

《土地拍賣條例》

(第 27 章)

Sale of Land by Auction Ordinance

(Cap. 27)

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經核證文本

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尚未實施的條文 / 修訂 ——

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制定史

本為 1886 年第 13 號 (第 27 章, 1950 年版) —— 1911 年第 50 號, 1911 年第 62 號, 1924 年第 5 號, 1964 年編正版, 1995 年第 (C)43 號法律公告 (中文真確本), 1998 年第 25 號, 2000 年第 62 號, 2019 年第 1 號編輯修訂紀錄

Enactment History

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本條例旨在修訂有關公開拍賣土地的法律。

[1886 年 7 月 12 日]

(格式變更——2019 年第 1 號編輯修訂紀錄)

弁言 (由 1998 年第 25 號第 2 條廢除)

1. 簡稱

本條例可引稱為《土地拍賣條例》。

(由 1924 年第 5 號第 6 條修訂)

[比照 1867 c. 48 s. 1 U.K.]

2. 釋義

在本條例中，除文意另有所指外——

土地 (land) 指在香港境內任何宅院、土地或物業單位 (不論其以任何形式保有) 的權益；

拍賣人 (auctioneer) 指以公開拍賣形式出售任何土地的人，不論該土地是按地段或以其他方式出售。

[比照 1867 c. 48 s. 3 U.K.]

3. 關於不設底價而出售土地的規則

- (1) 任何土地的拍賣細則或條件，須述明該土地是否不設底價而出售，或其出售是否受任何底價規限，或賣家是否保留出價權利。

To amend the law as to sales of land by public auction.

[12 July 1886]

(Format changes—E.R. 1 of 2019)

Preamble (Repealed 25 of 1998 s. 2)

1. Short title

This Ordinance may be cited as the Sale of Land by Auction Ordinance.

(Amended 5 of 1924 s. 6)

[cf. 1867 c. 48 s. 1 U.K.]

2. Interpretation

In this Ordinance, unless the context otherwise requires—

auctioneer (拍賣人) means any person selling by public auction any land, where in lots or otherwise;

land (土地) means any interest in any messuages, lands, or tenements of whatever tenure within Hong Kong. (Amended 62 of 2000 s. 3)

[cf. 1867 c. 48 s. 3 U.K.]

3. Rule respecting sales without reserve

- (1) The particulars or conditions of sale by auction of any land shall state whether such land will be sold without reserve, or subject to a reserved price, or whether a right to bid is reserved.

- (2) 如曾述明該土地是不設底價而出售的，或有關的述明意思如此，則賣家僱用任何人在該項拍賣中出價或拍賣人明知而接受該人的任何出價，均屬不合法。

[比照 1867 c. 48 s. 5 U.K.]

4. 在賣家有權出價的規限下出售土地

凡在土地的拍賣細則或條件中宣布，該項土地拍賣須受賣家有權出價的條件規限，則賣家或代表賣家的任何一人在該項拍賣中以其認為適當的方式出價，均屬合法。

[比照 1867 c. 48 s. 6 U.K.]

5. 藉法院命令而進行的拍賣不得重開競投但以涉及欺詐為理由者除外

根據或憑藉高等法院命令而進行的任何土地拍賣，不得重開競投；在該項拍賣中出價最高的真誠競投人，只要其出價相等於底價或高出底價（如有底價的話），即須獲宣布及准許成為買家，但如對該土地有利害關係的人提出申請（該項申請須在司法常務官就該項拍賣結果發出的證明書具有約束力之前，向法院或法官提出），則法院或法官可以欺詐或該項拍賣的進行涉及不當行為為理由，重開競投及裁定上述競投人須受其出價約束，或解除該人成為買家的責任，並命令將該土地按法院或法官認為適當的價格或其他條款重新出售。

(由 1911 年第 50 號第 4 條修訂；由 1998 年第 25 號第 2 條修訂)

[比照 1867 c. 48 s. 7 U.K.]

- (2) If it is stated that such land will be sold without reserve or to that effect, then it shall not be lawful for the seller to employ any person to bid at such sale or for the auctioneer to take knowingly any bidding from any such person.

[cf. 1867 c. 48 s. 5 U.K.]

4. Sale subject to right of seller to bid

Where any sale by auction of land is declared, either in the particulars or conditions of such sale, to be subject to a right for the seller to bid, it shall be lawful for the seller or any one person on his behalf to bid at such auction in such manner as he may think proper.

[cf. 1867 c. 48 s. 6 U.K.]

5. Discontinuance of practice of opening biddings by order of court, except on ground of fraud

No opening of the bidding on any sale by auction of land under or by virtue of any order of the High Court shall be allowed, and the highest bona fide bidder at such sale, provided he has bid a sum equal to or higher than the reserved price, if any, shall be declared and allowed the purchaser, unless the court or judge, on the ground of fraud or improper conduct in the management of the sale, on the application of any person interested in the land (such application to be made to the court or judge before the Registrar's certificate of the result of the sale has become binding), either opens the biddings, holding such bidder bound by his bidding, or discharges him from being the purchaser, and orders the land to be re-sold, on such terms as to costs or otherwise as the court or judge may think fit.

(Amended 50 of 1911 s. 4; 25 of 1998 s. 2)

[cf. 1867 c. 48 s. 7 U.K.]

6. 藉法院命令而出售土地

除以上所述外，本條例的條文並不影響根據或憑藉法院命令而進行的任何土地售賣。

(由 1911 年第 50 號修訂；由 1911 年第 62 號附表修訂)

[比照 1867 c. 48 s. 8 U.K.]

6. Sales by order of court

Except as aforesaid, nothing in this Ordinance shall affect any sale of land made under or by virtue of any order of court.

(Amended 50 of 1911; 62 of 1911 Schedule)

[cf. 1867 c. 48 s. 8 U.K.]