

第 21 部

相應修訂、過渡性條文及保留條文

(格式變更——2013 年第 1 號編輯修訂紀錄)

第 1 分部 —— 相應及相關修訂

912. 對成文法則的修訂

- (1) 附表 9 及 10 指明的成文法則現予修訂，修訂方式列於該等附表。
- (2) 財政司司長可藉於憲報刊登的公告 ——
 - (a) 修訂附表 9 或 10，以對任何成文法則作出因本條例任何條文開始實施而屬必要的相應或相關修訂；或
 - (b) (如附表 9 或 10 的任何條文不再屬因本條例任何條文開始實施而屬必要者) 廢除該條文。

第 2 分部 —— 過渡性條文及保留條文

913. 過渡性條文及保留條文

- (1) 附表 11 列明的過渡性條文及保留條文，具有效力。
- (2) 財政司司長可藉於憲報刊登的公告，修訂附表 11。

914. 保留條文的延伸效力

Part 21

Consequential Amendments, and Transitional and Saving Provisions

(Format changes—E.R. 1 of 2013)

Division 1—Consequential and Related Amendments

912. Amendments to enactments

- (1) The enactments specified in Schedules 9 and 10 are amended as set out in those Schedules.
- (2) The Financial Secretary may, by notice published in the Gazette—
 - (a) amend Schedule 9 or 10 to make such consequential or related amendments to any enactment as are necessary on account of the coming into operation of any provision of this Ordinance; or
 - (b) repeal any provision in Schedule 9 or 10 that is no longer necessary on account of the coming into operation of any provision of this Ordinance.

Division 2—Transitional and Saving Provisions

913. Transitional and saving provisions

- (1) The transitional and saving provisions as set out in Schedule 11 have effect.
- (2) The Financial Secretary may, by notice published in the Gazette, amend Schedule 11.

914. Extended effect of saving provision

- (1) 如《前身條例》的條文被第 912 條廢除，但該條文在被廢除後，根據附表 11 或憑藉《釋義及通則條例》(第 1 章)第 23 條，或同時根據該附表及憑藉該條，具有持續效力，則本條適用。
- (2) 第 (1) 款所述的、對《前身條例》的條文的效力作出的保留，延伸至符合以下說明的《前身條例》其他條文 ——
 - (a) 界定首述條文所用的詞句的其他條文；或
 - (b) 首述條文的解釋，是按照該其他條文作出的。
- (3) 第 (1) 款所述的、對《前身條例》中訂立罪行的條文的效力作出的保留，延伸至《前身條例》附表 12 中關乎該條文的記項。
- (4) 凡《前身條例》的某條文如第 (1) 款所述般具有持續效力，如在緊接該條文被第 912 條廢除前，有《前身條例》附表 8 指明的費用須就該條文所規定或授權的事宜，或就根據該條文規定或授權的事宜，而向處長支付，則在緊接被廢除前有效的《前身條例》第 304(1) 及 (2) 條及該附表，須就該事宜而繼續適用。
- (5) 在第 (7) 及 (9) 款的規限下，第 (1) 款所述的、對《前身條例》中提述訂明或指明格式或表格或提述訂明方式的條文的效力作出的保留，如有關格式或表格的訂明或指明或有關方式的訂明，是根據某項權力作出的，則該項保留延伸至該格式、表格或方式，亦延伸至該項權力。
- (6) 如有關的《前身條例》條文提述指明格式或表格，處長可 ——
 - (a) 為有關目的指明另一格式或表格；及
 - (b) 為施行第 (7)(b) 款而就該另一格式或表格定出日期。
- (7) 如處長根據第 (6) 款行使權力，則 ——
 - (a) 在根據第 (6)(b) 款定出的日期前，有關的《前身條例》條文的效力，須解釋為亦提述根據第 (6)(a) 款指明的格式或表格；及

- (1) This section applies if a provision of the predecessor Ordinance is repealed by section 912 but has a continuing effect under Schedule 11, or by virtue of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), or both, after the repeal.
- (2) The saving as mentioned in subsection (1) for the effect of a provision of the predecessor Ordinance extends to any other provision of the predecessor Ordinance—
 - (a) that defines an expression used in the provision; or
 - (b) in accordance with which the provision is to be construed.
- (3) The saving as mentioned in subsection (1) for the effect of a provision of the predecessor Ordinance that creates an offence extends to the entry relating to that provision in the Twelfth Schedule to the predecessor Ordinance.
- (4) Section 304(1) and (2) of, and the Eighth Schedule to, the predecessor Ordinance, as in force immediately before their repeal, continue to apply in respect of a matter that is required or authorized by or under a provision of the predecessor Ordinance having a continuing effect as mentioned in subsection (1) if, immediately before that provision was repealed by section 912, a fee specified in that Schedule was payable to the Registrar in respect of that matter.
- (5) Subject to subsections (7) and (9), the saving as mentioned in subsection (1) for the effect of a provision of the predecessor Ordinance that refers to a prescribed or specified form, or refers to a prescribed manner, extends to the form or manner and to the power under which it is prescribed or specified.
- (6) If the provision of the predecessor Ordinance refers to a specified form, the Registrar may—
 - (a) specify another form for the purpose; and

- (b) 在該日期當日或之後，有關的《前身條例》條文的效力，須解釋為只提述的該格式或表格。
- (8) 如有關的《前身條例》條文規定某人須就該條例的某目的，向處長述明或提供某些事宜、詳情或資料，但沒有規定該事宜、詳情或資料須在指明格式或表格內述明或提供，則處長可——
- (a) 為該目的指明格式或表格；及
- (b) 為施行第 (9) 款而就該格式或表格定出日期。
- (9) 如處長根據第 (8) 款行使權力，有關的《前身條例》條文的效力，須解釋為規定在根據第 (8)(b) 款定出的日期當日或之後，有關事宜、詳情或資料須在第 (8)(a) 款指明的格式或表格內述明或提供。

915. 關於虛假陳述的罪行

- (1) 如有以下情況，本條適用——
- (a) 《前身條例》的條文被第 912 條廢除，但該條文在被廢除後，根據附表 11 或憑藉《釋義及通則條例》(第 1 章) 第 23 條，或同時根據該附表及憑藉該條，具有持續效力；及

- (b) determine a date in relation to that other form for the purposes of subsection (7)(b).
- (7) If the Registrar exercises the powers under subsection (6), the effect of the provision of the predecessor Ordinance is to be construed as—
- (a) also referring to the form specified under subsection (6)(a) before the date determined under subsection (6)(b); and
- (b) only referring to that form on or after that date.
- (8) If the provision of the predecessor Ordinance requires a person, in relation to a particular purpose of that Ordinance, to state or furnish any matter, particulars or information to the Registrar, but does not require the matter, particulars or information to be stated or furnished in a specified form, the Registrar may—
- (a) specify a form for the purpose; and
- (b) determine a date in relation to the form for the purposes of subsection (9).
- (9) If the Registrar exercises the powers under subsection (8), the effect of the provision of the predecessor Ordinance is to be construed as requiring the matter, particulars or information to be stated or furnished in the form specified under subsection (8)(a) on or after the date determined under subsection (8)(b).

915. Offence for false statement

- (1) This section applies if—
- (a) a provision of the predecessor Ordinance is repealed by section 912 but has a continuing effect under Schedule 11, or by virtue of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), or both, after the repeal; and

21-7
第 622 章

第 21 部 —— 第 2 分部
第 916 條

- (b) 在該條文被廢除後，該條文規定須提交或製備申報表、報告、證明書、資產負債表或其他文件，或須為該條文的施行而提交或製備申報表、報告、證明書、資產負債表或其他文件。
- (2) 任何人如在上述申報表、報告、證明書、資產負債表或文件內，故意作出一項在要項上屬虛假的陳述而又明知該項陳述是虛假的，該人即屬犯罪。
- (3) 任何人犯第 (2) 款所訂罪行，可處第 6 級罰款及監禁 6 個月。
- (4) 本條不影響 ——
 - (a) 《刑事罪行條例》(第 200 章) 第 V 部的實施；或
 - (b) 《盜竊罪條例》(第 210 章) 第 19、20 或 21 條的實施。

916. 展開法律程序的時效

- (1) 如有以下情況，本條適用 ——
 - (a) 《前身條例》的條文被第 912 條廢除，但該條文在被廢除後，根據附表 11 或憑藉《釋義及通則條例》(第 1 章) 第 23 條，或同時根據該附表及憑藉該條，具有持續效力；及
 - (b) 在該條文被廢除後，有人犯該條文所訂的罪行。
- (2) 儘管有《裁判官條例》(第 227 章) 第 26 條的規定，關乎上述罪行的告發或申訴，只要 ——
 - (a) 在該罪行發生後的 3 年內；及
 - (b) 在律政司司長知悉助控證據的日期後的 12 個月內，提起或作出，便可予以審訊。
- (3) 就本條而言，律政司司長就其知悉助控證據的日期發出的證明書，即為該日期的確證。
- (4) 本條不適用於在 1973 年 3 月 1 日前所犯的罪行。
- (5) 在本條中 ——

Part 21—Division 2
Section 916

21-8
Cap. 622

- (b) after the repeal, any return, report, certificate, balance sheet or other document, is required by or for the purposes of the provision.
- (2) A person commits an offence if, in the return, report, certificate, balance sheet or document, the person wilfully makes a statement false in any material particular knowing it to be false.
- (3) A person who commits an offence under subsection (2) is liable to a fine at level 6 and to imprisonment for 6 months.
- (4) This section does not affect the operation of—
 - (a) Part V of the Crimes Ordinance (Cap. 200); or
 - (b) section 19, 20 or 21 of the Theft Ordinance (Cap. 210).

916. Limitation on commencement of proceedings

- (1) This section applies if—
 - (a) a provision of the predecessor Ordinance is repealed by section 912 but has a continuing effect under Schedule 11, or by virtue of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), or both, after the repeal; and
 - (b) after the repeal, an offence is committed under the provision.
- (2) Despite section 26 of the Magistrates Ordinance (Cap. 227), an information or complaint relating to the offence may be tried if it is laid or made—
 - (a) within 3 years after the commission of the offence; and
 - (b) within 12 months after the date on which the supporting evidence came to the Secretary for Justice's knowledge.
- (3) For the purposes of this section, a certificate of the Secretary for Justice as to the date on which the supporting evidence

助控證據 (supporting evidence) 指律政司司長認為足以支持法律程序的提起屬有理可據的證據。

917. 罰款的運用

- (1) 如有以下情況，本條適用 ——
 - (a) 《前身條例》的條文被第 912 條廢除，但該條文在被廢除後，根據附表 11 或憑藉《釋義及通則條例》(第 1 章) 第 23 條，或同時根據該附表及憑藉該條，具有持續效力；及
 - (b) 在該條文被廢除後，原訟法庭或裁判官根據該條文施加罰款。
- (2) 原訟法庭或裁判官在施加罰款時，可指示將罰款的全數或任何部分 ——
 - (a) 用作或用於支付有關法律程序的訟費；或
 - (b) 在討得該罰款是源自某人的告發或某人進行訴訟的情況下，用作或用於酬賞該人。
- (3) 除根據第 (2) 款作出的指示另有規定外，上述罰款須撥作政府一般收入。
- (4) 儘管任何其他條例有任何規定，第 (3) 款仍屬有效。

918. 關於私人檢控的保留條文

- (1) 如有以下情況，本條適用 ——

came to the Secretary for Justice's knowledge is conclusive evidence of that date.

- (4) This section does not apply to an offence committed before 1 March 1973.

- (5) In this section—

supporting evidence (助控證據) means evidence sufficient, in the Secretary for Justice's opinion, to justify the proceedings.

917. Application of fines

- (1) This section applies if—
 - (a) a provision of the predecessor Ordinance is repealed by section 912 but has a continuing effect under Schedule 11, or by virtue of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), or both, after the repeal; and
 - (b) after the repeal, a fine is imposed under the provision.
- (2) When imposing the fine, the Court or magistrate may direct that the whole or any part of the fine is to be applied—
 - (a) in or towards payment of the costs of the proceedings; or
 - (b) in or towards rewarding the person on whose information, or at whose suit, the fine is recovered.
- (3) Subject to a direction under subsection (2), the fine must be paid into the general revenue.
- (4) Subsection (3) has effect despite anything in any other Ordinance.

918. Saving as to private prosecution

- (1) This section applies if—

21-11
第 622 章

第 21 部 —— 第 3 分部
第 920 條

- (a) 《前身條例》的條文被第 912 條廢除，但該條文在被廢除後，根據附表 11 或憑藉《釋義及通則條例》(第 1 章) 第 23 條，或同時根據該附表及憑藉該條，具有持續效力；及
 - (b) 該條文關乎律政司司長提起的刑事法律程序。
- (2) 上述條文並不阻止任何人提起或進行任何刑事法律程序。

919. 關於特權通訊的保留條文

- (1) 如有以下情況，本條適用 ——
 - (a) 《前身條例》的條文被第 912 條廢除，但該條文在被廢除後，根據附表 11 或憑藉《釋義及通則條例》(第 1 章) 第 23 條，或同時根據該附表及憑藉該條，具有持續效力；及
 - (b) 在該條文被廢除後，律政司司長根據該條文提起針對某人的法律程序。
- (2) 上述條文不得視為規定曾擔任被告人的律師的人，須披露該人以該身分取得的特權通訊。

第 3 分部 —— 補充條文

920. 本部等不減損第 1 章第 23 條的效力

除本部或附表 9、10 或 11 另有規定外，本部及該等附表的條文增補而非減損《釋義及通則條例》(第 1 章) 第 23 條。

Part 21—Division 3
Section 920

21-12
Cap. 622

- (a) a provision of the predecessor Ordinance is repealed by section 912 but has a continuing effect under Schedule 11, or by virtue of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), or both, after the repeal; and
 - (b) the provision relates to the institution of criminal proceedings by the Secretary for Justice.
- (2) Nothing in the provision precludes any person from instituting or carrying on any criminal proceedings.

919. Saving for privileged communication

- (1) This section applies if—
 - (a) a provision of the predecessor Ordinance is repealed by section 912 but has a continuing effect under Schedule 11, or by virtue of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), or both, after the repeal; and
 - (b) after the repeal, proceedings are instituted under the provision against any person by the Secretary for Justice.
- (2) Nothing in the provision is to be regarded as requiring any person who has acted as solicitor for the defendant to disclose any privileged communication made to the person in that capacity.

Division 3—Supplemental Provisions

920. This Part etc. not to derogate from section 23 of Cap. 1

This Part, and Schedules 9, 10 and 11, are in addition to and not in derogation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1), except as otherwise provided in this Part or those Schedules.

921. 法律的持續有效

- (1) 如本條例將另一條例的條文廢除，並將該條文再制定（不論是否加以修改），則本條適用。
- (2) 上述廢除及再制定不影響有關法律的持續有效。
- (3) 根據上述被廢除條文作出或為該條文的目的作出的事情（包括訂立附屬法例），或猶如根據該條文作出或猶如為該條文的目的作出般具有效力（包括訂立附屬法例），如可根據本條例的相應條文作出或為該相應條文的目的作出，且在緊接該相應條文的生效日期前是有效或具有效力的，則在該生效日期後仍然有效，猶如是根據該相應條文或為該相應條文的目的作出一樣。
- (4) 在任何條例、文書或文件中，提述（不論是以明示或默示方式提述）本條例的條文，在文意許可下，須在相應的被廢除條文就之具有效力的時間、情況及目的的範圍內，解釋為包括對該相應條文的提述。
- (5) 在任何條例、文書或文件中，提述（不論是以明示或默示方式提述）被廢除條文，在文意許可下，須在本條例的相應條文就之具有效力的時間、情況及目的的範圍內，解釋為或（按文意解釋為）包括對本條例的該相應條文的提述。
- (6) 本條的效力，須受本條例所載的任何特定過渡性條文或保留條文的規限。

921. Continuity of law

- (1) This section applies if a provision of this Ordinance re-enacts (with or without modification) a provision of another Ordinance repealed by this Ordinance.
- (2) The repeal and re-enactment does not affect the continuity of the law.
- (3) Anything done (including subsidiary legislation made), or having effect as if done, under or for the purposes of the repealed provision that could have been done under or for the purposes of the corresponding provision of this Ordinance, if in force or effective immediately before the commencement date of that corresponding provision, has effect after that commencement date as if done under or for the purposes of that corresponding provision.
- (4) A reference (express or implied) in an Ordinance, instrument or document to a provision of this Ordinance is to be construed (so far as the context permits) as including, as respects times, circumstances and purposes in relation to which the corresponding repealed provision had effect, a reference to that corresponding provision.
- (5) A reference (express or implied) in an Ordinance, instrument or document to a repealed provision is to be construed (so far as the context permits), as respects times, circumstances and purposes in relation to which the corresponding provision of this Ordinance has effect, as being or (according to the context) including a reference to the corresponding provision of this Ordinance.
- (6) This section has effect subject to any specific transitional or saving provision contained in this Ordinance.