

《社團條例》第151章 (節錄)

Societies Ordinance (Cap. 151) (extract)

2. 釋義

(1) 在本條例中，除文意另有所指外——

“三合會儀式” (triad ritual)指三合會社團普遍採用的任何儀式、與該等儀式十分相似的任何儀式以及該等儀式的任何部分； (由1961年第28號第2條增補)

“分支機構” (branch)就社團的分支機構而言，包括以任何方式隸屬於其他社團的任何社團； (由1961年第28號第2條增補。由1997年第118號第3條修訂)

“本地社團” (local society)指在香港組織和成立或總部或主要的業務地點設於香港的任何社團，包括憑藉第2(2B)或4條而當作是在香港成立的任何社團； (由1982年第36號第2條修訂；由1988年第30號第4條修訂；由1992年第75號第3條修訂；由1997年第118號第3條修訂)

“外國政治性組織” (foreign political organisation)包括——

- (a) 外國政府或其政治分部；
- (b) 外國政府的代理人或外國政府的政治分部的代理人；或
- (c) 在外國的政黨或其代理人； (由1997年第118號第3條增補)

“台灣政治性組織” (political organization of Taiwan)包括——

- (a) 台灣地區政府或其政治分部；
- (b) 台灣地區政府的代理人或該政府的政治分部的代理人；或
- (c) 在台灣地區的政黨或其代理人； (由1997年第118號第3條增補)

“社團” (society)指本條例條文適用的任何會社、公司、一人以上的合夥或組織，不論性質或宗旨為何； (由1961年第28號第2條代替)

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—

“branch” (分支機構), in relation to a society, includes any society which is in any way subordinate to any other society; (*Added 28 of 1961 s. 2. Amended 118 of 1997 s. 3*)

“connection” (聯繫), in relation to a society or a branch, that is a political body, includes the following circumstances—

- (a) if the society or the branch solicits or accepts financial contributions, financial sponsorships or financial support of any kind or loans, directly or indirectly, from a foreign political organization or a political organization of Taiwan;
- (b) if the society or the branch is affiliated directly or indirectly with a foreign political organization or a political organization of Taiwan;
- (c) if the society's or the branch's policies or any of them are determined directly or indirectly by a foreign political organization or a political organization of Taiwan; or
- (d) if a foreign political organization or a political organization of Taiwan directs, dictates, controls or participates, directly or indirectly, in the decision making process of the society or the branch; (*Added 118 of 1997 s. 3*)

“election” (選舉) means—

- (a) a general election or a by-election to elect members of the Legislative Council; or
- (b) an ordinary election or a by-election to elect members of a District Council; (*Added 118 of 1997 s. 3. Amended 8 of 1999 s. 89; 48 of 1999 s. 48; 78 of 1999 s. 7*)

“社團事務主任”(Societies Officer)指按照第3條條文委任的社團事務主任及任何助理社團事務主任；(由1992年第75號第3條增補)

“指明的表格”(specified form)指由社團事務主任指明的表格；(由1997年第118號第3條增補)

“政治性團體”(political body)指——

- (a) 政黨或宣稱是政黨的組織；或
- (b) 其主要功能或宗旨是為參加選舉的候選人宣傳或作準備的組織；(由1997年第118號第3條增補)

“秘書處”(Secretariat)指由第26BA條設立的洗脫三合會會籍秘書處；(由1991年第12號第2條增補)

“幹事”(office-bearer)就社團而言，指社團或其分支機構的會長、副會長、秘書或司庫，或社團或其分支機構的委員會成員或管治組織成員，或在社團或其分支機構擔任類似任何上述職位或職務的人；或就三合會社團而言，指在三合會社團擔任普通成員以外任何職級或職位的人；(由1957年第31號第2條修訂；由1961年第28號第2條修訂)

“履行職能”(performance of functions)包括行使權力和履行責任；(由1992年第75號第3條增補)

“審裁處”(Tribunal)指由第26A條設立的洗脫三合會會籍審裁處；(由1988年第58號第2條增補)

“選舉”(election)指——

- (a) 為選出立法會議員而舉行的換屆選舉或補選；或
- (b) 為選出區議會議員而舉行的一般選舉或補選；(由1997年第118號第3條增補。由1999年第48號第48條修訂；由1999年第78號第7條修訂)

“獲豁免社團”(exempted society)指根據本條例獲社團事務主任豁免註冊的社團；(由1997年第118號第3條增補)

“聯繫”(connection)就屬政治性團體的社團或分支機構而言，包括以下情況——

- (a) 該社團或該分支機構直接或間接尋求或接受外國政治性組織或台灣政治性組織的資助、任何形式的財政上的贊助或支援或貸款；

“exempted society”(獲豁免社團) means a society exempted by the Societies Officer from registration under this Ordinance; (Added 118 of 1997 s. 3)

“foreign political organization”(外國政治性組織) includes—

- (a) a government of a foreign country or a political subdivision of a government of a foreign country;
- (b) an agent of a government of a foreign country or an agent of a political subdivision of the government of a foreign country; or
- (c) a political party in a foreign country or its agent; (Added 118 of 1997 s. 3. Amended 23 of 1998 s. 2)

“local society”(本地社團) means any society organized and established in Hong Kong or having its headquarters or chief place of business in Hong Kong, and includes any society deemed to be established in Hong Kong by virtue of section 2 (2B) or 4; (Amended 36 of 1982 s. 2; 30 of 1988 s. 4; 75 of 1992 s. 3; 118 of 1997 s. 3)

“office-bearer”(幹事) of a society means any person who is the president, or vice-president, or secretary or treasurer of such society or any branch thereof, or who is a member of the committee or governing body of such society or any branch thereof, or who holds in such society or any branch thereof any office or position analogous to any of those mentioned above or in the case of a triad society, any person holding any rank or office in the triad society other than that of any ordinary member; (Amended 31 of 1957 s. 2; 28 of 1961 s. 2)

“performance of functions”(履行職能) includes the exercise of powers and the performance of duties; (Added 75 of 1992 s. 3)

“political body”(政治性團體) means—

- (a) a political party or an organization that purports to be a political party; or
- (b) an organization whose principal function or main object is to promote or prepare a candidate for an election; (Added 118 of 1997 s. 3)

“political organization of Taiwan”(台灣政治性組織) includes—

- (b) 該社團或該分支機構直接或間接附屬於外國政治性組織或台灣政治性組織；
- (c) 該社團或該分支機構的任何政策是直接或間接由外國政治性組織或台灣政治性組織釐定；或
- (d) 在該社團或該分支機構的決策過程中，外國政治性組織或台灣政治性組織直接或間接作出指示、主使、控制或參與。 (由1997年第118號第3條增補)
- (2) 本條例的條文不適用於附表所列明的人。 (由1961年第28號第2條增補。由1982年第36號第2條修訂；由1992年第75號第3條修訂)
- (2A) (由1992年第75號第3條廢除)
- (2B) 至於已根據《商業登記條例》(第310章)登記，因而在附中列為不屬本條例適用範圍的社團，如社團事務主任向該社團發出書面通知，表示他認為該社團並非純粹用作宗教、慈善、社交或康樂用途，本條例即適用於該社團，而該社團則被當作是在該通知發出當日在香港成立。 (由1997年第118號第3條增補)
- (3) 行政長官會同行政會議可藉命令修訂附表。 (由1961年第28號第2條增補。由1999年第13號第3條修訂)
- (4) 在本條例中，“公共安全”及“保護他人的權利和自由”各詞的釋義，與根據《公民權利和政治權利國際公約》適用於香港的有關規定所作的釋義相同。“國家安全”(national security)則指保衛中華人民共和國的領土完整及獨立自主。 (由1997年第118號第3條代替。由2008年第10號第3條修訂)
- (由1992年第75號第3條修訂)

- (a) the administration of Taiwan or a political subdivision of the administration;
- (b) an agent of the administration of Taiwan or an agent of a political subdivision of the administration; or
- (c) a political party in Taiwan or its agent; (Added 118 of 1997 s. 3)

“Secretariat” (秘書處) means the Triad Renunciation Secretariat established by section 26BA; (Added 12 of 1991 s. 2)

“Societies Officer” (社團事務主任) means the Societies Officer and any Assistant Societies Officer appointed in accordance with the provisions of section 3; (Added 75 of 1992 s. 3)

“society” (社團) means any club, company, partnership or association of persons, whatever the nature or objects, to which the provisions of this Ordinance apply; (Replaced 28 of 1961 s. 2)

“specified form” (指明的表格) means a form specified by the Societies Officer; (Added 118 of 1997 s. 3)

“triad ritual” (三合會儀式) means any ritual commonly used by triad societies, any ritual closely resembling any such ritual and any part of any such ritual; (Added 28 of 1961 s. 2)

“Tribunal” (審裁處) means the Triad Renunciation Tribunal established by section 26A. (Added 58 of 1988 s. 2)

(2) The provisions of this Ordinance shall not apply to any person listed in the Schedule. (Added 28 of 1961 s. 2. Amended 36 of 1982 s. 2; 75 of 1992 s. 3)

(2A) (Repealed 75 of 1992 s. 3)

(2B) This Ordinance applies to a society to which it otherwise would not apply under the Schedule by its being registered under the Business Registration Ordinance (Cap. 310) if the Societies Officer gives written notice to the society that he is of the opinion that the society is not used solely for religious, charitable, social or recreational purposes. The society is taken to be established in Hong Kong on the date on which the notice is given. (Added 118 of 1997 s. 3)

- (3) The Chief Executive in Council may by order amend the Schedule. *(Added 28 of 1961 s. 2. Amended 13 of 1999 s. 3)*
- (4) In this Ordinance the expressions “public safety” and “the protection of rights and freedoms of others” are interpreted in the same way as under the International Covenant on Civil and Political Rights as applied to Hong Kong. “national security” (國家安全) means the safeguarding of the territorial integrity and the independence of the People’s Republic of China. *(Replaced 118 of 1997 s. 3. Amended 10 of 2008 s. 3)*

(Amended 75 of 1992 s. 3)

8. 禁止社團的運作

(具追溯力的適應化修訂——見1999年第13號第3條)

(1) 如——

- (a) 社團事務主任合理地相信禁止任何社團或分支機構的運作或繼續運作，是維護國家安全或公共安全、公共秩序或保護他人的權利和自由所需要者；或
- (b) 該社團或該分支機構是政治性團體，並與外國政治性組織或台灣政治性組織有聯繫，

社團事務主任可建議保安局局長作出命令，禁止該社團或該分支機構運作或繼續運作。(由1997年第118號第5條代替)

- (2) 保安局局長獲社團事務主任根據第(1)款作出建議後，可藉在憲報刊登的命令，禁止該社團或該分支機構在香港運作或繼續運作。
- (3) 保安局局長如事先沒有給予該社團或該分支機構機會，就為何不應根據第(2)款作出命令而作出該社團或該分支機構認為適當的陳詞或書面申述，則不得作出該命令。
- (4) 如保安局局長合理地相信給予該社團或該分支機構機會作出陳詞或書面申述，在該個案的情況下並不切實可行，第(3)款則不適用。
- (5) 根據第(2)款作出的命令，須在切實可行範圍內盡快——
 - (a) 送達該社團或該分支機構；
 - (b) (如該社團或該分支機構佔用或使用任何建築物或處所)在該社團或該分支機構佔用或使用作為集會地點的建築物或處所以及在該建築物或處所所在的警區中最近的警署，以顯眼方式張貼；及
 - (c) 在憲報刊登。

8. Prohibition of operation of societies

- (1) The Societies Officer may recommend to the Secretary for Security to make an order prohibiting the operation or continued operation of the society or the branch—
 - (a) if he reasonably believes that the prohibition of the operation or continued operation of a society or a branch is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others; or (*Amended 10 of 2008 s. 6*)
 - (b) if the society or the branch is a political body that has a connection with a foreign political organization or a political organization of Taiwan. (*Replaced 118 of 1997 s. 5*)
- (2) On the recommendation by the Societies Officer under subsection (1), the Secretary for Security may by order published in the Gazette prohibit the operation or continued operation of the society or the branch in Hong Kong.
- (3) The Secretary for Security shall not make an order under subsection (2) without first affording the society or the branch an opportunity to be heard or to make representations in writing as the society or the branch thinks fit as to why such an order should not be made.
- (4) Subsection (3) shall not apply where the Secretary for Security reasonably believes that affording the society or the branch an opportunity to be heard or to make representations in writing would not be practicable in the circumstances of that case.
- (5) An order made under subsection (2) shall as soon as practicable be—
 - (a) served on the society or the branch;

- (6) 凡根據第(2)款作出命令，即使就該項命令已經有或可能有
任何上訴根據第(7)款提出，該項命令一經在憲報刊登，即
行生效，而該項命令如指明於較後日期生效，則在該指明
日期生效。
- (7) 根據本條作出的命令涉及的任何社團或任何分支機構，以
及該社團中或該分支機構中因保安局局長根據本條作出的
命令而感到受屈的幹事或成員，均可在該項命令生效後30
天內，就該項命令的作出向行政長官會同行政會議上訴，
而行政長官會同行政會議可確認、更改或撤銷該項命
令。*(由1999年第13號第3條修訂)*
*(由1992年第75號第5條代替。由1997年第118號第5條修
訂；由1997年第362號法律公告修訂)*

- (b) (where the society or the branch occupies or uses any
building or premises) affixed in a conspicuous manner
on any building or premises occupied or used as a place
of meeting by the society or the branch and at the nearest
police station of the police district in which such building
or premises are situated; and
- (c) published in the Gazette.
- (6) An order made under subsection (2) shall take effect on
publication in the Gazette or, if the order specifies a
subsequent date for its taking effect, shall take effect on that
specified date, notwithstanding that an appeal has been or may
be made against the order under subsection (7).
- (7) A society or a branch in relation to which an order is made
under this section and any office-bearer or member of the
society or the branch who is aggrieved by an order of the
Secretary for Security made under this section may appeal to
the Chief Executive in Council against the making of the order
within 30 days after the order takes effect and the Chief
Executive in Council may confirm, vary or revoke the
order. *(Amended 13 of 1999 s. 3)*

(Replaced 75 of 1992 s. 5. Amended 118 of 1997 s. 5)

18. 非法社團

- (1) 就本條例而言，“非法社團”(unlawful society)指——
- (a) 三合會社團，不論該社團是否註冊社團或獲豁免社團，亦不論該社團是否屬本地社團；或
 - (b) 根據第8條作出的命令所適用的社團，有關命令可就社團本身或其分支機構作出，並屬有效的命令。(由1992年第75號第11條代替。由1997年第118號第12條修訂)
- (2) (由1992年第75號第11條廢除)
- (3) 凡使用任何三合會儀式，或採用或使用任何三合會名銜或術語的社團，均當作為三合會社團。(由1964年第36號第2條修訂)

(由1961年第28號第6條代替)

19. 非法社團幹事等的罰則

- (1) 除第(2)款另有規定外，任何非法社團的幹事或任何自稱或聲稱是非法社團幹事的人，以及任何管理或協助管理非法社團的人，均屬犯罪，一經循公訴程序定罪，可處罰款\$100,000及監禁3年。
- (2) 任何三合會社團的幹事或任何自稱或聲稱是三合會社團幹事的人，以及任何管理或協助管理三合會社團的人，均屬犯罪，一經循公訴程序定罪，可處罰款\$1,000,000及監禁15年。

(由1992年第75號第12條代替)

18. Unlawful societies

- (1) For the purposes of this Ordinance, “unlawful society” (非法社團) means—
- (a) a triad society, whether or not such society is a registered society or an exempted society and whether or not such society is a local society; or
 - (b) a society in respect of which, or in respect of whose branch, an order made under section 8 is in force. (Replaced 75 of 1992 s. 11. Amended 118 of 1997 s. 12)
- (2) (Repealed 75 of 1992 s. 11)
- (3) Every society which uses any triad ritual or which adopts or makes use of any triad title or nomenclature shall be deemed to be a triad society. (Amended 36 of 1964 s. 2)

(Replaced 28 of 1961 s. 6)

19. Penalties on office-bearer, etc. of an unlawful society

- (1) Save as is provided in subsection (2), any office-bearer or any person professing or claiming to be an office-bearer and any person managing or assistant in the management of any unlawful society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$100,000 and to imprisonment for 3 years.
- (2) Any office-bearer or any person professing or claiming to be an office-bearer and any person managing or assisting in the management of any triad society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$1,000,000 and to imprisonment for 15 years.

(Replaced 75 of 1992 s. 12)

20. 成員身分等

- (1) 除第(2)款另有規定外，任何人如屬非法社團的成員，或以非法社團成員身分行事，或參加非法社團的集會，或向非法社團付款或給予援助，或為非法社團的目的而付款或給予援助，即屬犯罪，一經循公訴程序定罪——
 - (a) 如屬首次就該項罪行被定罪，可處罰款\$20,000及監禁12個月；及
 - (b) 如屬第二次或其後就該項罪行被定罪，可處罰款\$50,000及監禁2年。*(由1987年第19號法律公告修訂)*
- (2) 任何人如屬三合會社團的成員，或以三合會社團成員身分行事，或自稱或聲稱是三合會社團的成員，或參加三合會社團的集會，或向三合會社團付款或給予援助，或為三合會社團的目的而付款或給予援助，或保管或控制或被發現管有屬於或關於三合會社團或三合會社團任何分支機構的任何簿冊、帳目、字據、成員名單、印章、旗幟或徽章，則不論該社團或該分支機構是否在香港成立，該人亦屬犯罪，一經循公訴程序定罪——*(由1964年第36號第4條修訂；由1988年第30號第4條修訂)*
 - (a) 如屬首次就該項罪行被定罪，可處罰款\$100,000及監禁3年；及
 - (b) 如屬第二次或其後就該項罪行被定罪，可處罰款\$250,000及監禁7年。*(由1987年第19號法律公告修訂)*

(由1961年第28號第8條代替。由1992年第75號第13條修訂)

20. Membership, etc.

- (1) Save as is provided in subsection (2), any person who is or acts as a member of an unlawful society or attends a meeting of an unlawful society or who pays money or gives any aid to or for the purposes of an unlawful society shall be guilty of an offence and shall be liable on conviction on indictment—
 - (a) in the case of a first conviction for that offence to a fine of \$20,000 and to imprisonment for 12 months; and
 - (b) in the case of a second or subsequent conviction for that offence to a fine of \$50,000 and to imprisonment for 2 years. *(Amended L.N. 19 of 1987)*
- (2) Any person who is or acts as a member of a triad society or professes or claims to be a member of a triad society or attends a meeting of a triad society or who pays money or gives any aid to or for the purposes of the triad society or is found in possession of or has the custody or control of any books, accounts, writing, lists of members, seals, banners or insignia of or relating to any triad society or to any branch of a triad society whether or not such society or branch is established in Hong Kong, shall be guilty of an offence and shall be liable on conviction on indictment- *(Amended 36 of 1964 s. 4; 30 of 1988 s. 4)*
 - (a) in the case of a first conviction for that offence to a fine of \$100,000 and to imprisonment for 3 years; and
 - (b) in the case of a second or subsequent conviction for that offence to a fine of \$250,000 and to imprisonment for 7 years. *(Amended L.N. 19 of 1987)*

(Replaced 28 of 1961 s. 8. Amended 75 of 1992 s. 13)

21. 容許非法社團在處所內集會的人

- (1) 除第(2)款另有規定外，任何人明知而容許非法社團或非法社團成員的集會在屬於他或由他佔用或控制的任何房屋、建築物或地方舉行，即屬犯罪，一經循公訴程序定罪，如屬首次就該項罪行被定罪，可處罰款\$50,000及監禁12個月，如屬第二次或其後就該項罪行被定罪，可處罰款\$100,000及監禁2年。
- (2) 任何人明知而容許三合會社團或三合會社團成員的集會在屬於他或由他佔用或控制的任何房屋、建築物或地方舉行，即屬犯罪，一經循公訴程序定罪，如屬首次就該項罪行被定罪，可處罰款\$100,000及監禁3年，如屬第二次或其後就該項罪行被定罪，可處罰款\$200,000及監禁5年。

(由1992年第75號第14條代替)

22. 煽惑他人成為非法社團成員等的罰則

- (1) 除第(2)款另有規定外，任何人煽惑、誘使或邀請他人成為非法社團成員或協助管理非法社團，或對他人使用暴力、作出威脅或恐嚇以誘使該人成為非法社團成員或協助管理非法社團，即屬犯罪，一經循公訴程序定罪，可處罰款\$50,000及監禁2年。

21. Persons allowing unlawful society on premises

- (1) Save as is proved in subsection (2), any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and shall be liable on conviction on indictment in the case of a first conviction for that offence, to a fine of \$50,000 and to imprisonment for 12 months and in the case of a second or subsequent conviction for that offence, to a fine of \$100,000 and to imprisonment for 2 years.
- (2) Any person who knowingly allows a meeting of a triad society, or of members of a triad society, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and shall be liable on conviction on indictment in the case of a first conviction for that offence, to a fine of \$100,000 and to imprisonment for 3 years and in the case of a second or subsequent conviction for that offence, to a fine of \$200,000 and to imprisonment for 5 years.

(Replaced 75 of 1992 s. 14)

22. Penalty for inciting, etc., a person to become a member of an unlawful society

- (1) Save as is provided in subsection (2), any person who incites, induces or invites another person to become a member of or assist in the management of an unlawful society and any person who uses any violence, threat or intimidation towards any other person in order to induce him to become a member or to assist in the management of an unlawful society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$50,000 and to imprisonment for 2 years.

- (2) 任何人煽惑、誘使或邀請他人成為三合會社團成員或協助管理三合會社團，或對他人使用暴力、作出威脅或恐嚇以誘使該人成為三合會社團成員或協助管理三合會社團，即屬犯罪，一經循公訴程序定罪，可處罰款\$250,000及監禁5年。

(由1992年第75號第15條代替)

23. 為非法社團牟取社團費或援助的罰則

- (1) 除第(2)款另有規定外，任何人為非法社團的目的而向他人牟取或企圖為非法社團的目的而向他人牟取社團費或援助，即屬犯罪，一經循公訴程序定罪，可處罰款\$50,000及監禁2年。
- (2) 任何人為三合會社團的目的而向他人牟取或企圖為三合會社團的目的而向他人牟取社團費或援助，即屬犯罪，一經循公訴程序定罪，可處罰款\$250,000及監禁5年。

(由1992年第75號第16條代替)

- (2) Any person who incites, induces or invites another person to become a member of or assist in the management of a triad society and any person who uses any violence, threat or intimidation towards any other person in order to induce him to become a member or to assist in the management of a triad society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 5 years.

(Replaced 75 of 1992 s. 15)

23. Penalty for procuring subscription or aid for an unlawful society

- (1) Save as is provided in subsection (2), any person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$50,000 and to imprisonment for 2 years.
- (2) Any person who procures or attempts to procure from any other person any subscription or aid for the purposes of a triad society shall be guilty of an offence and shall be liable on conviction on indictment to a fine of \$250,000 and to imprisonment for 5 years.

(Replaced 75 of 1992 s. 16)