

351. Provision for punishment and offence

- (1) The Twelfth Schedule has effect with respect to the way in which offences under this Ordinance are punishable on conviction. *(Replaced 7 of 1990 s. 3)*
- (1A) As respects an offence under a provision of this Ordinance set out in column 1 of the Twelfth Schedule—
- (a) column 2 gives a description of the general nature of the offence only and shall not be used to interpret the provision;
 - (b) column 3 shows whether the offence is punishable on conviction on indictment or on summary conviction;
 - (c) column 4 shows, subject to paragraph (d), the maximum punishment by way of fine or imprisonment under this Ordinance which may be imposed on a person convicted of the offence;
 - (d) column 5 shows in the case of an offence for which there is an entry in that column that a person convicted of the offence after continued default, refusal or contravention is liable to a default fine: that is to say, he is liable, in addition to the punishment that may be imposed under paragraph (c), to the fine set out in that column for each day on which the default, refusal or contravention is continued. *(Replaced 7 of 1990 s. 3)*
- (1B) *(Repealed 7 of 1990 s. 3)*
- (2) For the purpose of any provision in this Ordinance which provides that an officer of a company who is in default shall be liable to a fine or penalty, ***officer who is in default*** (失責高級人員) means any officer of the company, or any shadow director of the company, who knowingly and wilfully authorizes or permits the default, refusal or contravention mentioned in such provision. *(Amended 28 of 2003 s. 114)*

(Amended 6 of 1984 s. 244)