

《採用歐羅條例》 (第 546 章)

Introduction of the Euro Ordinance (Cap. 546)

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制定史

本為 1998 年第 41 號 —— 2020 年第 7 號編輯修訂紀錄

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(第 546 章)

目錄

條次		頁次
1.	簡稱	1
2.	釋義	1
3.	在採用歐羅後對歐洲貨幣單位的提述	3
4.	法律義務的持續	3
5.	保留條文	5

Introduction of the Euro Ordinance

(Cap. 546)

Contents

Section	Page
1. Short title	2
2. Interpretation	2
3. References to ECU after introduction of Euro	4
4. Continuity of obligations	4
5. Saving	6

本條例旨在訂立關乎由於採用歐羅而引致的在法律義務方面的影響的條文，和就附帶或有關連的事宜訂立條文。

[1998 年 12 月 31 日] 1998 年第 398 號法律公告
(格式變更——2020 年第 7 號編輯修訂紀錄)

(略去制定語式條文——2020 年第 7 號編輯修訂紀錄)

1. 簡稱

(編輯修訂——2020 年第 7 號編輯修訂紀錄)

- (1) 本條例可引稱為《採用歐羅條例》。
- (2) (已失時效而略去——2020 年第 7 號編輯修訂紀錄)

2. 釋義

在本條例中，除文意另有所指外——

法律義務 (legal obligation) 包括根據以下任何一項所產生的法律義務——

- (a) 任何法例條文、在行政上所採取的行動、司法裁定、合約、單方面的法律作為或作付款用的文書(但不包括紙幣或硬幣)；或
- (b) 任何其他具有法律效力的文書、安排、事務往來、決定或協議，

而不論該義務是否由任何個人、公共機構(不論其是否《釋義及通則條例》(第 1 章)第 3 條所指的公共機構)、公共主管當局、私人團體、機關或任何其他人士所履行的；

採用歐羅 (introduction of the Euro) 指歐洲聯盟不時的參與成員國按照於 1992 年 2 月 7 日簽訂並經修訂的《歐洲聯盟條約》

An Ordinance to provide for the effect on legal obligations of the introduction of the Euro, and for matters incidental thereto or connected therewith.

[31 December 1998] L.N. 398 of 1998
(Format changes—E.R. 7 of 2020)

(Enacting provision omitted—E.R. 7 of 2020)

1. Short title

(Amended E.R. 7 of 2020)

- (1) This Ordinance may be cited as the Introduction of the Euro Ordinance.
- (2) (Omitted as spent—E.R. 7 of 2020)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

ECU (歐洲貨幣單位) means the European Currency Unit, which is the currency basket used from time to time as the unit of account of the European Communities;

Euro (歐羅) means the single currency of the participating member states from time to time of the European Union that adopt such currency in accordance with the Treaty on European Union signed on 7 February 1992 as amended;

introduction of the Euro (採用歐羅) means the adoption on or after 1 January 1999 of the Euro as the single currency of the participating member states from time to time of the European Union in accordance with the Treaty on European Union signed on 7 February 1992 as amended;

而於 1999 年 1 月 1 日或之後採用歐羅作為該等國家的單一貨幣；

歐洲貨幣單位 (ECU) 指歐洲共同體不時用作計算單位的貨幣籃子；

歐羅 (Euro) 指歐洲聯盟不時的參與成員國按照於 1992 年 2 月 7 日簽訂並經修訂的《歐洲聯盟條約》所採用的該等國家的單一貨幣。

3. 在採用歐羅後對歐洲貨幣單位的提述

- (1) 在採用歐羅後，凡有任何法律義務提述（無論是以直接或間接方式）《歐洲議會第 3320/94 號規例》所界定的歐洲貨幣單位，則該法律義務須當作提述歐羅，而且是以一歐羅兌換一個歐洲貨幣單位的兌換率計算。
- (2) 就第 (1) 款而言，除非以明示方式另行協議或訂定，否則凡任何法律義務提述歐洲貨幣單位，該提述均推定為對《歐洲議會第 3320/94 號規例》所界定的歐洲貨幣單位的提述。

4. 法律義務的持續

現宣布除非——

- (a) 就任何法律義務；並
- (b) 藉提述採用歐羅，

而以明示方式另行協議或訂定，否則——

- (i) 採用歐羅及隨之而有的變更；

legal obligation (法律義務) includes any legal obligation arising under—

- (a) any legislative provision, administrative action, judicial decision, contract, unilateral legal act or payment instrument other than bank notes and coins; or
- (b) any other instrument, arrangement, transaction, decision or agreement with legal effect,

irrespective of whether the obligation is upon any individual, public body (whether or not it is a public body within the meaning of section 3 of the Interpretation and General Clauses Ordinance (Cap. 1)), public authority, private body, organ or any other person.

3. References to ECU after introduction of Euro

- (1) On the introduction of the Euro, where any legal obligation refers (whether directly or indirectly) to the ECU as defined in the European Council Regulation No. 3320/94, then that reference shall be deemed to be a reference to the Euro at a rate of one Euro to one ECU.
- (2) For the purposes of subsection (1), a reference in a legal obligation to the ECU shall be presumed to be a reference to the ECU as defined in the European Council Regulation No. 3320/94 unless it is otherwise expressly agreed or provided.

4. Continuity of obligations

Unless it is otherwise expressly agreed or provided—

- (a) in respect of a legal obligation; and
- (b) by reference to the introduction of the Euro,

then it is hereby declared that—

- (i) the introduction of the Euro and the changes consequential upon it;

- (ii) 貨幣法律 (lex monetae principle) 在採用歐羅之時或之後的應用；及
 - (iii) 本條例的條文，
- 均不具以下效力——
- (A) 解除該項義務或作為不履行該項義務的辯解理由；或
 - (B) 給予在該項義務下的任何承擔義務人或受義務人單方面變更或終止該項義務的權力。

5. 保留條文

為免生疑問，現宣布除在第 4 條適用的情況外，第 4 條並不影響關乎法律義務的有效性或其是否可強制執行的法律的施行。

- (ii) the application of the law of currency (lex monetae principle) on or after the introduction of the Euro; or
 - (iii) the provisions of this Ordinance,
- shall not have the effect of—
- (A) discharging or excusing any performance required under the obligation; or
 - (B) giving any obligor or obligee under the obligation the right to alter or terminate the obligation unilaterally.

5. Saving

For the avoidance of doubt, it is hereby declared that section 4 shall not affect the operation of the law relating to the validity or enforceability of a legal obligation in any case where that section is not applicable.