

**《公共照明條例》
(第 105 章)**
**Public Lighting Ordinance
(Cap. 105)**

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

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制定史

本為 1914 年第 13 號 (第 105 章, 1950 年版) —— 1924 年第 5 號, 1935 年第 18 號, 1939 年第 33 號, 1940 年第 28 號, 1950 年第 22 號, 1969 年第 35 號, 1972 年第 48 號, 1982 年第 76 號法律公告, 1986 年第 127 號法律公告, 1986 年編正版, 1995 年第 (C)106 號法律公告 (中文真確本), 1998 年第 25 號, 1998 年第 29 號, 1999 年第 57 號, 2019 年第 1 號編輯修訂紀錄, 2021 年第 3 號編輯修訂紀錄

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《公共照明條例》

(第 105 章)

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Public Lighting Ordinance

(Cap. 105)

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本條例旨在就香港的公共照明和為公共照明而使用的有關裝置的保護訂定條文。

[1914 年 5 月 8 日]

(格式變更——2019 年第 1 號編輯修訂紀錄)

1. 簡稱

本條例可引稱為《公共照明條例》。

2. 路政署署長有權豎立燈柱及在燈柱上裝燈

路政署署長為提供照明予香港的公共或私人街道、道路、通路及大道，或為管制該等地方的行人及車輛交通，可合法在所有他認為適合作該等照明或管制的地點安排提供並設置、安裝或豎立足夠數量的燈柱及燈臂，不論該地點是在上述街道、道路、通路及大道或其毗鄰地方，或在任何房屋或建築物的牆壁上，或在任何牆壁或圍欄的旁邊，或在其他地方；同時，該署長亦可合法按照照明或管制上述街道、道路、通路及大道而需要者，安排在上述燈柱及燈臂上分別提供及安裝所需數目、大小及類型的燈。

(由 1939 年第 33 號附表修訂；由 1940 年第 28 號第 2 條修訂；
由 1982 年第 76 號法律公告修訂；由 1986 年第 127 號法律公告修訂)

3. 燈柱及燈的產權歸屬路政署署長

分別與固定附著物及實產的移走、拿走、帶走或偷竊有關的法律，須解釋為適用於根據本條例提供的燈柱、燈臂或燈的

To provide for the public lighting of Hong Kong and for the protection of the appliances used in connexion therewith.

(Amended 57 of 1999 s. 3)

[8 May 1914]

(Format changes—E.R. 1 of 2019)

1. Short title

This Ordinance may be cited as the Public Lighting Ordinance.

2. Director of Highways to have power to erect lamp posts and affix lamps thereon

It shall be lawful for the Director of Highways to cause a sufficient number of posts, standards and brackets for the lighting of the public or private streets, roads, ways and thoroughfares in Hong Kong or for the control of pedestrian and vehicular traffic therein to be provided and to be set up, fixed or erected in all suitable situations for such lighting or control, whether in any of the said streets, roads, ways and thoroughfares or in any place adjacent thereto or upon or against the wall of any house or building or the side of any wall or fence, or elsewhere, as he may think proper; and it shall also be lawful for him to cause to be provided and put and affixed upon the said posts, standards and brackets such a number of lamps and of such sizes and sorts respectively as may be found requisite for the lighting or control of the said streets, roads, ways and thoroughfares respectively.

(Amended 33 of 1939 Schedule; 28 of 1940 s. 2; L.N. 76 of 1982;
L.N. 127 of 1986; 57 of 1999 s. 3)

3. Property in lamp posts and lamps to be vested in Director of Highways

The laws relating to the removing, taking, carrying away or

移走、拿走、帶走或偷竊；在任何有關的民事或刑事法律程序中，上述全部或任何燈柱、燈臂或燈以及其財產權，須當作歸屬路政署署長。

(由 1982 年第 76 號法律公告修訂；由 1986 年第 127 號法律公告修訂)

4. 熄滅燈光

任何人不論以任何方法故意熄滅、遮蔽或干擾根據本條例提供的燈所發出的光，一經循簡易程序定罪，除為該損害繳付足額損害賠償以及所有附帶費用及開支外，可處第 1 級罰款。

(由 1924 年第 5 號附表修訂；由 1950 年第 22 號附表修訂；由 1972 年第 48 號第 4 條修訂；編輯修訂——2021 年第 3 號編輯修訂紀錄)

5. 無需手令拘捕犯罪者

凡任何人目睹有人犯第 4 條所訂罪行，可合法將該犯罪者捉拿及送交任何警員或裁判官；不論在任何情況下，均無需手令而可將該犯罪者拘捕。

(由 1924 年第 5 號附表修訂)

6. 就並非故意而引致的損壞繳付補償

任何人非故意地損害或損壞根據本條例提供的任何燈柱、燈臂或燈，而該人並未就上述損害或損壞作出賠償，則在就上述損害或損壞而展開的法律程序中，區域法院須命令該人就上述損害或損壞繳付足額損害賠償以及所有附帶費用及開支。

stealing of fixtures and chattels respectively shall be interpreted to apply to the removing, taking, carrying away or stealing of any of the posts, standards, brackets or lamps provided under this Ordinance; and the property of and in all or any of such posts, standards, brackets or lamps shall be deemed to be vested in the Director of Highways for all the purposes of any proceedings, civil or criminal, in relation thereto.

(Amended L.N. 76 of 1982; L.N. 127 of 1986)

4. Extinguishing light of lamps

Every person who wilfully extinguishes, obscures or interferes in any way with the light of any lamp provided under this Ordinance shall be liable on summary conviction to a fine at level 1 in addition to the full amount of the damage and all incidental costs and expenses.

(Amended 5 of 1924 Schedule; 22 of 1950 Schedule; 48 of 1972 s. 4; E.R. 3 of 2021)

5. Apprehension without warrant of offender

It shall be lawful for any person witnessing the commission of an offence against section 4 to seize the said offender and to deliver him to any constable or to a magistrate, and no warrant shall be in any case necessary to justify the apprehension of any such offender.

(Amended 5 of 1924 Schedule)

6. Compensation to be paid for damage other than wilful

When any damage or injury has been occasioned to any of the posts, standards, brackets or lamps provided under this Ordinance by any person otherwise than wilfully, and such person has not made satisfaction for the same, the District Court shall, where proceedings are commenced in respect of such damage or injury,

(由 1924 年第 5 號附表修訂；由 1969 年第 35 號附表修訂；由
1998 年第 25 號第 2 條修訂)

7. 保留條文

凡有建築物朝向、毗鄰或靠緊在根據政府租契持有的土地上的街道，《建築物條例》(第 123 章)第 29 條對朝向、毗鄰或靠緊該等街道的土地的擁有人所施加的法律責任，不得當作為受本條例所載條文影響。

(由 1935 年第 18 號第 172 條修訂；由 1939 年第 33 號附表修訂；
由 1998 年第 29 號第 105 條修訂)

order the said person to make full satisfaction for the amount of such damage or injury, together with all incidental costs and expenses.

(Amended 5 of 1924 Schedule; 35 of 1969 Schedule)

7. Saving

Nothing in this Ordinance contained shall be deemed to affect any liability imposed by section 29 of the Buildings Ordinance (Cap. 123), upon the owners of the land fronting, adjoining or abutting on any street on land held under lease from the Government on which buildings front, adjoin or abut.

(Amended 18 of 1935 s. 172; 33 of 1939 Schedule; 29 of 1998 s. 105)