under subsection (5) the court by whom the order was made is satisfied, after giving the person in favour of whom the order was made an opportunity to be heard, that the effect of that order is to impose a substantial and unreasonable prohibition or restriction upon the reporting of those proceedings or the reporting of that prosecution and that, notwithstanding the matters referred to in subsection (6)(a), (b) and (c) and the views of the person in favour of whom the order was made, if any, it is in the public interest to remove the prohibition or to relax the restriction, the court or the judge shall direct that the order shall not apply to such information in respect of which that order was made as is specified in the direction.
- (8) Any person who publishes or broadcasts information being the subject of an order under subsection (5), including an order in respect of which a direction is made under subsection (7), in contravention of that order commits an offence and is liable on conviction to a fine of \$10,000 and to imprisonment for 6 months.

(Added 48 of 1996 s. 5. Amended L.N. 362 of 1997)

14. 獲得資料的權力

(1A) 為調查懷疑由任何人所犯的本條例所訂罪行或為進行與

14. Power to obtain information

(1A) The Commissioner or an investigating officer may, for the

該罪行有關的法律程序，專員或調查人員可在內庭向原訟法庭提出單方面申請，要求根據第(1)款作出命令。(由1996年第48號第6條增補。由1998年第25號第2條修訂)

- (1B) 除非原訟法庭因應根據第(1A)款提出的以某人為標的之單方面申請，信納有合理理由懷疑——
- (a) (如屬關乎第(1)(c)款的申請)要求該人提供的資料相當可能是與該項調查或法律程序有關的；
- (b) (如屬關乎第(1)(d)或(e)款的申請)該人可取得或在合理情況下可取得相當可能與該項調查或法律程序有關的資料，

否則原訟法庭不得根據第(1)款作出命令。(由1996年第48號第6條增補。由1998年第25號第2條修訂)

- (1) 凡原訟法庭在接獲根據第(1A)款提出的申請後，信納有合理理由懷疑有人已犯了本條例所訂罪行，即可作出命令授權專員藉書面通知——(由1996年第48號第6條代替。由1998年第25號第2條修訂)
- (a) 要求該人向通知書內指明的調查人員提交法定聲明或(如專員認為適當)提交陳述書，列明——

purpose of an investigation into, or proceedings relating to, an offence suspected to have been committed by any person under this Ordinance, make an ex parte application to the Court of First Instance in chambers for an order under subsection (1). (*Added 48 of 1996 s. 6. Amended 25 of 1998 s. 2*)

- (1B) The Court of First Instance shall not make an order under subsection (1) unless on an ex parte application made to it under subsection (1A) it is satisfied that there are reasonable grounds for suspecting that— (*Amended 25 of 1998 s. 2*)
- (a) in the case of an application relating to subsection (1)(c), that the information to be required from the person being the subject of the application is likely to be relevant to the investigation or the proceedings;
- (b) in the case of an application relating to subsection (1)(d) or (e), that the person being the subject of the application has or may reasonably have access to information likely to be relevant to the investigation or the proceedings. (*Added 48 of 1996 s. 6*)
- (1) Where on an application under subsection (1A) the Court of First Instance is satisfied that there are reasonable grounds for suspecting that an offence under this Ordinance has been committed it may make an order authorizing the Commissioner by a notice in writing to require— (*Replaced 48 of 1996 s. 6. Amended 25 of 1998 s. 2*)
- (a) such person to furnish to the investigating officer specified in such notice a statutory declaration or, as the Commissioner sees fit, a statement in writing, enumerating—

- (i) 由該人、其代理人或受託人所擁有或管有，或在緊接該通知書日期之前 3 年內或該通知書指明的較短期間內曾經在任何時間擁有或管有，且屬該通知書所指明種類的動產或不動產；並就每項列明的現有或曾有財產，說明是否共同管有或各別管有（如屬共同管有，則與誰共同管有），並說明每項財產的獲取日期、獲自誰人及是否以購買、受饋贈、受遺贈、繼承或其他方式獲取，如以購買方式獲取的，則說明所付代價；另就所列明且在通知書日期之前 3 年內或前述的較短期間內曾經在任何時間以售賣、饋贈或其他方式處置的每項財產，說明處置的方式及處置予誰，如以售賣方式處置的，則說明所獲代價；（由 1987 年第 50 號第 6 條修訂）
- (ii) 該人在該通知書指明的任何期間內（該期間開始之時以不早於通知書日期之前 3 年為限），因其本人、配偶、父母或子女的生活費用及其他私人開支而招致的一切開支；

- (i) the property, being property in such categories or classes of property, movable or immovable, as may be specified in such notice, belonging to or possessed by, or which at any time during the 3 years immediately preceding the date of such notice or during such shorter period as may be specified in such notice belonged to or was possessed by, such person, his agents or trustees, specifying in respect of each property enumerated whether it is or was possessed jointly (and, if so, with whom) or severally; and specifying the date upon which, and the person from whom, each such property was acquired and whether by purchase, gift, bequest, inheritance or otherwise, and, where it was acquired by purchase, specifying the consideration paid therefor; and in respect of any property enumerated which has been disposed of, whether by sale, gift or otherwise, at any time during the 3 years immediately preceding the date of the notice or such shorter period as aforesaid, specifying how and to whom the same was disposed of and, where it was disposed of by sale, specifying the consideration given therefor; (*Amended 50 of 1987 s. 6*)
- (ii) all expenditure incurred by such person in respect of himself, his spouse, parents or children with regard to living expenses and other private expenditure during any period specified in such notice (not, however, being a period commencing earlier than 3 years from the date of the notice);

- (iii) 該人、其代理人或受託人在該通知書指明的時間或期間內(該時間或期間開始之時以不早於通知書日期之前3年為限)所承擔的一切法律責任,並就每項列明的法律責任說明是否共同承擔或各別承擔(如屬共同承擔,則與誰共同承擔);(由1980年第28號第7條修訂)
- (b) 要求該人向通知書內指明的調查人員提交法定聲明或(如專員認為適當)提交陳述書,述明在通知書指明的期間內由其本人或由他人代其調離香港的任何款項或其他財產;(由1987年第50號第14條修訂)
- (c) 要求任何其他向通知書內指明的調查人員提交法定聲明或(如專員認為適當)提交陳述書,列明他所擁有或管有,且屬該通知書所指明種類的動產或不動產,並就每項列明的財產說明獲取日期及獲自誰人(如專員相信該等資料可能有助於該調查或法律程序);(由1987年第50號第6條修訂)
- (d) 要求專員所相信知悉與該項調查或法律程序有關的事實的任何其他人,向通知書內指明的調查人員提供他所管有或可合理取得(但非公眾容易得到),且屬關乎通知書所指明事項的一切資料,或(如專員認為適當)往見通知書內指明的調查人員或通知書內指明的其他人,以宗教式或非宗教式宣誓後口頭答覆與該等事項有關的任何問題;以及在通知書內指明的調查人員或其他人的要求下,出示、交付或以其他方式提交他所管有、控制或可合理取得(但非公眾容易得到),且屬通知書內指明的調查人員或其他人認為可能與該調查或法律程序有關的文件的正本或副本;為施行本段的規定,通知書內指明的調查人員或其他人賦有權限以主持宗教式或非宗教式的宣誓;(由1980年第28號第7條修訂)

- (iii) all liabilities incurred by such person, his agents or trustees, at such time or during such period as may be specified in such notice (not, however, being a time or a period commencing earlier than 3 years from the date of the notice), and specifying in respect of each such liability whether it was incurred jointly (and, if so, with whom) or severally; (*Amended 28 of 1980 s. 7*)
- (b) such person to furnish to the investigating officer specified in such notice a statutory declaration or, as the Commissioner sees fit, a statement in writing of any money or other property sent out of Hong Kong by him or on his behalf during such period as may be specified in the notice; (*Amended 50 of 1987 s. 14*)
- (c) any other person to furnish to the investigating officer specified in such notice a statutory declaration or, as the Commissioner sees fit, a statement in writing enumerating the property, being property in such categories or classes of property, movable or immovable, as may be specified in such notice, belonging to or possessed by him and further stating, in respect of each such property, the date upon which and the person from whom it was acquired, if the Commissioner believes that such information may assist the investigation or proceedings; (*Amended 50 of 1987 s. 6*)

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- (e) 要求任何公共機構或其轄下任何部門、辦事處或組織的主管人向通知書內指明的調查人員出示或提交他所管有、控制或可合理取得（但非公眾容易得到）的任何文件，或該文件經該主管人核證的副本；（由 1980 年第 28 號第 7 條修訂）
- (f) 要求任何銀行經理向通知書內指明的調查人員交出通知書上列出姓名的人或其配偶、父母或子女在該銀行的戶口帳目副本。
- (2) 在不損害第 (1)(d) 款的概括性原則下，該款所授權力包括要求以下人士提供資料及出席答問的權力——
- (a) 在任何一宗土地或財產交易中曾經或正在代任何一方當事人辦事的人或其僱員；及
- (b) 在任何一宗土地或財產交易中涉及任何代價、經紀費、佣金或費用的交收，或涉及任何支票或其他交易票據的結算或收帳的人或其僱員，
- 而所要求提供的資料及答覆的問題，與以下事項有關

- (d) any other person whom the Commissioner believes to be acquainted with any facts relevant to such investigation or proceedings to furnish to the investigating officer specified in such notice all information in his possession or to which he may reasonably have access (not being information readily available to the public) respecting such matters as are specified in the notice or, as the Commissioner sees fit, to appear before the investigating officer specified in such notice or such other person specified in the notice and to answer orally on oath or affirmation any questions relevant thereto; and, on demand by the investigating officer specified in such notice or such other person, to produce or deliver or otherwise furnish to him the original or a copy of any document in his possession or under his control or to which he may reasonably have access (not being a document readily available to the public) which, in the opinion of the investigating officer specified in such notice or such other person, may be relevant to such investigation or proceedings; for the purposes of this paragraph the investigating officer specified in such notice or such other person shall have authority to administer any oath or take any affirmation; (*Amended 28 of 1980 s. 7*)
- (e) the person in charge of any public body or any department, office or establishment of any public body to produce or furnish to the investigating officer specified in such notice any document or a copy, certified by the person in charge, of any document which is in his possession or under his control or to which he may reasonably have access (not being a document readily available to the public); (*Amended 28 of 1980 s. 7*)

- (i) (a) 及 (b) 段所指任何人的全名 (包括別名) 及地址, 以及他所管有且可能有助於識別或尋找該人的其他資料;
- (ii) 就該宗或有關該宗土地或財產交易而支付或收取的任何代價、經紀費、佣金或費用; 及
- (iii) 該宗土地或財產交易的條款及條件。
- (3) 根據第 (1) 款發出的通知書, 須面交送達收件人, 或以掛號郵遞方式送達最後所知的收件人辦公或居住地址。
- (4) 任何人獲送達根據第 (1) 款發出的通知書, 則即使其他條例或法律規則條文有相反規定, 該人仍須在該通知書指明的時間內, 或在專員酌情授權延長的時間內遵照該通知書辦理, 但受《稅務條例》(第 112 章) 第 4 條規定的情況除外; 獲送達該通知書的人如無合理辯解而忽略遵照或不遵照該通知書辦理, 即屬犯罪, 一經定罪, 可處罰款 \$20,000 及監禁 1 年。 (由 1998 年第 25 號第 2 條修訂)

- (f) the manager of any bank to give to the investigating officer specified in such notice copies of the accounts of such person or of his spouse, parents or children at the bank as shall be named in the notice.
- (2) Without prejudice to the generality thereof, the powers conferred by subsection (1)(d) include the power to require information from, and to require the attendance for the purpose of answering questions of—
- (a) any person, or any employee of any person, who has acted for or is acting for any party to any particular land or property transaction; and
- (b) any person, or any employee of any person, who was concerned in the passing of any consideration, brokerage, commission or fee, or in the clearing or collection of any cheque or other instrument of exchange, respecting any particular land or property transaction,

as to any of the following matters, that is to say—

- (i) the full names (including aliases) and addresses of any of the persons referred to in paragraphs (a) and (b) and any other information in his possession which may be helpful in identifying or locating any such person;

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- (5) 任何人在回應根據第 (1) 款發出的通知書時故意作出虛假陳述，即屬犯罪，可處罰款 \$20,000 及監禁 1 年。(由 1974 年第 9 號第 6 條增補)
(由 1974 年第 9 號第 6 條修訂)

14A. (由 1996 年第 48 號第 17 條廢除)

編輯附註：

1. 請參閱載於 1996 年第 48 號第 18 條的保留條文。
2. 有關第 14A 條被 1996 年第 48 號第 17 條廢除之前的內文，請參閱法例編正版及 1993 年第 8 號第 2 和 3 條。

14B. (由 1996 年第 48 號第 17 條廢除)

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- (ii) any consideration, brokerage, commission or fee paid or received in respect of or in connection with any such land or property transaction; and
- (iii) the terms and conditions of any such land or property transaction.
- (3) A notice under subsection (1) shall be served on the person to whom it is addressed either personally or by registered post addressed to his last known place of business or residence.
- (4) Every person on whom a notice under subsection (1) is served shall, notwithstanding the provisions of other Ordinance or rule of law to the contrary save only the provisions of section 4 of the Inland Revenue Ordinance (Cap. 112), comply with the terms of that notice within such time as may be specified therein or within such further time as the Commissioner may, in his discretion, authorize, and any person on whom such a notice has been served, who, without reasonable excuse, neglects or fails so to comply shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year. (*Amended 25 of 1998 s. 2*)
- (5) A person who wilfully makes any false statement in answer to a notice under subsection (1) shall be guilty of an offence and shall be liable to a fine of \$20,000 and to imprisonment for 1 year. (*Added 9 of 1974 s. 6*)

(*Amended 9 of 1974 s. 6*)

14A. (*Repealed 48 of 1996 s. 17*)

Editorial Note:

1. Please see the saving provisions contained in s. 18 of 48 of 1996.
2. For text of s. 14A prior to its repeal by s. 17 of 48 of 1996, please see the Revised Edition of the Laws and ss. 2 & 3 of 8 of 1993.

14B. (*Repealed 48 of 1996 s. 17*)

編輯附註：

請參閱載於 1996 年第 48 號第 18 條的保留條文。

Editorial Note:

Please see the saving provisions contained in s. 18 of 48 of 1996.

14C. 限制令

- (1) 在專員或他人代專員提出單方面申請下，法庭如信納以下情況，可根據本款作出命令（以下在本條及第 14D 及 14E 條的條文稱為**限制令**）——
 - (a) 有任何財產是由因被指稱或懷疑犯了本條例所訂罪行而受調查或已因該罪行遭提出檢控的人（以下在所述條文稱為**受疑人**）所管有或控制，或有人（以下在所述條文稱為**第三者**）應將任何財產付予受疑人；（由第 1996 年第 48 號第 7 條代替）
 - (b) 第三者正為受疑人或代其或承其命持有任何財產。
- (2) 在作出限制令時，法庭可——
 - (a) 施加其認為適當的條件；或
 - (b) 豁免其認為適當的財產，使其不受該令規限（包括對定期付款的豁免），

但在符合以上的規定下，獲按照第 (3) 款送達限制令的受疑人及任何第三者除按照法庭指示外，不得將該限制令內指明的任何財產處置或以其他方式處理。
- (2A) 如限制令內加以訂定，該令亦適用於其中指明的財產的收入，一如適用於該項財產本身。（由 1987 年第 50 號第 8 條增補）
- (3) 限制令須送達該令所針對的受疑人及第三者，送達可用面交送達方式，或在專員或他人代專員提出單方面申請下，而在法庭亦信納無法尋得該人或該人並不在香港的情況下，則可採用由該法院指示的其他送達方式。（由 1976 年第 15 號第 3 條修訂）
- (3A) 凡限制令所指明任何財產屬不動產，該令須當作為影響土地的文書，並須因此而根據《土地註冊條例》（第 128 章）按土地註冊處處長認為適當的方式在土地註冊處註冊。

14C. Restraining orders

- (1) If, on application ex parte by or on behalf of the Commissioner, the court is satisfied that—
 - (a) any property is in the possession of or under the control of or is due to a person (hereinafter in this section and in sections 14D and 14E referred to as the **suspected person**), who is the subject of an investigation in respect of an offence alleged or suspected to have been committed by him under this Ordinance or against whom a prosecution for such an offence has been instituted, from another person (hereinafter so referred to as the **third party**); or
 - (b) a third party is holding any property for or on behalf of or to the order of a suspected person,

the court may make an order under this subsection (hereinafter so referred to as a **restraining order**).
- (2) In making a restraining order the court may—
 - (a) impose such conditions; or
 - (b) exempt such property from the operation thereof (including periodic payments of money),

as it thinks fit, but subject as aforesaid, the suspected person and any third party on whom a restraining order is served in accordance with subsection (3) shall not dispose of or otherwise deal with any property specified in the restraining order save in accordance with directions of the court.
- (2A) A restraining order shall, if so provided in the order, apply to the income from any property specified therein as it applies to the property itself. (*Added 50 of 1987 s. 8*)

(由 1980 年第 28 號第 10 條增補。由 1993 年第 8 號第 2 及 3 條修訂)

- (3B) 限制令所指明的任何財產，如包括銀行或接受存款公司欠限制令的收件人的任何債項或義務，專員可將限制令副本送達該銀行或接受存款公司；該副本的效力為指示該銀行或接受存款公司不得在未經法庭同意下，就有關該限制令副本所指明的人，全部或部分支付、了結、償付、解決或解除該債項或義務。(由第 1996 年第 48 號第 7 條增補)
- (4) 除第 (5) 款另有規定外，凡限制令是針對——
- (a) 第 (1)(a) 款所述種類的財產的，其有效期由作出日期起計為 12 個月，但如專員或他人代專員提出申請，法庭可延長其施行期間，每次為期 12 個月；
- (b) 第 (1)(b) 款所述種類的財產的，其有效期由作出日期起計為 6 個月，但如專員或他人代專員提出申請，法庭可延長其施行期間，每次為期 3 個月。(由第 1996 年第 48 號第 7 條代替)
- (5) 凡限制令——
- (a) 是針對第三者或受疑人而發出，而該人已因本條例所訂罪行遭提出檢控；或
- (b) 是對第三者或受疑人生效，而該人已因本條例所訂罪行遭提出檢控，
- 該令的有效期（除提出檢控第三者的情況外）須持續至該檢控的法律程序已有最後裁決為止；如法庭根據第 12(3) 或 12AA 條對該人作出命令，則該令的有效期須持續至該命令已撤銷、遵從或強制執行為止（視屬何情況而定）。(由 1987 年第 50 號第 8 條修訂)
- (5A) 第 (4) 或 (5) 款並不阻止法庭在專員或他人代專員提出單方面申請下，就同一項財產再行作出限制令。(由 1987 年第 50 號第 8 條增補)

- (3) A restraining order shall be served on the suspected person and any third party to whom it is directed and may be served by delivering it to him or them personally or may, where the court is satisfied that such person cannot be found or is not in Hong Kong, be served in such other manner as the court may direct on application ex parte by or on behalf of the Commissioner. (*Amended 15 of 1976 s. 3*)
- (3A) Where any property specified in a restraining order is immovable property, such order shall be deemed to be an instrument affecting land and shall be registrable as such in the Land Registry under the Land Registration Ordinance (Cap. 128) in such manner as the Land Registrar thinks fit. (*Added 28 of 1980 s. 10. Amended 8 of 1993 ss. 2 & 3*)
- (3B) Where any property specified in a restraining order includes any debt or obligation due by a bank or deposit-taking company to the person to whom the notice is given the Commissioner may serve on such bank or deposit-taking company a copy of that restraining order which copy restraining order shall have the effect of directing the bank or deposit-taking company with respect to the person specified in the copy restraining order not to pay, liquidate, satisfy, settle or discharge that debt or obligation either in whole or in part without the consent of the court. (*Added 48 of 1996 s. 7*)
- (4) Subject to subsection (5), a restraining order with respect to property—
- (a) of the description mentioned in subsection (1)(a) shall continue in force for a period of 12 months from the making thereof, but on application by or on behalf of the Commissioner the court may extend its operation for periods of 12 months at a time;
- (b) of the description mentioned in subsection (1)(b) shall continue in force for a period of 6 months from the making thereof, but on application by or on behalf of

- (6) 凡獲按照本條第 (3) 或 (3B) 款或第 14D(5) 條送達限制令副本的受疑人或第三者在該令有效期間，如並非按照法庭的指示，明知而將該令內指明的任何財產處置或以其他方式處理，即屬犯罪，一經定罪，可處罰款 \$50,000 或處以所處置或以其他方式處理的財產價值的罰款，兩款額以較大者為準，以及監禁 1 年。
- (7) 在本條以及在第 14D 及 14E 條中，**法庭** (court) 指原訟法庭。(由第 1996 年第 48 號第 7 條增補。由 1998 年第 25 號第 2 條修訂)
- (由 1974 年第 9 號第 7 條增補。由第 1996 年第 48 號第 7 條修訂)

編輯附註：

1. 請參閱載於 1996 年第 48 號第 18 條的保留條文。
2. 有關第 14C 條被 1996 年第 48 號第 7 條修訂之前的內文，請參閱法例編正版及 1993 年第 8 號第 2 和 3 條。

- the Commissioner the court may extend its operation for periods of 3 months at a time. *(Replaced 48 of 1996 s. 7)*
- (5) Where—
- (a) a restraining order is made with respect to a third party or a suspected person against whom a prosecution for an offence under this Ordinance has been instituted; or
 - (b) a restraining order is in force with respect to a third party or a suspected person against whom a prosecution for such an offence is instituted,
- the restraining order shall, except in the case of a prosecution against a third party, continue in force until the proceedings on such prosecution have been finally determined and, if an order is made against that person under section 12(3) or 12AA, until that order has been set aside, complied with or enforced, as the case may be. *(Amended 50 of 1987 s. 8)*
- (5A) Nothing in subsection (4) or (5) shall prevent the court from making a further restraining order in respect of the same property on application ex parte by or on behalf of the Commissioner. *(Added 50 of 1987 s. 8)*
- (6) A suspected person or third party on whom a copy of a restraining order has been served in accordance with subsection (3) or (3B) of this section or section 14D(5) shall be guilty of an offence and shall be liable on conviction to a fine of \$50,000 or to the value of the property disposed of or otherwise dealt with, whichever is greater, and to imprisonment for 1 year if, during the continuance in force of the order, he knowingly disposes of or otherwise deals with any property specified in the restraining order otherwise than in accordance with directions of the court.
- (7) In this section and in sections 14D and 14E, **court** means the Court of First Instance. *(Added 48 of 1996 s. 7. Amended 25 of 1998 s. 2)*

(Added 9 of 1974 s. 7. Amended 48 of 1996 s. 7)

Editorial Note:

1. Please see the saving provisions contained in s. 18 of 48 of 1996.
2. For text of s. 14C prior to its amendment by s. 7 of 48 of 1996, please see the Revised Edition of the Laws and ss. 2 & 3 of 8 of 1993.

14D. 限制令的更改及撤銷

- (1) 專員可隨時向法庭單方面申請更改或撤銷限制令。(由 1996 年第 48 號第 8 條修訂)
- (2) 獲按照第 14C(3) 條或本條第 (5) 款送達限制令的人，可隨時向法庭申請作出命令以撤銷或更改該限制令。
- (3) 根據第 (2) 款提出申請的人，須按有關法庭的法官所作命令而將該項申請的編定聆訊日期通知專員。
- (4) 在聆訊根據第 (2) 款提出的申請時，法庭——
 - (a) 如信納繼續施行該限制令會造成過度的困苦，可撤銷該令；
 - (b) 可以其認為適當的方式更改該令。
- (5) 凡限制令已根據本條被撤銷或更改，該令所針對的第三者以及受疑人須獲送達撤銷該令的通知書或經作該項更改的限制令（視屬何情況而定）。

*(由 1974 年第 9 號第 7 條增補)***14E. 指示的申請****14D. Variation and revocation of restraining orders**

- (1) The Commissioner may at any time apply ex parte to the court for the variation or revocation of a restraining order. *(Amended 48 of 1996 s. 8)*
- (2) A person on whom a restraining order has been served in accordance with section 14C(3) or subsection (5) of this section may at any time apply to the court for an order revoking or varying the order.
- (3) The applicant under subsection (2) shall give to the Commissioner such notice of the day fixed for the hearing of the application as a judge of the court may order.
- (4) On the hearing of an application under subsection (2), the court may—
 - (a) revoke the order if it is satisfied that undue hardship will be caused by its continuance in operation;
 - (b) vary the order in such manner as it thinks fit.
- (5) Where a restraining order has been revoked or varied under this section, notice of such revocation or the order as so varied, as the case may be, shall be served on the third party to whom it is directed and on the suspected person.

*(Added 9 of 1974 s. 7)***14E. Application for directions**

- (1) 獲按照第 14C(3) 或 14D(5) 條送達限制令的受疑人或第三者可隨時向法院申請指示。
- (2) 該項申請的當事人須為——
 - (a) 該受疑人及第三者；及
 - (b) 專員。
- (3) 根據第 (1) 款申請指示的人，須按有關法庭的法官所作命令而將該項申請的編定聆訊日期通知其他各當事人。
- (4) 在聆訊根據第 (1) 款提出的申請時，法庭可作出其認為適當的指示。

(由 1974 年第 9 號第 7 條增補)

15. 法律顧問及有特權的資料

- (1) 除本條另有訂定外，本條例並不規定法律顧問須披露任何有特權的資料、通訊、簿冊、文件或其他物品。
- (2) 在第 (4) 款的規限下，可向法律顧問要求提供第 13(2) 及 14(2) 條所指資料，一如可向其他人要求，即使遵照該要求辦理會造成披露有特權的資料或通訊的後果。
- (3) 在第 (4) 款的規限下，藉根據第 14(1)(d) 條發出的通知書可要求法律顧問——
 - (a) 說明在通知書所指明期間內任何時間，曾否代通知書上列出姓名或以其他方法識別的人辦理與以下事項有關的事情——
 - (i) 該人將任何款項移轉出香港；或
 - (ii) 該人將任何款項在香港或外地投資；及 (由 1987 年第 50 號第 14 條修訂)
 - (b) 如曾作該等事情，則提供他所管有且與所述事項有關的以下資料——

- (1) The suspected person or a third party on whom a restraining order has been served in accordance with section 14C(3) or 14D(5) may at any time apply to the court for directions.
- (2) The parties to any such application shall be—
 - (a) the suspected person and the third party; and
 - (b) the Commissioner.
- (3) A person applying for directions under subsection (1) shall give to each other party to the application such notice of the day fixed for the hearing of the application as a judge of the court may order.
- (4) On the hearing of an application under subsection (1), the court may give such directions as it thinks fit.

(Added 9 of 1974 s. 7)

15. Legal advisers and privileged information

- (1) Save as is provided in this section, nothing in this Ordinance shall require the disclosure by a legal adviser of any privileged information, communication, book, document or other article.
- (2) Subject to subsection (4), the information referred to in section 13(2) and in section 14(2) may be required from a legal adviser as from any other person, notwithstanding that the effect of compliance with such a requirement would be to disclose any privileged information or communication.
- (3) Subject to subsection (4), a legal adviser may be required by notice under section 14(1)(d)—
 - (a) to state whether, at any time during such period as is specified in the notice, he has acted on behalf of any person named or otherwise identified in the notice in connection with—

- (i) 款項移轉或投資的日期；
- (ii) 款項移轉或投資的款額；
- (iii) 如屬款項移轉，有關銀行的名稱及地址，以及款項所轉入帳戶的名稱及號碼（如有的話）；
- (iv) 如屬投資，該項投資的性質，

即使遵照該要求辦理會造成披露有特權的資料或通訊的後果。

- (4) 第 (2) 或 (3) 款並不規定任何法律顧問須遵照其中所指明要求辦理而致使該法律顧問在遵辦時披露任何有特權的資料或通訊，而該等資料或通訊是因任何已在法庭展開或擬在法庭進行的法律程序，或是為了向其委託人提供法律意見而為該法律顧問所知悉者。
- (5) 在本條中，**法律顧問** (legal adviser) 指大律師或律師。
- (6) 本條給予法律顧問的保障，亦擴及法律顧問屬下或其所僱用的文員或僱員。

- (i) the transfer by such person of any moneys out of Hong Kong; or
- (ii) the investment by such a person within or outside Hong Kong of any moneys; and (*Amended 50 of 1987 s. 14*)
- (b) if so, to furnish information in his possession with respect thereto, being information as to—
 - (i) the date of the transfer or investment;
 - (ii) the amount of the transfer or investment;
 - (iii) in the case of a transfer, the name and address of the bank and the name and number (if any) of the account to which the money was transferred;
 - (iv) in the case of an investment, the nature of the investment,

notwithstanding that the effect of compliance with such a requirement would be to disclose any privileged information or communication.

- (4) Nothing in subsection (2) or (3) shall require a legal adviser to comply with any such requirement as is specified therein to the extent to which such compliance would disclose any privileged information or communication which came to his knowledge for the purpose of any proceedings, begun or in contemplation, before a court or to enable him to give legal advice to his client.
- (5) In this section **legal adviser** (法律顧問) means counsel or a solicitor.
- (6) The protection conferred by this section on a legal adviser shall extend to a clerk or servant of or employed by a legal adviser.

16. 獲得協助的權力

16. Power to obtain assistance

- (1) 任何調查人員在對指稱或懷疑犯了本條例所訂罪行而進行調查時，可請求任何公職人員協助其根據本條例行使權力或執行職務。
- (2) 任何公職人員無合理辯解而忽略提供或不提供調查人員根據第 (1) 款請求的協助，即屬犯罪，一經定罪，可處罰款 \$20,000 及監禁 1 年。

(由 1996 年第 48 號第 9 條代替)

17. 搜查的進一步權力

- (1) 為調查懷疑犯了的本條例所訂罪行或為進行與該罪行有關的法律程序，任何調查人員可向法庭提出單方面申請，要求根據第 (1A) 款發出手令。(由 1996 年第 48 號第 10 條代替)
- (1A) 凡有申請根據第 (1) 款提出，而法庭信納有合理理由相信在任何處所或地方可能有任何物件本身是或包含有本條例所訂罪行的證據，法庭即可發出手令予手令中指名的調查人員，使該人員及任何其他調查人員有權進入該處所或地方(必要時可強行進入)，並進行搜查。(由 1996 年第 48 號第 10 條增補)
- (1B) 儘管有第 (1) 及 (1A) 款的規定，凡專員信納有合理理由相信——
 - (a) 在任何處所或地方可能有任何物件本身是或包含有本條例所訂罪行的證據；及
 - (b) 根據第 (1) 款提出單方面申請會嚴重妨礙對懷疑犯了的本條例所訂罪行的調查或嚴重妨礙與該罪行有關的法律程序的進行，

- (1) Any investigating officer conducting an investigation into an offence alleged or suspected to have been committed under this Ordinance may apply to any public servant for assistance in the exercise of his powers or the discharge of his duties under this Ordinance.
- (2) Any public servant who when requested under subsection (1) to render assistance, without reasonable excuse neglects or fails to render such assistance shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year.

(Replaced 48 of 1996 s. 9)

17. Further powers of search

- (1) Any investigating officer may, for the purposes of an investigation into, or proceedings relating to, an offence suspected to have been committed under this Ordinance, make an ex parte application to a court for the issue of a warrant under subsection (1A). (Replaced 48 of 1996 s. 10)
- (1A) Where on an application under subsection (1) the court is satisfied that there is reasonable cause to believe that in any premises or place there is anything which is or contains evidence of an offence under this Ordinance, the court may by warrant directed to an investigating officer named in the warrant, empower such officer and any other investigating officer, to enter such premises or place, by force if necessary, and search the same. (Added 48 of 1996 s. 10)
- (1B) Notwithstanding subsections (1) and (1A), where the Commissioner is satisfied that there is reasonable cause to believe—
 - (a) that in any premises or place there may be anything which is or contains evidence of an offence under this Ordinance; and

專員可發出手令予手令中指名的調查人員，使該人員及任何其他調查人員有權進入該處所或地方（必要時可強行進入），並進行搜查。（由 1996 年第 48 號第 10 條增補）

- (2) 在不損害任何其他有關進入及搜查的法律的原則下，本條或根據本條發出的手令所授權力，不得用於進入及搜查大律師或律師的事務所，除非該項進入及搜查是為對本條例所訂罪行進行調查，而被指稱或懷疑犯了該罪行的人是該事務所的大律師或律師（視屬何情況而定），或是其屬下文員或受其僱用於該事務所的任何僱員。
- (3) 任何人妨礙或抗拒專員或調查人員根據本條行使進入及搜查的權力，即屬犯罪，一經定罪，可處罰款 \$20,000 及監禁 1 年。（由 1974 年第 9 號第 9 條修訂；由 1980 年第 28 號第 12 條修訂；由 1996 年第 48 號第 10 條修訂）
- (4) 在本條中，**法庭** (court) 指裁判官及原訟法庭。（由 1996 年第 48 號第 10 條增補。由 1998 年第 25 號第 2 條修訂）

17A. 旅行證件的交出

- (1) 裁判官可應專員提出的單方面申請，以通知書要求因合理地懷疑犯了本條例所訂罪行而受調查的人，向專員交出所管有的任何旅行證件。（由 1987 年第 50 號第 9 條修訂；由 1996 年第 48 號第 11 條修訂）

- (b) that the making of an ex parte application under subsection (1) would seriously impede an investigation into, or proceedings relating to, an offence suspected to have been committed under this Ordinance,

the Commissioner may by warrant directed to an investigating officer named in the warrant, empower such officer and any other investigating officer to enter such premises or place, by force if necessary, and search the same. (*Added 48 of 1996 s. 10*)

- (2) Without prejudice to any other law relating to entry and search, the chambers of counsel or the office of a solicitor are not subject to entry and search under this section or any warrant issued under this section except in the course of investigating an offence under this Ordinance alleged or suspected to have been committed by that counsel or that solicitor, as the case may be, or by his clerk or any servant employed by him in such chambers or office.
- (3) Any person who obstructs or resists the Commissioner or any investigating officer in the exercise of the powers of entry and search under this section shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year. (*Amended 9 of 1974 s. 9; 28 of 1980 s. 12; 48 of 1996 s. 10*)
- (4) In this section **court** (法庭) means a magistrate and the Court of First Instance. (*Added 48 of 1996 s. 10. Amended 25 of 1998 s. 2*)

17A. Surrender of travel document

- (1) A magistrate may, on the application ex parte of the Commissioner, by written notice require a person who is the subject of an investigation in respect of an offence reasonably suspected to have been committed by him under this Ordinance to surrender to the Commissioner any travel

- (2) 根據第 (1) 款發出的通知書，須面交送達收件人。
- (3) 獲送達根據第 (1) 款所發通知書的人，須立即遵照通知書辦理。
- (3A) 在不抵觸第 (6) 款的條文下，除非——
- (a) 根據第 17B(1) 條提出的要求發還旅行證件的申請獲得批准；或
- (b) 根據第 17BA(1) 條提出的要求准許離開香港的申請獲得批准，
- 否則根據第 (1) 款發出的通知書的收件人（不論該通知書是否已根據第 (2) 款送達該人）不得在自該通知書日期起計的 6 個月期間屆滿前離開香港。（由 2005 年第 10 號第 41 條增補）
- (4) 已獲送達根據第 (1) 款所發通知書的人，如不立即遵照通知書辦理，可被警務人員或獲專員為此而委任的人逮捕並送交裁判官。（由 2005 年第 10 號第 41 條修訂）
- (5) 凡根據第 (4) 款將任何人送交裁判官，則除非該人隨即遵照根據第 (1) 款所發通知書辦理，或使裁判官信納他並無管有旅行證件，否則裁判官須發出手令，將該人押交監獄妥為扣留——
- (a) 直至由該人在以上情況被押交監獄之日起計 28 天期滿為止；或
- (b) 直至該人遵照根據第 (1) 款所發通知書辦理，及裁判官為釋放該人作出命令，命令及指示懲教署署長釋放該人出獄為止（該命令足以作為懲教署署長釋放該人的手令），（由 1982 年第 30 號法律公告修訂）
- 以上兩種情形以較先發生者為準。
- (5A) 在不抵觸第 (6) 款的條文下，除非根據第 17B(1) 條提出的要求發還旅行證件的申請獲得批准，否則遵照根據第 (1) 款發出的通知書向專員交出的旅行證件，可在自該通知書日期起計的 6 個月期間內予以扣留。（由 2005 年第 10 號第 41 條增補）

document in his possession. (*Amended 50 of 1987 s. 9; 48 of 1996 s. 11*)

- (2) A notice under subsection (1) shall be served personally on the person to whom it is addressed.
- (3) A person on whom a notice under subsection (1) is served shall comply with such notice forthwith.
- (3A) Subject to subsection (6), a person to whom a notice under subsection (1) is addressed shall not leave Hong Kong, whether or not the notice has been served on him under subsection (2), before the expiry of a period of 6 months from the date of the notice unless—
- (a) an application made under section 17B(1) for the return of a travel document is granted; or
- (b) an application made under section 17BA(1) for permission to leave Hong Kong is granted. (*Added 10 of 2005 s. 41*)
- (4) If a person on whom a notice under subsection (1) has been served fails to comply with the notice forthwith, he may be arrested and taken before a magistrate by a police officer or by a person appointed in that behalf by the Commissioner. (*Amended 10 of 2005 s. 41*)
- (5) Where a person is taken before a magistrate under subsection (4), the magistrate shall, unless such person thereupon complies with the notice under subsection (1) or satisfies the magistrate that he does not possess a travel document, by warrant commit him to prison there to be safely kept—
- (a) until the expiry of the period of 28 days from the date of his committal to prison as aforesaid; or
- (b) until such person complies with the notice under subsection (1) and a magistrate, by order in that behalf, orders and directs the Commissioner of Correctional

- (6) 第 (3A) 及 (5A) 款所提述的 6 個月期間在以下情況下可延展一段為期 3 個月的額外期間：裁判官應專員的申請而信納調查按理不能在該項申請日期前完成，並授權該項延展：（由 1987 年第 50 號第 9 條修訂；由 2005 年第 10 號第 41 條修訂）

但在專員就該項申請給予有關通知書的收件人合理的通知之前，裁判官不得聆訊根據本款提出的申請。（由 1987 年第 50 號第 9 條增補。由 2005 年第 10 號第 41 條修訂）

- (6A) 根據本條在裁判官席前進行的一切法律程序，須在內庭進行。（由 1976 年第 15 號第 5 條增補）
- (6B) 根據第 (1) 款發出並已按照第 (2) 款送達收件人的通知書，在收件人已遵照通知書辦理後，不得予以撤銷或撤回。（由 1987 年第 50 號第 9 條增補）
- (7) 在本條及第 17B 條內，**旅行證件** (travel document) 指護照或確定持有人身分或國籍的其他文件。（由 1987 年第 50 號第 9 條修訂）
- （由 1973 年第 56 號第 3 條增補。由 1974 年第 9 號第 10 條修訂）

Services to discharge such person from prison (which order shall be sufficient warrant for the Commissioner of Correctional Services so to do), (*Amended L.N. 30 of 1982*)

whichever occurs first.

- (5A) Subject to subsection (6), a travel document surrendered to the Commissioner in compliance with a notice under subsection (1) may be detained for a period of 6 months from the date of the notice unless an application made under section 17B(1) for the return of the travel document is granted. (*Added 10 of 2005 s. 41*)
- (6) The period of 6 months referred to in subsections (3A) and (5A) may be extended for a further period of 3 months if a magistrate, on application by the Commissioner, is satisfied that the investigation could not reasonably have been completed before the date of such application and authorizes such extension: (*Amended 50 of 1987 s. 9; 10 of 2005 s. 41*)
- Provided that a magistrate shall not hear an application under this subsection unless reasonable notice of the application has been given by the Commissioner to the person to whom the relevant notice is addressed. (*Added 50 of 1987 s. 9. Amended 10 of 2005 s. 41*)
- (6A) All proceedings before a magistrate under this section shall be conducted in chambers. (*Added 15 of 1976 s. 5*)
- (6B) A notice under subsection (1) which has been served in accordance with subsection (2) and complied with shall not thereafter be revoked or withdrawn. (*Added 50 of 1987 s. 9*)
- (7) In this section and in section 17B, **travel document** (旅行證件) means a passport or other document establishing the identity or nationality of a holder. (*Amended 50 of 1987 s. 9*)
- (*Added 56 of 1973 s. 3. Amended 9 of 1974 s. 10*)

17B. 旅行證件的發還

- (1) 已根據第 17A 條交出旅行證件的人，可隨時以書面向專員或裁判官或兼向兩者申請發還該旅行證件，每次申請均須在申請書內陳述申請理由。
- (2) 除非裁判官信納申請人已給予專員合理的書面通知，否則裁判官無須考慮根據第 (1) 款提出的申請。
- (3) 只有在專員或裁判官（為視屬何情況而定）經顧及所有有關情況後（包括顧及第 17A(1) 條所指調查的利益），信納拒絕給予申請會對申請人造成不合理困苦的情況下，專員或裁判官方可批准根據第 (1) 款提出的申請。
- (4) 在根據本條批准申請前 ——
 - (a) 申請人可被要求 ——
 - (i) 將一筆合理款額的款項交予指明的人寄存；
 - (ii) 連同指明的擔保人（如有的話）作出指明的擔保；或
 - (iii) 寄存該筆指明的款項並作出該項指明的擔保；
 - (b) 任何申請人或擔保人可被要求將指明的財產或財產所有權文件交給指明的人寄存及予以保留，直至根據本款作出的擔保不再需要或擔保的承諾須予履行為止。
- (5) 第 (4) 款提述的擔保須受以下條件所規限 ——
 - (a) 申請人須在指明的時間再次向專員交出申請人的旅行證件；及
 - (b) 申請人須在指明的時間及地點在香港報到，其後並須在進一步指明的其他時間及地點在香港報到。（由 2005 年第 10 號第 42 條代替）
- (6) 根據本條提出的申請，可在無條件下獲得批准，亦可在以下條件的規限下獲得批准 ——（由 2005 年第 10 號第 42 條修訂）

17B. Return of travel documents

- (1) A person who has surrendered a travel document under section 17A may at any time make application in writing, either to the Commissioner or to a magistrate or both for its return, and every such application shall contain a statement of the grounds on which it is made.
- (2) A magistrate shall not consider an application made under subsection (1) unless he is satisfied that reasonable notice in writing of it has been given to the Commissioner.
- (3) The Commissioner or a magistrate shall only grant an application made under subsection (1) where the Commissioner or the magistrate, as the case may be, is satisfied that having regard to all the circumstances, including the interests of the investigation referred to in section 17A(1), a refusal to grant the application would cause unreasonable hardship to the applicant.
- (4) Before an application is granted under this section—
 - (a) the applicant may be required to—
 - (i) deposit such reasonable sum of money with such person as may be specified;
 - (ii) enter into such recognizance with such sureties, if any, as may be specified; or
 - (iii) deposit such a sum of money and enter into such a recognizance as may be specified;
 - (b) any such applicant or surety may be required to deposit such property or document of title thereto with such person as may be specified for retention by that person until such time as any recognizance entered into under this subsection is no longer required or is forfeited.

- (a) 申請人須在指明的時間再次向專員交出申請人的旅行證件；及
- (b) 申請人須在指明的時間及地點在香港報到，其後並須在進一步指明的其他時間及地點在香港報到。(由 2005 年第 10 號第 42 條修訂)
- (7) 凡旅行證件根據本條在根據第 (5)(a) 或 (6)(a) 款施加的條件規限下發還予申請人，則在根據該款指明的時間之後，第 17A(3A) 條的條文即繼續就該申請人而適用，而第 17A(5A) 條的條文即繼續就該申請人依據有關條件交出的旅行證件而適用，猶如該申請人不曾根據本條獲發還該旅行證件一樣。(由 2005 年第 10 號第 42 條代替)
- (8) 根據本條在裁判官席前進行的法律程序——
- (a) 須在內庭進行；及
- (b) 須當作為《裁判官條例》(第 227 章)第 105 及 113(3) 條所指裁判官有權循簡易程序裁決的法律程序，而該條例第 VII 部(即關於上訴的條文)經必要的變通後，亦須據此適用於就裁判官根據本條所作命令而提出的上訴。
- (9) 根據本條須就申請人指明的任何事項，須以面交送達申請人的書面通知而予以指明。
(由 1996 年第 48 號第 12 條代替)

- (5) A recognizance referred to in subsection (4) shall be subject to the conditions that—
- (a) the applicant shall further surrender his travel document to the Commissioner at such time as may be specified; and
- (b) the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified. *(Replaced 10 of 2005 s. 42)*
- (6) An application under this section may be granted either without conditions or subject to the conditions that— *(Amended 10 of 2005 s. 42)*
- (a) the applicant shall further surrender his travel document to the Commissioner at such time as may be specified; and
- (b) the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified. *(Amended 10 of 2005 s. 42)*
- (7) Where a travel document is returned to the applicant under this section subject to a condition imposed under subsection (5)(a) or (6)(a), then after the time specified under that subsection, the provisions of section 17A(3A) shall continue to apply in respect of the applicant and the provisions of section 17A(5A) shall continue to apply in respect of the travel document surrendered by the applicant pursuant to the condition as if no return had been made to the applicant under this section. *(Replaced 10 of 2005 s. 42)*
- (8) Proceedings before a magistrate under this section—
- (a) shall be conducted in chambers; and

17BA. 離開香港的准許

- (1) 在不損害第 17B 條的原則下，獲送達根據第 17A(1) 條發出的通知書的人可隨時以書面向專員或裁判官或兼向兩者申請離開香港的准許，每份該等申請均須載有對提出申請的理由的陳述。
- (2) 除非裁判官信納關於根據第 (1) 款提出的申請的合理書面通知已給予專員，否則裁判官無須考慮該項申請。
- (3) 只有在專員或裁判官經顧及整體情況（包括顧及第 17A(1) 條所提述的調查的利益）後，信納拒絕批准根據第 (1) 款提出的申請會對申請人造成不合理困苦的情況下，專員或裁判官（視屬何情況而定）方可批准該項申請。
- (4) 在根據本條批准申請前——
 - (a) 申請人可被要求——
 - (i) 將一筆合理款額的款項寄存於指明的人處；
 - (ii) 聯同指明的擔保人（如有的話）作出指明的擔保；或
 - (iii) 寄存該筆指明的款項並作出該項指明的擔保；
 - (b) 任何申請人或擔保人可被要求將指明的財產或財產所有權文件寄存於指明的人處以作保留，直至根據

(b) shall be deemed to be proceedings which a magistrate has power to determine in a summary way within the meaning of sections 105 and 113(3) of the Magistrates Ordinance (Cap. 227) and, accordingly, Part VII of that Ordinance (which relates to appeals) shall apply, with the necessary modifications, to appeals against an order of a magistrate under this section.

- (9) Anything to be specified in respect of an applicant under this section shall be specified by notice in writing served personally on the applicant.

(Replaced 48 of 1996 s. 12)

17BA. Permission to leave Hong Kong

- (1) Without prejudice to section 17B, a person on whom a notice under section 17A(1) is served may at any time make application in writing to the Commissioner or to a magistrate or both for permission to leave Hong Kong, and every such application shall contain a statement of the grounds on which it is made.
- (2) A magistrate shall not consider an application made under subsection (1) unless he is satisfied that reasonable notice in writing of it has been given to the Commissioner.
- (3) The Commissioner or a magistrate shall only grant an application made under subsection (1) where the Commissioner or the magistrate, as the case may be, is satisfied that having regard to all the circumstances, including the interests of the investigation referred to in section 17A(1), a refusal to grant the application would cause unreasonable hardship to the applicant.
- (4) Before an application is granted under this section—
 - (a) the applicant may be required to—

本款作出的擔保不再需要或擔保的承諾須予履行為止。

- (5) 第 (4) 款所指的擔保須受以下條件規限：申請人須在指明的時間地點在香港報到，而其後須在進一步指明的其他時間地點在香港報到。
- (6) 根據本條提出的申請，可在無條件下獲得批准，亦可在以下條件規限下獲得批准：申請人須在指明的時間地點在香港報到，而其後須在進一步指明的其他時間地點在香港報到。
- (7) 凡某人在根據第 (5) 或 (6) 款施加的條件規限下根據本條獲批准離開香港，則在根據該款指明的時間之後，或（如適用的話）在該等時間中的最後的一個之後，第 17A(3A) 條的條文即繼續就該人而適用，猶如該人不曾根據本條獲批准離開香港一樣。
- (8) 根據本條在裁判官席前進行的法律程序——
 - (a) 須在內庭進行；及
 - (b) 須當作為《裁判官條例》(第 227 章) 第 105 及 113(3) 條所指裁判官有權循簡易程序裁決的法律程序，而據此該條例第 VII 部（該部與上訴有關）經必要的變通後適用於針對裁判官根據本條所作命令而提出的上訴。
- (9) 根據本條須就申請人指明的任何事項，須藉面交送達申請人的書面通知而指明。

(由 2005 年第 10 號第 43 條增補)

- (i) deposit such reasonable sum of money with such person as may be specified;
 - (ii) enter into such recognizance with such sureties, if any, as may be specified; or
 - (iii) deposit such a sum of money and enter into such a recognizance as may be specified;
- (b) any such applicant or surety may be required to deposit such property or document of title thereto with such person as may be specified for retention by that person until such time as any recognizance entered into under this subsection is no longer required or is forfeited.
- (5) A recognizance referred to in subsection (4) shall be subject to a condition that the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified.
 - (6) An application under this section may be granted either without condition or subject to a condition that the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified.
 - (7) Where a person is permitted to leave Hong Kong under this section subject to a condition imposed under subsection (5) or (6), then after the time specified under that subsection or (if applicable) after the last of such times, the provisions of section 17A(3A) shall continue to apply in respect of the person as if the person had not been permitted to leave Hong Kong under this section.
 - (8) Proceedings before a magistrate under this section—
 - (a) shall be conducted in chambers; and

17C. 有關擔保、報到等事項的進一步條文

- (1) 凡任何根據第 17B 條提出申請並獲批准的人沒有遵從該條所施加的任何條件的規定 —— (由 1996 年第 48 號第 13 條修訂)
- (a) 可遭逮捕及處理，其方式與根據第 17A(4) 及 (5) 條逮捕及處理不遵照根據第 17A(1) 條所發通知書辦理的人所用方式一樣；及
- (b) 裁判官可應專員的申請或根據《裁判官條例》(第 227 章) 第 65 條 (即關於強制執行擔保的條文)，對根據第 17B 條寄存的款項、財產或財產所有權文件或作出的擔保予以沒收或宣告擔保的承諾須予履行。
- (1A) 凡任何根據第 17BA 條提出申請並獲批准的人沒有遵從根據該條施加的任何條件的規定，裁判官可應專員的申請或根據《裁判官條例》(第 227 章) 第 65 條，沒收根據第 17BA 條寄存的款項、財產或財產所有權文件或作出的擔保或宣告擔保的承諾須予履行。 (由 2005 年第 10 號第 44 條增補)
- (2) 在不損害《裁判官條例》(第 227 章) 第 65 條的原則下，凡裁判官根據本條宣告或命令擔保的承諾須予履行，則如專員提出申請，該項宣告或命令可在原訟法庭登記，

- (b) shall be deemed to be proceedings which a magistrate has power to determine in a summary way within the meaning of sections 105 and 113(3) of the Magistrates Ordinance (Cap. 227) and, accordingly, Part VII of that Ordinance (which relates to appeals) shall apply, with the necessary modifications, to appeals against an order of a magistrate under this section.

- (9) Anything to be specified in respect of an applicant under this section shall be specified by notice in writing served personally on the applicant.

(Added 10 of 2005 s. 43)

17C. Further provisions relating to security, appearance, etc.

- (1) Where a person granted an application under section 17B fails to comply with the requirement of any condition imposed under that section— *(Amended 48 of 1996 s. 13)*
- (a) he may be arrested and dealt with in the same manner that a person who fails to comply with a notice under section 17A(1) may be arrested and dealt with under section 17A(4) and (5); and
- (b) any deposit made or recognizance entered into under section 17B may be forfeited by a magistrate on application by the Commissioner or under section 65 (which relates to the enforcement of recognizances) of the Magistrates Ordinance (Cap. 227).
- (1A) Where a person granted an application under section 17BA fails to comply with the requirement of any condition imposed under that section, any deposit made or recognizance entered into under that section may be forfeited by a magistrate on application by the Commissioner or under section 65 of the Magistrates Ordinance (Cap. 227). *(Added 10 of 2005 s. 44)*

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而《刑事訴訟程序條例》(第 221 章)第 110、111、112、113 及 114 條(即關於強制執行擔保的條文)隨即對該項擔保及其有關情況適用。(由 1998 年第 25 號第 2 條修訂)

- (3) (由 1992 年第 44 號第 4 條廢除)
(由 1987 年第 50 號第 10 條增補)

18. (由 1992 年第 44 號第 5 條廢除)

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- (2) Without prejudice to section 65 of the Magistrates Ordinance (Cap. 227), where a magistrate declares or orders the forfeiture of a recognizance under this section, such declaration or order may, on the application of the Commissioner, be registered in the Court of First Instance, and thereupon the provisions of sections 110, 111, 112, 113 and 114 (which relate to the enforcement of recognizances) of the Criminal Procedure Ordinance (Cap. 221) shall apply to and in relation to that recognizance. (*Amended 25 of 1998 s. 2*)

- (3) (*Repealed 44 of 1992 s. 4*)

(*Added 50 of 1987 s. 10*)

18. (*Repealed 44 of 1992 s. 5*)

第 IV 部**證據***(格式變更——2017 年第 1 號編輯修訂紀錄)***19. 習慣不能作為免責辯護**

在因本條例所訂罪行而進行的任何法律程序中，即使顯示本條例所提及的利益對任何專業、行業、職業或事業而言已成習慣，亦不屬免責辯護。

20. 被控人的聲明及陳述作為證據的可接納性

在對被控犯本條例所訂罪行的人進行的法律程序中——

- (a) 如該人自願作為證人，該人獲根據第 14 條送達通知書後，因遵照或其意是遵照其中條款而提交的法定聲明或陳述書，須被視作他先前就有關該法律程序的標的事宜而作出的陳述，而《證據條例》(第 8 章)第 13 及 14 條須對該證人適用；
- (b) 該人獲根據第 14 條送達通知書後，如在任何方面不遵照其中條款辦理，此事實可提出作為證據，法庭及控方並可對此加以評論。

*(由 1996 年第 48 號第 14 條代替)***21. 金錢資源或財產的證據**

- (1) 被控犯第 II 部 (第 10 條除外) 所訂罪行的人，如管有或在指稱為犯罪日期的當日或相近日子或該日以後任何時

Part IV**Evidence***(Format changes—E.R. 1 of 2017)***19. Custom not to be a defence**

In any proceedings for an offence under this Ordinance, it shall not be a defence to show that any such advantage as is mentioned in this Ordinance is customary in any profession, trade, vocation or calling.

20. Admissibility of accused's declarations and statements

In any proceedings against a person for an offence under this Ordinance—

- (a) if such person tenders himself as a witness then any statutory declaration or statement in writing furnished by him in compliance or purported compliance with the terms of a notice served on him under section 14 shall be regarded as a former statement made by him relative to the subject-matter of the proceedings and sections 13 and 14 of the Evidence Ordinance (Cap. 8) shall apply with respect to that witness;
- (b) the fact of the person's failure in any respect to comply with the terms of a notice served on him under section 14 may be adduced in evidence and made the subject of comment by the court and the prosecution.

*(Replaced 48 of 1996 s. 14)***21. Evidence of pecuniary resources or property**

- (1) In any proceedings against a person for an offence under Part II (other than section 10), the fact that the accused was, at or

間曾經管有與其已知收入來源不相稱的金錢資源或財產，而又無法提出圓滿解釋，或被控人在指稱為犯罪日期的當日或相近日子或該日以後任何時間獲得金錢資源或財產上的增益，而又無法提出圓滿解釋，則在對該人進行的法律程序中，可對此事實加以證明，法庭並可以此作為——

- (a) 在該程序中證人指證被控人曾接受或索取利益所作證供的佐證；及
 - (b) 顯示該利益是作為誘因或報酬而接受或索取。
- (2) 就第 (1) 款而言，凡有人持有或曾經持有金錢資源或財產，或獲得金錢資源或財產上的增益，而鑑於該人與被控犯第 II 部 (第 10 條除外) 所訂罪行的人的關係或其他情況，有理由相信該人是為被控人以信託形式持有或以其他方式代被控人持有或曾經持有，或因被控人的饋贈而持有或曾經持有該等金錢資源或財產，或獲得該項金錢資源或財產上的增益，則該被控人須予推定為管有或曾經管有該等金錢資源或財產，或曾獲得該項金錢資源或財產上的增益。

21A. 公職薪俸等的證明書

- (1) 在對被控犯本條例所訂罪行的人進行的法律程序中，凡有證明書看來是—— (由 1987 年第 50 號第 12 條修訂)
 - (a) 證明——
 - (i) 任何訂明人員因執行其訂明人員職務而獲發的公職薪俸率及另加津貼額，以及兩者的總款額； (由 2003 年第 14 號第 18 條修訂)

about the date of or at any time since the date of the alleged offence, or is in possession, for which he cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income, or that he had, at or about the date of or at any time since the date of the alleged offence, obtained an accretion to his pecuniary resources or property for which he cannot satisfactorily account, may be proved and may be taken by the court—

- (a) as corroborating the testimony of any witness giving evidence in such proceedings that the accused accepted or solicited any advantage; and
 - (b) as showing that such advantage was accepted or solicited as an inducement or reward.
- (2) For the purposes of subsection (1) a person accused of an offence under Part II (other than section 10) shall be presumed to be or to have been in possession of pecuniary resources or property, or to have obtained an accretion thereto, where such resources or property are or were held, or such accretion was obtained, by any other person whom, having regard to his relationship to the accused or to any other circumstances, there is reason to believe is or was holding such resources or property or obtained such accretion in trust for or otherwise on behalf of the accused or as a gift from the accused.

21A. Certificate as to official emoluments, etc.

- (1) In any proceedings against a person for an offence under this Ordinance, a certificate purporting— (*Amended 50 of 1987 s. 12*)
 - (a) to certify—
 - (i) the rate of, and the total amount of, official emoluments and the allowances, other than such

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- (ii) 任何人在某指明時間或指明期間內任職或非任職為訂明人員，或在某指明時間或指明時間之前停止出任訂明人員；或（由 2003 年第 14 號第 18 條修訂）
- (iii) 某訂明人員在某指明時間擔任或並非擔任某指明職位；及（由 2003 年第 14 號第 18 條修訂）
- (b) 由政務司司長簽署，
則在該程序中呈堂時，法庭須予接納而無須再加證明。
- (2) 凡第 (1) 款所述證明書在法庭呈堂時，在相反證明成立之前，該法庭須推定——
- (a) 證明書所載事項屬實；及
- (b) 該證明書是由政務司司長簽署的。
- (3) 在本條中，**公職薪俸** (official emoluments) 包括根據《退休金條例》(第 89 章)、《退休金利益條例》(第 99 章) 或《退休金利益 (司法人員) 條例》(第 401 章) 須付的退休金或酬金。（由 1987 年第 36 號第 44 條修訂；由 1988 年第 85 號第 51 條修訂；由 1997 年第 192 號法律公告修訂；由 1997 年第 219 號法律公告修訂）
(由 1978 年第 69 號第 2 條增補。由 1997 年第 362 號法律公告修訂)

22. 給予或收取賄賂的人不作從犯看待

即使任何條例、法律規則或慣例有相反規定，在因第 II 部所訂罪行而進行的法律程序中，不得單以證人或他人代證人向被控人支付或交付任何利益為理由，或單以被控人或他人代

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- emoluments, paid to any prescribed officer in relation to the discharge by him of his duties as a prescribed officer; (*Amended 14 of 2003 s. 18*)
- (ii) that any person was or was not serving at any specified time or during any specified period as a prescribed officer or ceased to be a prescribed officer at or before any specified time; or (*Amended 14 of 2003 s. 18*)
- (iii) that a prescribed officer held or did not hold at any specified time any specified office; and (*Amended 14 of 2003 s. 18*)
- (b) to be signed by the Chief Secretary for Administration, shall be admitted in such proceedings by any court on its production without further proof.
- (2) On the production of a certificate under subsection (1) the court before which it is produced shall, until the contrary is proved, presume—
- (a) that the facts stated therein are true; and
- (b) that the certificate was signed by the Chief Secretary for Administration.
- (3) In this section, **official emoluments** (公職薪俸) includes a pension or gratuity payable under the Pensions Ordinance (Cap. 89), the Pension Benefits Ordinance (Cap. 99) or the Pension Benefits (Judicial Officers) Ordinance (Cap. 401). (*Amended 36 of 1987 s. 44; 85 of 1988 s. 51*)
(*Added 69 of 1978 s. 2. Amended L.N. 362 of 1997*)

22. Person giving or receiving bribe not to be regarded as an accomplice

Notwithstanding any Ordinance, rule of law or practice to the contrary, no witness shall, in any proceedings for an offence

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被控人向證人支付或交付任何利益為理由（視屬何情況而定），將該證人視作從犯。

(由 1998 年第 25 號第 2 條修訂)

23. 向參與犯罪者獲取證據的權力

在因第 II 部所訂罪行而進行的法律程序中，或為進行該程序，法庭可應律政司司長的書面請求向被控或懷疑犯該罪行或第 II 部所訂其他罪行的人發出通知，表示該人如在該法律程序中及在高等法院的審訊中（如該程序是為根據《裁判官條例》（第 227 章）第 85 條將案件交付審訊而進行者）接受合法訊問時，就一切訊問的事項提供詳盡真實的證據，則不會因該證據披露任何罪行而遭受檢控；該人在所述程序中提供證據後，除非聽取其證據的法庭認為該人故意隱瞞證據或提出虛假證供，並以書面向律政司司長證明此事，否則不得因該證供披露任何罪行而對該人提出或繼續進行檢控。

(由 1997 年第 362 號法律公告修訂；由 1998 年第 25 號第 2 條修訂)

24. 舉證責任

在對被控犯本條例所訂罪行的人進行的法律程序中，以具有合法權限或合理辯解為免責辯護的舉證責任在於被控人。

25-26. *(由 1996 年第 48 號第 17 條廢除)*

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under Part II, be regarded as an accomplice by reason only of any payment or delivery by him or on his behalf of any advantage to the person accused or, as the case may be, by reason only of any payment or delivery of any advantage by or on behalf of the person accused to him.

(Amended 25 of 1998 s. 2)

23. Power to secure evidence of parties to offences

In or for the purpose of any proceedings for an offence under Part II, the court may, at the request in writing of the Secretary for Justice, inform any person accused or suspected of such offence or of any other offence under Part II that, if he gives full and true evidence in such proceedings and, where such proceedings are proceedings held with a view to committal for trial under section 85 of the Magistrates Ordinance (Cap. 227), in the trial before the High Court of all things as to which he is lawfully examined, he will not be prosecuted for any offence disclosed by his evidence; and upon such person giving evidence in any such proceedings no prosecution against him for any offence disclosed by his evidence therein shall be instituted or carried on unless the court before which he gives evidence considers that he has wilfully withheld evidence or given false testimony and so certifies to the Secretary for Justice in writing.

(Amended L.N. 362 of 1997; 25 of 1998 s. 2)

24. Burden of proof

In any proceedings against a person for an offence under this Ordinance, the burden of proving a defence of lawful authority or reasonable excuse shall lie upon the accused.

25-26. *(Repealed 48 of 1996 s. 17)*

第 V 部**雜項***(格式變更——2017 年第 1 號編輯修訂紀錄)***27. 向律政司司長報知瑣屑無聊、虛假或無根據的申訴**

在因本條例所訂罪行而進行的法律程序完結時，法庭如認為申訴人或任何其他人士明知而就被控人作出虛假、瑣屑無聊或無根據的指稱，意圖陷害他，則可以書面證明此事，並將該證明書及該法律程序的紀錄送交律政司司長。

*(由 1997 年第 362 號法律公告修訂)***28. 獲判無罪時的訟費**

因第 II 部所訂罪行而在高等法院或區域法院受審的人如獲判無罪，法庭可向該人判給訟費，該訟費經評定後由政府一般收入撥支。

*(由 1998 年第 25 號第 2 條修訂)***29. 虛報犯罪等的罪行**

凡有指稱或懷疑犯了本條例所訂罪行，在該罪行的調查過程中，或在與該罪行有關的法律程序中，任何人明知而——

- (a) 向根據第 13 條所發授權書內指明的調查人員作出或導致作出已有人犯了本條例所訂罪行的虛假報告；或
- (b) 誤導根據第 13 條所發授權書內指明的調查人員，

Part V**Miscellaneous***(Format changes—E.R. 1 of 2017)***27. Frivolous, false or groundless complaints to be reported to the Secretary for Justice**

At the conclusion of proceedings for an offence under this Ordinance, the court may, if of the opinion that the complainant or any other person has knowingly, and with intent to harm the accused, made a false, frivolous or groundless allegation against him, so certify in writing and transmit the certificate and the record of the proceedings to the Secretary for Justice.

*(Amended L.N. 362 of 1997)***28. Costs on acquittal**

Where a person is acquitted after trial before the High Court or the District Court for an offence under Part II, the court may award costs to that person, such costs to be taxed and paid out of the general revenue.

*(Amended 25 of 1998 s. 2)***29. Offence of making a false report of the commission of offence, etc.**

Any person who, during the course of an investigation into, or in any proceedings relating to, an offence alleged or suspected to have been committed under this Ordinance, knowingly—

- (a) makes or causes to be made a false report of the commission of an offence under this Ordinance to any investigating officer specified in an authorization given under section 13; or

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即屬犯罪，一經循簡易程序定罪，可處罰款 \$20,000 及監禁 1 年。

(由 1974 年第 9 號第 12 條修訂)

30. 披露受調查人身分等資料的罪行

- (1) 任何明知或懷疑正有調查就任何被指稱或懷疑已犯的第 II 部所訂罪行而進行的人如無合法權限或合理辯解，而向——
- 該項調查的標的之人 (**受調查人**) 披露他是該項調查的標的此一事實或該項調查的任何細節；或
 - 公眾、部分公眾或任何特定人士披露該受調查人的身分或該受調查人正受調查的事實或該項調查的任何細節，

即屬犯罪，一經定罪，可處罰款 \$20,000 及監禁 1 年。(由 1996 年第 48 號第 15 條代替)

(1A) (由 1996 年第 48 號第 16 條廢除)

- (2) 凡在與調查有關連的情況下，有以下情形——
- 已就逮捕受調查人發出手令；
 - 受調查人已(不論有或沒有手令的情況下)被逮捕；
 - 受調查人已被根據第 14(1)(a) 或 (b) 條送達予他的通知書要求提交法定聲明或書面陳述；
 - 已根據第 14C(3) 條將限制令送達任何人；
 - 受調查人的住所已根據在第 17 條下發出的手令被搜查；或
 - 受調查人已被根據第 17A 條送達予他的通知書要求向專員交出其管有的任何旅行證件，(由 1999 年第 20 號第 3 條修訂)

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(b) misleads any investigating officer specified in an authorization given under section 13, shall be guilty of an offence and shall be liable on summary conviction to a fine of \$20,000 and to imprisonment for 1 year.

(Amended 9 of 1974 s. 12)

30. Offence to disclose identity, etc. of persons being investigated

- (1) Any person who knowing or suspecting that an investigation in respect of an offence alleged or suspected to have been committed under Part II is taking place, without lawful authority or reasonable excuse, discloses to—

- the person who is the subject of the investigation (the **subject person**) the fact that he is so subject or any details of such investigation; or
- the public, a section of the public or any particular person the identity of the subject person or the fact that the subject person is so subject or any details of such investigation,

shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year. (Replaced 48 of 1996 s. 15)

(1A) (Repealed 48 of 1996 s. 16)

- (2) Subsection (1) shall not apply as regards disclosure of any of the descriptions mentioned in that subsection where, in connection with such investigation—

- a warrant has been issued for the arrest of the subject person;
- the subject person has been arrested whether with or without warrant;

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則就第 (1) 款所提及的任何種類的披露而言，第 (1) 款不適用。(由 1996 年第 48 號第 16 條代替)

- (3) 在不影響第 (1) 款中的**合理辯解**一詞的一般性的原則下，如任何人在以下情況下(但亦只有在以下範圍內)作該款所提及的任何種類的披露，即就該項披露而言屬有合理辯解——
- (a) 該項披露公開專員、副專員或任何廉政公署人員的不合法活動、濫用權力、嚴重疏於職守或其他嚴重不當行為；或
- (b) 該項披露公開一項對香港的公共秩序或安全或公眾的健康或安全的嚴重威脅。(由 1996 年第 48 號第 16 條代替)

(由 1974 年第 9 號第 13 條修訂)

30A. 對舉報人的保障

- (1) 除第 (2) 款另有訂定外——
- (a) 就本條例所訂罪行而獲得的資料，不得在任何民事或刑事程序中接納為證據；及
- (b) 在任何民事或刑事程序中，如曾就本條例所訂罪行向專員舉報資料的人或曾就該罪行向專員提供任何

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- (c) the subject person has been required to furnish a statutory declaration or a statement in writing by a notice served on him under section 14(1)(a) or (b);
- (d) a restraining order has been served on any person under section 14C(3);
- (e) the residence of the subject person has been searched under a warrant issued under section 17; or
- (f) the subject person has been required to surrender to the Commissioner any travel document in his possession by a notice served on him under section 17A. (*Replaced 48 of 1996 s. 16*)
- (3) Without affecting the generality of the expression **reasonable excuse** in subsection (1) a person has a reasonable excuse as regards disclosure of any of the descriptions mentioned in that subsection if, but only to the extent that, the disclosure reveals—
- (a) any unlawful activity, abuse of power, serious neglect of duty, or other serious misconduct by the Commissioner, the Deputy Commissioner or any officer of the Commission; or
- (b) a serious threat to public order or to the security of Hong Kong or to the health or safety of the public. (*Replaced 48 of 1996 s. 16*)

(Amended 9 of 1974 s. 13)

30A. Protection of informers

- (1) Save as provided in subsection (2)—
- (a) no information for an offence under this Ordinance shall be admitted in evidence in any civil or criminal proceeding; and

協助的人並非該程序中的證人，則該程序中的任何證人無須——

- (i) 披露該舉報人或協助人的姓名或地址；或
- (ii) 回答任何問題，如該問題的答案會致使或可能致使該舉報人或協助人的姓名或地址被揭露，

又在任何民事或刑事程序中，作為證據或可受查閱的任何簿冊、文件或字據，如載有的材料包含該舉報人或協助人的姓名或描述，或可能致使其身分被揭露，則法庭為保護該舉報人或協助人免其身分被揭露，須着令將該材料的一切有關部分遮掩或塗去。

- (2) 為本條例所訂罪行而進行法律程序的法庭經全面研訊該個案後，如信納舉報人在要項上故意作出明知或相信為虛假或不相信為真實的陳述，或在其他法律程序中，法庭認為如不披露舉報人或曾協助專員的人的姓名，會令該程序的當事人不能得到完全公正的處理，則有關法庭可准許查詢及可要求詳盡披露有關該舉報人或協助人的事項。

(由 1980 年第 28 號第 13 條增補)

- (b) no witness in any civil or criminal proceeding shall be obliged—

- (i) to disclose the name or address of any informer who has given information to the Commissioner with respect to an offence under this Ordinance or of any person who has assisted the Commissioner in any way with respect to such an offence; or
- (ii) to answer any question if the answer thereto would lead, or would tend to lead, to discovery of the name or address of such informer or person,
(Amended L.N. 162 of 1993)

if, in either case, such informer or person is not himself a witness in such proceeding,

and, if any books, documents or papers which are in evidence or liable to inspection in any civil or criminal proceeding contain an entry in which any such informer or person is named or described or which might lead to his discovery, the court shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer or such person from discovery.

- (2) If in any proceeding before a court for an offence under this Ordinance the court, after full inquiry into the case, is satisfied that an informer wilfully made a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceeding a court is of opinion that justice cannot be fully done between the parties thereto without disclosure of the name of an informer or a person who has assisted the Commissioner, the court may permit inquiry and require full disclosure concerning the informer or such person.

(Added 28 of 1980 s. 13)

31. 就第 II 部所訂罪行提出檢控須經律政司司長同意

- (1) 未經律政司司長同意，不得就第 II 部所訂罪行提出檢控。
- (2) 即使本條第 (1) 款另有規定，及即使未獲得律政司司長就第 II 部所訂罪行的提出檢控給予同意，涉嫌犯了第 II 部所訂罪行的人仍可被檢控犯該罪行並可因此被逮捕，或可為逮捕他而發出手令及予以執行，而該人可遭羈押或獲准保釋；但該人因該項檢控而遭羈押或獲准保釋的期間不得超過 3 天，除非在該期間內獲得律政司司長給予上述的同意。 (由 1973 年第 56 號第 4 條修訂)
- (3) 如任何人在律政司司長同意提出檢控之前被送交裁判官，該被控人須獲解釋有關的檢控，但不得被提問是否認罪，而在當其時施行的有關刑事訴訟程序的法律規定須據此加以變通。
- (4) 《律政人員條例》(第 87 章) 第 7 條及《釋義及通則條例》(第 1 章) 第 43 條均不適用於律政司司長因第 10 條所訂罪行同意提出檢控的情況。 (由 1973 年第 56 號第 4 條增補)
(由 1997 年第 362 號法律公告修訂)

31AA. 提交涉及行政長官被懷疑犯罪的事宜

- (1) 儘管第 30 條另有規定，凡專員有理由懷疑行政長官可能犯了本條例所訂罪行，專員可將該事宜提交律政司司長，

31. Consent of Secretary for Justice required for prosecution of offences under Part II

- (1) No prosecution for an offence under Part II shall be instituted except with the consent of the Secretary for Justice.
- (2) Notwithstanding subsection (1) of this section a person may be charged with an offence under Part II and may be arrested therefor, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail notwithstanding that the consent of the Secretary for Justice to the institution of a prosecution for the offence has not been obtained, but no such person shall be remanded in custody or on bail for longer than 3 days on such charge unless in the meantime the consent of the Secretary for Justice aforesaid has been obtained. (*Amended 56 of 1973 s. 4*)
- (3) When a person is brought before a magistrate before the Secretary for Justice has consented to the prosecution, the charge shall be explained to the person accused but he shall not be called upon to plead and the provision of the law for the time being in force relating to criminal procedure shall be modified accordingly.
- (4) Neither section 7 of the Legal Officers Ordinance (Cap. 87) nor section 43 of the Interpretation and General Clauses Ordinance (Cap. 1) shall apply to or in respect of the giving by the Secretary for Justice of his consent to the institution of a prosecution for an offence against section 10. (*Added 56 of 1973 s. 4*)

*(Amended L.N. 362 of 1997)***31AA. Referral of matter involving offence suspected to have been committed by Chief Executive**

- (1) Notwithstanding section 30, where the Commissioner

讓律政司司長考慮是否行使他在第 (2) 款下的權力。

- (2) 儘管第 30 條另有規定，凡律政司司長因根據第 (1) 款作出的提交而有理由懷疑行政長官可能犯了本條例所訂罪行，他可將該事宜提交立法會議員，讓他們考慮是否根據《基本法》第七十三條第 (九) 項採取任何行動。

(由 2008 年第 22 號第 5 條增補)

31AB. 立法會議員等披露根據第 31AA 條收取的資料

- (1) 儘管第 30 條另有規定，立法會議員可為使立法會議員能根據《基本法》第七十三條第 (九) 項採取任何行動，或為使立法會議員能考慮是否根據《基本法》第七十三條第 (九) 項採取任何行動，而向秘書長披露任何根據第 31AA 條收取的資料。
- (2) 儘管第 30 條另有規定，秘書長如信納為使立法會議員能根據《基本法》第七十三條第 (九) 項採取任何行動，或為使立法會議員能考慮是否根據《基本法》第七十三條第 (九) 項採取任何行動，有合理需要向任何受僱於立法會秘書處的職員披露任何根據第 (1) 款收取的資料，則秘書長可在得到立法會主席事先批准下，向該職員披露該等資料。
- (3) 立法會主席除非信納為使立法會議員能根據《基本法》第七十三條第 (九) 項採取任何行動，或為使立法會議員能考慮是否根據《基本法》第七十三條第 (九) 項採取任何行動，有合理需要根據第 (2) 款作出某項披露，否則不得批准該項披露。
- (4) 凡立法會全體議員的四分之一已根據《基本法》第七十三條第 (九) 項，就某項根據第 31AA(2) 條提交立法會議員

has reason to suspect that the Chief Executive may have committed an offence under this Ordinance, the Commissioner may refer the matter to the Secretary for Justice for him to consider whether to exercise his power under subsection (2).

- (2) Notwithstanding section 30, where as a result of a referral made under subsection (1), the Secretary for Justice has reason to suspect that the Chief Executive may have committed an offence under this Ordinance, he may refer the matter to the Members of the Legislative Council for them to consider whether to take any action under Article 73(9) of the Basic Law.

(Added 22 of 2008 s. 5)

31AB. Disclosure of information received under section 31AA by Members of Legislative Council etc.

- (1) Notwithstanding section 30, a Member of the Legislative Council may disclose any information received under section 31AA to the Secretary General for the purpose of enabling the Members of the Legislative Council to take, or to consider whether to take, any action under Article 73(9) of the Basic Law.
- (2) Notwithstanding section 30, the Secretary General may, with the prior approval of the President of the Legislative Council, disclose any information received under subsection (1) to any member of the staff employed in the Legislative Council Secretariat if the Secretary General is satisfied that the disclosure is reasonably necessary for the purpose of enabling the Members of the Legislative Council to take, or to consider whether to take, any action under Article 73(9) of the Basic Law.
- (3) The President of the Legislative Council shall not approve a disclosure under subsection (2) unless the President is satisfied that the disclosure is reasonably necessary for the

的事宜作出聯合動議，指控行政長官有嚴重違法或瀆職行為，則就任何人披露律政司司長根據第 31AA(2) 條向立法會議員提供的關乎該事宜的任何資料而言，第 30(1) 條不適用。

- (5) 在本條中，**秘書長** (Secretary General) 具有《立法會行政管理委員會條例》(第 443 章) 第 2 條給予該詞的涵義。

(由 2008 年第 22 號第 5 條增補)

31A. 檢控罪行的時限

- (1) 即使《裁判官條例》(第 227 章) 第 26 條另有規定，有關第 3、14(5)、14A(5)、14C(6) 或 33A 條所訂罪行的申訴或告發，可在事發後 2 年內提出。
- (2) 即使《裁判官條例》(第 227 章) 第 26 條另有規定，有關第 13(3)、13(4)、29 或 30(1) 條所訂罪行的申訴或告發，可在事發後 1 年內提出。
- (3) 任何人如在《1980 年防止賄賂 (修訂) 條例》(1980 年第 28 號) 的生效日期之前已犯第 3、13(3)、13(4)、14(5)、14A(5)、14C(6)、29 或 30(1) 條所訂罪行，但除因本條的規定外，不會因該罪行遭憑藉《裁判官條例》(第 227 章) 第 26 條提出檢控，則即使本條另有規定，該人亦不會因該罪行被檢控。

(由 1980 年第 28 號第 14 條增補)

purpose of enabling the Members of the Legislative Council to take, or to consider whether to take, any action under Article 73(9) of the Basic Law.

- (4) Where in relation to a matter referred to the Members of the Legislative Council under section 31AA(2), a motion has been initiated jointly by one-fourth of all the Members of the Legislative Council under Article 73(9) of the Basic Law charging the Chief Executive with serious breach of law or dereliction of duty, section 30(1) shall not apply as regards the disclosure by any person of any information relating to the matter provided by the Secretary for Justice to the Members of the Legislative Council under section 31AA(2).
- (5) In this section, **Secretary General** (秘書長) has the meaning assigned to it in section 2 of The Legislative Council Commission Ordinance (Cap. 443).

(Added 22 of 2008 s. 5)

31A. Time limit for prosecution of offences

- (1) Notwithstanding section 26 of the Magistrates Ordinance (Cap. 227), a complaint may be made or an information laid in respect of an offence under section 3, 14(5), 14A(5), 14C(6) or 33A within 2 years from the time when the matter of such complaint or information respectively arose.
- (2) Notwithstanding section 26 of the Magistrates Ordinance (Cap. 227), a complaint may be made or an information laid in respect of an offence under section 13(3), 13(4), 29 or 30(1) within 1 year from the time when the matter of such complaint or information respectively arose.
- (3) Where a person has, before the commencement of the Prevention of Bribery (Amendment) Ordinance 1980 (28 of 1980), committed an offence under section 3, 13(3), 13(4), 14(5), 14A(5), 14C(6), 29 or 30(1) and, but for this section,

編輯附註：

“《1980 年防止賄賂 (修訂) 條例》” 乃 “Prevention of Bribery (Amendment) Ordinance 1980” 之譯名。

32. 他罪成立的裁定及罪行詳情的修改

- (1) 在第 II 部所訂罪行的審訊中，如不能證明被控人犯了所檢控的罪行，但能證明被控人犯了第 II 部所訂的其他罪行，則即使該其他罪行的檢控未有根據第 31 條獲得所需同意，該被控人仍可被裁定犯了該其他罪行，並須受相應處理。(由 1973 年第 56 號第 5 條修訂)
- (2) 在因第 II 部所訂罪行而進行的審訊中，如所檢控罪行的詳情與為證明該罪行而提出的證據，兩者有關鍵性的差異，則如果法庭認為有表面證據證明曾犯該罪，被控人即不能單因該項差異而就該指控的罪行獲判無罪；在此情形下，即使就該證據所證明的詳情而言，未有根據第 31 條獲得同意，法庭仍可對該詳情作出必要的修改，然後須隨即向被控人宣讀及解釋所修改事項，並須准許各當事人重新傳召任何曾接受訊問的證人，就有關修改的事項加以訊問，以及在第 (3) 款的規限下，傳召任何另外的證人。(由 1973 年第 56 號第 5 條修訂)
- (3) 根據第 (2) 款所作的修改如在控方的案舉證完結後才作出，控方不得傳召另外的證人，但在本款規定以外獲准傳召並只就有關准許的事項而傳召以提出反駁證據者，則屬例外。
- (4) 本條並不阻止法庭引用可裁定被控人犯了其控罪以外罪行的其他法律。

would not be liable to be prosecuted for that offence by virtue of section 26 of the Magistrates Ordinance (Cap. 227), he shall, notwithstanding this section, not be liable to be prosecuted for that offence.

(Added 28 of 1980 s. 14)

32. Alternative convictions, and amending particulars

- (1) If, on the trial of any person for any offence under Part II, it is not proved that the accused is guilty of the offence charged but it is proved that the accused is guilty of some other offence under Part II, the accused may, notwithstanding the absence of consent under section 31 in respect of such other offence, be convicted of such other offence, and be liable to be dealt with accordingly. *(Amended 56 of 1973 s. 5)*
- (2) If on the trial of any person for any offence under Part II there is any material variance between the particulars of the offence charged and the evidence adduced in support thereof, such variance shall not, of itself, entitle the accused to an acquittal of the offence charged if, in the opinion of the court, there is prima facie evidence of the commission of that offence, and in such a case the court may, notwithstanding the absence of consent under section 31 in respect of the particulars supported by the evidence adduced, make the necessary amendment to the particulars, and shall thereupon read and explain the same to the accused and the parties shall be allowed to recall and examine on matters relevant to such amendment any witness who may have been examined and, subject to the provisions of subsection (3), to call any further witness. *(Amended 56 of 1973 s. 5)*
- (3) If an amendment is made under subsection (2) after the case for the prosecution is closed no further witness may be called by the prosecution other than such and on such matters only

33. 被裁定犯了本條例所訂罪行的後果

任何人被裁定犯了本條例第 II 部所訂罪行，須因該項定罪而在自定罪日期起計的 5 年內喪失以下資格——

- (a) 獲選為立法會議員的資格；及
- (b) 擔任或獲選或獲委任為行政會議的議員，以及任何其他公共機構(附表 1 所指明者除外)的成員的資格。
(由 1999 年第 20 號第 4 條修訂；由 1999 年第 78 號第 7 條修訂)

(由 1997 年第 134 號第 85 條代替)

33A. 法庭禁止僱用被定罪人的權力

- (1) 任何人如被裁定犯了第 II 部所訂罪行，而法庭在考慮公眾利益後認為應如此辦理，可主動或應控方的申請，禁止該被定罪人以臨時或永久、有酬或無酬方式受僱或繼續受僱，法庭並可決定作出命令如下——
 - (a) 如該人在定罪之時或之前受僱於某法團或公共機構，禁止該人在該法團、任何公共機構或該法團或任何公共機構的屬《公司條例》(第 622 章)第 15 條為施行該條例而界定的附屬公司的法團中，擔任董事或經理或其他與直接或間接管理該法團或機構有關的職分；或 (由 2012 年第 28 號第 912 及 920 條修訂)
 - (b) 如該人在定罪之時或之前在任何專業中執業或以其他方式自僱，則禁止該人在其專業中執業或從事其自僱的業務或相同類別的業務(視屬何情況而定)；

as it would, apart from the provisions of this subsection, be permissible to call and put in evidence in rebuttal.

- (4) Nothing in this section shall exclude the application of any other law whereby a person may be found guilty of an offence other than that with which he is charged.

33. Effect of conviction of an offence under this Ordinance

Any person convicted of an offence under Part II of this Ordinance shall, by reason of such conviction, be disqualified for a period of 5 years from the date of such conviction from—

- (a) being elected as a Member of the Legislative Council; or
- (b) being or being elected or appointed as a member of the Executive Council and any other public body, other than a public body specified in Schedule 1. (Amended 20 of 1999 s. 4; 78 of 1999 s. 7)

(Replaced 134 of 1997 s. 85)

33A. Power of court to prohibit employment of convicted person

- (1) Where a person has been convicted of an offence under Part II, a court may, on the application of the prosecution or on its own motion, where it considers it to be in the public interest so to do, order that the convicted person be prohibited from taking or continuing employment, whether temporary or permanent and whether paid or unpaid—
 - (a) in the case where the convicted person was employed by a corporation or a public body at the time of or prior to his conviction, as a director or manager or in such other capacity concerned with, whether directly or indirectly, the management of that corporation or any public body or any corporation that is a subsidiary of that corporation or any public body as defined by section 15

- (c) 如屬其他情況，則禁止該人以合夥人或經理身分或以法庭決定的其他身分，直接或間接參與管理法庭決定的合夥、商號或人士，或直接或間接參與管理屬法庭決定的類別的合夥、商號或人士；及（由 2008 年第 10 號第 37 條代替）
- (d) 禁止的期間以不超過 7 年為限。
- (2) 受法庭根據第 (1) 款所作命令限制的人，可在該命令有效期內隨時向法庭申請更改或取消該命令。
- (3) 法庭審理根據第 (2) 款提出的申請時，須考慮一切有關情況，包括該命令作出後申請人情況的任何改變，以及將該命令更改或取消是否符合公眾利益。
- (4) 根據第 (2) 款提出申請的人，須在該申請聆訊之前不少於 7 天，將其意圖以書面通知律政司司長，而律政司司長有權在有關申請的任何聆訊中出庭及陳詞。（由 1997 年第 362 號法律公告修訂）
- (5) 受法庭根據第 (1) 款所作命令限制的人如違反該命令，即屬犯罪，可處罰款 \$50,000 及監禁 12 個月。
- （由 1980 年第 28 號第 16 條增補）

- of the Companies Ordinance (Cap. 622) for the purposes of that Ordinance; or (*Amended 28 of 2012 ss. 912 & 920*)
- (b) in the case where the convicted person was practising any profession or was otherwise self-employed at the time of or prior to his conviction, in the practice of his profession or in the business, or class of business, in which he was so employed, as the case may be;
- (c) in other cases, as a partner or as a manager of or in such other capacity concerned with, whether directly or indirectly, the management of such partnership, firm or person or such class of partnership, firm or person; and
- (d) for such period not exceeding 7 years, as the court may determine.
- (2) A person in respect of whom an order under subsection (1) has been made may at any time during the continuance in force of the order apply to the court for the order to be varied or cancelled.
- (3) On an application under subsection (2) the court shall consider all the circumstances including any changes in the applicant's circumstances since the making of the order and whether it would be in the public interest for the order to be varied or cancelled.
- (4) Not less than 7 days before the hearing of an application under subsection (2) the person applying shall give written notice to the Secretary for Justice of his intentions and on any hearing of an application the Secretary for Justice shall have the right to appear and be heard. (*Amended L.N. 362 of 1997*)
- (5) Any person in respect of whom an order under subsection (1) has been made who contravenes the order commits an offence and is liable to a fine of \$50,000 and to imprisonment for 12 months.

(Added 28 of 1980 s. 16)

34. 若干條文的適用範圍擴及已廢除條例所訂罪行

- (1) 第 III 部所載條文對懷疑或指稱犯了已廢除的《防止貪污條例》[#](第 215 章, 1964 年版) 所訂罪行及其有關情況適用, 一如對懷疑或指稱犯了本條例所訂罪行及其有關情況適用。
- (2) 第 27、29 及 30 條提述本條例之處, 當作包括提述已廢除的《防止貪污條例》[#](第 215 章, 1964 年版)。

編輯附註:

[#] “《防止貪污條例》” 乃 “Prevention of Corruption Ordinance” 之譯名。

35. 附表的修訂

行政長官會同行政會議可藉憲報刊登的命令修訂各附表。
(由 1999 年第 20 號第 5 條修訂; 由 2003 年第 1 號第 3 條修訂)

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

- (1) The provisions contained in Part III shall apply to and in respect of offences suspected or alleged to have been committed under the repealed Prevention of Corruption Ordinance (Cap. 215, 1964 Ed.) as they apply to and in respect of offences suspected or alleged to have been committed under this Ordinance.
- (2) The references in sections 27, 29 and 30 to this Ordinance shall be deemed to include a reference to the repealed Prevention of Corruption Ordinance (Cap. 215, 1964 Ed.).

35. Amendment of Schedules

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

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

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附表

Schedule

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附表

(本附表已重編為附表 1——見 1999 年第 20 號第 6 條。自此，附表的內文已轉移至附表 1。)

Schedule

(The Schedule was renumbered as Schedule 1—see 20 of 1999 s.6. The content of which has been moved to Schedule 1 from then on.)

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附表 1

Schedule 1

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附表 1

[第 2(1) 及 35 條]

Schedule 1

[ss. 2(1) & 35]

公共機構

(由 1999 年第 20 號第 6 條修訂)
(格式變更——2012 年第 1 號編輯修訂紀錄)

Public Bodies

(Amended 20 of 1999 s. 6)
(Format changes—E.R. 1 of 2012)

1. 香港國際電訊有限公司。(由 1999 年第 20 號第 6 條代替)
2. 中華電力有限公司。
3. (由 1999 年第 20 號第 6 條廢除)
4. 香港中文大學。
5. 香港藝術發展局。(由 1995 年第 26 號第 19 條增補)
6. (由 1999 年第 198 號法律公告廢除)

1. Hong Kong Telecom International Limited. (Replaced 20 of 1999 s. 6)
2. China Light and Power Company Limited.
3. (Repealed 20 of 1999 s. 6)
4. The Chinese University of Hong Kong. (Replaced 20 of 1999 s. 6)
5. Hong Kong Arts Development Council. (Added 26 of 1995 s. 19)
6. (Repealed L.N. 198 of 1999)

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附表 1

Schedule 1

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|-----|---------------|-----|--|
| 7. | 魚類統營處。 | 7. | Fish Marketing Organization. |
| 8. | 香港中華煤氣有限公司。 | 8. | Hong Kong and China Gas Company Limited. |
| 9. | 香港油蔴地小輪船有限公司。 | 9. | Hong Kong and Yaumati Ferry Company Limited. |
| 10. | 香港空運貨站有限公司。 | 10. | Hong Kong Air Cargo Terminals Limited. |
| 11. | 香港建屋貸款有限公司。 | 11. | Hong Kong Building and Loan Agency. |
| 12. | 香港商業廣播有限公司。 | 12. | Hong Kong Commercial Broadcasting Company Limited. |
| 13. | 香港電燈有限公司。 | 13. | Hong Kong Electric Company Limited. |
| 14. | 香港出口信用保險局。 | 14. | Hong Kong Export Credit Insurance Corporation. |

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附表 1

Schedule 1

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|-----|---------------------------------|-----|---|
| 15. | 香港房屋委員會。 | 15. | Hong Kong Housing Authority. |
| 16. | 香港房屋協會。 | 16. | Hong Kong Housing Society. |
| 17. | (由 1987 年第 50 號第 13 條廢除) | 17. | (Repealed 50 of 1987 s. 13) |
| 18. | 香港理工大學。(由 1994 年第 94 號第 23 條代替) | 18. | The Hong Kong Polytechnic University. (Replaced 94 of 1994 s. 23) |
| 19. | 香港生產力促進局。 | 19. | Hong Kong Productivity Council. |
| 20. | 香港平民屋宇有限公司。 | 20. | Hong Kong Settlers Housing Corporation Limited. |
| 21. | 香港電話有限公司。 | 21. | Hong Kong Telephone Company Limited. |
| 22. | 香港旅遊發展局。(由 2001 年第 3 號第 45 條代替) | 22. | Hong Kong Tourism Board. (Replaced 3 of 2001 s. 45) |

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附表 1

Schedule 1

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|-----|---------------------------------|-----|---|
| 23. | 香港貿易發展局。 | 23. | Hong Kong Trade Development Council. |
| 24. | 香港電車有限公司。 | 24. | Hong Kong Tramways Limited. |
| 25. | 九龍汽車(1933)有限公司。 | 25. | Kowloon Motor Bus Company (1933) Limited. |
| 26. | (由 1990 年第 249 號法律公告廢除) | 26. | (Repealed L.N. 249 of 1990) |
| 27. | 海洋公園公司。(由 1987 年第 35 號第 40 條修訂) | 27. | Ocean Park Corporation. (Amended 35 of 1987 s. 40) |
| 28. | 山頂纜車有限公司。 | 28. | Peak Tramways Company Limited. |
| 29. | 亞洲電視有限公司。(由 1983 年第 31 號法律公告代替) | 29. | Asia Television Limited. (Replaced L.N. 31 of 1983) |
| 30. | 香港賽馬會。(由 1999 年第 20 號第 6 條修訂) | 30. | Hong Kong Jockey Club. (Amended 20 of 1999 s. 6) |

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Schedule 1

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| <p>31. 香港賽馬會(慈善)有限公司。(由 1994 年第 512 號法律公告代替)</p> <p>32. 天星小輪有限公司。</p> <p>33. 電視廣播有限公司。</p> <p>34. 香港公益金。</p> <p>35. 香港大學。</p> <p>36. 蔬菜統營處。</p> <p>37. 香港鐵路有限公司。(由 1975 年第 36 號第 31 條增補。由 2000 年第 13 號第 65 條修訂；由 2007 年第 11 號第 36 條修訂)</p> | <p>31. The Hong Kong Jockey Club (Charities) Limited. <i>(Replaced L.N. 512 of 1994)</i></p> <p>32. “Star” Ferry Company Limited.</p> <p>33. Television Broadcasts Limited.</p> <p>34. The Community Chest of Hong Kong.</p> <p>35. University of Hong Kong.</p> <p>36. Vegetable Marketing Organization.</p> <p>37. MTR Corporation Limited. <i>(Added 36 of 1975 s. 31. Amended 13 of 2000 s. 65)</i></p> |
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38.	(由 2001 年第 5 號第 40 條廢除)	38.	<i>(Repealed 5 of 2001 s. 40)</i>
39.	香港考試及評核局。(由 1977 年第 23 號第 17 條增補。由 2002 年第 23 號第 26 條修訂)	39.	The Hong Kong Examinations and Assessment Authority. <i>(Added 23 of 1977 s. 17. Amended 23 of 2002 s. 26)</i>
40.	消費者委員會。(由 1977 年第 56 號第 22 條增補)	40.	Consumer Council. <i>(Added 56 of 1977 s. 22)</i>
41.	(由 1999 年第 20 號第 6 條廢除)	41.	<i>(Repealed 20 of 1999 s. 6)</i>
42.	職業訓練局。(由 1982 年第 6 號第 25 條增補)	42.	The Vocational Training Council. <i>(Added 6 of 1982 s. 25)</i>
43.	九廣鐵路公司。(由 1982 年第 73 號第 39 條增補)	43.	The Kowloon-Canton Railway Corporation. <i>(Added 73 of 1982 s. 39)</i>
44.	新大嶼山巴士(1973)有限公司。(由 1983 年第 160 號法律公告增補)	44.	New Lantao Bus Company (1973) Limited. <i>(Added L.N. 160 of 1983)</i>
45.	香港浸會大學。(由 1983 年第 50 號第 34 條增補。由 1994 年第 93 號第 39 條修訂)	45.	Hong Kong Baptist University. <i>(Added 50 of 1983 s. 34. Amended 93 of 1994 s. 39)</i>

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附表 1

Schedule 1

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| 46. | 香港城市大學。(由 1983 年第 65 號第 25 條增補。由 1994 年第 92 號第 32 條修訂) | 46. | City University of Hong Kong. (<i>Added 65 of 1983 s. 25. Amended 92 of 1994 s. 32</i>) |
| 47. | 香港演藝學院。(由 1984 年第 38 號第 28 條增補) | 47. | The Hong Kong Academy for Performing Arts. (<i>Added 38 of 1984 s. 28</i>) |
| 48. | 香港科技大學。(由 1987 年第 47 號第 25 條增補) | 48. | The Hong Kong University of Science and Technology. (<i>Added 47 of 1987 s. 25</i>) |
| 49. | 通訊事務管理局。(由 1987 年第 49 號第 17 條增補。由 2011 年第 17 號第 28 條代替) | 49. | Communications Authority. (<i>Added 49 of 1987 s17. Replaced 17 of 2011 s. 28</i>) |
| 50. | 香港吸煙與健康委員會。(由 1987 年第 56 號第 21 條增補) | 50. | Hong Kong Council on Smoking and Health. (<i>Added 56 of 1987 s. 21</i>) |
| 51. | 市區重建局。(由 2000 年第 63 號第 38 條代替) | 51. | Urban Renewal Authority. (<i>Replaced 63 of 2000 s. 38</i>) |
| 52. | 證券及期貨事務監察委員會。(由 1989 年第 10 號附表 2 增補) | 52. | Securities and Futures Commission. (<i>Added 10 of 1989 Schedule 2</i>) |

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|-----|---|-----|---|
| 53. | 香港公開大學。(由 1997 年第 50 號第 29 條代替) | 53. | The Open University of Hong Kong. <i>(Replaced 50 of 1997 s. 29)</i> |
| 54. | (由 2004 年第 11 號第 17 條廢除) | 54. | <i>(Repealed 11 of 2004 s. 17)</i> |
| 55. | 香港旅遊業議會。(由 1990 年第 62 號法律公告增補) | 55. | Travel Industry Council of Hong Kong. <i>(Added L.N. 62 of 1990)</i> |
| 56. | (由 1999 年第 20 號第 6 條廢除) | 56. | <i>(Repealed 20 of 1999 s. 6)</i> |
| 57. | 香港學術及職業資歷評審局。(由 1990 年第 15 號第 26 條增補。
由 2007 年第 6 號第 50 條代替) | 57. | Hong Kong Council for Accreditation of Academic and Vocational Qualifications. <i>(Added 15 of 1990 s.26. Replaced 6 of 2007 s. 50)</i> |
| 58. | 醫院管理局(包括任何由醫院管理局設立的委員會)。(由
1990 年第 68 號第 24 條增補) | 58. | The Hospital Authority (including any committee established by
the Hospital Authority). <i>(Added 68 of 1990 s. 24)</i> |
| 59. | 機場管理局。(由 1995 年第 71 號第 49 條代替) | 59. | The Airport Authority. <i>(Replaced 71 of 1995 s. 49)</i> |

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附表 1

Schedule 1

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| 60. 新城廣播有限公司。(由 1991 年第 184 號法律公告增補) | 60. Metro Broadcast Corporation Limited. <i>(Added L.N. 184 of 1991)</i> |
| 61. 香港醫學專科學院。(由 1992 年第 55 號第 16 條增補) | 61. Hong Kong Academy of Medicine. <i>(Added 55 of 1992 s. 16)</i> |
| 62. 嶺南大學。(由 1992 年第 72 號第 29 條增補。由 1999 年第 54 號第 29 條代替) | 62. Lingnan University. <i>(Added 72 of 1992 s. 29. Replaced 54 of 1999 s. 29)</i> |
| 63. 城巴有限公司。(由 1992 年第 330 號法律公告增補) | 63. Citybus Limited. <i>(Added L.N. 330 of 1992)</i> |
| 64. (由 2016 年第 7 號第 22 條廢除) | 64. <i>(Repealed 7 of 2016 s. 22)</i> |
| 65. (由 2018 年第 9 號第 13 條廢除) | 65. <i>(Repealed 9 of 2018 s. 13)</i> |
| 66. (由 2001 年第 5 號第 40 條廢除) | 66. <i>(Repealed 5 of 2001 s. 40)</i> |
| 67. (由 1997 年第 134 號第 85 條廢除) | 67. <i>(Repealed 134 of 1997 s. 85)</i> |

S1-19 第 201 章	附表 1	Schedule 1	S1-20 Cap. 201
68.	貿易通電子貿易有限公司。(由 1998 年第 125 號法律公告代替)	68.	Tradelink Electronic Commerce Limited. (Replaced L.N. 125 of 1998)
69.	旅遊業賠償基金管理委員會。(由 1993 年第 51 號第 8 條增補)	69.	Travel Industry Compensation Fund Management Board. (Added 51 of 1993 s. 8)
70.	香港西區隧道有限公司。(由 1993 年第 72 號第 71 條增補)	70.	Western Harbour Tunnel Company Limited. (Added 72 of 1993 s. 71)
71.	九倉有線電視有限公司。(由 1993 年第 384 號法律公告增補)	71.	Wharf Cable Limited. (Added L.N. 384 of 1993)
72.	立法會行政管理委員會。(由 1994 年第 14 號第 24 條增補。由 1997 年第 115 號第 12 條修訂)	72.	The Legislative Council Commission. (Added 14 of 1994 s. 24)
73.	香港教育大學。(由 1994 年第 16 號第 25 條增補。由 2016 年第 6 號第 2 條修訂)	73.	The Education University of Hong Kong. (Added 16 of 1994 s. 25. Amended 6 of 2016 s. 2)
74.	香港品質保證局。(由 1994 年第 409 號法律公告增補)	74.	Hong Kong Quality Assurance Agency. (Added L.N. 409 of 1994)

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75. 平等機會委員會。(由 1995 年第 67 號第 91 條增補)		75. Equal Opportunities Commission. (Added 67 of 1995 s. 91)	
76. 保安及護衛業管理委員會。(由 1994 年第 97 號第 34 條增補)		76. The Security and Guarding Services Industry Authority. (Added 97 of 1994 s. 34)	
77. 法律援助服務局。(由 1996 年第 17 號第 14 條增補)		77. Legal Aid Services Council. (Added 17 of 1996 s. 14)	
78. 三號幹線(郊野公園段)有限公司。(由 1995 年第 33 號第 65 條增補)		78. Route 3 (CPS) Company Limited. (Added 33 of 1995 s. 65)	
79. 個人資料私隱專員。(由 1995 年第 81 號第 72 條增補)		79. Privacy Commissioner for Personal Data. (Added 81 of 1995 s. 72)	
80. 認可人士註冊事務委員會。(由 1996 年第 54 號第 27 條增補)		80. Authorized Persons Registration Committee. (Added 54 of 1996 s. 27)	
81. 結構工程師註冊事務委員會。(由 1996 年第 54 號第 27 條增補)		81. Structural Engineers Registration Committee. (Added 54 of 1996 s. 27)	
82. 承建商註冊事務委員會。(由 1996 年第 54 號第 27 條增補)		82. Contractors Registration Committee. (Added 54 of 1996 s. 27)	

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- | | | | |
|------|--|------|---|
| 83. | 地產代理監管局。(由 1997 年第 48 號第 57 條增補) | 83. | The Estate Agents Authority. (<i>Added 48 of 1997 s. 57</i>) |
| 84. | 龍運巴士有限公司。(由 1999 年第 20 號第 6 條代替) | 84. | Long Win Bus Company Limited. (<i>Replaced 20 of 1999 s. 6</i>) |
| 84A. | 長期監禁刑罰覆核委員會。(由 1997 年第 86 號第 44 條增補。
由 1999 年第 20 號第 6 條修訂) | 84A. | Long-term Prison Sentences Review Board. (<i>Added 86 of 1997 s. 44. Amended 20 of 1999 s. 6</i>) |
| 85. | 選舉管理委員會。(由 1997 年第 129 號第 24 條增補) | 85. | Electoral Affairs Commission. (<i>Added 129 of 1997 s. 24</i>) |
| 86. | 強制性公積金計劃管理局。(由 1998 年第 4 號第 8 條增補) | 86. | Mandatory Provident Fund Schemes Authority. (<i>Added 4 of 1998 s. 8</i>) |
| 87. | 新世界第一巴士服務有限公司。(由 1998 年第 239 號法律公告
增補) | 87. | New World First Bus Services Limited. (<i>Added L.N. 239 of 1998</i>) |
| 88. | 香港按揭證券有限公司。(由 1998 年第 313 號法律公告增補) | 88. | The Hong Kong Mortgage Corporation Limited. (<i>Added L.N. 313 of 1998</i>) |

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|-----|--|-----|---|
| 89. | 香港印鈔有限公司。(由 1998 年第 313 號法律公告增補) | 89. | Hong Kong Note Printing Limited. (<i>Added L.N. 313 of 1998</i>) |
| 90. | 外匯基金投資有限公司。(由 1999 年第 16 號法律公告增補) | 90. | Exchange Fund Investment Limited. (<i>Added L.N. 16 of 1999</i>) |
| 91. | 香港聯合交易所有限公司。(由 1999 年第 20 號第 6 條增補) | 91. | The Stock Exchange of Hong Kong Limited. (<i>Added 20 of 1999 s. 6</i>) |
| 92. | 香港期貨交易所有限公司。(由 1999 年第 20 號第 6 條增補) | 92. | Hong Kong Futures Exchange Limited. (<i>Added 20 of 1999 s. 6</i>) |
| 93. | 香港中央結算有限公司。(由 1999 年第 20 號第 6 條增補) | 93. | Hong Kong Securities Clearing Company Limited. (<i>Added 20 of 1999 s. 6</i>) |
| 94. | 香港聯合交易所期權結算所有限公司。(由 1999 年第 20 號第 6 條增補) | 94. | The SEHK Options Clearing House Limited. (<i>Added 20 of 1999 s. 6</i>) |
| 95. | 香港期貨結算有限公司。(由 1999 年第 20 號第 6 條增補) | 95. | HKFE Clearing Corporation Limited. (<i>Added 20 of 1999 s. 6</i>) |

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|---|--|
| 96. 香港交易及結算所有限公司。(由 2000 年第 12 號第 23 條增補) | 96. Hong Kong Exchanges and Clearing Limited. (<i>Added 12 of 2000 s. 23</i>) |
| 97. 香港科技園公司。(由 2001 年第 5 號第 40 條增補) | 97. Hong Kong Science and Technology Parks Corporation. (<i>Added 5 of 2001 s. 40</i>) |
| 98. 申訴專員。(由 2001 年第 30 號第 24 條增補) | 98. The Ombudsman. (<i>Added 30 of 2001 s. 24</i>) |
| #99. 根據《證券及期貨條例》(第 571 章)第 79(1) 條認可為投資者賠償公司的公司。(由 2002 年第 226 號法律公告及 2002 年第 5 號第 407 條增補) | #99. A company recognized as an investor compensation company under section 79(1) of the Securities and Futures Ordinance (Cap. 571). (<i>Added L.N. 226 of 2002 and 5 of 2002 s. 407</i>) |
| 100. (由 2012 年第 17 號第 64 條廢除) | 100. (<i>Repealed 17 of 2012 s. 64</i>) |
| 101. 香港存款保障委員會。(由 2004 年第 7 號第 55 條增補) | 101. Hong Kong Deposit Protection Board. (<i>Added 7 of 2004 s. 55</i>) |
| 102. 岩土工程師註冊事務委員會。(由 2004 年第 15 號第 61 條增補) | 102. Geotechnical Engineers Registration Committee. (<i>Added 15 of 2004 s. 61</i>) |

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|---|---|
| 103. 香港體育學院有限公司。(由 2005 年第 4 號法律公告增補) | 103. Hong Kong Sports Institute Limited. (<i>Added L.N. 4 of 2005</i>) |
| 104. 建造業議會。(由 2006 年第 12 號第 84 條增補) | 104. Construction Industry Council. (<i>Added 12 of 2006 s. 84</i>) |
| 105. 建造業訓練委員會。(由 2006 年第 12 號第 84 條增補) | 105. Construction Industry Training Board. (<i>Added 12 of 2006 s. 84</i>) |
| 106. 財務匯報局。(由 2006 年第 18 號第 79 條增補) | 106. Financial Reporting Council. (<i>Added 18 of 2006 s. 79</i>) |
| 107. 截取通訊及監察事務專員。(由 2006 年第 20 號第 68 條增補) | 107. Commissioner on Interception of Communications and Surveillance. (<i>Added 20 of 2006 s. 68</i>) |
| 108. 香港國際展覽中心有限公司。(由 2006 年第 233 號法律公告增補) | 108. Hong Kong IEC Limited. (<i>Added L.N. 233 of 2006</i>) |
| 109. 獨立監察警方處理投訴委員會。(由 2008 年第 33 號第 47 條增補) | 109. Independent Police Complaints Council. (<i>Added 33 of 2008 s. 47</i>) |
| 110. 西九文化區管理局(包括根據《西九文化區管理局條例》(第 601 章)設立的任何委員會)。(由 2008 年第 27 號第 42 條增補) | 110. West Kowloon Cultural District Authority (including any committees established under the West Kowloon Cultural District Authority Ordinance (Cap. 601)). (<i>Added 27 of 2008 s. 42</i>) |

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| 111. 根據《西九文化區管理局條例》(第 601 章)第 5(2)(h) 條設立的任何實體。(由 2008 年第 27 號第 42 條增補) | 111. Any entity established under section 5(2)(h) of the West Kowloon Cultural District Authority Ordinance (Cap. 601). <i>(Added 27 of 2008 s. 42. Amended L.N. 38 of 2012)</i> |
| 112. 香港數碼廣播有限公司。(由 2008 年第 245 號法律公告增補。由 2011 年第 50 號法律公告修訂) | 112. Digital Broadcasting Corporation Hong Kong Limited. <i>(Added L.N. 245 of 2008. Amended L.N. 50 of 2011)</i> |
| 113. 小型工程承建商註冊事務委員會。(由 2009 年第 179 號法律公告增補) | 113. Minor Works Contractors Registration Committee. <i>(Added L.N. 179 of 2009)</i> |
| 114. 檢驗人員註冊事務委員會。(由 2011 年第 16 號第 46 條增補) | 114. Inspectors' Registration Committee. <i>(Added 16 of 2011 s. 46)</i> |
| 115. 鳳凰優悅廣播有限公司。(由 2011 年第 50 號法律公告增補) | 115. Phoenix U Radio Limited. <i>(Added L.N. 50 of 2011)</i> |
| 116. 根據《升降機及自動梯條例》(第 618 章)第 108 條設立的紀律審裁委員團，包括根據該條例第 110 條設立的紀律審裁委員會。(由 2012 年第 8 號第 156 及 160 條增補) | 116. The disciplinary board panel established under section 108 of the Lifts and Escalators Ordinance (Cap. 618), including a disciplinary board established under section 110 of that Ordinance. <i>(Added 8 of 2012 ss. 156 & 160)</i> |

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|------|---|------|--|
| 117. | 根據《升降機及自動梯條例》(第 618 章)第 116 條設立的上訴委員團，包括根據該條例第 118 條設立的上訴委員會。(由 2012 年第 8 號第 156 及 160 條增補) | 117. | The appeal board panel established under section 116 of the Lifts and Escalators Ordinance (Cap. 618), including an appeal board established under section 118 of that Ordinance. (<i>Added 8 of 2012 ss. 156 & 160</i>) |
| 118. | 香港互聯網註冊管理有限公司。(由 2012 年第 38 號法律公告增補) | 118. | Hong Kong Internet Registration Corporation Limited. (<i>Added L.N. 38 of 2012</i>) |
| 119. | 香港域名註冊有限公司。(由 2012 年第 38 號法律公告增補) | 119. | Hong Kong Domain Name Registration Company Limited. (<i>Added L.N. 38 of 2012</i>) |
| 120. | 香港應用科技研究院有限公司。(由 2012 年第 38 號法律公告增補) | 120. | Hong Kong Applied Science and Technology Research Institute Company Limited. (<i>Added L.N. 38 of 2012</i>) |
| 121. | 香港數碼港管理有限公司。(由 2012 年第 38 號法律公告增補) | 121. | Hong Kong Cyberport Management Company Limited. (<i>Added L.N. 38 of 2012</i>) |
| 122. | 根據《證券及期貨條例》(第 571 章)第 5(4)(da) 條成立的、屬於證券及期貨事務監察委員會的全資附屬公司。(由 2012 年第 9 號第 35 條增補) | 122. | The wholly owned subsidiary of the Securities and Futures Commission that is established under section 5(4)(da) of the Securities and Futures Ordinance (Cap. 571). (<i>Added 9 of 2012 s. 35</i>) |

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| 123. 競爭事務委員會。(由 2012 年第 14 號第 176 條增補) | 123. Competition Commission. (<i>Added 14 of 2012 s. 176</i>) |
| 124. 建造業工人註冊委員會。(由 2012 年第 17 號第 64 條增補) | 124. Construction Workers Registration Board. (<i>Added 17 of 2012 s. 64</i>) |
| 125. 香港電視娛樂有限公司。(由 2015 年第 84 號法律公告增補) | 125. HK Television Entertainment Company Limited. (<i>Added L.N. 84 of 2015</i>) |
| 126. 保險業監管局。(由 2015 年第 12 號第 108 條增補) | 126. Insurance Authority. (<i>Added 12 of 2015 s. 108</i>) |
| 127. 保險業監管局的任何全資附屬公司(根據《保險業條例》(第 41 章)第 4B(2)(g) 條成立者)。(由 2015 年第 12 號第 108 條增補) | 127. Any wholly-owned subsidiary of the Insurance Authority established under section 4B(2)(g) of the Insurance Ordinance (Cap. 41). (<i>Added 12 of 2015 s. 108</i>) |
| 128. 物業管理業監管局(包括任何根據《物業管理服務條例》(第 626 章)設立的委員會)。(由 2016 年第 10 號第 68 條增補。編輯修訂——2017 年第 1 號編輯修訂紀錄) | 128. Property Management Services Authority (including any committees established under the Property Management Services Ordinance (Cap. 626)). (<i>Added 10 of 2016 s. 68. Amended E.R. 1 of 2017</i>) |
| 129. 香港綠色建築議會有限公司。(由 2016 年第 67 號法律公告增補) | 129. Hong Kong Green Building Council Limited. (<i>Added L.N. 67 of 2016</i>) |

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| <p>130. 建築環保評估協會有限公司。(由 2016 年第 67 號法律公告增補)</p> <p>131. (奇妙電視有限公司)。(由 2016 年第 93 號法律公告增補)</p> <p>132. 根據《私營骨灰安置所條例》(第 630 章)第 8 條設立的私營骨灰安置所發牌委員會。(由 2017 年第 8 號第 131 條增補。編輯修訂——2017 年第 4 號編輯修訂紀錄)</p> <p>133. 根據《私營骨灰安置所條例》(第 630 章)第 83 條設立的私營骨灰安置所上訴委員會。(由 2017 年第 8 號第 131 條增補。編輯修訂——2017 年第 4 號編輯修訂紀錄)</p> <p>134. 旅遊業監管局(包括任何根據《旅遊業條例》(第 634 章)設立的委員會及工作小組)。(由 2018 年第 37 號第 171 條增補。編輯修訂——2019 年第 1 號編輯修訂紀錄)</p> <p>135. 強制性公積金計劃管理局根據《強制性公積金計劃條例》(第 485 章)第 6DA 條設立的任何全資附屬公司。(由 2020 年第 16 號第 14 條增補)</p> | <p>130. BEAM Society Limited. (<i>Added L.N. 67 of 2016</i>)</p> <p>131. Fantastic Television Limited. (<i>Added L.N. 93 of 2016</i>)</p> <p>132. Private Columbaria Licensing Board established under section 8 of the Private Columbaria Ordinance (Cap. 630). (<i>Added 8 of 2017 s. 131. Amended E.R. 4 of 2017</i>)</p> <p>133. Private Columbaria Appeal Board established under section 83 of the Private Columbaria Ordinance (Cap. 630). (<i>Added 8 of 2017 s. 131. Amended E.R. 4 of 2017</i>)</p> <p>134. Travel Industry Authority (including any committees and working groups established under the Travel Industry Ordinance (Cap. 634)). (<i>Added 37 of 2018 s. 171. Amended E.R. 1 of 2019</i>)</p> <p>135. Any wholly owned subsidiary established by the Mandatory Provident Fund Schemes Authority under section 6DA of the Mandatory Provident Fund Schemes Ordinance (Cap. 485). (<i>Added 16 of 2020 s. 14</i>)</p> |
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136. 香港年金有限公司。(由 2021 年第 3 號法律公告增補)

136. HKMC Annuity Limited. (*Added L.N. 3 of 2021*)

137. 香港按證保險有限公司。(由 2021 年第 3 號法律公告增補)
(由 1974 年第 272 號法律公告代替)

137. HKMC Insurance Limited. (*Added L.N. 3 of 2021*)
(*Replaced L.N. 272 of 1974*)

編輯附註：

投資者賠償有限公司已獲認可為投資者賠償公司(請參閱 2003 年第 1220 號政府公告)。

Editorial Note:

The Investor Compensation Company Limited has been recognised as an investor compensation company (please see G.N. 1220 of 2003).

附表 2

[第 2(1) 及 35 條]

就公職人員的定義而指明的公共機構

(格式變更——2012 年第 1 號編輯修訂紀錄)

1. 香港聯合交易所有限公司。
2. 香港期貨交易所有限公司。
3. 香港中央結算有限公司。
4. 香港聯合交易所期權結算所有限公司。
5. 香港期貨結算有限公司。
6. 香港交易及結算所有限公司。(由 2000 年第 12 號第 23 條增補)
- #7. 根據《證券及期貨條例》(第 571 章)第 79(1) 條認可為投資者賠償公司的公司。(由 2002 年第 226 號法律公告增補)

Schedule 2

[ss. 2(1) & 35]

**Public Bodies Specified for Purposes of Definition of
*Public Servant***

(Format changes—E.R. 1 of 2012)

1. The Stock Exchange of Hong Kong Limited.
2. Hong Kong Futures Exchange Limited.
3. Hong Kong Securities Clearing Company Limited.
4. The SEHK Options Clearing House Limited.
5. HKFE Clearing Corporation Limited.
6. Hong Kong Exchanges and Clearing Limited. (*Added 12 of 2000 s. 23*)
- #7. A company recognized as an investor compensation company under section 79(1) of the Securities and Futures Ordinance (Cap. 571). (*Added L.N. 226 of 2002*)

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附表 2

Schedule 2

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| <p>8. 財務匯報局。(由 2006 年第 18 號第 80 條增補)</p> <p>9. 香港互聯網註冊管理有限公司。(由 2012 年第 38 號法律公告增補)</p> <p>10. 香港綠色建築議會有限公司。(由 2016 年第 67 號法律公告增補)</p> <p>11. 建築環保評估協會有限公司。(由 2016 年第 67 號法律公告增補)
(附表 2 由 1999 年第 20 號第 7 條增補)</p> | <p>8. Financial Reporting Council. (<i>Added 18 of 2006 s. 80</i>)</p> <p>9. Hong Kong Internet Registration Corporation Limited. (<i>Added L.N. 38 of 2012</i>)</p> <p>10. Hong Kong Green Building Council Limited. (<i>Added L.N. 67 of 2016</i>)</p> <p>11. BEAM Society Limited. (<i>Added L.N. 67 of 2016</i>)
(<i>Schedule 2 added 20 of 1999 s. 7</i>)</p> |
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編輯附註：

投資者賠償有限公司已獲認可為投資者賠償公司(請參閱 2003 年第 1220 號政府公告)。

Editorial Note:

The Investor Compensation Company Limited has been recognised as an investor compensation company (please see G.N. 1220 of 2003).