

《法定貨幣紙幣發行條例》

(第 65 章)

Legal Tender Notes Issue Ordinance

(Cap. 65)

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尚未實施的條文 / 修訂 ——

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制定史

本為 1895 年第 2 號，1935 年第 54 號，1939 年第 21 號 (第 65 章，1950 年版) —— 1911 年第 50 號，1911 年第 51 號，1912 年第 1 號，1912 年第 2 號，1912 年第 43 號，1924 年第 5 號，1939 年第 21 號，1946 年第 2 號，1948 年第 20 號，1950 年第 22 號，1956 年第 54 號，1958 年第 14 號，1969 年第 21 號，1978 年第 7 號，1978 年第 21 號，1984 年第 76 號，1984 年編正版，1989 年第 333 號法律公告，1989 年第 63 號，1989 年編正版，1993 年第 57 號，1994 年第 (C)39 號法律公告 (中文真確本)，1995 年第 98 號，1997 年第 362 號法律公告，1999 年第 68 號，2001 年第 184 號法律公告，2004 年第 105 號法律公告，2012 年第 28 號，2018 年第 4 號編輯修訂紀錄

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《法定貨幣紙幣發行條例》

(第 65 章)

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Legal Tender Notes Issue Ordinance

(Cap. 65)

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本條例旨在規管紙幣及銀行紙幣的發行，並訂定某些紙幣為法定貨幣，以及為附帶的事宜訂定條文。

(由 1948 年第 20 號第 4 條修訂；由 1995 年第 98 號第 2 條修訂)

[1895 年 3 月 20 日]

(格式變更——2018 年第 4 號編輯修訂紀錄)

1. 簡稱

本條例可引稱為《法定貨幣紙幣發行條例》。

(由 1924 年第 5 號第 6 條修訂；由 1995 年第 98 號第 3 條修訂)

2. 釋義

在本條例中，除文意另有所指外——

法定貨幣紙幣 (legal tender notes) ——

(a) 指 ——

(i) 由財政司司長依據第 3(1) 條在香港發行的紙幣；及 (由 1997 年第 362 號法律公告修訂)

(ii) 由根據第 3(2) 條獲授權 (或當作根據該條獲授權) 的發鈔銀行按照規限有關授權的條款及條件 (如有的話)，在香港發行的銀行紙幣；及

(b) 包括依據在緊接《1995 年銀行紙幣發行 (修訂) 條例》(1995 年第 98 號) 生效 * 前本條例當時有效的版本，屬法定貨幣的任何銀行紙幣；

發鈔銀行 (note-issuing bank) 指 ——

(a) 根據第 3(2) 條獲授權 (或當作根據該條獲授權) 的銀行；及

(b) 為本定義的目的而於附表指明的銀行；

To regulate the issue of bank and currency notes and to provide for certain notes being legal tender and for purposes ancillary thereto.

(Amended 20 of 1948 s. 4; 98 of 1995 s. 2)

[20 March 1895]

(Format changes—E.R. 4 of 2018)

1. Short title

This Ordinance may be cited as the Legal Tender Notes Issue Ordinance.

(Amended 5 of 1924 s. 6; 98 of 1995 s. 3)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

bank (銀行) includes any person, partnership, or company carrying on the business of banking within Hong Kong;

legal tender notes (法定貨幣紙幣)——

(a) means—

(i) currency notes issued in Hong Kong by the Financial Secretary pursuant to section 3(1); and

(ii) bank notes issued in Hong Kong by a note-issuing bank in accordance with the terms and conditions (if any) to which its authorization (or deemed authorization) under section 3(2) is subject; and

(b) includes any bank notes which were legal tender pursuant to this Ordinance as in force immediately before the commencement* of the Bank Notes Issue (Amendment) Ordinance 1995 (98 of 1995);

銀行 (bank) 包括在香港進行銀行業務的任何人、合夥或公司。
(由 1995 年第 98 號第 4 條代替)

編輯附註：

* 生效日期：1996 年 6 月 3 日。

3. 法定貨幣紙幣的發行

- (1) 財政司司長於取得行政長官會同行政會議的批准後，可發行紙幣。(由 1999 年第 68 號第 3 條修訂)
- (2) 在符合第 (3) 款的規定下，財政司司長於取得行政長官會同行政會議的批准後，可藉書面通知，授權銀行在財政司司長認為合適的並於通知上指明的條款及條件的規限下，發行銀行紙幣，該等條款及條件包括(但在不局限上文的概括性的原則下)與以下事項有關的條款及條件——(由 1999 年第 68 號第 3 條修訂)
 - (a) 任何該等紙幣的設計、面額、印製方法、分發、數量、保管或銷毀；
 - (b) 為有關的發行而作出符合保持香港貨幣穩定的目的之安排。
- (3) 財政司司長不得根據第 (2) 款授權銀行在符合他認為合適的條款及條件的規限下，發行銀行紙幣，除非他信納如有關銀行獲此授權，會按照以下規定在符合該等條款及條件下發行銀行紙幣——
 - (a) 該銀行據以成立的有關章程、條例(不包括《公司條例》(第 622 章))、法規、組織章程大綱或其他文書的有關規定；或(由 2012 年第 28 號第 912 及 920 條修訂)

note-issuing bank (發鈔銀行) means a bank which is—

- (a) authorized (or deemed to be authorized) under section 3(2); and
- (b) specified in the Schedule for the purposes of this definition.

(Replaced 98 of 1995 s. 4)

Editorial Note:

*Commencement date: 3 June 1996.

3. Issue of legal tender notes

- (1) The Financial Secretary may, with the approval of the Chief Executive in Council, issue currency notes. (Amended 68 of 1999 s. 3)
- (2) Subject to subsection (3), the Financial Secretary may, with the approval of the Chief Executive in Council, by notice in writing authorize a bank to issue bank notes subject to such terms and conditions as the Financial Secretary thinks fit and specified in the notice including, but without limiting the generality of the foregoing, terms and conditions relating to— (Amended 68 of 1999 s. 3)
 - (a) the design, denomination, means of production, distribution, quantity, safe-keeping or destruction of any such notes;
 - (b) arrangements for any such issue which are consistent with the object of maintaining the stability of Hong Kong's currency.
- (3) The Financial Secretary shall not authorize a bank under subsection (2) to issue bank notes subject to such terms and conditions as he thinks fit unless he is satisfied that, if the bank is so authorized, its issue of bank notes subject to those terms and conditions will be in accordance with—

- (b) 經——
- (i) 《外匯基金條例》(第 66 章)；或
 - (ii) 本條例，
修改的該等規定。
- (4) 在緊接《1995 年銀行紙幣發行 (修訂) 條例》(1995 年第 98 號) 生效* 前，凡銀行根據緊接上述條例生效* 前當時有效的本條例第 4(1) 或 (2) 條在香港印製或發行憑票要求付款予持票人的銀行紙幣或使這些紙幣在香港流通屬合法，則該銀行須當作是根據第 (2) 款獲授權發行銀行紙幣，猶如財政司司長於上述條例生效* 時已如此授權該銀行一樣，而本條例其他條文亦須據此解釋。
- (5) 財政司司長可藉書面通知修訂根據第 (2) 款作出的授權 (或當作根據該款作出的授權)，包括修訂規限該授權 (或當作根據該款作出的授權) 的任何條款及條件。
- (6) 除根據第 (2) 款獲授權 (或當作根據該款獲授權) 的銀行外，任何銀行在香港印製或發行憑票要求付款予持票人的銀行紙幣或使這些紙幣在香港流通，均屬不合法。
- (7) 任何銀行如違反第 (6) 款，則該銀行、其在香港的主要經理人或代理人、其每名董事 (如有的話) 及其每名合夥人 (如有的話)，一經循簡易程序定罪，可處第 5 級罰款，而在第二次或其後再次定罪時，可處監禁 3 個月及第 5 級罰款：
- 但如犯罪者是法人團體，則在第二次或其後再次定罪時，可處第 6 級罰款。
- (8) 就本條而言，**憑票要求付款予持票人的銀行紙幣** (bank note payable to bearer on demand) 指由任何銀行發行而憑票要求付款予持票人的匯票或承付票。
- (由 1995 年第 98 號第 4 條代替。由 1997 年第 362 號法律公告修訂)

- (a) the provisions of the charter, Ordinance (other than the Companies Ordinance (Cap. 622)), statutes, memorandum of association, or other instrument under which the bank is incorporated; or (*Amended 28 of 2012 ss. 912 & 920*)
- (b) those provisions as modified by—
- (i) the Exchange Fund Ordinance (Cap. 66); or
 - (ii) this Ordinance.
- (4) Where, immediately before the commencement* of the Bank Notes Issue (Amendment) Ordinance 1995 (98 of 1995), it was lawful under section 4(1) or (2) of this Ordinance as in force immediately before that commencement* for a bank to make, issue, or circulate within Hong Kong bank notes payable to bearer on demand, then the bank shall be deemed to be authorized under subsection (2) to issue bank notes as if, on that commencement*, the Financial Secretary had so authorized the bank, and the other provisions of this Ordinance shall be construed accordingly.
- (5) The Financial Secretary may, by notice in writing, amend the authorization (or deemed authorization) under subsection (2) of a bank, including any terms and conditions to which the authorization (or deemed authorization) is subject.
- (6) It shall not be lawful for any bank other than a bank authorized (or deemed to be authorized) under subsection (2) to make, issue, or circulate within Hong Kong bank notes payable to bearer on demand.
- (7) If a bank contravenes subsection (6) it, its principal manager or agent in Hong Kong, each of its directors (if any) and each of the partners (if any) therein shall be liable on summary conviction to a fine at level 5 and in the case of a second or subsequent conviction to imprisonment for 3 months and to a fine at level 5:

編輯附註：

* 生效日期：1996 年 6 月 3 日。

4. 法定貨幣紙幣是香港的法定貨幣與流通貨幣

除第 5 條另有規定外，所有法定貨幣紙幣，無論是何款額，均是香港的法定貨幣，而支付銀製流通貨幣的法律責任，可用該等紙幣清償；就該等紙幣上所印的付款承諾而言，每張該等紙幣尤須當作為香港的流通貨幣。

(由 1995 年第 98 號第 4 條代替)

4A. (由 1995 年第 98 號第 4 條廢除)

5. 法定貨幣紙幣的停止通用

- (1) 財政司司長可不時停止法定貨幣紙幣定義的 (a)(i) 段所提及的任何法定貨幣紙幣的通用。
- (2) 財政司司長根據第 (1) 款停止任何法定貨幣紙幣的通用的公告，須在憲報刊登，而自公告所指明的日期起，有關紙幣即不再是香港的法定貨幣。
- (3) 任何人如持有財政司司長根據第 (1) 款停止其通用的任何法定貨幣紙幣，而他——
 - (a) 將該等紙幣交回根據《外匯基金條例》(第 66 章) 第 5A 條委任的金融管理專員；及

Provided that if the offender is a body corporate it shall be liable on a second or subsequent conviction to a fine at level 6.

- (8) For the purposes of this section, **bank note payable to bearer on demand** (憑票要求付款予持票人的銀行紙幣) means a bill of exchange or promissory note, issued by any bank, payable to bearer on demand.

(Replaced 98 of 1995 s. 4)

Editorial Note:

*Commencement date: 3 June 1996.

4. Legal tender notes to be legal tender and the currency of Hong Kong

Subject to section 5, all legal tender notes shall be legal tender in Hong Kong to any amount and any liability to pay silver currency may be discharged in such notes and in particular every such note shall be deemed to be the currency of Hong Kong for the purpose of any promise to pay printed thereon.

(Replaced 98 of 1995 s. 4)

4A. (Repealed 98 of 1995 s. 4)

5. Demonetization of certain legal tender notes

- (1) The Financial Secretary may from time to time demonetize any legal tender note referred to in paragraph (a)(i) of the definition of **legal tender notes**.
- (2) Notice of the demonetization of any legal tender note by the Financial Secretary under subsection (1) shall be published in the Gazette and the note shall cease to be legal tender in Hong Kong from the date specified in the notice.

(b) 於根據第(2)款刊登的公告所指明的日期後如此交回，則該人須於交回時獲得從根據該條例而設立的外匯基金所支付的法定貨幣，其款額相等於他所交回的紙幣的面值。

(由 1995 年第 98 號第 4 條代替。由 1997 年第 362 號法律公告修訂)

5A. 根據《公司條例》(第 622 章)第 659 條訂立的規例不適用於由發鈔銀行發行的銀行紙幣

(由 2012 年第 28 號第 912 及 920 條修訂)

根據《公司條例》(第 622 章)第 659 條訂立的規例不適用於由發鈔銀行發行的銀行紙幣。

(由 1989 年第 63 號第 2 條增補。由 2012 年第 28 號第 912 及 920 條修訂)

6. 附表的修訂

財政司司長於取得行政長官會同行政會議的批准後，可藉憲報公告修訂附表。

(由 1995 年第 98 號第 5 條代替。由 1997 年第 362 號法律公告修訂；由 1999 年第 68 號第 3 條修訂)

(3) The holder of any legal tender note demonetized by the Financial Secretary under subsection (1) shall, on surrendering the note—

(a) to the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66); and

(b) after the date specified in a notice published under subsection (2),

be paid from the Exchange Fund established under that Ordinance an amount in legal tender equal to the face value of the note.

(Replaced 98 of 1995 s. 4)

5A. Regulations made under section 659 of the Companies Ordinance (Cap. 622) not to apply to bank notes issued by a note-issuing bank

(Amended 28 of 2012 ss. 912 & 920)

Any regulation made under section 659 of the Companies Ordinance (Cap. 622) does not apply to bank notes issued by a note-issuing bank.

(Added 63 of 1989 s. 2. Amended 28 of 2012 ss. 912 & 920)

6. Amendment of Schedule

The Financial Secretary may, with the approval of the Chief Executive in Council, by notice in the Gazette amend the Schedule.

(Replaced 98 of 1995 s. 5. Amended 68 of 1999 s. 3)

S-1

第 65 章

附表

Schedule

S-2

Cap. 65

附表

[第 2 及 6 條]

為發鈔銀行的定義的目的而指明的銀行

1. 中國銀行(香港)有限公司。(由 2001 年第 184 號法律公告代替)
2. 渣打銀行(香港)有限公司。(由 2004 年第 105 號法律公告代替)
3. 香港上海滙豐銀行有限公司。
(由 1995 年第 98 號第 5 條增補)

Schedule

[ss. 2 & 6]

Banks Specified for the Purposes of Definition of *Note-issuing Bank*

1. Bank of China (Hong Kong) Limited. *(Replaced L.N. 184 of 2001)*
2. Standard Chartered Bank (Hong Kong) Limited. *(Replaced L.N. 105 of 2004)*
3. The Hongkong and Shanghai Banking Corporation Limited.
(Added 98 of 1995 s. 5)