

168F. Disqualification for persistent breaches of specified provisions

(Amended 28 of 2012 ss. 912 & 920)

- (1) The court may make a disqualification order against a person where it appears to it that the person has been persistently in default in relation to the specified provisions.
- (2) On an application to the court for an order to be made under this section, the fact that a person has been persistently in default in relation to the specified provisions may (without prejudice to its proof in any other manner) be conclusively proved by showing that in the 5 years ending with the date of application the person has been adjudged guilty (whether or not on the same occasion) of 3 or more defaults in relation to the specified provisions.
- (3) A person is to be treated under subsection (2) as being adjudged guilty of a default in relation to a specified provision if— *(Amended 28 of 2012 ss. 912 & 920)*
 - (a) the person is convicted of an offence consisting in a contravention of a specified provision (whether on the person's own part or on the part of any company); or
 - (b) an order of the court is made against the person under—
 - (i) in the case of a specified provision of the pre-amended Ordinance or this Ordinance, section 279, 302 or 306; or
 - (ii) in the case of a specified provision of the Companies Ordinance (Cap. 622), section 898 of that Ordinance.
- (4) For the purposes of this section, **court** (法院) includes a magistrate where the application under this section is made in the course of a prosecution in which the person is adjudged guilty of a default referred to in subsection (1) and, as a result, subsection (2) applies to the person.
- (4A) In this section—

specified provision (指明條文) means a provision of the pre-amended Ordinance, this Ordinance, or the Companies Ordinance (Cap. 622), requiring—

 - (a) any return, accounts or other document to be filed with, or delivered or sent to, the Registrar; or
 - (b) notice of any matter to be given to the Registrar. *(Added 28 of 2012 ss. 912 & 920)*
- (5) The maximum period of disqualification under this section is 5 years.

(Amended 28 of 2012 ss. 912 & 920)