



獸醫管理局(紀律處分程序)規則

RULES

OF

THE VETERINARY SURGEONS BOARD

(DISCIPLINARY PROCEEDINGS)

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獸醫管理局(紀律處分程序)規則
THE VETERINARY SURGEONS BOARD
(DISCIPLINARY PROCEEDINGS) RULES

(由獸醫管理局根據《獸醫註冊條例》(第 529 章)第 6 條及第 18(3)條制定)
(Made by the Veterinary Surgeons Board under section 6 and section 18(3)
of the Veterinary Surgeons Registration Ordinance (Cap. 529))

第I部分

PART I

引稱及釋義

CITATION AND INTERPRETATION

1. 引稱 Citation

本規則可引稱為《獸醫管理局(紀律處分程序)規則》。

These Rules may be cited as the Veterinary Surgeons Board
(Disciplinary Proceedings) Rules.

2. 釋義 Interpretation

(1) 在本規則中，除文意另有所指外 —

In these Rules, unless the context otherwise requires -

“管理局”指根據條例第3條設立的獸醫管理局；

"Board" means the Veterinary Surgeons Board established by
section 3 of the Ordinance;

“主席”指根據條例第3條委任的管理局主席；

"Chairman" means the Chairman of the Board appointed
under section 3 of the Ordinance;

“委員會”指根據第3條規則設立的初步調查委員會；

"Committee" means a Preliminary Investigation Committee
established in accordance with rule 3.

“投訴人”指秘書根據條例第17(3)條接獲對註冊獸醫作投訴的
人士；

"complainant" means a person from whom a complaint against a registered veterinary surgeon has been received by the Secretary under section 17(3) of the Ordinance;

“大律師”指獲原訟法庭認許、可以大律師身分執業的人；
"counsel" means a person admitted to practise as counsel before the Court of First Instance;

“被告人”指秘書根據條例第17(3)條接獲的投訴所針對的註冊獸醫；

"defendant" means a registered veterinary surgeon against whom a complaint has been received by the Secretary under section 17(3) of the Ordinance;

“轉交投訴通知書”指根據第11(2)條規則發出的通知書；
"notice of referral" means a notice served under rule 11(2);

“違紀行為”指條例第17(1)條列出的作為或不作為；
"disciplinary offence" means an act or omission set out in section 17(1) of the Ordinance;

“研訊委員會”指根據條例第18(1)條設立的研訊委員會；
"inquiry committee" means an inquiry committee established under section 18(1) of the Ordinance;

“法律顧問”指根據條例第7(1)條委任的管理局法律顧問；
"Legal Adviser" means the Legal Adviser to the Board appointed under section 7(1) of the Ordinance;

“條例”指《獸醫註冊條例》(第529章)；
"Ordinance" means the Veterinary Surgeons Registration Ordinance (Cap 529);

“名冊”指根據條例第5(a)條設置和保存的註冊獸醫名冊；
"register" means the register of registered veterinary surgeons established and maintained under section 5(a) of the Ordinance;

“註冊獸醫”指現時列於名冊上的人；
"registered veterinary surgeon" means a person whose name is currently entered in the register;

“評論人”是指在香港執業不少於五年的註冊獸醫，其名字獲管理局批准可列入根據第5(1)(e)段向委員會提供報告的名單內的人士；

"reviewer" means a person who is for time being on the list approved by the Board of registered veterinary surgeons of not less than 5 years veterinary practice in Hong Kong available to provide reports under rule 5(1)(e)

“秘書”指根據條例第7(1)條委任的管理局秘書；

"Secretary" means the Secretary to the Board appointed under section 7(1) of the Ordinance:

“律師”指獲原訟法庭認許、可以律師身分執業的人。

"solicitor" means a person admitted to practise as a solicitor before the Court of First Instance.

- (2) 凡指男性的字及詞句亦指女性及不屬於男性或女性者。
Words and expressions importing the masculine gender include feminine and neuter genders.
- (3) 凡指單數的字及詞句亦指眾數，而指眾數的字及詞句亦指單數。
Words and expressions in the singular include the plural and words and expressions in the plural include the singular.

第II部分

PART II

研訊籌備程序

PROCEEDINGS PREPARATORY TO AN INQUIRY

3. 初步調查委員會

Preliminary Investigation Committee

- (1) 在符合第(2)段的規定下，管理局可設立一個或多於一個的初步調查委員會，由管理局所委任的兩名成員組成。管理局成員可出任多於一個委員會。

Subject to paragraph (2), the Board may establish one or more Preliminary Investigation Committees, each of which shall consist of two of its members and a member of the Board may be appointed to serve on more than one Committee at the same time.

- (2) 委員會成員須為 —
The members of a Committee shall be –
- (a) 根據條例第3(2)(b)或(c)條獲委任的人士，並由該名人士出任委員會主席；
a person appointed under section 3(2)(b) or (c) of the Ordinance, and he shall be the chairman of the Committee;
- (b) 根據條例第3(2)(d)條獲委任的人士。
a person appointed under section 3(2)(d) of the Ordinance.
- (3) 除第(4)及第(5)段另有規定外，委員會成員的任期與他們的管理局成員任期相同。
Save as provided in paragraphs (4) and (5), the members of a Committee shall hold office for so long as they remain members of the Board.
- (4) 如基於任何原因，根據第(1)段獲委任為委員會成員的人士暫時不能或將暫時不能行使他作為委員會成員的職能，則根據第(2)段的規定，主席可委任另一名人士暫時擔任委員會成員。
Where for any reason a person appointed to a Committee under paragraph (1) is or will be unable temporarily to exercise his functions as such member, another person may be appointed by the Chairman to be temporarily a member of the Committee subject to paragraph (2).
- (5) 獲委任為委員會成員的人士可隨時向主席發出書面通知而辭去委員會成員的職務。但如該名人士提出有關辭呈時，委員會正在處理某項投訴，則該名人士在主席的要求下，須繼續擔任委員會成員，以繼續處理該項投訴，直至委員會已就該投訴履行其職能為止；而委任新委員會成員以接替先前請辭的委員會成員的安排，須受本條文規限。
A person appointed to be a member of a Committee may at any time resign his membership of the Committee by notice in writing addressed to the Chairman, save that, if at the time such notice is given the Committee is considering any complaint the person so resigning shall, if so required by the Chairman, continue to be a member of the Committee for the purposes of the consideration of such complaint but for no

other purpose, until the Committee has discharged its functions in respect of the complaint; and the appointment of any person to the office previously held by the member shall have effect subject to this provision.

- (6) 委員會須遵照委員會主席的指示不時舉行會議，而委員會主席可隨時押後任何委員會會議。

A Committee shall meet from time to time as directed by the chairman of the Committee who may at any time adjourn any meeting of the Committee.

- (7) 凡將投訴轉交管理局進行研訊的委員會成員，一律不得作為管理局成員出席管理局為考慮該項轉交投訴事宜而舉行的任何會議。

No member of a Committee which refers a complaint to the Board for inquiry shall be present as a member of the Board at any meeting of the Board when the Board considers such referral.

- (8) 委員會成員一律不得擔任就同一項投訴而設立的研訊委員會成員。

No member of a Committee shall be a member of the inquiry committee appointed in respect of the same complaint.

4. 轉交投訴

Reference of complaint

- (1) 如有人根據條例第17(3)條向秘書投訴，指稱任何註冊獸醫有違紀行為，則秘書須將有關投訴轉交委員會。

Where a complaint alleging a disciplinary offence in respect of any registered veterinary surgeon is made to the Secretary under section 17(3) of the Ordinance, the Secretary shall:

- (a) 將投訴轉交委員會；和
refer the complaint to a Committee; and
- (b) 向被告入送交投訴的副本，及邀請他提供書面的回應。
provide the defendant with copy of the complaint and invite him to provide a written response thereto.

- (2) 如委員會任何一名成員在根據第(1)(a)段轉交其處理的投訴中在任何方面有利害關係，則該名成員在根據本規則考慮該投訴

之前，須向主席聲明其利害關係，並不得參與有關該投訴的任何商議或決定。

If either member of the Committee is in any way interested in a complaint referred to him under paragraph (1)(a), he shall declare his interest to the Chairman before he has to consider the complaint pursuant to these Rules and shall not participate in any deliberation or decision regarding the complaint.

- (3) 如有成員根據第(2)段聲明其利害關係，主席須委派一名管理局成員擔任委員會成員，並顧及第3(2)條規則的規定。

On a declaration of interest under paragraph (2), the Chairman shall appoint a member of the Board to be a member of the Committee subject to rule 3(2).

5. 對投訴的澄清及支持

Clarification and support for complaint

- (1) 凡在秘書根據第4(1)(a)條規則轉交委員會處理的投訴中有任何指控，而委員會認為該指控可能與被告人是否犯了違紀行為有關，則委員會可指示秘書採取下列任何或全部措施 –

Where, in a complaint referred by the Secretary to a Committee in accordance with rule 4(1)(a), any allegation is made which in the opinion of the Committee gives rise to a question as to whether a defendant has committed a disciplinary offence, the Committee may direct the Secretary to do any or all of the following –

- (a) 要求投訴人填妥由管理局不時指定的投訴表格；
require the complainant to complete a standard complaint form as specified by the Board from time to time;
- (b) 要求投訴人遞交投訴時，連同一份有關動物（如適用），的醫療記錄副本，或簽署一份授權書，授權本局代他向有關獸醫診所索取該動物的醫療記錄；
require the complainant to provide a copy of the medical record of the animal concerned (if available) or sign a consent form authorising the Secretary to request a copy of the medical record from the veterinary clinic concerned;

(c) 要求投訴人對該投訴或資料作出書面澄清；
require the complainant to make written clarifications about the complaint or information;

(d) 要求在該投訴或告發中所指稱的任何事宜須以一份或多於一份法定聲明支持，除非該投訴或告發是由公職人員以書面作出並親自簽署；
require any matter alleged in the complaint or information to be supported by one or more statutory declarations, unless the complaint or information is in writing under the hand of a public officer;

(e) 向委員會提名的評論人送交根據第 (a), (b), (c) 或 (d) 段提交的資料的副本，及/或根據第 4(1)(b) 段提交的任何書面回應的副本，要求評論人就投訴提供報告。在送交這些資料予評論人前，須將能辨認投訴人和被告人的資料刪除。
forward to a reviewer nominated by the Committee a copy of any document provided under paragraph (a), (b), (c) or (d), and/or any written response provided under Rule 4(1)(b), with the information identifying the complainant and defendant removed therefrom and request him to provide a report on the complaint.

(2) 如委員會主席認為根據某個案的情況，並不適宜向被告人披露任何在第(1)(a),(1)(b),(1)(c)或(1)(d)條規則述及的文件中載有的任何人士的個人資料，他可按需要在給予被告人有關的文件副本上安排刪改或其他編輯方面的更改，使有關的個人資料不會被披露。

If the Committee chairman considers that in the particular circumstances of a case it is desirable that any personal particulars of any person contained in any document mentioned in paragraph (1)(a), (1)(b), (1)(c) or (1)(d) should not be disclosed to the defendant, he may arrange for such necessary obliteration or other editorial modification of the copy of the document to be supplied to the defendant so that those personal particulars are not disclosed.

(3) 第(1)(d)段所提述的法定聲明必須 —
Each statutory declaration referred to in paragraph (1)(d) must —

- (a) 說明聲明人的地址及身分；及
state the address and description of the declarant; and
- (b) 說明聲明人所知悉的該投訴的全部事實，如所聲明的任何事實並非其個人所知，則須說明其資料來源，以及其相信該等信息為真確無訛的理由。
state all the facts of the complaint to the declarant's knowledge or, if any fact declared is not within his personal knowledge, state the source of the declarant's information and the grounds for his belief in the truth of the facts.
- (4) 如第(1)(a), (1)(b), (1)(c) 或 (1)(d)段所提述的要求不獲遵從，則委員會可拒絕接手調查該投訴。
If a request under paragraph (1)(a), (1)(b), (1)(c) or (1)(d) is not complied with, the Committee may decline to proceed with the investigation of the complaint.

6. 向委員會轉交投訴

Reference of complaint to Committee

- (1) 除第(4)段另有規定外，則委員會須指示秘書定出日期，建議委員會於該日期舉行會議商議處理該投訴。
Subject to paragraph (4), the Committee shall direct the Secretary to fix a date upon which it is proposed that the Committee is to meet to consider the complaint referred to it.
- (2) 凡秘書根據第(1)段獲指示定出日期，秘書須 —
Where the Secretary is directed under paragraph (1) to fix a date, the Secretary shall –
- (a) 為建議的會議定出日期；
fix a date for the proposed meeting;
- (b) 通知被告人已接獲有關投訴，並向被告人說明有關指控可能涉及的專業失當或疏忽行為。
notify the defendant of any matters or allegations which may appear to raise a question whether the defendant has been guilty of misconduct or neglect in a professional respect;

- (c) 向他提供根據第5(1)(a), 5(1)(b), 5(1)(c), 5(1)(d) 或 5(1)(e)條規則提交的任何投訴表格、醫療記錄、澄清、法定聲明或報告的副本；
provide him with a copy of any complaint form, medical record, clarification, statutory declaration or report provided under rule 5(1)(a), 5(1)(b), 5(1)(c), 5(1)(d) or 5(1)(e);
- (d) 告知他委員會將舉行會議考慮該投訴的日期；及
inform him of the date upon which the Committee is due to meet for the purpose of considering the complaint; and
- (e) 邀請他就投訴中有關他的行為或任何指稱事宜，以書面向委員會提交任何他可給予的解釋。
invite him to submit to the Committee in writing any explanation of his conduct or of any matter alleged in the complaint which he may have to offer.
- (3) 如委員會主席認為根據某個案的情況,並不適宜向被告人披露任何在第(2)(b)或(2)(c)條規則述及的文件中載有的任何人士的個人資料,他可按需要在給予被告人有關的文件副本上安排刪改或其他編輯方面的更改,使有關的個人資料不會被披露。
If the Committee chairman considers that in the particular circumstances of a case it is desirable that any personal particulars of any person contained in any document mentioned in paragraph (2)(b) or (2)(c) should not be disclosed to the defendant, he may arrange for such necessary obliteration or other editorial modification of the copy of the document to be supplied to the defendant so that those personal particulars are not disclosed.
- (4) 如委員會認為投訴屬瑣屑無聊或毫無根據，並不應繼續處理者，則可駁回投訴。
If the Committee considers that the complaint is frivolous, or groundless, and should not proceed further, it may dismiss the complaint.
- (5) 如投訴根據第(4)段遭駁回，則秘書須將此事通知投訴人。

If the complaint is dismissed under paragraph (4), the Secretary shall notify the complainant and the defendant accordingly.

7. 由委員會考慮投訴

Consideration of complaint by the Committee

- (1) 委員會須以非公開形式舉行會議。
The Committee shall meet in private.
- (2) 在委員會商議處理投訴的會議上，委員會須被提交任何根據第5(1)(a), 5(1)(b), 5(1)(c) 或5(1)(d)條規則提供的投訴、投訴表格、醫療記錄、澄清或法定聲明；根據第5(1)(e)條規則提供的報告；根據第6(2)(e)條規則提交的書面解釋，以及屬證據性質而與該投訴有關聯的任何其他文件或事宜。

At the meeting at which a complaint is considered by the Committee, there shall be put before the Committee the complaint, any complaint form, medical record, clarification or statutory declaration provided under rule 5(1)(a), 5(1)(b), 5(1)(c) or 5(1)(d), any report provided under rule 5(1)(e), any explanation provided under rule 6(2)(e), and any other available document or matter in the nature of evidence relevant to the complaint.

- (3) 委員會可將其對任何投訴的考慮或裁定全部或部分押後至其認為適當的日期，或如其認為適當，可不時押後會議。
The Committee may postpone its consideration or determination of a complaint, in whole or in part, to such date or adjourn a meeting from time to time as it thinks fit.
- (4) 如委員會認為根據第6(2)(b)條規則向被告表明的事宜應予修訂，則委員會可指示秘書作出修訂，並將有關修訂知會被告人及邀請他作出他可能提供的進一步解釋。
Where the Committee considers that the matter indicated to the defendant under rule 6(2)(b) should be amended, the Committee may direct the Secretary to make the amendment and advise the defendant of the amendment and invite him to give any further explanation which he may offer.
- (5) 在根據第(6)段作出決定之前，委員會可 —

Before coming to a decision under paragraph (6), the Committee may –

- (a) 就其正在考慮的投訴以及就被告人的書面解釋而安排作出其認為需要的進一步調查或安排被告人作進一步澄清，並可獲取其認為需要的其他意見或協助；
cause to be made such further investigations or further clarification from the defendant with regard to the complaint being considered by the Committee and with regard to his written explanation, and obtain such additional advice or assistance as it considers necessary;
- (b) 在其認為有需要時邀請投訴人、被告人或雙方前來，向委員會提供證據。
invite the complainant, the defendant or both to attend before the Committee to give evidence if it considers necessary.

- (6) 委員會在看到被告人提交的任何書面解釋、根據第(2)段向其提交的全部資料，以及根據第(5)段而獲提交的所有資料後，須考慮處理該投訴，並在不抵觸第(3)及(4)段條文下，可 –

The Committee, having regard to any written explanation submitted by the defendant, all the materials put before it under paragraph (2) and any materials put before it by virtue of paragraph (5) shall consider the complaint, and, subject to paragraphs (3) and (4), may-

- (a) 決定不將該投訴轉交管理局；
determine that the complaint should not be referred to the Board;
- (b) 決定不將該投訴轉交管理局，並向被告人發出一封以委員會認為措辭恰當的意見書；
determine that the complaint should not be referred to the Board and issue a letter of advice to the defendant in such terms as it thinks fit;
- (c) 決定將該投訴全部或部分轉交管理局；
determine that the complaint should be referred to the Board, in whole or in part;

而根據第(a)或(b)節所作出的決定須獲委員會成員一致同意。
and a determination under subparagraph (a) or (b) shall only be made if the members are unanimous.

8. 委員會決定不將投訴轉交管理局

Determination of Committee that the complaint should not be referred to the Board

- (1) 如委員會決定不將投訴轉交管理局，則須指示秘書以書面通知投訴人及被告人，秘書在收到指示後須如此照辦。

If the Committee determines that the complaint should not be referred to the Board, the Committee shall direct the Secretary to, and the Secretary when so directed shall, notify the complainant and the defendant in writing of the decision of the Committee.

- (2) 如委員會決定不將投訴轉交管理局，則投訴人及被告人均無權查閱與該投訴有關而由其他人提交委員任何資料或文件。

Neither the complainant nor the defendant has any right of access to any information or document relating to the complaint submitted to the Committee by any other person, if the Committee determines that the complaint should not be referred to the Board.

9. 將投訴轉交管理局

Referral to the Board

- (1) 如委員會根據第7(6)(c)條規則決定將投訴轉交管理局，則委員會須向主席送交一份關於該項決定的通知書，並說明由委員會確認為所須研訊控罪的所有資料。

If the Committee determines that the complaint should be referred to the Board under rule 7(6)(c), the Committee shall send a notification of the determination to the Chairman specifying the matters identified by the Committee to be so referred and which form the basis of the charge into which an inquiry should be held.

- (2) 在接獲根據第(1)段轉交的投訴後，管理局須考慮是否將投訴轉交研訊委員會作出決定。

On receipt of a referral under paragraph (1), the Board shall consider whether the complaint should be referred to an inquiry committee for decision.

- (3) 如管理局認為無須將投訴轉交研訊委員會作出決定，則管理局須述明其理由，並指示秘書以書面通知投訴人及被告人管理局的決定及有關理由，秘書在收到指示後須如此照辦。

If the Board considers that the complaint should not be referred to an inquiry committee for decision, the Board shall state its reasons and shall direct the Secretary to, and the Secretary when so directed shall, notify the complainant and the defendant in writing of the decision of the Board, together with those reasons.

- (4) 如管理局認為須將投訴轉交研訊委員會作出決定，則管理局須根據條例第18(1)條的規定設立研訊委員會，並將投訴轉交該委員會作出決定。

If the Board considers that the complaint should be referred to an inquiry committee for decision, the Board shall establish an inquiry committee in accordance with the provisions of section 18(1) of the Ordinance and shall refer the complaint to it for decision.

10. 研訊委員會

The inquiry committee

- (1) 管理局須委派研訊委員會其中一名成員擔任該研訊委員會的主席。
The Board shall appoint one of the members of the inquiry committee to be the chairman of that inquiry committee.

- (2) 研訊委員會的法定人數為三人。
The quorum of the inquiry committee shall be three.

- (3) 如基於任何原因，獲委任為研訊委員會成員的人士不能或將不能行使他作為研訊委員會成員的職能，則根據條例第18(1)條的規定下，主席可委任管理局的另一名成員擔任研訊委員會成員。

Where for any reason a person appointed to the inquiry committee is or will be unable to exercise his functions as such member, another member of the Board may be appointed by the Chairman to be a member of the inquiry committee,

bearing in mind the provisions of section 18(1) of the Ordinance.

11. 轉介投訴至研訊委員會

Referral of the complaint to the inquiry committee

- (1) 在轉介投訴予研訊委員會時，研訊委員會主席須指示秘書定出擬進行研訊的日期。

On referral of a complaint to an inquiry committee, the chairman of the inquiry committee shall direct the Secretary to fix a date upon which it is proposed that the inquiry is to be held.

- (2) 除非被告人以書面同意以較短的期間向其作出通知，否則秘書須在管理局決定將投訴轉介研訊委員會的兩個月內，以及在所定出的研訊日期最少28天前，根據條例第18(2)條將一份轉介研訊通知書連同一份本規則文本送達被告人，並須將進行研訊一事告知投訴人。

Except with the written consent of the defendant to a shorter period of notice, the Secretary shall, within two months of the decision of the Board to refer the complaint to an inquiry committee for decision, and at least 28 days before the date fixed for the inquiry, serve on the defendant, in accordance with section 18(2) of the Ordinance, a notice of referral together with a copy of these Rules and shall inform the complainant of the holding of the inquiry.

- (3) 轉介研訊通知書必須 —
A notice of referral must -

- (a) 以一項或多於一項控罪的形式，指明須予進行研訊的事宜；及

specify in the form of a charge or charges the matters into which inquiry is to be held; and

- (b) 說明進行研訊的日期、時間及地點。

state the date, time and place at which the inquiry is to be held.

12. 押後研訊

Adjournment of inquiry

- (1) 研訊委員會主席可將研訊押後至他認為適當的日期。
The chairman of the inquiry committee may adjourn an inquiry to such date as he thinks fit.
- (2) 秘書須將押後一事通知被告人及投訴人。
The Secretary shall give notice of an adjournment to the defendant and to the complainant.

13. 修訂轉介研訊通知書

Amendment of notice of referral

- (1) 凡在研訊開始前，研訊委員會主席覺得轉介研訊通知書欠妥，則主席可發出其認為需要的修訂指示，以作補救，除非他在了解個案的實況後，認為作出所需的修訂有可能對被告人造成不公正，則屬例外。
Where before the opening of the inquiry, it appears to the chairman of the inquiry committee that a notice of referral is defective, the chairman may give such directions for the amendment of the notice as he thinks necessary to remedy the defect unless, having regard to the merits of the case, he is of the opinion that the required amendments cannot be made without injustice to the defendant.
- (2) 在任何轉介研訊通知書修訂後，秘書須在切實可行的範圍內盡快將該項修訂通知被告人及投訴人。
The Secretary shall, as soon as it is practicable after the amendment of a notice of referral, give notice of the amendment to the defendant and to the complainant.

14. 另一方可得的文件

Documents to be available to other party

- (1) 研訊的一方須在不遲於研訊日期前10天，或在雙方議定的較短期限前，向另一方提交他在該研訊中擬依據的所有文件的副本。
A party to an inquiry shall furnish to the other party, not less than 10 days before the date of an inquiry or such lesser period as both parties may agree, copies of all documents upon which he intends to rely at the hearing of the inquiry.

- (2) 如有任何文件沒有按照第(1)段提供，則研訊委員會可將該研訊押後。

If a document has not been furnished in accordance with paragraph (1), the inquiry committee may adjourn the inquiry.

15. 交出資料通知

Notice to produce

研訊委員會主席可在研訊的聆訊前任何時間，應研訊任何一方的申請，命令另一方交出與該投訴有關或與該投訴的爭論點有關而指稱由該另一方管有的任何材料、紀錄(不論屬何形式)或文件；如沒有交出該材料、紀錄或文件，則申請交出的一方可藉任何其他方法證明該材料、紀錄或文件或證明其內容。

The chairman of the inquiry committee may at any time before the hearing of an inquiry, upon application by either party to the inquiry, order the other party to produce any material, record (in whatever form) or document which is relevant to the complaint or the issues of the complaint alleged to be in the possession of that party and, on failure to produce the material, record or document, the party who applied for the production may prove it or the content of it by any alternative method.

第III部分

PART III

研訊程序

PROCEEDINGS AT AN INQUIRY

16. 以公開或非公開形式舉行會議

Meeting in public or camera

- (1) 在研訊委員會的酌情決定下，研訊可以向公眾公開或部分公開部分非公開的形式進行。

At the discretion of the inquiry committee, the inquiry may be open to the public or partly open to the public and partly held in camera.

- (2) 在研訊的任何階段，研訊委員會可決定研訊的其餘部分應向公眾公開，或以非公開形式進行(視屬何情況而定)。

At any stage of the inquiry, the inquiry committee may decide that the remainder of the inquiry should be open to the public or be held in camera, as the case may be.

17. 代表

Representation

- (1) 研訊的任何一方均可由律師或大律師代表出席。
Any party to an inquiry may be represented by a solicitor or counsel.
- (2) 在研訊委員會主席提出申請時，律政司司長可指定一名《律政人員條例》(第87章)所指的律政人員，或任何律師或大律師，執行秘書在研訊中的職責。

On the application of the chairman of the inquiry committee, the Secretary for Justice may appoint a legal officer within the meaning of the Legal Officers Ordinance (Cap. 87) or any counsel or solicitor to carry out the duties of the Secretary at the inquiry.

18. 程序的紀錄

Record of proceedings

- (1) 研訊委員會可委任速記員擬備研訊程序的逐字逐句的紀錄，而另一選擇是秘書可安排將該等程序記錄在錄音帶上，並安排將該錄音帶記錄的內容轉換成逐字逐句的書面紀錄。

The inquiry committee may appoint a shorthand writer to prepare a verbatim record of the proceedings of an inquiry or, alternatively, the Secretary may cause the proceedings to be recorded on tape and may arrange for the transcription of the tape recording into a verbatim record in writing.

- (2) 如該等程序或其中任何部分已擬備逐字逐句的紀錄，秘書在該次程序的任何一方提出申請，並在其獲繳付有關發出該紀錄的適當訂明費用後，須向該一方提供該紀錄或部分紀錄的副本。

If a verbatim record of the proceedings or any part of it has been prepared, the Secretary, on application to him by any party to the proceedings and on payment to him of the appropriate prescribed fee for the issue of the record, shall furnish the party with a copy of the record or part.

19. 法律顧問

The Legal Adviser

- (1) 法律顧問須出席研訊委員會進行的每次研訊，如法律顧問沒有出席，則有關研訊不得開始。

The Legal Adviser shall be present at every inquiry conducted by an inquiry committee and such inquiry shall not commence if the Legal Adviser is not present.

- (2) 如法律顧問就任何證據、程序或其他事項的法律問題向研訊委員會提供意見，他須在參與研訊程序的各方或各方代表在場時提出，或如該等意見是在研訊委員會已開始商議之後提出的，則須將法律顧問所提供的意見通知上述各方或各人。

When the Legal Adviser advises the inquiry committee on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party to the inquiry or the person representing each party or, if the advice is tendered after the inquiry committee has commenced to deliberate, every such party or person shall be informed of the advice that the Legal Adviser has tendered.

- (3) 在任何情況下，凡研訊委員會不接納法律顧問就第(2)段所述任何問題提供的意見，上述各方或各人須獲通知此事。

In any case where the inquiry committee does not accept the advice of the Legal Adviser on any such question mentioned in paragraph (2), every such party or person shall be informed of this fact.

- (4) 研訊委員會主席對第29(4)條規則所述的申請作出決定之前，必須徵詢法律顧問對申請所引起與證據、程序或其他事項有關的法律問題的意見。

Before determining an application mentioned in rule 29(4) the chairman of the inquiry committee shall refer the application to the Legal Adviser for advice on any question of law arising there from as to evidence, procedure or any other matter.

- (5) 在任何情況下，如法律顧問就第(4)段所述的任何問題提供意見，研訊委員會主席把他對有關申請的決定通知各方或各方代表時，也須把：

In any case in which the Legal Adviser tenders advice on any such question mentioned in paragraph (4), the chairman of the inquiry committee shall, when he notifies each party or each person representing each party of his determination of the application concerned, inform every such party or person of:

- (a) 法律顧問提出的意見，通知各方或各人；以及
the advice that the Legal Adviser has tendered; and
- (b) 在任何情況下，如研訊委員會主席不接納法律顧問提供的意見，也須將此事實通知各方或各人。
in any case where the chairman of the inquiry committee does not accept the advice that the Legal Adviser has tendered, that fact.

20. 開始研訊

Opening of an inquiry

- (1) 在研訊開始時，秘書須向研訊委員會宣讀轉介研訊通知書。
At the opening of an inquiry, the Secretary shall read the notice of referral to the inquiry committee.
- (2) 如被告人在研訊開始時，沒有出席亦沒有由其律師或大律師代表出席，則秘書須向研訊委員會提交研訊委員會所需要的證據，以證明轉介研訊通知書已按第11(2)條規則送達被告人，而研訊委員會在信納該證據後，即可在被告人缺席的情況下進行研訊。
If the defendant is not present or represented by his solicitor or counsel at the opening of the inquiry, the Secretary shall furnish to the inquiry committee such evidence as the inquiry committee may require to prove that the notice of referral was served on the defendant in accordance with the provisions of rule 11(2) and, on the inquiry committee being satisfied as to such evidence, may proceed with the inquiry in the absence of the defendant.
- (3) 在根據本規則開始某項研訊後，即使被告人缺席，該項研訊仍可進行至完畢為止。
After an inquiry has been opened under this rule, it may be proceeded with to its conclusion notwithstanding any absence of the defendant.

21. 就法律論點提出反對

Objections on point of law

- (1) 在轉介研訊通知書宣讀後，被告人或其律師或大律師可就法律論點反對任何控罪，而在該項反對提出後，研訊程序的任何其他一

方可就該項反對作出答覆；如該其他一方就該項反對作出答覆，則被告人或其律師或大律師可就該項答覆作出答辯。

After the reading of the notice of referral the defendant, his solicitor or counsel may object to any charge on a point of law and, upon such objection, any other party to the inquiry may reply thereto and, if any such party replies to such objection, the defendant, his solicitor or counsel may answer such reply.

- (2) 如研訊委員會支持該項反對，則在考慮與該項反對有關的控罪時，只可在不抵觸該項反對的情況下作出考慮。

If such objection is upheld by the inquiry committee the charge to which such objection relates shall be considered only subject to such objection.

22. 研訊的先後程序

Order of procedure

- (1) 在符合第20及21條規則以及第(2)段條文下，在任何研訊中必須遵循下列的先後程序：

Subject to rules 20 and 21 and paragraph (2), the following order of procedure must be observed in an inquiry:

- (a) 須要求被告人就有關控罪明確地作答認罪或不認罪，如多於一項控罪，則他須分別就每項控罪明確地作答，而有關的作答須予以記錄；

the defendant shall be required to plead unequivocally guilty or not guilty and to each charge separately if there is more than one, and such plea shall be recorded;

- (b) 如被告人就控罪認罪，秘書須向研訊委員會提交個案的事實陳述，而被告人則須說明是否承認有關事實；

where the defendant has pleaded guilty to the charge, the Secretary shall present to the inquiry committee a statement of the facts of the case and the defendant shall state whether he accepts the facts;

- (c) 如被告人不承認某些事實，則雙方均可提出證據，由研訊委員會對該等事實作出裁定；

if the defendant does not accept some of the facts, both parties can call evidence and the inquiry committee will determine the facts;

- (d) 如被告人沒有出席，亦無委派律師或大律師代表出席，則被視為對各項控罪均不認罪；
if the defendant is not present and is not represented by solicitor or counsel a plea of not guilty shall be entered in respect of each charge;
- (e) 如被告人不認罪，而其本人或其律師或大律師有出席，研訊委員會主席須告知被告人有關其盤問證人、提供證據及為自己傳召證人的權力；
if the defendant pleads not guilty and he or his solicitor or counsel is present, the chairman of the inquiry committee shall inform him of his right to cross-examine witnesses, to give evidence and to call witnesses on his behalf;
- (f) 如被告人不認罪或被視為不認罪，秘書須向被告人陳述其個案，並援引證據以支持指控及作結案陳詞；
if the defendant pleads not guilty or a plea of not guilty is entered, the Secretary shall present the case against the defendant and adduce evidence in support thereof and shall close the case against the defendant;
- (g) 當提出提控被告人的案完畢時，被告人本人或其律師或大律師可就任何已援引證據的控罪作出以下的任何一項或兩項陳詞：
at the conclusion of the presentation of the case against the defendant, he, in person or by his solicitor or counsel, may make either or both of the following submissions in relation to any charge in respect of which evidence has been adduced –
- (i) 並無援引足夠的證據，使研訊委員會能據之而裁定所指控罪為事實；
that sufficient evidence has not been adduced upon which the inquiry committee can find that the facts alleged in that charge have been proved;
- (ii) 控罪所指稱的事實並不構成被指控的罪行，
that the facts alleged in the charge are not such as to constitute the offence charged,

而凡有該等陳詞，秘書可就該項陳詞作出答覆，而被告人亦可就該項答覆作出答辯；

and where such submission is made, a reply thereto may be made by the Secretary, and the defendant may answer such reply;

- (h) 如有根據(g)段作出的陳詞，研訊委員會須考慮和裁定是否支持該項陳詞，此外：

if a submission is made under paragraph (g), the inquiry committee shall consider and determine whether the submission shall be upheld and –

- (i) 研訊委員會主席須公布研訊委員會的裁定；及
the chairman of the inquiry committee shall announce the determination of the inquiry committee; and

- (ii) 如研訊委員會支持就任何控罪而作出的陳詞，則須記錄研訊委員會裁定被告人沒有犯該項控罪；及
if the inquiry committee upholds the submission in respect of any charge, the finding shall be recorded that the defendant is not guilty on that charge; and

- (iii) 如研訊委員會拒納該陳詞，研訊委員會主席須傳喚被告人陳述其案；
if the inquiry committee rejects the submission, the chairman of the inquiry committee shall call upon the defendant to state his case;

- (i) 被告人本人或其律師或大律師可繼而援引證據支持其案，並可向研訊委員會作出一次並僅一次的陳詞，而凡有證據曾由被告人或他人代被告人援引，則該陳詞可於援引該證據之前或之後作出；

the defendant, in person or by his solicitor or counsel, may then adduce evidence in support of his case and may make one and only one address to the inquiry committee, and where evidence has been adduced by or on behalf of the defendant such address may be made either before or after such evidence has been adduced;

- (j) 當被告人的個案進入結案階段時，秘書可向研訊委員會作出答覆性陳詞，而如秘書作出如此答覆性陳詞，則被告人本人

或其律師或大律師可向研訊委員會作出一次並僅一次的陳詞，以答覆秘書的陳詞。

at the conclusion of the case of the defendant, the Secretary may address the inquiry committee in reply, and if the Secretary makes such a reply, the defendant, in person or by his solicitor or counsel, may make one and only one address to the inquiry committee in reply to this address of the Secretary.

- (2) 在投訴人或其大律師或律師的要求下，如研訊委員會認為在該個案的情況下屬適當，則研訊委員會可准許投訴人或其大律師或律師向被告直接提出提控個案，而在該情況下，在第(1)段中凡提述秘書之處，須閱作提述投訴人或其大律師或律師(視屬何情況而定)。

At the request of the complainant or his counsel or solicitor, the inquiry committee may permit the complainant or his counsel or solicitor to present the case against the defendant if the inquiry committee thinks it appropriate in the circumstances of the case and in which event, a reference to the Secretary in paragraph (1) is to be read as a reference to the complainant or his counsel or solicitor, as the case may be.

23. 增加或修訂控罪

Adding or amending charges

在宣布裁斷前，研訊委員會可自行或就任何一方的申請而隨時修訂或增加控罪，而任何經修訂或新增的控罪須由研訊委員會主席向被告宣讀及解釋，而被告人須：

A charge may be amended or a further charge added at any time by the inquiry committee, whether upon application by any party or upon its own motion, prior to a finding being announced and any amended or new charge shall be read and explained by the chairman of the inquiry committee to the defendant who shall -

- (a) 就此作答是否認罪；及
be called upon to plead thereto; and
- (b) 有權獲准將研訊押後一段合理時間，以便準備進一步答辯，
be entitled to a reasonable adjournment to prepare his further defence,

在此情況下，被告人可 —

and in such case a defendant may -

- (i) 再度傳召證人；及
recall any witnesses; and
- (ii) 傳召其認為合適的其他證人，
call such further witnesses as he thinks fit,

而根據本規則作證的任何證人可由有關人士盤問或覆問。

and any witness giving evidence under this rule may be cross-examined and re-examined.

24. 押後判決

Postponement of judgement

- (1) 聆訊程序完畢時，研訊委員會須考慮並決定是否押後判決。
At the conclusion of the hearing, the inquiry committee shall consider and determine whether to postpone judgement.
- (2) 如研訊委員會決定押後判決，該判決須押後至研訊委員會決定的會議日期，而研訊委員會主席須按研訊委員會同意的內容公布研訊委員會的決定。
If the inquiry committee decides to postpone judgement, the judgement of the inquiry committee stands postponed until such future meeting of the inquiry committee as the inquiry committee may decide, and the chairman of the inquiry committee shall announce the decision of the inquiry committee in such terms as the inquiry committee may approve.
- (3) 研訊委員會如決定不押後判決，則須考慮在前所提出控罪中指稱的事實是否已有充足證據可以使其信納為事實，以及被告人是否犯了被控的罪行。
If the inquiry committee decides not to postpone judgement, the inquiry committee shall consider and determine whether the facts alleged in any charge before the inquiry committee have been proved to its satisfaction and whether the defendant is guilty of the offence charged.
- (4) 研訊委員會根據第(3)段作出決定後，研訊委員會主席須按研訊委員會同意的內容公布研訊委員會的決定。

When the inquiry committee has come to its decision under paragraph (3) the chairman of the inquiry committee shall announce the decision of the inquiry committee in such terms as the inquiry committee may approve.

- (5) 作出決定的理由可以口頭或書面方式提供。
The reasons for the decision may be delivered either orally or in writing.
- (6) 如以口頭方式提供作出決定的理由，則該等理由須在公布後21天內轉為書面紀錄，而該書面紀錄須由研訊委員會主席簽署。
Where the reasons for the decision are delivered orally, those reasons shall be reduced into writing within 21 days after announcement and the reasons so reduced into writing shall be signed by the chairman of the inquiry committee.

25. 裁定判決的通知書

Notice of determination of judgement

- (1) 凡根據第24(2)條規則，研訊委員會就任何控罪押後判決至日後的研訊委員會會議，則秘書須將一份邀請被告人出席該會議的通知書送達被告人，其內說明有關會議已定的日期、時間及地點。
When, under rule 24(2), the judgement of the inquiry committee in respect of a charge stands postponed to a future meeting of the inquiry committee, the Secretary shall serve on the defendant a notice specifying the date, time and place fixed for the meeting of the inquiry committee and inviting him to appear at the meeting.
- (2) 如所提的控罪有投訴人，則秘書須將一份根據第(1)段送達的通知書的副本送交該投訴人。
If there is a complainant in respect of the charge, the Secretary shall send him a copy of the notice served under paragraph (1).
- (3) 在該次日後召開的會議上，研訊委員會主席可邀請秘書概述案件的現況予研訊委員會知悉，而研訊委員會可聆訊研訊程序中任何其他一方的陳述。
At the future meeting the chairman of the inquiry committee may invite the Secretary to recall, for the information of the inquiry committee, the position in which the case stands and the inquiry committee may hear any other party to the proceedings.

- (4) 研訊委員會須繼而以第24(3)條規則列出的方式考慮和裁定其判決，而研訊委員會主席須按研訊委員會同意的內容公布研訊委員會的決定。

The inquiry committee shall then consider and determine its judgement in the manner set out in rule 24(3) and the chairman of the inquiry committee shall announce the decision of the inquiry committee in such terms as the inquiry committee may approve.

26. 押後作出紀律制裁命令

Postponement of disciplinary order

- (1) 在被告人承認控罪或研訊委員會就控罪而作出的決定已予公布後，如該決定是犯了所控罪行的裁斷，則研訊委員會須考慮並決定是否押後對被告人作出紀律制裁命令。

After the defendant has pleaded guilty to a charge or after the announcement of the decision of the inquiry committee in respect of the charge, if the decision is a finding of guilt of the offence charged, the inquiry committee shall consider and determine whether or not to postpone making a disciplinary order in respect of the defendant.

- (2) 如研訊委員會決定押後作出紀律制裁命令，該命令的作出須押後至研訊委員會所決定的會議日期，而研訊委員會主席須按研訊委員會同意的內容公布研訊委員會的決定。

If the inquiry committee decides to postpone making a disciplinary order, the making of the order stands postponed until such future meeting of the inquiry committee as the inquiry committee may decide, and the chairman of the inquiry committee shall announce the decision of the inquiry committee in such terms as the inquiry committee may approve.

27. 紀律制裁命令

Disciplinary order

- (1) 在研訊委員會就針對被告人作出紀律制裁命令一事作出決定的任何研訊委員會會議上，秘書或其他向研訊委員會提出該案的人，可將曾在研訊委員會會議席上依據條例第19條向被告人作出紀律制裁命令的該次會議的紀錄，向研訊委員會交出。

At any meeting of the inquiry committee at which disciplinary order in respect of a defendant is to be decided by the inquiry committee, the Secretary or other person presenting the case to the inquiry committee may produce to the inquiry committee the

records of any meeting of an inquiry committee at which an order was made against the defendant pursuant to section 19 of the Ordinance.

- (2) 於研訊委員會決定作出紀律制裁命令之前，研訊委員會主席須問被告人是否意欲向研訊委員會陳詞，而被告人本人或其律師或大律師可向研訊委員會作出請求減輕判處的陳詞，並可就引致犯該罪行的情況、被告人的品格及經歷，以及就引致任何以前作出的並根據第(1)段通知研訊委員會的命令的情況，援引證據。

Before the inquiry committee decides the disciplinary order, the chairman of the inquiry committee shall ask the defendant whether he wishes to address the inquiry committee, and the defendant, in person or by his solicitor or counsel, may address the inquiry committee by way of mitigation and may adduce evidence as to the circumstances leading to the offence, as to the character and antecedents of the defendant and as to the circumstances leading to any previous order as notified to the inquiry committee under paragraph (1).

- (3) 研訊委員會須繼而考慮並決定對被告人作出的紀律制裁命令，而研訊委員會主席須按研訊委員會同意的內容公布研訊委員會的決定。

The inquiry committee shall then consider and determine the disciplinary order to be made against the defendant and the chairman of the inquiry committee shall announce the decision of the inquiry committee in such terms as the inquiry committee may approve.

- (4) 作出決定的理由可以口頭或書面方式提供。

The reasons for the decision may be delivered either orally or in writing.

- (5) 如以口頭方式提供作出決定的理由，則該等理由須在公布後21天內轉為書面紀錄，而該書面紀錄須由研訊委員會主席簽署。

Where the reasons for the decision are delivered orally, those reasons shall be reduced into writing within 21 days after announcement and the reasons so reduced into writing shall be signed by the chairman of the inquiry committee.

28. 押後作出紀律制裁命令的通知書

Notice of postponement of the making of a disciplinary order

- (1) 凡按照第26(2)條規則的條文，研訊委員會就任何控罪作出紀律制裁命令的決定押後至日後的研訊委員會會議，秘書須將一份邀請被告人出席該會議的通知書送達被告人，其內說明有關會議已定的日期、時間及地點。

Where, in accordance with the provisions of rule 26(2), the decision of the inquiry committee in regard to making of a disciplinary order in respect of any charge stands postponed to a future meeting of the inquiry committee, the Secretary shall serve on the defendant a notice specifying the date, time and place fixed for the meeting of the inquiry committee and inviting him to appear at the meeting.

- (2) 如所提的控罪有投訴人，則秘書須將一份根據第(1)段送達的通知書的副本送交該投訴人。

If there is a complainant in respect of the charge, the Secretary shall send him a copy of the notice served under paragraph (1).

29. 證據

Evidence

- (1) 證據規則不適用於任何研訊的程序。

The rules of evidence do not apply to the proceedings of an inquiry.

- (2) 研訊委員會可接納經宣誓而作的口頭陳述或以書面供詞或陳述書形式提出的證據，而研訊委員會主席則可監誓。

Evidence may be taken by the inquiry committee by oral statement on oath or by written deposition or statement and the chairman of the inquiry committee may administer an oath.

- (3) 在研訊期間以口頭方式提出證據的證人必須親身作供，除非
A witness giving oral evidence at an inquiry shall do so in person unless permission is given for the witness to give such evidence by video link or other means:

- (a) 在研訊進行之前，或押後研訊期間，證人獲研訊委員會主席批准，以錄影方式或其他方式作供；或
by the chairman of the inquiry committee in respect of an application for such permission made prior to, or during any adjournment of, the inquiry; or

(b) 證人在研訊期間申請以錄影方式或其他方式作供，並獲研訊委員會批准。

by the inquiry committee in respect of an application for such permission made during the inquiry.

(4) 除非研訊委員會主席另外批准，否則

Save where the chairman of the inquiry committee otherwise permits:

(a) 證人在研訊期間無須親身以口頭作供的申請，必須在研訊進行之前，或押後研訊期間，以書面向研訊委員會主席提交，並明列提出申請的理由。上述申請須在所訂研訊日期，或研訊恢復舉行日期(視乎何者適用)前至少28天送達另外一方； 以及

an application for permission for a witness to give oral evidence other than in person at an inquiry made prior to, or during any adjournment of, the inquiry shall be made in writing, with the reasons for so applying, to the chairman of the inquiry committee and served on the other party no later than 28 days before the date fixed for the inquiry or resumption of the inquiry as appropriate; and

(b) 倘另外一方擬反對研訊委員會批准有關申請，須以書面向研訊委員會主席提出，並明列反對理由，反對書須在申請書送達另一方後的14天內送達申請人。

in any case where the other party wishes to object to the granting of such an application, he shall give notice in writing of his objection with the reasons for so objecting to the chairman of the inquiry committee and serve the same on the applicant no later than 14 days after service on that other party of the application.

(5) 每名證人須由傳召他為證人的一方訊問，繼而可由另一方盤問，然後可由傳召他為證人的一方單就盤問時引起的事項再作覆問。

Every witness shall be examined by the party calling him and may then be cross-examined by the other party and only upon matters arising out of the cross-examination may be re-examined by the party calling him.

- (6) 凡以文件宣誓作證的人，如沒有出席接受盤問或拒絕接受盤問，則其所作的證據可被研訊委員會拒絕接納。

The inquiry committee may decline to admit the evidence of any deponent to a document who is not present for, or who declines to submit to cross-examination.

- (7) 研訊委員會主席和研訊委員會成員透過研訊委員會主席，可向各方或任何證人提出他們認為合宜的問題。

The chairman of the inquiry committee, and members of the inquiry committee through the chairman of the inquiry committee, may put such questions to the parties or to any witness as they think desirable.

- (8) 研訊委員會可在研訊的聆訊中，接納或考慮任何陳述、文件、資料或事宜，不論該陳述、文件、資料或事宜在法庭是否可接納的。

The inquiry committee may at the hearing of an inquiry admit or take into account any statement, document, information or matter whether or not it would be admissible in a court of law.

- (9) 儘管有本規則的規定，研訊委員會仍可 —

Notwithstanding this rule, the inquiry committee may –

- (a) 傳召任何證人；
call any witness;

- (b) 向任何證人提問有關問題，
ask such questions of any witness,

只要研訊委員會認為如此可有助其作出決定。

as it considers will assist in determining the application.

30. 投票 Voting

- (1) 研訊委員會就交由其決定的任何問題進行投票時，研訊委員會主席須喚請成員舉起右手以明示其投票，並須隨即宣布研訊委員會就該問題所作的決定。

In the taking of the votes of the inquiry committee on any question to be determined by it, the chairman of the inquiry

committee shall call upon the members to signify their votes by raising their right hands, and shall thereupon declare the determination of the inquiry committee in respect of such question.

- (2) 凡研訊委員會主席如此宣布的研訊委員會決定被任何研訊委員會成員質疑，研訊委員會主席須分別喚請每名成員宣布他的投票取向，研訊委員會主席亦須公布其本身的投票取向，並公布每項投票取向的研訊委員會成員人數及投票結果。

Where the determination of the inquiry committee so declared by the chairman of the inquiry committee is challenged by any member of the inquiry committee, the chairman of the inquiry committee shall call upon each member severally to declare his vote, announce his own vote and announce the number of members of the inquiry committee who have voted each way, and the result of the vote.

- (3) 凡就交由研訊委員會決定的任何問題進行投票時票數均等，須當作已就該問題作出有利於被告人的決定。

Where on any question to be determined by the inquiry committee the votes are equal, the question shall be deemed to have been decided in favour of the defendant.

- (4) 研訊委員會就任何事項進行投票時，除研訊委員會成員及研訊委員會法律顧問外，其他人不得在場。

No person other than members of the inquiry committee and the Legal Adviser to the inquiry committee may be present when the inquiry committee votes on any matter.

第IV部分

PART IV

研訊的重新聆訊

REHEARING OF AN INQUIRY

31. 覆核紀律制裁命令

Review of disciplinary orders

- (1) 研訊委員會就違紀行為進行的聆訊結束後，秘書須立即將研訊委員會的理由呈送管理局覆核。

When an inquiry committee completes its hearing in respect of a disciplinary offence, the Secretary shall forthwith send the reasons of the inquiry committee to the Board for review.

- (2) 除第(3)段另有規定外，管理局可指示研訊委員會全部或部分重新聆訊該宗研訊。

Subject to paragraph (3), the Board may direct the inquiry committee to rehear the inquiry, in whole or in part.

- (3) 當任何一方因質疑研訊委員會的決定而進行上訴、要求履行責任令或移審令，在此罵法律程序啟動後，管理局不得根據本規則作出指示；如已作出指示，則研訊委員會不得重新聆訊該宗研訊。但如該等法律程序已被放棄，則屬例外。

The Board may not make a direction under this rule and if a direction has been made the inquiry committee shall not rehear the inquiry subsequent to the commencement of proceedings by either party with a view to questioning the decision of the inquiry committee by way of appeal, mandamus or certiorari, unless such proceedings have been abandoned.

- (4) 如管理局根據第(2)段的規定指示研訊委員會重新聆訊該宗研訊，秘書須將一份邀請被告人出席研訊委員會會議的通知書送達被告人，其內指明為該次會議定出的日期、時間及地點。

Where, in accordance with the provisions of paragraph (2), the Board directs the inquiry committee to rehear the inquiry, the Secretary shall serve on the defendant a notice specifying the date, time and place fixed for the meeting of the inquiry committee and inviting him to appear at the meeting.

- (5) 如所提的控罪有投訴人，則秘書須將一份根據第(4)段送達的通知書的副本送交該投訴人。

If there is a complainant in respect of the charge, the Secretary shall send him a copy of the notice served under paragraph (4).

- (6) 研訊委員會須遵從管理局的指示。

The inquiry committee shall comply with the directions of the Board.

32. 研訊委員會進行重新聆訊 **Rehearing by an inquiry committee**

- (1) 第16、17、18、19、29及30條規則適用於重新聆訊。
Rules 16, 17, 18, 19, 29 and 30 shall apply to the rehearing of an inquiry.
- (2) 如被告人在重新聆訊開始時，沒有出席亦沒有由其律師或大律師代表出席，則秘書須向研訊委員會提交研訊委員會所需要的證據，以證明重新聆訊通知書已按第33(1)條規則送達被告人，而研訊委員會在信納該證據後，即可在被告人缺席的情況下進行重新聆訊。
If the defendant is not present or represented by his solicitor or counsel at the opening of the rehearing, the Secretary shall furnish to the inquiry committee such evidence as the inquiry committee may require to prove that the notice of the rehearing was served on the defendant in accordance with the provisions of rule 33(1) and, on the inquiry committee being satisfied as to such evidence, may proceed with the rehearing in the absence of the defendant.
- (3) 雙方均有權傳召或再度傳召證人、盤問另一方所傳召的證人，以及向研訊委員會陳詞。
Both parties are entitled to call, or re-call, witnesses, to cross-examine witnesses called by the other party and to address the inquiry committee.
- (4) 除根據第31(2)條規則所作出的指示另有規定外，研訊委員會可：
The inquiry committee may, subject to the directions given under rule 31(2), –
- (a) 確認或推翻有罪裁斷；及
confirm or reverse a finding of guilt; and
 - (b) 確認或更改已作出的紀律制裁命令。
confirm or vary the disciplinary order made.
- (5) 研訊委員會主席須按研訊委員會同意的內容公布研訊委員會的決定。
The chairman of the inquiry committee shall announce the decision of the inquiry committee in such terms as the inquiry committee may approve.
- (6) 作出決定的理由可以口頭或書面方式提供。

The reasons for the decision may be delivered either orally or in writing.

- (7) 如以口頭方式提供作出決定的理由，則該等理由須在公布後21天內轉為書面紀錄，而該書面紀錄須由研訊委員會主席簽署。

Where the reasons for the decision are delivered orally, those reasons shall be reduced into writing within 21 days after announcement and the reasons so reduced into writing shall be signed by the chairman of the inquiry committee.

第V部分

PART V

其他事項

MISCELLANEOUS

33. 文件的送達

Service of documents

- (1) 為施行本規則，第6(2)或(5)、7(4)或(5)、8(1)、9(3)、12(2)、13(2)、25(1)、28(1)或31(4)條規則授權或規定須給予或送交任何註冊獸醫的通知或通訊，可以專人送交、或留交於其適當地址、或以掛號郵遞、或郵遞致予他的適當地址的方式送達該註冊獸醫；

For the purposes of these Rules a notice or communication authorized or required by rule 6(2) or (5), 7(4) or (5), 8(1), 9(3), 12(2), 13(2), 25(1), 28(1) or 31(4) to be given or sent to a registered veterinary surgeon may be served on him by delivering it to him by hand or by leaving it at his proper address or by sending it by registered post or by post addressed to his proper address;

- (2) 任何註冊獸醫的適當地址，即為名冊內所記錄的他的地址，如他最後為人所知的地址與這地址不同，而秘書覺得將信件送交該處更可能送抵給他，則該註冊獸醫的適當地址即為他最後為人所知的地址；

A registered veterinary surgeon's proper address is his address as recorded in the register or, if his last known address differs from this address and it appears to the Secretary that a letter sent to him there is more likely to reach him, his last known address.

- (3) 在所有其他情況下，為施行本規則而須送交的通知或通訊，可以郵遞方式送交。

In all other circumstances, notices or communications to be sent for the purposes of these Rules may be sent by post.

- (4) 凡以郵遞方式送達任何通知，則除文意另有所指外，該通知的信件按一般郵遞方式寄出時已視為完成送達。

Service of a notification effected by sending it by post is, unless the context otherwise requires, deemed to have been effected at the time when the letter containing it would be delivered in the ordinary course of post.

- (5) 為施行本規則，凡向有關人士送達任何通知或通訊，可藉一份由秘書或負責該項送達任務的任何人作出的宣誓聲明而證明。

For the purpose of these Rules, service of a notice or other communication on a person may be proved by means of a sworn statement made by the Secretary or any person responsible for effecting the service.

本規則於二零一一年十二月十三日經管理局批准

**This set of Rules was approved by the Board
on 13 December 2011.**

(已簽署 *Signed*)

獸醫管理局主席 黃玉山教授

**Prof. WONG Yuk Shan, BBS
Chairman, Veterinary Surgeons Board**