

**《太平紳士條例》
(第 510 章)**

**Justices of the Peace Ordinance
(Cap. 510)**

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**經核證文本
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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation —

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制定史

本為 1997 年第 47 號 —— 1997 年第 362 號法律公告，1999 年第 27 號，
2003 年第 1 號，2007 年第 7 號法律公告，2019 年第 1 號編輯修訂紀錄，
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《太平紳士條例》

(第 510 章)

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Justices of the Peace Ordinance

(Cap. 510)

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本條例旨在就太平紳士的委任、職能、辭職及免任，以及就附帶或相關的事宜訂定條文。

[1997 年 5 月 30 日] 1997 年第 294 號法律公告
(格式變更——2019 年第 1 號編輯修訂紀錄)

(略去制定語式條文——2019 年第 1 號編輯修訂紀錄)

1. 簡稱

(編輯修訂——2019 年第 1 號編輯修訂紀錄)

- (1) 本條例可引稱為《太平紳士條例》。
- (2) (已失時效而略去——2019 年第 1 號編輯修訂紀錄)

2. 釋義

在本條例中，除文意另有所指外——

太平紳士 (justice of the peace) 指根據第 3(1) 條獲委任的太平紳士；

被扣留者 (detained person) 指附表 1 第 II 部指明的人；

新界太平紳士 (New Territories Justice of the Peace) 指根據第 3(2) 條獲委任的新界太平紳士；

諮詢小組 (advisory panel) 指附表 1 第 III 部指明的小組；

羈押院所 (custodial institution) 指附表 1 第 I 部指明的地方。

An Ordinance to make provisions for the appointment, functions, resignation and removal of justices of the peace, and for matters incidental thereto or connected therewith.

[30 May 1997] L.N. 294 of 1997
(Format changes—E.R. 1 of 2019)

(Enacting provision omitted—E.R. 1 of 2019)

1. Short title

(Amended E.R. 1 of 2019)

- (1) This Ordinance may be cited as the Justices of the Peace Ordinance.
- (2) (Omitted as spent—E.R. 1 of 2019)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

advisory panel (諮詢小組) means a panel specified in Part III of Schedule 1;

custodial institution (羈押院所) means a place specified in Part I of Schedule 1;

detained person (被扣留者) means a person specified in Part II of Schedule 1;

justice of the peace (太平紳士) means a justice of the peace appointed under section 3(1);

New Territories Justice of the Peace (新界太平紳士) means a New Territories Justice of the Peace appointed under section 3(2).

3. 太平紳士的委任

- (1) 行政長官可不時按他決定的條款及條件委任以下人士為太平紳士——
 - (a) 擔任公職而行政長官認為合適和適當的人；或
 - (b) 行政長官認為合適和適當的任何其他人。*(由 1999 年第 27 號第 3 條修訂)*
- (2) 政務司司長可不時按他決定的條款及條件委任根據第 (1) (b) 款獲委任為太平紳士而他認為合適和適當的人為新界太平紳士。*(由 1997 年第 362 號法律公告修訂)*
- (3) 根據第 (1) 款獲委任的太平紳士須在獲委任後盡快在監誓員主持下作出採用附表 2 所列格式的宗教式或非宗教式宣誓。
- (4) 根據本條作出的委任的公告須在憲報刊登。
- (5) 如屬根據第 (1) 款作出的委任，公告須在第 (3) 款提述的宗教式或非宗教式宣誓作出後始可在憲報刊登。
- (6) 根據本條作出的委任不得在其於憲報公布之前生效。

4. 任期

- (1) 太平紳士在下述情況下即終止擔任該職位——
 - (a) 其委任根據第 6 條被撤銷；或

3. Appointment of justices of the peace

- (1) The Chief Executive may from time to time appoint—
 - (a) any person holding any office in the public service whom he considers to be fit and proper; or
 - (b) any other person whom he considers to be fit and proper, to be a justice of the peace on such terms and conditions as the Chief Executive may determine. *(Amended 27 of 1999 s. 3)*
- (2) The Chief Secretary for Administration may from time to time appoint a justice of the peace appointed under subsection (1)(b) whom he considers to be fit and proper to be a New Territories Justice of the Peace on such terms and conditions as the Chief Secretary for Administration may determine. *(Amended L.N. 362 of 1997)*
- (3) A justice of the peace appointed under subsection (1) shall, as soon as possible after appointment, take an oath or make an affirmation in the form set out in Schedule 2 which shall be administered by a commissioner for oaths.
- (4) A notice of an appointment made under this section shall be published in the Gazette.
- (5) In the case of an appointment made under subsection (1), the notification shall only be published in the Gazette after the oath or affirmation referred in subsection (3) has been taken or made.
- (6) An appointment made under this section shall not be effective prior to its publication in the Gazette.

4. Term of Office

- (1) A justice of the peace shall cease to hold such office if—
 - (a) his appointment is revoked under section 6; or

- (b) 如屬根據第 3(1)(a) 條獲委任的太平紳士，在他離開公職時。
- (2) 根據第 3(2) 條獲委任為新界太平紳士的太平紳士如根據本條例終止擔任太平紳士，即須終止擔任新界太平紳士的職位。

5. 太平紳士的權力及職能

- (1) 太平紳士的職能是——
- (a) 巡視任何羈押院所或探訪任何被扣留者；
- (b) 根據《宣誓及聲明條例》(第 11 章) 監理和接受聲明以及履行任何其他職能；及
- (c) (如屬根據第 3(1)(b) 條獲委任的太平紳士) 擔任任何諮詢小組的成員。
- (2) 根據任何條例獲委任或指定以履行第 (1)(a) 或 (c) 款所指職能的太平紳士，須行使該等條例授予他的權力和履行該等條例委予他的職能。
- (3) 太平紳士須履行行政長官不時委予他的其他職能。(由 1999 年第 27 號第 3 條修訂)

6. 撤銷委任

- (1) 行政長官可在下述情況下藉向太平紳士發出書面通知而撤銷其作為太平紳士的委任——
- (a) 該太平紳士在獲委任為太平紳士後的任何時間，在香港或任何其他地方被定罪，並就所涉罪行被判處監禁(不論是否獲得緩刑)；

- (b) in the case of a justice of the peace appointed under section 3(1)(a), he leaves the public service.
- (2) A justice of the peace appointed under section 3(2) to be a New Territories Justice of the Peace shall cease to hold the office of New Territories Justice of the Peace if he ceases to be a justice of the peace under this Ordinance.

5. Powers and functions of justices of the peace

- (1) The functions of a justice of the peace shall be—
- (a) to visit any custodial institution or detained person;
- (b) to take and receive declarations and to perform any other functions under the Oaths and Declarations Ordinance (Cap. 11); and
- (c) in the case of a justice of the peace appointed under section 3(1)(b), to serve as a member of any advisory panel.
- (2) A justice of the peace appointed or nominated under any Ordinance to perform functions under subsection (1)(a) or (c) shall exercise such powers and perform such other functions as may be conferred or imposed on him by such Ordinance.
- (3) A justice of the peace shall perform such other functions as may be imposed on him from time to time by the Chief Executive. (Amended 27 of 1999 s. 3)

6. Revocation of appointment

- (1) The Chief Executive may by notice in writing to a justice of the peace revoke his appointment as such if—
- (a) at any time after his appointment as such, that justice of the peace has been convicted in Hong Kong or any other place of an offence in respect of which he has

- (b) 該太平紳士患有《精神健康條例》(第 136 章)所指的精神紊亂；
 - (c) 該太平紳士在獲委任為太平紳士之後的任何時間，離開香港並連續 6 個月留在香港以外地方，但如他是因行政長官批准的理由而不在香港的，則屬例外；
 - (d) 行政長官經顧及公眾利益及有關個案的一切其他情況後，認為該太平紳士不再合適和適當繼續獲委任。
(由 1999 年第 27 號第 3 條修訂)
- (2) 根據第 (1) 款發出的通知須載有關於撤銷委任的理由的充分陳述。
- (3) 根據第 (1) 款撤銷委任一事須在憲報公告。

7. 辭職

太平紳士可隨時藉致予行政長官的書面通知而辭職，並自該通知上指明的日期起終止擔任太平紳士，如沒有指明日期，則自行政長官收到該通知的日期起終止擔任太平紳士。

(由 1999 年第 27 號第 3 條修訂)

8. 修訂附表

行政長官可藉憲報公告而修訂附表 1。

(由 1999 年第 27 號第 3 條修訂)

- been sentenced to imprisonment, whether suspended or not;
 - (b) that justice of the peace is suffering from mental disorder within the meaning of the Mental Health Ordinance (Cap. 136);
 - (c) at any time after his appointment as such, that justice of the peace has departed Hong Kong and remained outside Hong Kong for any continuous period of 6 months unless his absence from Hong Kong was due to some reason approved by the Chief Executive;
 - (d) the Chief Executive, having regard to the public interest and all other circumstances of the case, considers that that justice of the peace is no longer fit and proper to remain appointed. *(Amended 27 of 1999 s. 3)*
- (2) A notice under subsection (1) shall include an adequate statement of the reason or reasons for revoking the appointment.
- (3) A revocation of an appointment under subsection (1) shall be notified in the Gazette.

7. Resignation

A justice of the peace may at any time resign his office by giving notice in writing addressed to the Chief Executive, and he shall cease to be a justice of the peace from the date specified in the notice or, if no date is specified, from the date of the receipt by the Chief Executive of the notice.

(Amended 27 of 1999 s. 3)

8. Amendment of Schedule

The Chief Executive may by notice in the Gazette amend Schedule 1.

9. 過渡性條文

- (1) 在緊接本條例生效日期 * 前擔任太平紳士職位的人在其委任條款及條件的規限下，自本條例生效日期起留任太平紳士 ——
- (a) 如屬官守太平紳士，猶如該項委任是根據第 3(1)(a) 條作出並已生效一樣；
- (b) 如屬非官守太平紳士，猶如該項委任是根據第 3(1)(b) 條作出並已生效一樣；或
- (c) 如屬新界太平紳士，猶如該項委任是根據第 3(2) 條作出並已生效一樣，
- 而本條例的條文亦據此適用。
- (2) 在緊接本條例生效日期前憑藉其職位而擔任太平紳士的大法官、地方法院法官 (包括地方法院暫委法官) 或裁判官在本條例生效時終止擔任太平紳士。

- (3) 在本條中 ——

官守太平紳士 (Official Justice of the Peace) 指在本條例生效日期前獲總督委任為官守太平紳士的人；

非官守太平紳士 (Non-official Justice of the Peace) 指在本條例生效日期前獲總督委任為非官守太平紳士的人。

編輯附註：

* 生效日期：1997 年 5 月 30 日。

(Amended 27 of 1999 s. 3)

9. Transitional

- (1) A person who immediately before the commencement* of this Ordinance held an appointment as a justice of the peace shall remain, as from such commencement but subject to the terms and conditions of that appointment, to be a justice of the peace as if—
- (a) in the case of an Official Justice of the Peace, that appointment had been made under section 3(1)(a) and had become effective;
- (b) in the case of a Non-official Justice of the Peace, that appointment had been made under section 3(1)(b) and had become effective; or
- (c) in the case of a New Territories Justice of the Peace, that appointment had been made under section 3(2) and had become effective,

and the provisions of this Ordinance shall apply accordingly.

- (2) A judge, a District Judge (including a deputy District Judge) or a magistrate who immediately before the commencement of this Ordinance was a justice of the peace by virtue of his office shall cease to be a justice of the peace on the commencement of this Ordinance.

- (3) In this section—

Non-official Justice of the Peace (非官守太平紳士) means a person appointed to be a Non-official Justice of the Peace by the Governor prior to the commencement of this Ordinance;

Official Justice of the Peace (官守太平紳士) means a person appointed to be an Official Justice of the Peace by the Governor prior to the commencement of this Ordinance.

10. (已失時效而略去——2019 年第 1 號編輯修訂紀錄)

Section 10

Editorial Note:

* Commencement date: 30 May 1997.

10. (*Omitted as spent—E.R. 1 of 2019*)

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附表 1 —— 第 I 部

Schedule 1—Part I

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附表 1

[第 2 及 8 條]

第 I 部

羈押院所

1. 《監獄條例》(第 234 章) 第 23 條所指的監獄或由香港懲教署署長所控制的任何其他院所。
2. 根據《入境條例》(第 115 章) 第 13H 條指定為羈留中心的地方。(由 2007 年第 7 號法律公告修訂)
3. 根據《罪犯感化條例》(第 298 章) 第 11 條核准的院舍。
4. 根據《少年犯條例》(第 226 章) 第 16 條指定的拘留地方。

第 II 部

被扣留者

1. 《廉政公署 (被扣留者的處理) 令》(第 204 章 , 附屬法例 A) 第 2 條所指的被扣留者。
(由 2003 年第 1 號第 3 條修訂)

Schedule 1

[ss. 2 & 8]

Part I

Custodial Institutions

1. A prison or any other institutions under the control of the Commissioner of Correctional Services of Hong Kong within the meaning of section 23 of the Prisons Ordinance (Cap. 234).
2. A place designated under section 13H of the Immigration Ordinance (Cap. 115) as a detention centre.
3. An institution approved under section 11 of the Probation of Offenders Ordinance (Cap. 298).
4. A place of detention appointed under section 16 of the Juvenile Offenders Ordinance (Cap. 226).

Part II

Detained Persons

1. A detainee within the meaning of paragraph 2 of the Independent Commission Against Corruption (Treatment of Detained Persons) Order (Cap. 204 sub. leg. A).

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附表 1 —— 第 III 部

Schedule 1—Part III

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第 III 部

諮詢小組

1. 《退休金利益條例》(第 99 章)第 29B 條所指的諮詢小組。
(由 2020 年第 21 號第 73 條修訂)

Part III

Advisory Panels

1. An advisory panel within the meaning of section 29B of the Pension Benefits Ordinance (Cap. 99).

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附表 2

Schedule 2

S2-2
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附表 2

[第 3(3) 條]

就職誓言

本人 _____，既獲委任為太平紳士

{ 謹此宣誓
謹以至誠鄭重聲明及宣誓 }，本人定當維護香港法律，並且必定
以太平紳士的身分，忠誠盡實地為香港市民效力。

於 19 _____ 年 _____ 月 _____ 日 宣誓
聲明。

.....

.....

監誓員

Schedule 2

[s. 3(3)]

Oath of Office

I, _____, having been appointed to be a justice of the peace,

{ swear
solemnly and sincerely declare and affirm } that I will uphold the law of
Hong Kong and that I will conscientiously and truly serve the people of
Hong Kong as a justice of the peace.

Sworn
Declared this _____ day of _____, 19 _____.

.....

Before me,

.....

Commissioner for Oaths.

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附表 3

Schedule 3

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附表 3

(已失時效而略去——2019 年第 1 號編輯修訂紀錄)

Schedule 3

(Omitted as spent—E.R. 1 of 2019)