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附表 7
第 1 條

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附表 7

[第 2 條]

關於要求提供資料和提交物料的細則

1. 釋義

在本附表中——

獲授權人員 (authorized officer) 指——

- (a) 任何警務人員；或
- (b) 任何為施行本附表而獲律政司司長書面授權的人。

2. 提供資料或提交物料的規定

- (1) 為偵查危害國家安全罪行，律政司司長可向原訟法庭提出單方面申請，就某人或某類別的人根據第 (2) 款發出命令。
- (2) 原訟法庭如信納第 (4)(a)、(b) 及 (d) 款或第 (4)(a)、(c) 及 (d) 款的條件已經符合，可應如此單方面提出的申請，就與申請有關的人或與申請有關的類別的人，發出符合第 (3) 款規定的命令。
- (3) 根據第 (2) 款發出的命令須——
 - (a) 說明該正在偵查中的危害國家安全罪行的詳情；

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[r. 2]

Rules Relating to Requirement to Furnish Information and Produce Materials

1. Interpretation

In this Schedule—

authorized officer (獲授權人員) means—

- (a) any police officer; or
- (b) any person authorized in writing by the Secretary for Justice for the purposes of this Schedule.

2. Requirement to furnish information or produce material

- (1) The Secretary for Justice may, for the purpose of an investigation into an offence endangering national security, make an ex parte application to the Court of First Instance for an order under subsection (2) in relation to a particular person or to persons of a particular description.
- (2) The Court of First Instance may, if on such an application it is satisfied that the conditions in subsection (4)(a), (b) and (d) or subsection (4)(a), (c) and (d) are fulfilled, make an order complying with subsection (3) in respect of the particular person, or persons of the particular description, to whom the application relates.
- (3) An order under subsection (2) must—
 - (a) give particulars of the offence endangering national security that is under investigation;

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- (b) 指出命令所針對的人或述明該命令所針對的人的類別；
 - (c) 授權律政司司長向命令所針對的人或類別的人提出要求，要求該人或該類別的人作出以下一項或兩項作為——
 - (i) 就獲授權人員合理地覺得是與偵查有關的任何事情回答問題或提供資料；
 - (ii) 提交任何律政司司長合理地覺得是與關乎偵查的事情有關的任何物料或某種類的物料；及
 - (d) 載有原訟法庭認為符合公眾利益而宜於加上的其他條款（如有的話），但本段不得解釋為授權法庭未得任何人的同意而命令將該人拘留。
- (4) 第(2)款提述的條件是——
- (a) 有合理理由懷疑有人已干犯該正在偵查中的危害國家安全罪行；
 - (b) 如該申請是關於某人的——有合理理由懷疑該人擁有資料或管有物料，而該等資料或物料相當可能與偵查有關；
 - (c) 如該申請是關於某類別的人的——

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- (b) identify the particular person, or state the particular description of persons, in respect of whom the order is made;
 - (c) authorize the Secretary for Justice to require the person or persons in respect of whom the order is made to do either or both of the following—
 - (i) to answer questions or furnish information with respect to any matter that reasonably appears to an authorized officer to be relevant to the investigation;
 - (ii) to produce any material that reasonably appears to the Secretary for Justice to relate to any matter relevant to the investigation, or any material of a class that reasonably appears to the Secretary for Justice so to relate; and
 - (d) contain such other terms (if any) as the Court of First Instance considers appropriate in the public interest, but nothing in this paragraph is to be construed as authorizing the court to order the detention of any person in custody without that person's consent.
- (4) The conditions referred to in subsection (2) are—
- (a) that there are reasonable grounds for suspecting that the offence endangering national security under investigation has been committed;
 - (b) where the application relates to a particular person—that there are reasonable grounds for suspecting that the person has information, or is in possession of material, likely to be relevant to the investigation;
 - (c) where the application relates to persons of a particular description, that—

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- (i) 有合理理由懷疑該類別中某些或全部人擁有該等資料或管有該等物料；及
- (ii) 不論是因偵查需迫切進行、偵查需保密或擁有有關資料或物料的人的身分是難於辨別的，如規定該申請須是就某一個人而作出的，即不能有效地對該危害國家安全罪行進行偵查；
- (d) 經考慮——
 - (i) 該偵查中的危害國家安全罪行的嚴重性；
 - (ii) 若不根據第(2)款發出命令，能否有效地偵查該危害國家安全罪行；
 - (iii) 披露資料或取得物料後對偵查可能帶來的利益；及
 - (iv) 該人或該等人士所可能獲得或持有的資料或物料，是在何種情況下獲得或持有的(包括考慮對該等資料或物料的保密責任，以及與該等資料或物料所關乎的人的任何家族關係)，有合理理由相信就該人或該等人士根據第(2)款發出命令，是符合公眾利益的。

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- (i) there are reasonable grounds for suspecting that some or all persons of that description have such information or are in possession of such material; and
- (ii) the offence endangering national security could not effectively be investigated if the application was required to relate to a particular person, whether because of the urgency of the investigation, the need to keep the investigation confidential or the difficulty in identifying a particular person who has relevant information or material;
- (d) that there are reasonable grounds for believing that it is in the public interest that an order under subsection (2) should be made in respect of that person or those persons, having regard to—
 - (i) the seriousness of the offence endangering national security under investigation;
 - (ii) whether or not the offence endangering national security could be effectively investigated if an order under subsection (2) is not made;
 - (iii) the benefit likely to accrue to the investigation if the information is disclosed or the material obtained; and
 - (iv) the circumstances under which the person or persons may have acquired, or may hold, the information or material (including any obligation of confidentiality in respect of the information or material and any family relationship with a person to whom the information or material relates).

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- (5) 凡根據第 (2) 款發出的命令，授權律政司司長要求某人就獲授權人員合理地覺得是與偵查有關的任何事情，回答問題或提供資料，律政司司長可藉向該人送達一份或多於一份書面通知，要求該人在指明的時間及地點，或在指明的不同時間及地點，到某獲授權人員席前，就該獲授權人員合理地覺得是與該偵查有關的任何事情回答問題或提供資料。
- (6) 凡根據第 (2) 款發出的命令，授權律政司司長要求某人將律政司司長合理地覺得是與關乎偵查的事情有關的物料或某一種類的物料提交，律政司司長可藉向該人送達一份或多於一份書面通知，要求該人在指明的時間及地點，或在指明的不同時間及地點，將律政司司長合理地覺得是與關乎偵查的事情有關的任何指明的物料或指明的某一種類的物料提交。
- (7) 根據第 (5) 或 (6) 款向某人施加要求的書面通知，須——
- (a) 說明法庭已根據本條發出命令，並且——
- (i) 載有命令的日期；
- (ii) 說明該正在偵查中的危害國家安全罪行的詳情；
- (iii) 如命令是針對該人而發出的，說明此情況；

- (5) Where an order under subsection (2) authorizes the Secretary for Justice to require a person to answer questions or furnish information with respect to any matter that reasonably appears to an authorized officer to be relevant to an investigation, the Secretary for Justice may by one, or more than one, notice in writing served on that person require that person to attend before an authorized officer at a specified time and place, or at specified times and places, and answer questions or furnish information with respect to any matter that reasonably appears to the authorized officer to be relevant to the investigation.
- (6) Where an order under subsection (2) authorizes the Secretary for Justice to require a person to produce any material that reasonably appears to the Secretary for Justice to relate to any matter relevant to an investigation, or any material of a class that reasonably appears to the Secretary for Justice so to relate, the Secretary for Justice may by one, or more than one, notice in writing served on that person require that person to produce at a specified time and place, or at specified times and places, any specified material that reasonably appears to the Secretary for Justice so to relate or any material of a specified class that reasonably appears to the Secretary for Justice so to relate.
- (7) A notice in writing imposing a requirement on a person under subsection (5) or (6) must—
- (a) state that a court order has been made under this section and include—
- (i) the date of the order;
- (ii) the particulars of the offence endangering national security under investigation;
- (iii) where the order is made in respect of that particular person, a statement to that effect;

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- (iv) 如命令是針對某類別的人而發出，而該人是屬於該類別的，說明此情況；
- (v) 說明命令中授予律政司司長的權力；及
- (vi) 說明該命令中與該人有關的其他條款；
- (b) 夾附根據本條所發出的命令的副本，但該副本可不包括——
 - (i) 在該命令中對該人以外的某人的提述，或對不包括該人在內的某類別的人的提述；及
 - (ii) 在該命令中只與該某人或只與屬該某類別的人有關的任何詳情；及
- (c) 將第(8)、(9)及(10)款及本附表第5條的條文在該通知內載列或夾附於該通知。
- (8) 對於為遵從根據本條所提要求而提交的任何物料，獲授權人員可將該物料攝影或複印。
- (9) 任何人不得根據本條被要求提供或提交任何與享有法律專業保密權的品目有關的資料或物料，但律師（包括大律師）則可被要求提供其客戶的姓名、名稱及地址。

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- (iv) where the order is made in respect of persons of a particular description and that person is of that particular description, a statement to that effect;
- (v) a statement of the authorization given to the Secretary for Justice by the order; and
- (vi) a statement of any other terms of the order relevant to that person;
- (b) have annexed to it a copy of the order made under this section, but there may be excluded from such copy—
 - (i) any reference in the order to a particular person other than that person, or to persons of a particular description not including that person; and
 - (ii) any details in the order that relate only to such particular person or persons of a particular description; and
- (c) set out or have annexed to such notice the provisions of subsections (8), (9) and (10) and section 5 of this Schedule.
- (8) An authorized officer may photograph or make copies of any material produced in compliance with a requirement under this section.
- (9) A person must not under this section be required to furnish any information or produce any material relating to items subject to legal professional privilege, except that a lawyer may be required to furnish the name and address of the lawyer's client.

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- (10) 根據第 (2) 款所發出的命令及根據第 (5) 或 (6) 款就施加要求所作的書面通知，可就關乎任何政府部門或行政長官藉憲報公告指明的機構所持有的資料及管有的物料而作出。
- (11) 任何人不得以會有下述情況為理由，而不遵從根據本條提出的要求提供資料或提交物料——
- (a) 提供資料或提交物料會傾向於使該人獲罪；或
- (b) 提供資料或提交物料會違反法規或其他規定所施加的保密責任或對披露資料或物料的其他限制。
- (12) 因遵從憑藉本條施加的要求而作的陳述，不得在針對作出該陳述的人的刑事法律程序中用於針對該人，但在以下情況則除外——
- (a) 在根據第 (14) 款或《刑事罪行條例》(第 200 章) 第 36 條提起的法律程序中作為證據；或
- (b) 在有關任何罪行、且該人作出與該陳述不相符的證供的法律程序中，用以對其可信程度提出質疑。
- (13) 任何人無合理辯解而不遵從根據本條向該人施加的要求，即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 1 年。
- (14) 任何人在看來是遵從根據本條施加的要求時——
- (a) 作出該人知道在要項上虛假或有誤導成分的陳述；或
- (b) 罔顧後果地作出在要項上虛假或有誤導成分的陳述，即屬犯罪，一經循公訴程序定罪，可處罰款 \$500,000 及監禁 3 年。
- (15) 凡一項命令已根據第 (2) 款發出，律政司司長或其為本款的目的而書面授權的人，可在符合法庭規則就此事而訂明的條件後，獲取該命令的副本；但除在符合本款前述

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- (10) An order under subsection (2), and a notice in writing imposing a requirement under subsection (5) or (6), may be made in relation to information held by, and material in the possession of any Government department or any body specified by the Chief Executive by notice in the Gazette.
- (11) A person is not excused from furnishing information or producing any material required under this section on the ground that to do so—
- (a) might tend to incriminate the person; or
- (b) would breach an obligation as to secrecy or another restriction on the disclosure of information or material imposed by statute or otherwise.
- (12) A statement by a person in response to a requirement imposed by virtue of this section may not be used against the person in criminal proceedings against the person except as follows—
- (a) in evidence in proceedings under subsection (14) or section 36 of the Crimes Ordinance (Cap. 200); or
- (b) for the purpose of impeaching the person's credibility in proceedings in respect of any offence where in giving evidence the person makes a statement inconsistent with it.
- (13) Any person who without reasonable excuse fails to comply with a requirement imposed on the person under this section commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year.
- (14) Any person who, in purported compliance with a requirement under this section—
- (a) makes a statement that the person knows to be false or misleading in a material particular; or

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部分及第 (7)(b) 款的規定的情況外，任何人均無權獲取該命令的整份或任何部分的副本。

- (16) 凡根據本條施加於任何人的要求所關乎的物料為並非以可閱讀形式記錄的資料——
- (a) 則須當該要求為將物料以一種可以帶走的形式提交的要求；及
- (b) 獲授權人員可藉送達該人的書面通知，要求該人在指明的時間及地點，或在指明的不同時間及地點，以可以看到、可以閱讀及可以帶走的形式提交該物料，獲授權人員並可藉同樣的通知解除該人根據該項要求須提交以原來記錄形式記錄的物料的責任。
- (17) 撤銷或更改根據本條發出的命令的申請，可由根據該項命令被施加要求的人提出。

3. 提交物料令

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(b) recklessly makes a statement that is false or misleading in a material particular,
commits an offence and is liable on conviction on indictment to a fine of \$500,000 and to imprisonment for 3 years.

- (15) Where an order under subsection (2) has been made, the Secretary for Justice, or a person authorized in writing by the Secretary for Justice for the purpose of this subsection, may, after satisfying any conditions that may be prescribed by rules of court in this respect, obtain a copy of the order; but subject to the foregoing part of this subsection and to subsection (7)(b), no person is entitled to obtain a copy of the order or any part of the order.
- (16) Where a requirement imposed on a person under this section relates to material which consists of information recorded otherwise than in legible form—
- (a) the requirement is to have effect as a requirement to produce the material in a form in which it can be taken away; and
- (b) an authorized officer may, by notice in writing served on that person, require that person to produce at a specified time and place, or at specified times and places, the material in a form in which it is visible and legible and can be taken away, and may by like notice release the person from any obligation under the requirement to produce the material in the form in which it is recorded.
- (17) An application for the discharge or variation of an order made under this section may be made by any person on whom a requirement is imposed under the order.

3. Order to make material available

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- (1) 為偵查下述事項，律政司司長或獲授權人員可就某物料或某類別的物料，向原訟法庭提出單方面申請，要求根據第 (2) 款發出命令，不論有關的物料是在香港或（如申請是由律政司司長提出的）在其他地方——
 - (a) 危害國家安全罪行；或
 - (b) 已干犯或被懷疑已干犯危害國家安全罪行的人從危害國家安全罪行的得益。
- (2) 除第 (5) 款另有規定外，法庭接獲該項申請後，如信納已經符合第 (4)(a)、(c) 及 (d) 款或第 (4)(b)、(c) 及 (d) 款的條件，可發出命令，飭令其覺得是管有或控制與申請有關的物料的人，須在命令內所指明的期限內——
 - (a) 將物料提交給獲授權人員由該人員帶走；或
 - (b) 讓獲授權人員取覽該物料。
- (3) 除非法庭覺得就個別申請的特別情況適宜給予較長或較短期限，否則根據第 (2) 款發出的命令內指明的期限須為 7 日。
- (4) 第 (2) 款提述的條件是——
 - (a) （如偵查是針對危害國家安全罪行的）有合理理由懷疑有人已干犯該危害國家安全罪行；
 - (b) 如偵查是針對某人從危害國家安全罪行的得益的——
 - (i) 該人已干犯危害國家安全罪行，或有合理理由懷疑該人已干犯危害國家安全罪行；及
 - (ii) 有合理理由懷疑該人已從危害國家安全罪行中獲利；
 - (c) 有合理理由相信與申請有關的物料——
 - (i) 相當可能與申請所關的偵查有關者；及

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- (1) The Secretary for Justice or an authorized officer may, for the purpose of an investigation into—
 - (a) an offence endangering national security; or
 - (b) the proceeds of an offence endangering national security of any person who has committed or is suspected of having committed an offence endangering national security,make an ex parte application to the Court of First Instance for an order under subsection (2) in relation to particular material or to material of a particular description, whether in Hong Kong or, in the case of an application by the Secretary for Justice, elsewhere.
- (2) Subject to subsection (5), the court may, if on such an application it is satisfied that the conditions in subsection (4)(a), (c) and (d) or subsection (4)(b), (c) and (d) are fulfilled, make an order that the person who appears to the court to be in possession or control of the material to which the application relates must—
 - (a) produce the material to an authorized officer for the officer to take away; or
 - (b) give an authorized officer access to it, within such period as the order may specify.
- (3) The period to be specified in an order under subsection (2) must be 7 days unless it appears to the court that a longer or shorter period would be appropriate in the particular circumstances of the application.
- (4) The conditions referred to in subsection (2) are—
 - (a) where the investigation is into an offence endangering national security, that there are reasonable grounds for

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- (ii) 並不包括享有法律專業保密權的品目，亦並非由該等品目組成；
- (d) 經考慮——
 - (i) 取得物料後對偵查可能帶來的利益；及
 - (ii) 管有或控制物料的人在何種情況下持有或控制（視屬何情況而定）該物料，有合理理由相信將該物料交予獲授權人員或讓他們取覽，是符合公眾利益的。
- (5) 凡根據第 (1) 款提出的申請是關乎某類別的物料的，則第 (2) 款所指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才可發出。
- (6) 凡法庭根據第 (2)(b) 款就任何處所內的物料發出命令，法庭可應獲授權人員在同一或隨後的申請，命令獲授權人員覺得是有權准許別人進入該處所的人，准許獲授權人員進入該處所以取覽有關物料。
- (7) 要求撤銷或更改根據第 (2) 或 (6) 款發出的命令的申請，可由受制於該命令的人提出。
- (8) 凡與根據本條提出的申請有關的物料為並非以可閱讀形式記載的資料——
 - (a) 根據第 (2)(a) 款發出的命令，須當為一項飭令將物料以一種可以帶走的形式，提交給獲授權人員由該人員帶走的命令；及
 - (b) 根據第 (2)(b) 款發出的命令，須當為一項飭令將物料以一種可以看到及可以閱讀的形式，供獲授權人員取覽的命令。
- (9) 凡根據第 (2)(a) 款發出的命令所關乎的資料並非以可閱讀形式記錄，獲授權人員可藉書面通知，要求有關的人以可以看到、可以閱讀及可以帶走的形式提交該物料，獲

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- suspecting that the offence endangering national security has been committed;
- (b) where the investigation is into a person's proceeds of an offence endangering national security—
 - (i) that the person has committed an offence endangering national security, or that there are reasonable grounds for suspecting that the person has committed an offence endangering national security; and
 - (ii) that there are reasonable grounds for suspecting that the person has benefited from an offence endangering national security;
- (c) that there are reasonable grounds for believing that the material to which the application relates—
 - (i) is likely to be relevant to the investigation for the purpose of which the application is made; and
 - (ii) does not consist of or include items subject to legal professional privilege;
- (d) that there are reasonable grounds for believing that it is in the public interest that the material should be produced or that access to it should be given, having regard to—
 - (i) the benefit likely to accrue to the investigation if the material is obtained; and
 - (ii) the circumstances under which the person in possession or control of the material holds or controls it, as the case may be.
- (5) Where an application under subsection (1) relates to material of a particular description, an order under subsection (2) may

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授權人員並可藉同樣的通知解除該人根據該項命令須提交以原來記錄形式記錄的物料的責任。

- (10) 根據第 (2) 款發出的命令 ——
- (a) 不得賦予要求提交或取覽享有法律專業保密權的品目的權力；及
 - (b) 可就任何政府部門或行政長官藉憲報公告指明的機構所管有或控制的物料而發出。
- (11) 任何人不得以若提交物料會出現下述情況為理由，而不提交與根據第 (2) 款發出的命令有關的物料 ——
- (a) 提供資料或提交物料會傾向於使該人獲罪；或
 - (b) 提供資料或提交物料會違反法規或其他規定所施加的保密責任或對披露資料或物料的其他限制。
- (12) 任何人無合理辯解而不遵從根據第 (2) 款發出的命令，即屬犯罪，一經循公訴程序定罪，可處罰款 \$100,000 及監禁 1 年。
- (13) 獲授權人員可將根據本條提交的物料攝影或複印。

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be made only where an application in relation to particular material is not reasonably practicable.

- (6) Where a court makes an order under subsection (2)(b) in relation to material on any premises it may, on the same or a subsequent application of an authorized officer, order any person who appears to it to be entitled to grant entry to the premises to allow an authorized officer to enter the premises to obtain access to the material.
- (7) An application for the discharge or variation of an order made under subsection (2) or (6) may be made by any person who is subject to the order.
- (8) 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)(a) is to have effect as an order to produce the material to an authorized officer in a form in which it can be taken away by the officer; and
 - (b) an order under subsection (2)(b) is to have effect as an order to give an authorized officer access to the material in a form in which it is visible and legible.
- (9) Where an order made under subsection (2)(a) relates to information recorded otherwise than in legible form, an authorized officer may, by notice in writing, require the person to produce the material in a form in which it is visible and legible and can be taken away, and may by like notice release the person from any obligation under the order to produce the material in the form in which it is recorded.
- (10) An order under subsection (2)—
- (a) must not confer any right to production of, or access to, items subject to legal professional privilege; and

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4. 根據本附表第 2 或 3 條獲取的資料的披露

- (1) 根據或憑藉本附表第 2 或 3 條而從稅務局局長或稅務局人員獲得的資料，如屬根據《稅務條例》(第 112 章)須受保密責任限制的資料，則除非為了——
 - (a) 針對某人干犯危害國家安全罪行提起檢控；
 - (b) 根據附表 3 第 9 條申請沒收令或根據附表 3 第 13 條申請充公令；或
 - (c) 根據附表 3 第 6 條申請限制令或押記令，而可由任何獲授權人員向律政司司長披露外，不得將該等資料披露。

(b) may be made in relation to material in the possession or control of any Government department or any body specified by the Chief Executive by notice in the Gazette.

- (11) A person is not excused from producing any material in relation to which an order under subsection (2) is made on the ground that to do so—
 - (a) might tend to incriminate the person; or
 - (b) would breach an obligation as to secrecy or another restriction on the disclosure of information or material imposed by statute or otherwise.
- (12) Any person who without reasonable excuse fails to comply with an order made under subsection (2) commits an offence and is liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 1 year.
- (13) An authorized officer may photograph or make copies of any material produced under this section.

4. Disclosure of information obtained under section 2 or 3 of this Schedule

- (1) 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 Inland Revenue Department under or by virtue of section 2 or 3 of this Schedule, that information may be disclosed by any authorized officer to the Secretary for Justice for the purposes of—
 - (a) any prosecution of an offence endangering national security;

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- (2) 除第 (1) 款另有規定外，任何人根據或憑藉本附表第 2 或 3 條獲取的資料，可由任何獲授權人員向下列人員或機構披露——
- (a) 律政司及香港警務處；及
- (b) 如律政司司長覺得資料相當可能有助於任何相應的人員或機構履行職能——該人員或機構。
- (3) 並非因為第 (2) 款而享有的將根據或憑藉本附表第 2 或 3 條獲取的資料披露的其他權利，不受第 (2) 款的影響。
- (4) 在本條中——

相應的人員或機構 (corresponding person or body) 指律政司司長認為根據香港以外地方的法律，具有相當於第 (2)(a) 款所述機構的任何職能的人員或機構。

5. 妨害偵查罪行

- (1) 凡法庭已根據本附表第 2 或 3 條發出命令，或已有要求根據本附表第 2 或 3 條發出命令的申請提出而申請沒有被拒絕，則任何人如知道或懷疑已發出或已申請的命令所關乎的偵查正在進行，而——

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- (b) an application for a confiscation order under section 9 of Schedule 3 or an application for a forfeiture order under section 13 of Schedule 3; or
- (c) an application for a restraint order or charging order under section 6 of Schedule 3,
but may not otherwise be disclosed.
- (2) Subject to subsection (1), information obtained by any person under or by virtue of section 2 or 3 of this Schedule may be disclosed by any authorized officer—
- (a) to the Department of Justice and the Hong Kong Police Force; and
- (b) where the information appears to the Secretary for Justice to be likely to assist any corresponding person or body to discharge its functions—to that person or body.
- (3) Subsection (2) is without prejudice to any other right to disclose information obtained under or by virtue of section 2 or 3 of this Schedule that may exist apart from subsection (2).
- (4) In this section—

corresponding person or body (相應的人員或機構) means any person who or body which, in the opinion of the Secretary for Justice, has under the law of a place outside Hong Kong functions corresponding to any of the functions of any body mentioned in subsection (2)(a).

5. Offence of prejudicing investigation

- (1) Where an order under section 2 or 3 of this Schedule has been made or has been applied for and has not been refused, a person who, knowing or suspecting that the investigation in relation to which the order has been made or applied for is taking place—

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- (a) 並無合法權限或合理辯解而作出意圖妨害偵查的任何披露，或作出任何披露而罔顧該披露是否會妨害偵查；或
- (b) 將任何物料竄改、隱藏、毀滅或以其他方式處置，或導致或准許此等情況發生，而且——
 - (i) 知道或懷疑該物料相當可能是與該宗偵查有關的；及
 - (ii) 意圖向進行該宗偵查的人隱藏該物料所披露的事實，

即屬犯罪。

- (2) 凡有人因第 (1) 款所指明的偵查的關係而被捕，則該款對逮捕後就該宗偵查所作的披露並不適用。
- (3) 任何人干犯本條所訂的罪行，一經循公訴程序定罪，可處罰款及監禁 7 年。

6. 法院規則

適用於根據本附表作出的任何申請的法院規則，可參照香港法律中適用於類似申請的法院規則（尤其是根據《有組織及嚴重罪行條例》（第 455 章）第 30 條訂立的高等法院規則）而加以必要的變通。

- (a) without lawful authority or reasonable excuse makes any disclosure intending to prejudice the investigation or makes any disclosure being reckless as to whether the disclosure will prejudice the investigation; or
- (b) falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of any material—
 - (i) knowing or suspecting that the material is likely to be relevant to the investigation; and
 - (ii) intending to conceal the facts disclosed by the material from persons carrying out the investigation,

commits an offence.

- (2) Where a person has been arrested in connection with an investigation specified in subsection (1), that subsection does not apply as regards any disclosure in respect of the investigation made after such arrest.
- (3) A person who commits an offence under this section is liable on conviction on indictment to a fine and to imprisonment for 7 years.

6. Rules of court

For the rules of court applicable to any application made under this Schedule, reference may be made to the rules of court applicable to similar applications under the laws of Hong Kong (in particular, the Rules of the High Court made under section 30 of the Organized and Serious Crimes Ordinance (Cap. 455)) with the necessary modifications.