

《廉政公署條例》
(第 204 章)

Independent Commission Against Corruption Ordinance
(Cap. 204)

版本日期
Version date
31.5.2018

經核證文本
Verified Copy

(《法例發布條例》(第 614 章) 第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

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整條 Whole	1—60	31.5.2018

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制定史

本為 1974 年第 7 號 —— 1976 年第 14 號，1976 年第 18 號，1978 年第 9 號，1980 年第 27 號，1987 年第 51 號，1987 年編正版，1991 年第 16 號，1991 年第 21 號，1992 年第 45 號，1994 年第 41 號，1994 年第 56 號，1995 年第 60 號，1995 年第 (C)98 號法律公告 (中文真確本)，1996 年第 48 號，1997 年第 362 號法律公告，1997 年第 134 號，1999 年第 45 號，2000 年第 10 號，2000 年第 32 號，2000 年第 68 號，2003 年第 1 號，2003 年第 14 號，2008 年第 10 號，2018 年第 1 號編輯修訂紀錄，2018 年第 14 號

Enactment History

Originally 7 of 1974 — 14 of 1976, 18 of 1976, 9 of 1978, 27 of 1980, 51 of 1987, R. Ed. 1987, 16 of 1991, 21 of 1991, 45 of 1992, 41 of 1994, 56 of 1994, 60 of 1995, L.N. (C) 98 of 1995 (Chinese authentic version), 48 of 1996, L.N. 362 of 1997, 134 of 1997, 45 of 1999, 10 of 2000, 32 of 2000, 68 of 2000, 1 of 2003, 14 of 2003, 10 of 2008, E.R. 1 of 2018, 14 of 2018

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Independent Commission Against Corruption
Ordinance

(第 204 章)

(Cap. 204)

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本條例旨在就關於廉政公署的設立及附帶事宜訂定條文。

(由 1997 年第 362 號法律公告修訂)

[1974 年 2 月 15 日]

(格式變更——2018 年第 1 號編輯修訂紀錄)

1. 簡稱

本條例可引稱為《廉政公署條例》。

(由 2003 年第 1 號第 3 條修訂)

2. 釋義

在本條例中，除文意另有所指外——

公共機構 (public body) 具有《防止賄賂條例》(第 201 章) 第 2 條給予該詞的涵義；(由 1987 年第 51 號第 2 條代替)

《公務人員(管理)命令》 (Public Service (Administration) Order) 指經不時修訂的下列文書——

- (a) 《1997 年公務人員(管理)命令》(1997 年第 1 號行政命令)；
- (b) 根據該命令第 21 條訂立的《公務人員(紀律)規例》(該命令及規例均刊登於 1997 年第 2 期憲報第 5 號特別副刊)；及
- (c) 根據該命令訂立的其他任何規例或作出的任何指示；(由 2003 年第 1 號第 3 條增補)

公職人員 (public servant) 具有《防止賄賂條例》(第 201 章) 第 2 條給予該詞的涵義；(由 1987 年第 51 號第 2 條代替)

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

To provide for the establishment of an Independent Commission Against Corruption and matters incidental thereto.

[15 February 1974]

(Format changes—E.R. 1 of 2018)

1. Short title

This Ordinance may be cited as the Independent Commission Against Corruption Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

Commission (廉政公署) means the Independent Commission Against Corruption established under section 3;

Commissioner (廉政專員) 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; (*Replaced 1 of 2003 s. 3*)

officer (廉署人員) means an officer of the Commission appointed under section 8;

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))—
 - (i) any principal official of the Government appointed in accordance with the Basic Law;

- (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 19 條增補)

廉政公署 (Commission) 指根據第 3 條設立的廉政公署；(由 1997 年第 362 號法律公告修訂)

廉政專員 (Commissioner) 指按照《基本法》委任的廉政專員，亦包括根據第 6 條委任的副廉政專員；(由 2003 年第 1 號第 3 條代替)

廉署人員 (officer) 指根據第 8 條委任的廉政公署人員。
(由 2003 年第 14 號第 19 條修訂)

3. 廉政公署的設立

- (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 Commission;
- (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. 19)

public body (公共機構) has the meaning assigned to it in section 2 of the Prevention of Bribery Ordinance (Cap. 201); (Replaced 51 of 1987 s. 2)

public servant (公職人員) has the meaning assigned to it in section 2 of the Prevention of Bribery Ordinance (Cap. 201); (Replaced 51 of 1987 s. 2. Amended E.R. 1 of 2018)

Public Service (Administration) Order (《公務人員(管理)命令》) means—

- (a) the Public Service (Administration) Order 1997 (Executive Order No. 1 of 1997);
- (b) the Public Service (Disciplinary) Regulation made under section 21 of that Order (and together with that Order published as S.S. No. 5 to Gazette No. 2/1997); and
- (c) any other regulation made or any direction given under that Order,

as amended from time to time. (Added 1 of 2003 s. 3)

(Amended 14 of 2003 s. 19)

3. Establishment of the Commission

現設立廉政公署，由廉政專員、副廉政專員及獲委任的廉署人員組成。

(由 1997 年第 362 號法律公告修訂)

4. 廉政公署的經費

廉政公署的經費由政府一般收入中撥付。

(由 1987 年第 51 號第 3 條修訂)

5. 廉政專員的職位

(1) 廉政專員在符合行政長官命令及受行政長官管轄下，負責廉政公署的指導及行政事務。(由 2003 年第 1 號第 3 條代替)

(2) 除行政長官外，廉政專員不受任何其他人指示和管轄。

(3) 廉政專員須按行政長官認為適當的條款及條件擔任職位。

(4) 廉政專員在任職廉政專員期間不得履行任何其他訂明人員的職責。(由 2003 年第 14 號第 20 條修訂)

(由 2003 年第 1 號第 3 條修訂)

6. 副廉政專員的委任

行政長官可按其認為適當的條款及條件委任副廉政專員。

(由 2003 年第 1 號第 3 條修訂)

7. 署理廉政專員

(1) 如廉政專員的職位懸空或廉政專員缺勤，則除行政長官另有指示外，副廉政專員須署理廉政專員一職。

There is hereby established the Independent Commission Against Corruption which shall consist of the Commissioner, the Deputy Commissioner and such officers as may be appointed.

4. Maintenance of the Commission

The expenses of the Commission shall be charged to the general revenue.

(Amended 51 of 1987 s. 3)

5. Office of Commissioner

(1) The Commissioner, subject to the orders and control of the Chief Executive, shall be responsible for the direction and administration of the Commission. (Replaced 1 of 2003 s. 3)

(2) The Commissioner shall not be subject to the direction or control of any person other than the Chief Executive.

(3) The Commissioner shall hold office on such terms and conditions as the Chief Executive may think fit.

(4) The Commissioner shall not, while he holds the office of the Commissioner, discharge the duties of any other prescribed officer. (Amended 14 of 2003 s. 20)

(Amended 1 of 2003 s. 3)

6. Appointment of Deputy Commissioner

The Chief Executive may appoint a Deputy Commissioner on such terms and conditions as he may think fit.

(Amended 1 of 2003 s. 3)

7. Acting Commissioner

(1) If the office of the Commissioner is vacant or the Commissioner is absent from duty, the Deputy Commissioner

- (2) 如廉政專員及副廉政專員俱在某期間內缺勤，行政長官可委任另一人在該期間內署理廉政專員一職。

(由 2003 年第 1 號第 3 條修訂)

8. 廉署人員的委任

- (1) 廉政專員可委任行政長官認為所需的廉署人員，以協助廉政專員執行他在本條例下的職能。
- (2) (a) 在符合 (b) 段的規定下，廉政專員如信納終止一名廉署人員的委任是符合廉政公署利益的，則在諮詢貪污問題諮詢委員會後，可終止該人員的委任。
- (b) 在根據本款終止任何委任前——
- (i) 廉政專員須藉書面通知，告知有關的廉署人員他的委任的終止正在考慮中及其理由；及
- (ii) 在該通知中該廉署人員須獲給予不少於 7 日的期限，以便他於該期限內就該等理由或其委任不應被終止或就該兩項事宜向廉政專員作出書面申述，而該廉署人員如欲如此作出申述，本段現授權他如此作出申述。
- (c) 凡有委任根據本款遭終止，則——
- (i) 廉政專員須以書面將該項終止通知該廉署人員；及
- (ii) 該廉署人員可自根據第 (i) 節所發通知的日期起計 21 日的期限內，向行政長官提出上訴，反對該項終止。
- (d) 行政長官可應根據 (c) 段提出的上訴，確認或撤銷該項終止。

shall, save where the Chief Executive otherwise directs, act as Commissioner.

- (2) If both the Commissioner and the Deputy Commissioner are absent from duty, the Chief Executive may appoint another person to act as Commissioner during that absence.

(Amended 1 of 2003 s. 3)

8. Appointment of officers

- (1) The Commissioner may appoint such officers as the Chief Executive thinks necessary to assist the Commissioner in the performance of his functions under this Ordinance.
- (2) (a) Subject to paragraph (b), the Commissioner may, if he is satisfied that it is in the interests of the Commission to do so, after consulting the Advisory Committee on Corruption, terminate the appointment of an officer.
- (b) Before terminating an appointment under this subsection—
- (i) the Commissioner shall by notice in writing inform the officer concerned that the termination of his appointment is under consideration and the reasons therefor; and
- (ii) in the notice such officer shall be given a period of not less than 7 days within which to make, and is hereby authorized to make if he so wishes, written representations to the Commissioner as regards such reasons or as to why his appointment should not be terminated or as regards both.
- (c) Where an appointment is terminated under this subsection—
- (i) the Commissioner shall notify the officer in writing of the termination; and

- (e) 凡有委任根據第 (2)(a) 款遭終止，則該項終止須隨即實施；但如有上訴根據 (c)(ii) 段提出後，該項終止被撤銷，則有關的廉署人員須在所有方面被視為猶如廉政專員從未終止其委任一樣。(由 1996 年第 48 號第 19 條代替)
- (3) 廉署人員的僱用條款及條件，須獲得行政長官批准，而行政長官可更改憑藉第 (4) 款施加的條款及條件。
- (4) 除本條及第 11(2) 條另有規定外，廉政專員及廉署人員的僱用，均受《公務人員(管理)命令》、政府規例以及一般適用於公務人員的行政規則所規限，但適用範圍受到根據第 11(2) 條訂立的常規所修改者不在此限。(由 2008 年第 10 號第 38 條修訂)
- (由 2003 年第 1 號第 3 條修訂)

9. 授權證

廉政專員可發出授權證給他認為適當的廉署人員，該授權證是該人員獲委任為廉署人員的表面證據。

10. 逮捕權力

- (1) 如獲廉政專員為此授權的廉署人員合理地懷疑某人犯本條例或《防止賄賂條例》(第 201 章) 或《選舉(舞弊及非

- (ii) the officer may, within the period of 21 days beginning on the date of the notification under subparagraph (i), appeal to the Chief Executive against the termination.
- (d) On an appeal under paragraph (c) the Chief Executive may confirm or set aside the termination.
- (e) Where an appointment is terminated under subsection (2)(a), the termination shall operate forthwith but if on an appeal under paragraph (c)(ii) the termination is set aside, the officer concerned shall be treated in all respects as if the Commissioner had not terminated his appointment. *(Replaced 48 of 1996 s. 19)*
- (3) The terms and conditions of employment of officers shall be subject to the approval of the Chief Executive, who may vary any terms or conditions imposed by virtue of subsection (4).
- (4) Subject to this section and section 11(2), the Commissioner and officers shall be employed subject to Public Service (Administration) Order, Government regulations and such administrative rules as apply generally to public officers, except insofar as the application of such Public Service (Administration) Order, Government regulations or rules may be modified by standing orders made under section 11(2).

(Amended 1 of 2003 s. 3)

9. Warrant card

The Commissioner may issue to such officers as he thinks fit a warrant card which shall be prima facie evidence of the officer's appointment as such.

10. Power of arrest

- (1) An officer authorized in that behalf by the Commissioner may without warrant arrest a person if he reasonably suspects

法行為) 條例》(第 554 章) 所訂罪行，或合理地懷疑某人身為訂明人員而藉着或通過不當使用職權而犯勒索罪，可無需手令而將該人逮捕。(由 1980 年第 27 號第 2 條修訂；由 2000 年第 10 號第 47 條修訂；由 2003 年第 14 號第 21 條修訂)

- (2) 廉政公署在調查一宗涉嫌犯《防止賄賂條例》(第 201 章) 或《選舉(舞弊及非法行為)條例》(第 554 章) 所訂罪行時，如揭發另一項罪行，則任何該等廉署人員如合理地懷疑某人已犯該另一項罪行，以及——(由 1991 年第 16 號第 2 條修訂；由 2000 年第 10 號第 47 條修訂)
- (a) 他合理地懷疑該另一項罪行與涉嫌犯《防止賄賂條例》(第 201 章) 或《選舉(舞弊及非法行為)條例》(第 554 章) 所訂罪行有關連，或是直接或間接因涉嫌犯《防止賄賂條例》(第 201 章) 或《選舉(舞弊及非法行為)條例》(第 554 章) 所訂罪行而引致；或(由 1991 年第 16 號第 2 條修訂；由 2000 年第 10 號第 47 條修訂)
- (b) 該另一項罪行乃屬為本款的施行而於第 (5) 款指明的罪行，
可無需手令而將該人逮捕。
- (3) 任何該等廉署人員——
- (a) 在根據第 (1) 或 (2) 款進行逮捕時，可使用在當時情況下屬合理的武力；及(由 1976 年第 18 號第 2 條修訂)
- (b) 如有理由相信在任何處所或地方內有須根據第 (1) 或 (2) 款予以逮捕的人，則可為執行逮捕而進入與搜查該處所或地方。
- (4) 該等廉署人員須首先述明其廉署人員身分以及他擬進入的目的，並向任何要求他出示授權證的人士出示其授權證，否則不得根據第 (3) 款進入任何處所或地方；但除須符合以上規定外，任何該等廉署人員在需要時可使用武力進入該處所或地方。

that such person is guilty of an offence under this Ordinance or the Prevention of Bribery Ordinance (Cap. 201) or the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) or, being a prescribed officer, is guilty of an offence of blackmail committed by or through the misuse of office. (Amended 27 of 1980 s. 2; 10 of 2000 s. 47; 14 of 2003 s. 21)

- (2) Where, during an investigation by the Commission of a suspected offence under the Prevention of Bribery Ordinance (Cap. 201) or of a suspected offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), another offence is disclosed, any such officer may without warrant arrest a person if he reasonably suspects that such person is guilty of that other offence and— (Amended 16 of 1991 s. 2; 10 of 2000 s. 47)
- (a) he reasonably suspects that such other offence was connected with, or that either directly or indirectly its commission was facilitated by, the suspected offence under the Prevention of Bribery Ordinance (Cap. 201) or the suspected offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554), as the case may be; or (Amended 16 of 1991 s. 2; 10 of 2000 s. 47)
- (b) the other offence is one which is specified for the purposes of this subsection in subsection (5).
- (3) Any such officer—
- (a) may use such force as is reasonable in the circumstances in effecting an arrest under subsection (1) or (2); and (Amended 18 of 1976 s. 2)
- (b) may, for the purpose of effecting such an arrest, enter and search any premises or place if he has reason to believe that there is in the premises or place a person who is to be so arrested.

- (5) 現為第 (2) 款的施行指明以下罪行 ——
- (a) 破壞或妨礙司法公正罪；
 - (aa) 《盜竊罪條例》(第 210 章) 第 9 條所訂的盜竊罪；(由 1980 年第 27 號第 2 條增補)
 - (b) 《盜竊罪條例》(第 210 章) 第 23 條所訂的勒索罪；
 - (ba) 《盜竊罪條例》(第 210 章) 第 16A 條所訂的欺詐罪；(由 1999 年第 45 號第 5 條增補)
 - (c) 《盜竊罪條例》(第 210 章) 第 17 條所訂的以欺騙手段取得財產罪；
 - (d) 《盜竊罪條例》(第 210 章) 第 18 條所訂的以欺騙手段取得金錢利益罪；
 - (da) 《盜竊罪條例》(第 210 章) 第 18A 條所訂的以欺騙手段取得服務罪；(由 1987 年第 51 號第 4 條增補)
 - (db) 《盜竊罪條例》(第 210 章) 第 18B 條所訂的以欺騙手段逃避法律責任罪；(由 1987 年第 51 號第 4 條增補)
 - (dc) 《盜竊罪條例》(第 210 章) 第 18C 條所訂的不付款而離去罪；(由 1987 年第 51 號第 4 條增補)
 - (dd) 《盜竊罪條例》(第 210 章) 第 18D 條所訂的在某些紀錄內促致虛假記項罪；(由 1987 年第 51 號第 4 條增補)
 - (de) 《盜竊罪條例》(第 210 章) 第 19 條所訂的偽造帳目罪；(由 1980 年第 27 號第 2 條增補。由 1987 年第 51 號第 4 條修訂)
 - (e) 《刑事訴訟程序條例》(第 221 章) 第 90 條所訂的協助犯罪者罪；
 - (ea) 根據《選舉管理委員會條例》(第 541 章) 訂立並正有效的規例所訂的任何罪行；(由 1997 年第 134 號第 85 條代替)
 - (eb) 《聯合國(反恐怖主義措施)條例》(第 575 章) 第 14(1A) 條所訂的、在違反該條例第 8A 條的情況下

- (4) No premises or place shall be entered under subsection (3) unless the officer has first stated that he is an officer and the purpose for which he seeks entry and produced his warrant card to any person requesting its production, but subject as aforesaid any such officer may enter any such premises or place by force, if necessary.
- (5) The following offences are specified for the purposes of subsection (2)—
- (a) the offence of perverting or obstructing the course of justice;
 - (aa) the offence of theft under section 9 of the Theft Ordinance (Cap. 210); (*Added 27 of 1980 s. 2*)
 - (b) the offence of blackmail under section 23 of the Theft Ordinance (Cap. 210);
 - (ba) the offence of fraud under section 16A of the Theft Ordinance (Cap. 210); (*Added 45 of 1999 s. 5*)
 - (c) the offence of obtaining property by deception under section 17 of the Theft Ordinance (Cap. 210);
 - (d) the offence of obtaining pecuniary advantage by deception under section 18 of the Theft Ordinance (Cap. 210);
 - (da) the offence of obtaining services by deception under section 18A of the Theft Ordinance (Cap. 210); (*Added 51 of 1987 s. 4*)
 - (db) the offence of evading liability by deception under section 18B of the Theft Ordinance (Cap. 210); (*Added 51 of 1987 s. 4*)
 - (dc) the offence of making off without payment under section 18C of the Theft Ordinance (Cap. 210); (*Added 51 of 1987 s. 4*)

- 處理若干財產的罪行；(由 2018 年第 14 號第 12 條增補)
- (ec) 《聯合國(反恐怖主義措施)條例》(第 575 章)第 14(4A) 條所訂的、在違反該條例第 11K、11L 或 11M 條的情況下作出若干作為的罪行；(由 2018 年第 14 號第 12 條增補)
- (f) 串謀詐騙罪以及串謀犯 (a)、(aa)、(b)、(ba)、(c)、(d)、(da)、(db)、(dc)、(dd)、(de)、(e)、(ea)、(eb) 或 (ec) 段所指的任何罪行；(由 1980 年第 27 號第 2 條代替。由 1987 年第 51 號第 4 條修訂；由 1991 年第 16 號第 2 條修訂；由 1999 年第 45 號第 5 條修訂；由 2018 年第 14 號第 12 條修訂)
- (g) 企圖犯 (a)、(aa)、(b)、(ba)、(c)、(d)、(da)、(db)、(dc)、(dd)、(de)、(e)、(ea)、(eb) 或 (ec) 段所指的任何罪行，或協助、教唆、慫使或促致他人犯上述各段所指的任何罪行。(由 1980 年第 27 號第 2 條代替。由 1987 年第 51 號第 4 條修訂；由 1991 年第 16 號第 2 條修訂；由 1999 年第 45 號第 5 條修訂；由 2018 年第 14 號第 12 條修訂)
- (由 1976 年第 14 號第 2 條代替)

- (dd) the offence of procuring a false entry in certain records under section 18D of the Theft Ordinance (Cap. 210); (*Added 51 of 1987 s. 4*)
- (de) the offence of false accounting under section 19 of the Theft Ordinance (Cap. 210); (*Added 27 of 1980 s. 2. Amended 51 of 1987 s. 4*)
- (e) the offence of assisting an offender under section 90 of the Criminal Procedure Ordinance (Cap. 221);
- (ea) any offence under regulations in force under the Electoral Affairs Commission Ordinance (Cap. 541); (*Replaced 134 of 1997 s. 85*)
- (eb) the offence under section 14(1A) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) of dealing with certain property in contravention of section 8A of that Ordinance; (*Added 14 of 2018 s. 12*)
- (ec) the offence under section 14(4A) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) of doing certain acts in contravention of section 11K, 11L or 11M of that Ordinance; (*Added 14 of 2018 s. 12*)
- (f) the offence of conspiracy to defraud and the offence of conspiracy to commit any of the offences referred to in paragraph (a), (aa), (b), (ba), (c), (d), (da), (db), (dc), (dd), (de), (e), (ea), (eb) or (ec); (*Replaced 27 of 1980 s. 2. Amended 51 of 1987 s. 4; 16 of 1991 s. 2; 45 of 1999 s. 5; 14 of 2018 s. 12*)
- (g) an attempt to commit any offence referred to in paragraph (a), (aa), (b), (ba), (c), (d), (da), (db), (dc), (dd), (de), (e), (ea), (eb) or (ec) or the offence of aiding, abetting, counselling or procuring any offence so referred to. (*Replaced 27 of 1980 s. 2. Amended 51 of 1987 s. 4; 16 of 1991 s. 2; 45 of 1999 s. 5; 14 of 2018 s. 12*)

10A. 逮捕後的程序

- (1) 根據第 10 條被逮捕的人 ——
 - (a) 可隨即被帶往警署，並在該警署按照《警隊條例》(第 232 章)處理；或
 - (b) 可被帶往廉政公署辦事處。
- (2) 凡根據第 10 條被逮捕的人被帶往廉政公署辦事處後 ——
 - (a) 如職級為高級廉政主任或以上的廉署人員(在本條中稱為**廉署高級人員**)認為為作進一步調查，有需要扣留該人在該辦事處，則該人可被扣留在該處；
 - (b) 該人可按以下條件獲釋 ——
 - (i) 他將一筆由廉署高級人員所要求的合理數額的款項，存放於廉署；或
 - (ii) 他作出廉署高級人員所要求的擔保，以及提供廉署高級人員所要求的擔保人(如該人員要求提供擔保人的話)；或(由 2008 年第 10 號第 39 條修訂)
 - (iii) 他存放該筆款項及作出該項擔保。
- (3) 存放一筆符合第(2)款規定的款項並因此而獲釋的人 ——
 - (a) 須在廉署高級人員所指定的時間前往廉政公署辦事處報到，其後並須在如此報到後再在該人員所指定的其他時間報到；或(由 1996 年第 48 號第 20 條修訂)
 - (b) 須在廉署高級人員所指定的時間和地點在裁判官席前應訊。
- (3A) 任何人根據第(3)款獲釋，並 ——
 - (a) 在已指定的進一步的其他時間前往廉政公署辦事處報到；及

*(Replaced 14 of 1976 s. 2)***10A. Procedure after arrest**

- (1) A person arrested under section 10—
 - (a) may be taken forthwith to a police station and there dealt with in accordance with the Police Force Ordinance (Cap. 232); or
 - (b) may be taken to the offices of the Commission.
- (2) A person arrested under section 10 who is taken to the offices of the Commission may be—
 - (a) detained there if an officer of the rank of Senior Commission Against Corruption Officer or above considers it necessary for the purpose of further inquiries;
 - (b) released from custody—
 - (i) on his depositing such reasonable sum of money as an officer of the rank of Senior Commission Against Corruption Officer or above may require; or
 - (ii) on his entering into such recognizance, with such sureties, if any, as an officer of the rank of Senior Commission Against Corruption Officer or above may require; or
 - (iii) on his depositing such a sum of money and entering into such a recognizance.
- (3) A person who has deposited a sum of money for the purposes of subsection (2) and has thereupon been released from custody shall—
 - (a) attend at the offices of the Commission at such time as an officer of the rank of Senior Commission Against Corruption Officer or above has specified and, having

- (b) 在報到時知會廉署高級人員他會拒絕在進一步的其他時間(不論有否指定)報到，則該人須獲發還為第(2)款的目的而存放的款項，並且不須受就其報到而作出的任何擔保所約束。(由 1996 年第 48 號第 20 條增補)
- (4) 為符合第(2)款規定而作出的擔保須受以下條件規限——
- (a) 該人須於擔保書內指明的時間前往廉政公署辦事處報到，其後並在廉署高級人員所指定的其他時間報到；或
- (b) 該人須於擔保書內指明的時間及地點在裁判官席前應訊。
- (5) 如任何人不按照第(3)款的規定、或不按照為符合第(2)款規定而作的擔保前往廉政公署辦事處報到或在裁判官席前應訊，裁判官可應廉政專員的申請將該款項沒收或下令追收該筆擔保款項。
- (6) 如有人根據第(2)(a)款被扣留在廉政公署辦事處，除非該人在被帶到裁判官席前之前已根據第(2)(b)款或其他規定獲釋，否則須在其被捕後 48 小時內，在切實可行範圍內盡快被帶到裁判官席前。
- (7) (a) 如廉署高級人員認為有需要或適宜，根據第(2)(a)款被扣留在廉政公署辦事處的人，可在廉署人員羈押下被帶領往返任何其他地方。
- (b) 任何人根據(a)段在廉署人員羈押下被帶領往返任何地方，均當作合法羈押。
- (8) 行政長官可藉命令而就如何對待被拘留在廉政公署辦事處的人作出其認為需要的規定，不論該人是根據第(2)(a)款的規定或依據裁判官根據《裁判官條例》(第 227 章)第 20(3) 或 79(1) 條所作出的命令而被扣留。(由 1987 年第 51 號第 5 條修訂；由 2003 年第 1 號第 3 條修訂)
- (由 1976 年第 14 號第 2 條增補。由 1980 年第 27 號第 3 條修訂)

- so attended, shall further attend at such other times thereafter as such an officer may specify; or (*Amended 48 of 1996 s. 20*)
- (b) appear before a magistrate at such time and place as an officer of the rank of Senior Commission Against Corruption Officer or above has specified.
- (3A) A person who has been released from custody under subsection (3) and—
- (a) who attends at the offices of the Commission at a further time as shall have been specified; and
- (b) who on such attendance advises an officer of the rank of Senior Commission Against Corruption Officer or above that he will refuse to attend at any further time, whether specified or not,
- shall have the sum of money deposited for the purposes of subsection (2) refunded to him and shall not be bound by any recognizance entered into by him with respect to his attendance. (*Added 48 of 1996 s. 20*)
- (4) A recognizance entered into for the purposes of subsection (2) shall be conditioned—
- (a) for the attendance of the person at the offices of the Commission at such time as may be specified therein and at such other time thereafter as an officer of the rank of Senior Commission Against Corruption Officer or above may specify; or
- (b) for the appearance of the person before a magistrate at such time and place as may be specified therein.
- (5) If any person fails to attend at the offices of the Commission or to appear before a magistrate in accordance with subsection (3) or a recognizance entered into for the purposes of subsection (2), such sum of money may be forfeited or

10AA. 逮捕獲准保釋的人

- (1) 獲廉政專員為此授權的廉署人員，在以下情況可無需手令而逮捕任何按照第 10A(2) 條獲釋放的人，或根據第 10 條被逮捕後或就該條所指罪行的告票出庭應訊後獲准保釋的人——
- (a) 該廉署人員有合理理由相信該人獲釋放或獲准保釋所依據或所須遵守的條件，已遭違反或相當可能會遭違反；或

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- such recognizance estreated by a magistrate on application by the Commissioner.
- (6) A person who is detained at the offices of the Commission under subsection (2)(a) shall be brought before a magistrate as soon as practicable and in any event within 48 hours after his arrest unless he is sooner released, whether under subsection (2)(b) or otherwise.
- (7) (a) A person who is detained at the offices of the Commission under subsection (2)(a) may be taken in the custody of an officer to and from any other place if an officer of the rank of Senior Commission Against Corruption Officer or above considers it necessary or desirable to do so.
- (b) Any person who is being taken to and from any such place in the custody of an officer under paragraph (a) shall be deemed to be in lawful custody.
- (8) The Chief Executive may by order make such provision as he considers necessary with respect to the treatment of persons detained at the offices of the Commission, whether under subsection (2)(a) or pursuant to the order of a magistrate under section 20(3) or 79(1) of the Magistrates Ordinance (Cap. 227). (*Amended 51 of 1987 s. 5; 1 of 2003 s. 3*)

(Added 14 of 1976 s. 2. Amended 27 of 1980 s. 3)

10AA. Arrest of persons granted bail

- (1) An officer authorized in that behalf by the Commissioner may arrest without warrant any person who has been released from custody in accordance with section 10A(2), or otherwise admitted to bail following his arrest under section 10 or his appearance on a summons in respect of an offence referred to in that section—

- (b) 該廉署人員接獲該獲釋的人的任何擔保人的書面通知，得悉該擔保人相信該獲釋的人相當可能會違背其須在指定時間及地點出庭應訊的條件，而該擔保人據此理由希望免除其擔保人的義務。(由 1994 年第 56 號第 10 條修訂)
- (2) 根據第 (1) 款被逮捕的人，必須在其被逮捕後 24 小時內，或在該期限屆滿後在切實可行範圍內盡快被帶到裁判官席前，但如他被逮捕的時間，是在緊接着其憑藉第 10A(2) 條獲釋的條件或根據其他保釋條件而須前往任何法庭應訊之前 24 小時期間內者，則須將他帶到該法庭。
- (3) 如法庭覺得根據第 (2) 款被帶到其席前的人先前獲釋或獲准保釋所依據或所須遵守的條件，已遭違反或相當可能會遭違反，法庭可——
- (a) 將該人羈押；或
- (b) 讓該人按同樣條件或以法庭認為合適的其他條件保釋，
- 但如法庭不覺得有此情況，則該法庭須讓該人按同樣條件保釋。
- (4) 本條並不減損或影響《刑事訴訟程序條例》(第 221 章) 第 9K 條所載的逮捕權力。(由 1994 年第 56 號第 10 條修訂)
(由 1987 年第 51 號第 6 條增補)
[比照 1967 c. 80 s. 23 U.K.]

- (a) if the officer has reasonable grounds for believing that any condition on or subject to which such person was so released or otherwise admitted to bail has been or is likely to be broken; or
- (b) on being notified in writing by any surety for that person that the surety believes that that person is likely to break the condition that he will appear at the time and place required and for that reason the surety wishes to be relieved of his obligation as surety. (*Amended 56 of 1994 s. 10*)
- (2) Any person arrested under subsection (1) shall be brought within the period of 24 hours after his arrest or as soon as practicable after the expiry of that period before a magistrate, except where he was so arrested within the period of 24 hours immediately preceding an occasion on which he is required by virtue of a condition of his release under section 10A(2) or other bail to appear before any court, in which case he shall be brought before that court.
- (3) If it appears to the court before which a person is brought under subsection (2) that any condition on or subject to which such person was released or otherwise admitted to bail has been or is likely to be broken, the court may—
- (a) remand that person in custody; or
- (b) admit that person to bail on the same conditions or on such other conditions as it thinks fit,
- but if it does not so appear to that court the court shall admit that person to bail on the same conditions.
- (4) Nothing in this section shall derogate from or affect the powers of arrest contained in section 9K of the Criminal Procedure Ordinance (Cap. 221). (*Amended 56 of 1994 s. 10*)
(*Added 51 of 1987 s. 6*)

10B. 搜查令

在不損害《防止賄賂條例》(第 201 章)第 17(1) 條的原則下，裁判官如根據經宣誓的告發，信納有理由相信在任何處所或地方內有任何物件是第 10 條所提述的任何罪行的證據，或含有這些證據，可藉向廉署人員發出手令，授權該廉署人員以及其他協助他的廉署人員，進入及搜查該處所或地方。

(由 1976 年第 14 號第 2 條增補。由 1996 年第 48 號第 21 條修訂)

10C. 搜查與檢取證物的權力

- (1) 獲廉政專員為此授權的廉署人員——
 - (a) 如合理地懷疑任何人已犯第 10 條所提述的任何罪行，可搜查該人；
 - (b) 可搜查任何人在根據第 10 條被逮捕時所在的處所或地方，或搜查任何人在逃避根據第 10 條進行的逮捕時所在的處所或地方，以尋找第 10 條所提述的任何罪行的證據；
 - (c) 如有理由相信任何物件是第 10 條所提述的任何罪行的證據或包含這些證據，可檢取並扣留該物件。(編輯修訂——2018 年第 1 號編輯修訂紀錄)
 - (d) (由 1992 年第 45 號第 2 條廢除)
- (1A) (由 1992 年第 45 號第 2 條廢除)
- (2) 根據第 (1) 款對任何人進行的搜查，只可由性別與該人相同的人進行。
- (3) 第 (1) 款授予的權力不減損《防止賄賂條例》(第 201 章)第 17 條或根據該條發出的手令所賦予任何廉署人員的權力。

(由 1976 年第 14 號第 2 條增補)

[cf. 1967 c. 80 s. 23 U.K.]

10B. Search warrants

Without prejudice to section 17(1) of the Prevention of Bribery Ordinance (Cap. 201), if a magistrate is satisfied by information on oath that there is reason to believe that there is in any premises or place anything which is or contains evidence of the commission of any of the offences referred to in section 10, he may by warrant directed to any officer authorize such officer, and any other officers assisting him, to enter and search such premises or place.

(Added 14 of 1976 s. 2. Amended 48 of 1996 s. 21)

10C. Power of search and seizure

- (1) An officer authorized in that behalf by the Commissioner may—
 - (a) search any person if he reasonably suspects that such person is guilty of any of the offences referred to in section 10;
 - (b) search the premises or place in which any person was arrested under section 10, or the premises or place in which a person who evades arrest therein under section 10 was to be arrested, for evidence of any of the offences referred to in that section;
 - (c) seize and detain anything which such officer has reason to believe to be or to contain evidence of any of the offences referred to in section 10. (Amended E.R. 1 of 2018)
 - (d) (Repealed 45 of 1992 s. 2)
- (1A) (Repealed 45 of 1992 s. 2)
- (2) A person shall not be searched under subsection (1) except by a person of the same sex.

10D. 獲取指模及照片的權力

- (1) 凡任何人根據第 10 條被逮捕，或根據《裁判官條例》(第 227 章) 第 8(2) 條就第 10 條的罪行獲送達傳票，廉署人員可為他拍攝照片、套取其指模及量度其體重體高資料，或安排在一名廉署人員的監督下辦理以上事情。(由 1996 年第 48 號第 22 條修訂)
- (2) 就某人而根據第 (1) 款取得的個人辨別身分資料，可由廉政專員保留，但如——
 - (a) 決定不控告該人任何罪行；或
 - (b) 該人雖被控以第 10 條罪行，但在定罪前獲法庭釋放，或獲原審法庭或上訴法庭判無罪釋放，
 則該等資料連同有關的底片、複製品或複本，須在合理可行範圍內盡快予以銷毀，或按該人的意願交給他本人。
- (3) 儘管第 (2) 款另有規定，廉政專員仍可保存曾被裁定犯第 10 條罪行的人的辨別身分資料。
- (4) 在本條中——

第 10 條罪行 (section 10 offence) 指任何令犯者可根據第 10 條被逮捕的罪行；

辨別身分資料 (identifying particulars)，就任何人而言，指該人的照片、指模及體重體高資料。

(由 1991 年第 21 號第 2 條代替)

- (3) The powers conferred by subsection (1) shall not derogate from the power conferred on any officer by section 17 of the Prevention of Bribery Ordinance (Cap. 201) or a warrant issued thereunder.

(Added 14 of 1976 s. 2)

10D. Power to take finger-prints and photographs

- (1) Where a person has been arrested under section 10 or, has been served with a summons under section 8(2) of the Magistrates Ordinance (Cap. 227) in respect of a section 10 offence, any officer may take, or cause to be taken under the supervision of an officer, photographs, finger-prints and the weight and height measurements of that person. (Amended 48 of 1996 s. 22)
- (2) The identifying particulars of a person taken under subsection (1) may be retained by the Commissioner, except that if—
 - (a) a decision is taken not to charge the person with any offence; or
 - (b) the person is charged with a section 10 offence but discharged by a court before conviction or acquitted at his trial or on appeal,
 the identifying particulars, together with any negatives or copies thereof, shall as soon as reasonably practicable be destroyed or, if the person prefers, delivered to that person.
- (3) Notwithstanding subsection (2), the Commissioner may retain the identifying particulars of a person who has been previously convicted of any section 10 offence.
- (4) In this section—

identifying particulars (辨別身分資料) in relation to a person means photographs, finger-prints and the weight and height measurements of that person;

10E. 收取非體內樣本

- (1) 在調查某已發生或相信已發生的罪行時，只可在以下情況下在經或不經某人的同意而收取其非體內樣本作法證科學化驗——
 - (a) 正依據第 10A 條將該人處理和扣留；並且
 - (b) 一名職級在高級廉政主任或以上的廉署人員 (**授權人員**) 授權收取該樣本。
- (2) 授權人員只可在以下情況下作出第 (1)(b) 款所規定的授權——
 - (a) 他有合理理由，懷疑擬收取的非體內樣本所屬的人已犯某宗嚴重的可逮捕罪行；並且
 - (b) 他有合理理由，相信該樣本有助於確定該人是否已犯上述罪行。
- (3) 授權人員——
 - (a) 依據第 (2) 款作出的授權必須以書面形式作出，但 (b) 段另有規定者除外；
 - (b) 在遵從 (a) 段的規定並不切實可行的情況下，可以口頭形式作出上述授權，而在此情況下，他必須於切實可行範圍內盡快以書面形式確認該項授權。
- (4) 凡授權人員已依據第 (2) 款作出授權，則任何廉署人員在向該人收取非體內樣本前，須將以下各事宜告知該人——
 - (a) 懷疑該人所犯的罪行的性質；
 - (b) 有合理理由相信該樣本有助於確定該人是否已犯上述罪行；
 - (c) 該項作出的授權；

section 10 offence (第10條罪行) means any offence for which a person may be arrested under section 10.

(Replaced 21 of 1991 s. 2)

10E. Taking of non-intimate samples

- (1) In any investigation in respect of an offence committed or believed to have been committed, a non-intimate sample may be taken from a person with or without his consent for forensic analysis only if—
 - (a) that person is dealt with and detained pursuant to section 10A; and
 - (b) an officer of the rank of Senior Commission Against Corruption Officer or above (**authorizing officer**) authorizes it to be taken.
- (2) An authorizing officer may only give an authorization as required under subsection (1)(b) if he has reasonable grounds—
 - (a) for suspecting that the person from whom the non-intimate sample is to be taken has committed a serious arrestable offence; and
 - (b) for believing that the sample will tend to confirm or disprove the commission of the offence by that person.
- (3) An authorizing officer—
 - (a) subject to paragraph (b), must give an authorization pursuant to subsection (2) in writing;
 - (b) where it is impracticable to comply with paragraph (a), may give such authorization orally, in which case he must confirm it in writing as soon as practicable.
- (4) Where an authorization has been given pursuant to subsection (2), an officer shall, before the taking of a non-intimate

- (d) 對收取該樣本一事，他可表示同意，亦可不表示同意；
- (e) 如他對收取該樣本一事不表示同意，其樣本仍會在有需要時使用武力的情況下收取；
- (f) 該樣本將會被化驗，而從該化驗所得出的資料可能會提供證據，用於就上述罪行或任何其他令犯者可根據第 10 條被逮捕的罪行而進行的刑事法律程序中；
- (g) 他可向一名廉署人員提出請求，以取覽從該樣本的化驗所得出的資料；及
- (h) 如他其後就任何嚴重的可逮捕罪行被定罪，則任何從該樣本所得出的 DNA 資料可永久儲存於根據《警隊條例》(第 232 章) 第 59G 條第 (1) 款保存的 DNA 資料庫，並且可用於該條第 (2) 款指明的用途。
- (5) 依據第 (1) 款取得的非體內樣本所屬的人，有權取覽從該樣本的化驗所得出的資料。
- (6) 依據本條對取得非體內樣本一事表示的同意必須以書面表示，並由表示同意的人簽署。
- (7) 非體內樣本只可由 ——
- (a) 註冊醫生收取；或
- (b) 廉政人員或在政府化驗所工作的公務人員收取，而該人員曾為此目的接受訓練。(由 2008 年第 10 號第 40 條修訂)
- (8) 廉政人員為依據本條收取或協助依據本條收取某人的非體內樣本的目的，可使用合理所需的武力。
- (9) 在本條、第 10F 及 10G 條中 ——
- 私處** (private part) 就人體而言，指某人的生殖器區或肛門區，就女性而言包括乳房；
- 非體內樣本** (non-intimate sample) 指 ——
- (a) 頭髮樣本；

- sample, inform the person from whom the sample is to be taken—
- (a) of the nature of the offence in which the person is suspected to have committed;
- (b) that there are reasonable grounds to believe that the sample will tend to confirm or disprove the commission of the offence by that person;
- (c) of the giving of the authorization;
- (d) that he may or may not consent to the taking of the sample;
- (e) that if he does not consent to the taking of the sample, the sample will still be taken from him by using reasonable force if necessary;
- (f) that the sample will be analysed and the information derived from such analysis may provide evidence that might be used in criminal proceedings for such offence or any other offence for which a person may be arrested under section 10;
- (g) that he may make a request to an officer for access to the information derived from the analysis of the sample; and
- (h) that if he is subsequently convicted of any serious arrestable offence, any DNA information derived from the sample may be permanently stored in the DNA database maintained under section 59G(1) of the Police Force Ordinance (Cap. 232) and may be used for the purposes specified in subsection (2) of that section.
- (5) The person from whom a non-intimate sample was taken pursuant to subsection (1) is entitled to access to the information derived from the analysis of the sample.

- (b) 從指甲或從指甲底下所取得的樣本；
- (c) 用拭子從人體任何不屬私處的部分或從口腔（但不包括口腔以外的其他人體孔口）取得的樣本；
- (d) 唾液；
- (e) 人體任何部分的印模，但不包括——
 - (i) 私處的印模；
 - (ii) 面部的印模；或
 - (iii) 《警隊條例》(第 232 章)第 59(6) 條描述的鑑別資料；

嚴重的可逮捕罪行 (serious arrestable offence) 指令犯者可根據第 10 條被逮捕的罪行，而犯該罪行的人根據或憑藉任何法律可被判處的最長監禁刑期是不少於 7 年的；

體內樣本 (intimate sample) 指——

- (a) 血液、精液或其他組織液、尿液或頭髮以外的毛髮樣本；
- (b) 牙齒印模；
- (c) 用拭子從人體的私處或從人體孔口（口腔除外）取得的樣本；

DNA 指脫氧核糖核酸；

DNA 資料 (DNA information) 指從對體內樣本或非體內樣本進行的 DNA 法證科學化驗所得出的遺傳資料。

(由 2000 年第 68 號第 4 條增補)

- (6) Any consent given for the taking of a non-intimate sample pursuant to this section must be given in writing and signed by the person giving the consent.
- (7) A non-intimate sample from a person may only be taken by—
 - (a) a registered medical practitioner; or
 - (b) an officer, or a public officer working in the Government Laboratory, who has received training for the purpose.
- (8) An officer may use such force as is reasonably necessary for the purposes of taking or assisting the taking of a non-intimate sample from a person pursuant to this section.

- (9) In this section, sections 10F and 10G—

DNA means deoxyribonucleic acid;

DNA information (DNA 資料) means genetic information derived from the forensic DNA analysis of an intimate sample or a non-intimate sample;

intimate sample (體內樣本) means—

- (a) a sample of blood, semen or any other tissue fluid, urine or hair other than head hair;
- (b) a dental impression;
- (c) a swab taken from a private part of a person's body or from a person's body orifice other than the mouth;

non-intimate sample (非體內樣本) means—

- (a) a sample of head hair;
- (b) a sample taken from a nail or from under a nail;
- (c) a swab taken from any part, other than a private part, of a person's body or from the mouth but not any other body orifice;
- (d) saliva;

10F. 使用樣本及法證科學化驗結果的限制

- (1) 在不影響第(4)款的原則下，除為以下目的外，任何人不得取覽、處置或使用依據第 10E 條取得的非體內樣本——
 - (a) 在調查令犯者可根據第 10 條被逮捕的罪行的過程中為作法證科學化驗而取覽、處置或使用；或
 - (b) 為任何就上述罪行而進行的法律程序的目的而取覽、處置或使用。
- (2) 在不影響第(4)款的原則下，除為以下目的外，任何人不得取覽、披露或使用依據第 10E 條取得的非體內樣本的法證科學化驗結果——
 - (a) (i) 在調查任何令犯者可根據第 10 條被逮捕的罪行的過程中為作法證科學比較及法證科學詮釋而取覽、披露或使用；
 - (ii) 為任何就上述罪行而進行的法律程序的目的而取覽、披露或使用；或

- (e) an impression of any part of a person's body other than—
 - (i) an impression of a private part;
 - (ii) an impression of the face; or
 - (iii) the identifying particulars described in section 59(6) of the Police Force Ordinance (Cap. 232);

private part (私處) in relation to a person's body, means the genital or anal area and includes the breasts in the case of a woman;

serious arrestable offence (嚴重的可逮捕罪行) means an offence for which a person may be arrested under section 10 and for which a person may under or by virtue of any law be sentenced to imprisonment for a term not less than 7 years.

(Added 68 of 2000 s. 4)

10F. Limitations on use of samples and results of forensic analysis

- (1) Without prejudice to subsection (4), no person shall have access to, dispose of or use a non-intimate sample taken pursuant to section 10E except for the purposes of—
 - (a) forensic analysis in the course of an investigation of any offence for which a person may be arrested under section 10; or
 - (b) any proceedings for any such offence.
- (2) Without prejudice to subsection (4), no person shall have access to, disclose or use the results of forensic analysis of a non-intimate sample taken pursuant to section 10E except—
 - (a) for the purposes of—
 - (i) forensic comparison and interpretation in the course of investigation of any offence for which a person may be arrested under section 10;
 - (ii) any proceedings for such an offence; or

- (iii) 提供該結果予該結果所關乎的人取覽；或
- (b) (如該結果屬 DNA 法證科學化驗結果) 為《警隊條例》(第 232 章) 第 59G(1) 及 (2) 條的目的而取覽、披露或使用。
- (3) 任何人違反第 (1) 或 (2) 款，即屬犯罪，一經定罪，可處第 4 級罰款及監禁 6 個月。
- (4) 不論依據第 10E 條取得的非體內樣本或該樣本的法證科學化驗結果是否已根據第 10G 條毀滅，任何人不得在下述情況出現後，在就令犯者可根據第 10 條被逮捕的罪行而進行的法律程序中使用該樣本或結果——
- (a) 已決定不對該樣本所屬的人控以令犯者可根據第 10 條被逮捕的罪行；
- (b) (如該人被控以一項或多於一項令犯者可根據第 10 條被逮捕的罪行) 以下三種情況中最早出現者——
- (i) 該項或所有該等控罪(視屬何情況而定)被撤銷；
- (ii) 法庭在該人被裁定犯該項或所有該等罪行(視屬何情況而定)前釋放該人；或
- (iii) 在審訊或上訴時，法庭裁定該人被控的該項或所有該等罪行的罪名(視屬何情況而定)不成立。

(由 2000 年第 68 號第 4 條增補)

10G. 樣本及紀錄的棄置

- (1) 廉政專員須採取合理步驟，確保由他保留或代他保留的——

- (iii) making the results available to the person to whom the results relate; or
- (b) for the purposes of section 59G(1) and (2) of the Police Force Ordinance (Cap. 232) where the results are of forensic DNA analysis.
- (3) Any person who contravenes subsection (1) or (2) commits an offence and is liable on conviction to a fine at level 4 and to imprisonment for 6 months.
- (4) Whether or not a non-intimate sample taken pursuant to section 10E or the results of forensic analysis of the sample has been destroyed under section 10G, no person shall use the sample or results in any proceedings for an offence for which a person may be arrested under section 10 after—
- (a) it is decided that a person from whom the sample was taken shall not be charged with any offence for which a person may be arrested under section 10;
- (b) if the person has been charged with one or more such offences—
- (i) the charge or all the charges, as the case may be, is or are withdrawn;
- (ii) the person is discharged by a court before conviction of the offence or all the offences, as the case may be; or
- (iii) the person is acquitted of the offence or all the offences, as the case may be, at trial or on appeal, whichever occurs first.

(Added 68 of 2000 s. 4)

10G. Disposal of samples and records

- (1) The Commissioner shall take reasonable steps to ensure that—

- (a) 任何依據第 10E 條取得的非體內樣本；及
- (b) 載有關於該樣本的資料以及足以令他人從中識別上述資料乃關於該樣本所屬的人的有關詳情的任何紀錄，
- 在——
- (i) 該人並沒有被控以任何令犯者可根據第 10 條被逮捕的罪行的情況下——
- (A) 除 (B) 節另有規定外，在自取得該樣本的日期起計的 12 個月 (**有關限期**) 屆滿後，於切實可行範圍內盡快予以毀滅；或
- (B) 在根據第 (2) 款延展的一段或多於一段限期 (**延展限期**) 屆滿後，於切實可行範圍內盡快予以毀滅；
- (ii) 該人於有關限期及延展限期 (如有的話) 內被控以一項或多於一項令犯者可根據第 10 條被逮捕的罪行的情況下，在以下三種情況中最早出現者出現後，於切實可行範圍內盡快予以毀滅——
- (A) 該項或所有該等控罪 (視屬何情況而定) 被撤銷；
- (B) 法庭在該人被裁定犯該項或該等罪行 (視屬何情況而定) 前釋放該人；或
- (C) 在審訊或上訴時，法庭裁定該人被控的該項或所有該等罪行的罪名 (視屬何情況而定) 不成立。
- (2) 一名職級在助理處長或以上的廉署人員如有合理理由信納保留有關的非體內樣本及有關紀錄，對該樣本所關乎的罪行的繼續調查是必要的，則可將有關限期延展或再延展，每段延展限期不得超過 6 個月。
- (3) 第 (1) 款並不影響任何已依據《警隊條例》(第 232 章) 第 59G(1)(a)、(b) 或 (c) 條永久儲存入 DNA 資料庫的 DNA 資料。

- (a) a non-intimate sample taken pursuant to section 10E; and
- (b) a record to the extent that it contains information about the sample and particulars that are identifiable by any person as particulars identifying that information with the person from whom the sample was taken,
- which may be retained by him or on his behalf are destroyed as soon as practicable after—
- (i) if the person has not been charged with any offence for which a person may be arrested under section 10, the expiry of—
- (A) subject to subparagraph (B), 12 months from the date on which the sample was taken (**the relevant period**); or
- (B) such further period or periods as may be extended under subsection (2) (**the extended period**);
- (ii) if the person has been charged with one or more offences for which a person may be arrested under section 10 within the relevant period and the extended period, if any—
- (A) the charge or all the charges, as the case may be, is or are withdrawn;
- (B) the person is discharged by a court before conviction of the offence or all the offences, as the case may be; or
- (C) the person is acquitted of the offence or all the offences, as the case may be, at trial or on appeal,
- whichever occurs first.
- (2) An officer of the rank of Assistant Director of the Commission Against Corruption or above may extend or further extend the relevant period for not more than 6 months

- (4) 在不影響第 (1) 及 (2) 款的實施的原則下，如 ——
- (a) 依據第 10E 條取得的非體內樣本所屬的人被裁定犯一項或多於一項令犯者可根據第 10 條被逮捕的罪行；而且
- (b) 並沒有符合以下說明的控罪針對該人 ——
- (i) 關乎令犯者可根據第 10 條被逮捕的罪行的；及
- (ii) 令保留該樣本屬必要的，

則廉政專員須採取合理步驟確保在該項定罪所引起的所有法律程序 (包括任何上訴) 完結後，於切實可行範圍內盡快將由他保留或代他而保留的上述樣本毀滅。

(由 2000 年第 68 號第 4 條增補)

11. 常規

- (1) 廉政專員可作出命令，稱為“廉政公署常規”，對以下事項作出規定 ——
- (a) 廉政公署的管轄、指導及行政；
- (b) 廉署人員的紀律、培訓、等級分類及晉升；

for each extension if he is satisfied on reasonable grounds that it is necessary to the continuing investigation of the offence or offences in relation to which the sample was taken that the sample and the record concerned be retained.

- (3) Subsection (1) shall not affect any DNA information which has already been permanently stored in the DNA database pursuant to section 59G(1)(a), (b) or (c) of the Police Force Ordinance (Cap. 232).
- (4) Without prejudice to the operation of subsections (1) and (2), if—
- (a) a person from whom a non-intimate sample was taken pursuant to section 10E has been convicted of one or more offences for which a person may be arrested under section 10; and
- (b) there is no other charge against the person—
- (i) in relation to an offence which a person may be arrested under section 10; and
- (ii) which renders the retention of the sample necessary,

then the Commissioner shall take reasonable steps to ensure that the sample which may be retained by him or on his behalf is destroyed as soon as practicable after the conclusion of all proceedings (including any appeal) arising out of the conviction.

(Added 68 of 2000 s. 4)

11. Standing orders

- (1) The Commissioner may make orders, which shall be known as Commission standing orders, providing for—
- (a) the control, direction and administration of the Commission;

- (c) 廉署人員的職責；
 - (d) 廉政公署的財政管理；
 - (e) 廉政專員就為防止濫用職權或疏忽職守，以及為保持廉政公署行事持正而認為有需要或適宜的其他事宜。
- (2) 廉政專員如事先獲得行政長官批准，可藉常規修改憑藉第 8(4) 條而適用的《公務人員(管理)命令》、政府規例或行政規則對廉署人員的適用情況。(由 2003 年第 1 號第 3 條修訂)
- (3) 廉政公署常規不得與本條例的任何條文有所抵觸。

12. 廉政專員的職責

廉政專員的職責是代表行政長官 —— (由 2003 年第 1 號第 3 條修訂)

- (a) 接受及考慮有關指稱貪污行為的投訴，並在其認為切實可行範圍內就該等投訴進行調查；
- (b) 調查 ——
 - (i) 任何涉嫌或被指稱是犯本條例所訂的罪行；
 - (ii) 任何涉嫌或被指稱是犯《防止賄賂條例》(第 201 章)所訂的罪行；
 - (iii) 任何涉嫌或被指稱是犯《選舉(舞弊及非法行為)條例》(第 554 章)所訂的罪行；(由 2000 年第 10 號第 47 條修訂)
 - (iv) 任何涉嫌或被指稱是由訂明人員藉着或通過不當使用職權而犯的勒索罪；(由 2003 年第 14 號第 22 條修訂)

- (b) the discipline, training, classification and promotion of officers;
 - (c) the duties of officers;
 - (d) the financial regulation of the Commission;
 - (e) such other matters as may, in his opinion, be necessary or expedient for preventing abuse or neglect of duty and for upholding the integrity of the Commission.
- (2) The Commissioner may, with the prior approval of the Chief Executive, by standing order modify the application to officers of Public Service (Administration) Order, Government regulations or administrative rules applicable by virtue of section 8(4). (Amended 1 of 2003 s. 3)
- (3) No Commission standing order shall be inconsistent with any of the provisions of this Ordinance.

12. Duties of the Commissioner

It shall be the duty of the Commissioner, on behalf of the Chief Executive, to— (Amended 1 of 2003 s. 3)

- (a) receive and consider complaints alleging corrupt practices and investigate such of those complaints as he considers practicable;
- (b) investigate—
 - (i) any alleged or suspected offence under this Ordinance;
 - (ii) any alleged or suspected offence under the Prevention of Bribery Ordinance (Cap. 201);
 - (iii) any alleged or suspected offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); (Amended 10 of 2000 s. 47)

- (v) 任何涉嫌或被指稱是串謀犯《防止賄賂條例》(第 201 章)所訂的罪行；
- (vi) 任何涉嫌或被指稱是串謀犯《選舉(舞弊及非法行為)條例》(第 554 章)所訂的罪行；及(由 2000 年第 10 號第 47 條修訂)
- (vii) 對任何涉嫌或被指稱是(由 2 人或多於 2 人，其中包括訂明人員)串謀藉着或通過該名訂明人員不當使用職權而犯的勒索罪；(由 1991 年第 16 號第 3 條代替。由 2003 年第 14 號第 22 條修訂)
- (c) 對廉政專員認為與貪污有關連或助長貪污的訂明人員行為進行調查，並就此事向行政長官報告；(由 2003 年第 1 號第 3 條修訂；由 2003 年第 14 號第 22 條修訂)
- (d) 審查各政府部門及公共機構的工作常規及程序，以便利揭露貪污行為，並確保廉政專員認為可能助長貪污的工作方法或程序得以修正；
- (e) 應任何人的要求，就有關消除貪污的方法向該人給予指導、意見及協助；
- (f) 向各政府部門或公共機構首長建議，在符合政府部門或公共機構有效執行職責的原則下，就其工作常規或程序作出廉政專員認為需要的修改，以減少發生貪污行為的可能性；
- (g) 教育公眾認識貪污的害處；及
- (h) 爭取和促進公眾支持打擊貪污。

- (iv) any alleged or suspected offence of blackmail committed by a prescribed officer by or through the misuse of his office; (*Amended 14 of 2003 s. 22*)
- (v) any alleged or suspected conspiracy to commit an offence under the Prevention of Bribery Ordinance (Cap. 201);
- (vi) any alleged or suspected conspiracy to commit an offence under the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554); and (*Amended 10 of 2000 s. 47*)
- (vii) any alleged or suspected conspiracy (by 2 or more persons including a prescribed officer) to commit an offence of blackmail by or through the misuse of the office of that prescribed officer; (*Replaced 16 of 1991 s. 3. Amended 14 of 2003 s. 22*)
- (c) investigate any conduct of a prescribed officer which, in the opinion of the Commissioner, is connected with or conducive to corrupt practices and to report thereon to the Chief Executive; (*Amended 1 of 2003 s. 3; 14 of 2003 s. 22*)
- (d) examine the practices and procedures of Government departments and public bodies, in order to facilitate the discovery of corrupt practices and to secure the revision of methods of work or procedures which, in the opinion of the Commissioner, may be conducive to corrupt practices;
- (e) instruct, advise and assist any person, on the latter's request, on ways in which corrupt practices may be eliminated by such person;
- (f) advise heads of Government departments or of public bodies of changes in practices or procedures compatible

13. 廉政專員的權力

- (1) 廉政專員為了執行他在本條例下的職能，可——
 - (a) 以書面授權任何廉署人員進行查訊或審查；
 - (b) 進入任何政府處所，並要求訂明人員回答與任何訂明人員或公職人員職責有關的問題，及要求交出與此有關的常規、指示、辦公手冊或指令等；(由 2003 年第 14 號第 24 條修訂)
 - (c) (由 1992 年第 45 號第 3 條廢除)
 - (d) 以書面授權任何人執行廉政專員的任何職責，以及行使本條例及《防止賄賂條例》(第 201 章)所賦予並由廉政專員指明的權力。(由 2000 年第 10 號第 47 條修訂)
- (2) 廉政專員或獲廉政專員為本款的目的以書面授權的任何廉署人員具有以下權力——
 - (a) 就執行廉政專員在本條例下的任何職能而言，可查閱由任何訂明人員管有或控制的與任何政府部門工作有關的所有紀錄、簿冊及其他文件；
 - (b) 在為執行廉政專員在第 12(d) 或 (f) 條下的任何職能而屬必要的範圍內，可查閱由某公共機構管有或控制的所有紀錄、簿冊及其他文件，而該等紀錄、簿冊及其他文件是廉政專員或該廉署人員合理地認為將會顯露該公共機構的常規及程序的；
 - (c) 就任何該等紀錄、簿冊及其他文件而言，可拍攝其照片或複製其副本。(由 1996 年第 48 號第 23 條代替)

- with the effective discharge of the duties of such departments or public bodies which the Commissioner thinks necessary to reduce the likelihood of the occurrence of corrupt practices;
- (g) educate the public against the evils of corruption; and
 - (h) enlist and foster public support in combatting corruption.

13. Powers of the Commissioner

- (1) For the purpose of the performance of his functions under this Ordinance the Commissioner may—
 - (a) authorize in writing any officer to conduct an inquiry or examination;
 - (b) enter any Government premises and require any prescribed officer to answer questions concerning the duties of any prescribed officer or public servant and require the production of any standing orders, directions, office manuals or instructions relating thereto;
 - (c) *(Repealed 45 of 1992 s. 3)*
 - (d) authorize in writing any person to perform any of his duties and to exercise such powers under this Ordinance and the Prevention of Bribery Ordinance (Cap. 201) as he may specify. *(Amended 10 of 2000 s. 47)*
- (2) The Commissioner or any officer authorized for the purposes of this subsection in writing by the Commissioner shall have the following powers, namely—
 - (a) as regards the performance of any of the Commissioner's functions under this Ordinance, access to all records, books and other documents relating to the work of any Government department in the possession or under the control of any prescribed officer;

- (3) 在本條中，**文件** (documents) 具有《防止賄賂條例》(第 201 章) 第 2 條給予該詞的涵義。(由 1996 年第 48 號第 23 條增補)

(由 2003 年第 14 號第 23 條修訂)

13A. 抗拒或妨礙廉署人員

任何人抗拒或妨礙廉署人員執行職責，即屬犯罪，一經定罪，可處罰款 \$5,000 及監禁 6 個月。

(由 1976 年第 14 號第 4 條增補。由 1987 年第 51 號第 7 條修訂)

13B. 向廉署人員作虛假報告

任何人明知而——

- (a) 向廉署人員作出或導致他人向廉署人員作出有人犯任何罪行的虛假報告；或
- (b) 藉提供虛假資料或作出虛假陳述或指控，誤導廉署人員，

即屬犯罪，一經定罪，可處罰款 \$20,000 及監禁 1 年。

(由 1976 年第 14 號第 4 條增補。由 1987 年第 51 號第 8 條修訂)

- (b) in so far as is necessary for the performance of any of the Commissioner's functions under section 12(d) or (f), access to such records, books and other documents in the possession or under the control of a public body as the Commissioner or such officer reasonably considers will reveal the practices and procedures of that public body;

- (c) as regards any such records, books and other documents, power to photograph or make copies of them. (*Replaced 48 of 1996 s. 23*)

- (3) In this section **documents** (文件) has the meaning assigned to **document** in section 2 of the Prevention of Bribery Ordinance (Cap. 201). (*Added 48 of 1996 s. 23*)

(*Amended 14 of 2003 s. 23*)

13A. Resisting or obstructing officers

Any person who resists or obstructs an officer in the execution of his duty shall be guilty of an offence and shall be liable on conviction to a fine of \$5,000 and to imprisonment for 6 months.

(*Added 14 of 1976 s. 4. Amended 51 of 1987 s. 7*)

13B. False reports to officers

Any person who knowingly—

- (a) makes or causes to be made to an officer a false report of the commission of any offence; or
- (b) misleads an officer by giving false information or by making false statements or accusations,

shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year.

(*Added 14 of 1976 s. 4. Amended 51 of 1987 s. 8*)

13C. 冒充廉署人員等行為

任何人——

- (a) 冒充廉署人員，或偽稱具有廉署人員根據本條例或《防止賄賂條例》(第 201 章)所賦予的權力，或根據該兩條條例之一而作出的授權或發出的手令所賦予的權力；或
- (b) 偽稱能夠促致一名廉署人員作或不作與該廉署人員職責有關的事情，

即屬犯罪，一經定罪，可處罰款 \$20,000 及監禁 1 年。

(由 1976 年第 14 號第 4 條增補)

13D. 對與罪行有關連的財產的處置

《刑事訴訟程序條例》(第 221 章)第 102 條適用於由廉政專員或任何廉署人員管有的財產，一如該條例適用於由法庭或警方管有的財產一樣。

(由 1976 年第 14 號第 4 條增補)

13E. 第 13B 或 13C 條所訂罪行的檢控時限

- (1) 儘管《裁判官條例》(第 227 章)第 26 條另有規定，就第 13B 或 13C 條所訂罪行而作出的投訴或告發，可在所投訴或告發的事情發生後 1 年內作出。
- (2) 凡任何人在《1980 年總督特派廉政專員公署(修訂)條例》* (1980 年第 27 號)生效日期前犯第 13B 或 13C 條所訂的罪行，而若非有第(1)款的規定，他便會因為《裁判官條例》(第 227 章)第 26 條而不被檢控，則儘管第(1)款另有規定，亦不得因該罪行而可被檢控。

(由 1980 年第 27 號第 6 條增補)

13C. Falsely pretending to be an officer, etc.

Any person who falsely pretends—

- (a) that he is an officer or has any of the powers of an officer under this Ordinance or the Prevention of Bribery Ordinance (Cap. 201) or under any authorization or warrant under either of those Ordinances; or
- (b) that he is able to procure an officer to do or refrain from doing anything in connection with the duty of such officer,

shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 and to imprisonment for 1 year.

(Added 14 of 1976 s. 4)

13D. Disposal of property connected with offences

Section 102 of the Criminal Procedure Ordinance (Cap. 221) shall apply with respect to property in the possession of the Commissioner or any officer as it applies with respect to property in the possession of a court or the police.

(Added 14 of 1976 s. 4)

13E. Time limit for prosecution of offences under section 13B or 13C

- (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 13B or 13C within 1 year from the time when the matter of such complaint or information respectively arose.
- (2) Where a person has, before the commencement of the Independent Commission Against Corruption (Amendment) Ordinance 1980 (27 of 1980), committed an offence under section 13B or 13C and but for subsection (1) would not be liable to prosecution for that offence by reason of section

* “《1980 年總督特派廉政專員公署 (修訂) 條例》” 乃 “Independent Commission Against Corruption (Amendment) Ordinance 1980” 之譯名。

14. 預算

- (1) 廉政專員在每個財政年度內，須在行政長官指定的日期前將廉政公署下一個財政年度的開支預算呈交行政長官批准。
- (2) 該預算須符合行政長官所要求的格式及載有行政長官所要求的資料。

(由 2003 年第 1 號第 3 條修訂)

15. 帳目

- (1) 廉政專員須就行政長官所指定的廉政公署開支備存恰當的帳目。(由 2003 年第 1 號第 3 條修訂)
- (2) 廉政專員在每個財政年度終結後，須在方便情況下盡快安排擬備一份上一個財政年度的帳目報表。

16. 審計

- (1) 審計署署長有權隨時查閱所有根據第 15(1) 條備存的帳目，並可要求就帳目提供他認為合適的資料及解釋。
- (2) 審計署署長須審計根據第 15(2) 條擬備的帳目報表，並就審計向行政長官報告。(由 2003 年第 1 號第 3 條修訂)

(由 1997 年第 362 號法律公告修訂)

17. 周年報告

26 of the Magistrates Ordinance (Cap. 227), he shall, notwithstanding subsection (1), not be liable to be prosecuted for that offence.

(Added 27 of 1980 s. 6)

14. Estimates

- (1) In each financial year, before a date appointed by the Chief Executive, the Commissioner shall forward to the Chief Executive, for his approval, estimates of the expenditure of the Commission for the next financial year.
- (2) The estimates shall be in such form and contain such information as the Chief Executive may require.

(Amended 1 of 2003 s. 3)

15. Accounts

- (1) The Commissioner shall maintain proper accounts of such expenditure by the Commission as the Chief Executive may require. (Amended 1 of 2003 s. 3)
- (2) As soon as may be convenient after the end of each financial year, the Commissioner shall cause a statement of accounts during the previous financial year to be prepared.

16. Audit

- (1) The Director of Audit shall at any time be entitled to have access to all accounts maintained under section 15(1) and he may require such information and explanation thereon as he thinks fit.
- (2) The Director of Audit shall audit the statement of accounts prepared under section 15(2) and report thereon to the Chief Executive. (Amended 1 of 2003 s. 3)

17. Annual report

- (1) 廉政專員在每年的 3 月 31 日或該日之前，或在行政長官所容許的較遲日期或該日之前，向行政長官呈交一份有關廉政公署上一個年度事務的報告。
- (2) 行政長官須安排將該報告提交立法會會議席上省覽。
(由 2003 年第 1 號第 3 條修訂)

17A. 福利基金

- (1) 現設立一基金，名為“廉政公署福利基金”。
- (2) 該基金由以下各項組成——
 - (a) 捐予該基金的捐款及自願捐贈；
 - (b) 立法會不時撥予該基金的款項；及
 - (c) 該基金或其任何部分在投資中以股息或利息方式應累算的款項。
- (3) 該基金須由廉政專員掌管，並須用於以下用途——
 - (a) 為廉政公署人員及該署其他僱員，或為已停止受僱或已退休而領取退休金、酬金或其他津貼的廉政公署前任人員或僱員，提供政府一般收入不予撥付的援助、方便或其他福利；
 - (b) 貸款予廉政公署人員及該署其他僱員，或予已停止受僱或已退休而領取退休金、酬金或其他津貼的廉政公署前任人員或僱員；(由 2000 年第 32 號第 48 條修訂)
 - (c) 發放資助予在以下人士去世時完全或局部受他供養並需要經濟援助的人，不論該資助是否用以支付死者的殯殮費或其他費用——
 - (i) 已故廉署人員或已停止受僱或已退休而領取退休金、酬金或其他津貼的已故廉政公署前任人員；或

- (1) The Commissioner shall, on or before 31 March in each year, or by such later date as the Chief Executive may allow, submit to the Chief Executive a report on the activities of the Commission in the previous year.
- (2) The Chief Executive shall cause the report to be laid on the table of the Legislative Council.
(Amended 1 of 2003 s. 3)

17A. Welfare fund

- (1) There shall be established a fund to be known as the “Independent Commission Against Corruption Welfare Fund”.
- (2) The fund shall consist of—
 - (a) such donations and voluntary contributions as may be made thereto;
 - (b) such sums as may, from time to time, be voted thereto by the Legislative Council; and
 - (c) such sums as may accrue by way of dividend or interest from the investment of the fund or any part thereof.
- (3) The fund shall be controlled by the Commissioner and applied to the following purposes—
 - (a) procuring for officers of the Commission and other persons employed by the Commission or for former officers or persons so employed who have ceased employment or retired on pension, gratuity or other allowance, comforts, conveniences or other benefits not chargeable to the general revenue;
 - (b) granting loans to officers of the Commission and other persons employed by the Commission or former officers of the Commission and other persons formerly employed by the Commission who have ceased to be employed or retired on pension, gratuity or other allowance;

- (ii) 已去世的廉政公署僱員，或該署在任何時間曾經僱用過但已停止受僱或已退休而領取退休金、酬金或其他津貼的人士。

(由 1980 年第 27 號第 7 條增補。由 2003 年第 1 號第 3 條修訂)

18. 保留某些普通法保密權的條文

本條例並不損害任何人就其向律師或大律師提供或給予資料、文件或其他事物而要求根據普通法享有的保密權。

(由 1976 年第 14 號第 5 條增補)

18A. 對 1977 年前所犯的罪行的調查

- (1) 儘管第 12 條另有規定，廉政專員對涉嫌或指稱是在 1977 年 1 月 1 日前所犯的罪行，不得按該條 (a)、(b) 及 (c) 段規定採取行動，但與以下有關者除外——
- (a) 在 1977 年 11 月 5 日不在香港的人或在該日未執行的逮捕令所針對的人；
- (b) 任何在 1977 年 11 月 5 日前已被廉署人員訊問，並被指稱犯任何罪行的人；

- (c) making grants to persons who were wholly or partially dependent at the time of his death on—
- (i) a deceased officer or a deceased former officer of the Commission who had ceased to be employed or had retired on pension, gratuity or other allowance; or
- (ii) a deceased person employed by the Commission or a deceased person who was at any time employed by the Commission and who had ceased to be employed or had retired on pension, gratuity or other allowance,
- and who are in need of financial assistance, whether towards the payment of funeral expenses of the deceased or otherwise.

(Added 27 of 1980 s. 7)

18. Saving of certain common law privileges

Nothing in this Ordinance shall prejudice any claim to privilege which any person may have at common law in relation to any communication, document or other thing made or given to a solicitor or counsel.

(Added 14 of 1976 s. 5)

18A. Investigation of pre-1977 offences

- (1) Notwithstanding section 12, the Commissioner shall not act as required by paragraphs (a), (b) and (c) of that section in respect of alleged or suspected offences committed before 1 January 1977 except in relation to—
- (a) persons not in Hong Kong or against whom a warrant of arrest was outstanding on 5 November 1977;

- (c) 行政長官認為嚴重至足以令採取行動屬合理的任何罪行。
- (2) 一份由政務司司長親自簽署，述明行政長官認為某罪行嚴重至足以令採取行動屬合理的證明書，即為該事實的確證。（由 1997 年第 362 號法律公告修訂）
(由 1978 年第 9 號第 2 條增補。由 2003 年第 1 號第 3 條修訂)

- (b) any person who before 5 November 1977 had been interviewed by an officer and to whom allegations had been put that he had committed an offence;
- (c) an offence which the Chief Executive considers sufficiently heinous to warrant action.
- (2) A certificate under the hand of the Chief Secretary for Administration stating the fact that the Chief Executive considers an offence sufficiently heinous to warrant action shall be conclusive evidence of that fact. (*Amended L.N. 362 of 1997*)

(Added 9 of 1978 s. 2. Amended 1 of 2003 s. 3)