

168E. Disqualification on conviction of indictable offence

- (1) The court may make a disqualification order against a person where he is convicted of an indictable offence (whether on indictment or summarily)—
 - (a) in connection with the promotion, formation, management or liquidation of a company; or
 - (b) in connection with the receivership or management of a company's property, or any other indictable offence his conviction for which necessarily involves a finding that he acted fraudulently or dishonestly.
- (2) In subsection (1) *the court* (法院) means the Court of First Instance or the court by or before which the person is convicted of the offence.
- (3) The maximum period of disqualification under this section is, where the disqualification order is made—
 - (a) by a judge of the Court of First Instance, 15 years;
 - (b) by a judge of the District Court, 10 years;
 - (c) by a magistrate, 5 years.
- (4) Where a disqualification order is made by a magistrate and the Official Receiver or—
 - (a) the liquidator;
 - (b) a past or present member; or
 - (c) a creditor,of the company affected believes that the facts would justify a disqualification order for a longer period, he may apply to the Court of First Instance for such a disqualification order and it may, if it considers it appropriate in the circumstances, make an order for such longer period as it determines.

(Amended 25 of 1998 s. 2)