

《園境師註冊條例》
(第 516 章)

Landscape Architects Registration Ordinance
(Cap. 516)

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尚未實施的條文 / 修訂 ——

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《園境師註冊條例》

(第 516 章)

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本條例旨在就專業園境師的註冊、註冊園境師專業事務的紀律管制及有關事宜作出規定。

An Ordinance to provide for the registration of professional landscape architects and disciplinary control of the professional activities of registered professional landscape architects, and for related matters.

[1997 年 6 月 6 日]

[6 June 1997]

(格式變更——2021 年第 1 號編輯修訂紀錄)

(Format changes—E.R. 1 of 2021)

(略去制定語式條文——2021 年第 1 號編輯修訂紀錄)

(Enacting provision omitted—E.R. 1 of 2021)

第 I 部

Part I

導言

Preliminary

1. 簡稱

本條例可引稱為《園境師註冊條例》。

1. Short title

This Ordinance may be cited as the Landscape Architects Registration Ordinance.

2. 釋義

(1) 在本條例中，除文意另有所指外——(由 2005 年第 10 號第 115 條修訂)

2. Interpretation

(1) In this Ordinance, unless the context otherwise requires—(Amended 10 of 2005 s. 115)

主席 (Chairman) 指根據第 5 條選出的管理局主席；

Board (管理局) means the registration board established under section 3;

研訊委員會 (inquiry committee) 指根據第 21 條設立的研訊委員會；

Chairman (主席) means the Chairman of the Board elected under section 5;

理事會 (Council) 指學會的理事會；

Council (理事會) means the Council of the Institute;

註冊主任 (Registrar) 指根據第 10 條委任的註冊主任；

disciplinary offence (違紀行為) means an act or omission set out in section 20(1);

註冊事務委員會 (registration committee) 指根據第 16 條設立的註冊事務委員會；

inquiry committee (研訊委員會) means an inquiry committee established under section 21;

註冊紀錄冊 (register) 指根據第 7 條設置的註冊紀錄冊；

違紀行為 (disciplinary offence) 指第 20(1) 條列出的作為或不作為；

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管理局 (Board) 指根據第 3 條設立的註冊管理局；

學會 (Institute) 指根據《香港園境師學會法團條例》(第 1162 章) 設立的香港園境師學會；

學會會員 (member of the Institute) 指根據學會章程是學會會員或資深會員的人；

覆核委員會 (review committee) 指根據第 25(2) 條委出的覆核委員會。

(編輯修訂——2021 年第 1 號編輯修訂紀錄)

(2) 就第 26(2) 及 27(1) 條而言，當以下的情形中最早發生者發生時 (視乎在有關情況下何者適用而定)，向上訴法庭提出的上訴須當作已予最終裁定——

- (a) 向上訴法庭提出的上訴被撤回或放棄；
- (b) 指明限期屆滿而無人向上訴法庭提出上訴許可申請；
- (c) 在指明限期屆滿前有人向上訴法庭提出上訴許可申請，而——
 - (i) 該申請被撤回或放棄；
 - (ii) 該申請被拒絕，且在指明限期屆滿前，無人向終審法院提出上訴許可申請；或
 - (iii) 在該申請獲得批准的情況下，向終審法院提出的上訴被撤回、放棄或已予審理；或

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Institute (學會) means The Hong Kong Institute of Landscape Architects established under The Hong Kong Institute of Landscape Architects Incorporation Ordinance (Cap. 1162);

member of the Institute (學會會員) means a person who is a Member or a Fellow under the constitution of the Institute;

register (註冊紀錄冊) means the register established under section 7;

Registrar (註冊主任) means the Registrar appointed under section 10;

registration committee (註冊事務委員會) means a registration committee established under section 16;

review committee (覆核委員會) means a review committee appointed under section 25(2).

(2) For the purposes of sections 26(2) and 27(1), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or

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- (d) 在指明限期屆滿前有人向終審法院提出上訴許可申請，而——
- (i) 該申請被撤回、放棄或拒絕；或
 - (ii) 在該申請獲得批准的情況下，向終審法院提出的上訴被撤回、放棄或已予審理。(由 2005 年第 10 號第 115 條增補)
- (3) 在第 (2) 款中——
- 上訴許可申請** (application for leave to appeal) 指為就上訴法庭的判決取得向終審法院上訴的許可而根據《香港終審法院條例》(第 484 章) 第 24 條向上訴法庭或終審法院提出的申請；
- 指明限期** (specified period) ——
- (a) 就向上訴法庭提出的上訴許可申請而言——
 - (i) 除第 (ii) 節另有規定外，指《香港終審法院條例》(第 484 章) 第 24(2) 條所提述的提交動議的通知的 28 日限期；或
 - (ii) 如上訴法庭因應在第 (i) 節所提述的 28 日限期內提出的申請延展該限期，則指該段經如此延展的限期；或
 - (b) 就向終審法院提出的上訴許可申請而言——
 - (i) 除第 (ii) 節另有規定外，指《香港終審法院條例》(第 484 章) 第 24(4) 條所提述的提交動議的通知的 28 日限期；或

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- (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
 - (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of. (*Added 10 of 2005 s. 115*)
- (3) In subsection (2)—
- application for leave to appeal** (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;
- specified period** (指明限期)—
- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or

- (ii) 如終審法院因應在第 (i) 節所提述的 28 日限期內提出的申請延展該限期，則指該段經如此延展的限期。 (由 2005 年第 10 號第 115 條增補)
-

- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
- (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended. (*Added 10 of 2005 s. 115*)
-

第 II 部

園境師註冊管理局

3. 管理局的組織

- (1) 現設立一個名為“園境師註冊管理局”的機構，管理局是一個永久延續的法人團體，並有法團印章。
- (2) 管理局由理事會所委任的不少於 10 名成員組成，除此以外並可包括一名由行政長官委任的成員。（由 1999 年第 57 號第 3 條修訂）
- (3) 行政長官須在憲報公布根據本條所作出的每項委任。（由 1999 年第 57 號第 3 條修訂）
- (4) 理事會不得委任不是學會會員的人作為管理局的成員。

4. 任期

- (1) 由理事會委任的成員——
 - (a) 任期為 4 年或委任條款所指明的較短期間；
 - (b) 可發出書面通知向管理局辭去職位；及
 - (c) 在符合第 (2) 款規定的情況下可獲再度委任。
- (2) 任何成員如——
 - (a) 已連續 8 年出任由理事會委任的管理局成員；或
 - (b) 在任何 10 年期間內出任由理事會委任的管理局成員超過 8 年，

Part II

Landscape Architects Registration Board

3. Constitution of the Board

- (1) There is established a board to be known as the “Landscape Architects Registration Board” which shall be a body corporate having perpetual succession and a common seal. *(Amended E.R. 1 of 2021)*
- (2) The Board shall consist of not less than 10 members appointed by the Council and, in addition, may include one member appointed by the Chief Executive. *(Amended 57 of 1999 s. 3)*
- (3) The Chief Executive shall give notice in the Gazette of every appointment made under this section. *(Amended 57 of 1999 s. 3)*
- (4) The Council shall not appoint a person as a member of the Board unless he is a member of the Institute.

4. Tenure of office

- (1) Members appointed by the Council—
 - (a) shall be appointed for 4 years or such lesser period as may be specified in the terms of appointment;
 - (b) may resign by giving notice in writing to the Board; and
 - (c) subject to subsection (2) may be reappointed.
- (2) A member—
 - (a) who has been a member of the Board appointed by the Council continuously for 8 years; or

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則不可獲再度委任，但自他不再出任成員之日起計 2 年後，他便有資格獲再度委任，猶如他從未獲委任過一樣。

- (3) 行政長官委任的成員的任期由行政長官酌情決定。(由 1999 年第 57 號第 3 條修訂)
- (4) 如管理局信納任何由理事會委任的管理局成員——
- (a) 已破產或已與其債權人達成《破產條例》(第 6 章)所指的債務重整協議或債務償還安排；
 - (b) 因身體或精神疾病而不能夠履行成員職務；
 - (c) 不再通常居於香港；
 - (d) 被任何法庭或裁判官判處監禁，不論是否緩期執行；
 - (e) 被裁定有作出違紀行為；或
 - (f) 被管理局認為不能夠或不適宜執行其管理局成員職能(即使還有其他免職理由)，
- 管理局可藉書面通知將該成員免任。
- (5) 凡由理事會委任的管理局成員辭職，或因暫時缺勤或喪失履行職務能力，而不能在某段期間執行其成員職能，理事會可委任另一人——
- (a) 在該段期間暫代缺勤或喪失履行職務能力的成員出任其職位；或
 - (b) 在該辭職成員任期所餘的期間出任其職位。

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- (b) whose period of service as a member of the Board appointed by the Council exceeds 8 years in any 10-year period, (*Amended E.R. 1 of 2021*)

may not be reappointed until a period of 2 years since he last served has elapsed when he shall be eligible for reappointment as if he had not previously been appointed.

- (3) The member appointed by the Chief Executive shall hold office at the discretion of the Chief Executive. (*Amended 57 of 1999 s. 3*)
- (4) If the Board is satisfied that a member of the Board appointed by the Council—
- (a) has become bankrupt or has entered into a composition or scheme of arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap. 6);
 - (b) has become so incapacitated by physical or mental illness as to be unable to carry out his duties as a member;
 - (c) has ceased to be ordinarily resident in Hong Kong;
 - (d) has been sentenced to imprisonment, whether suspended or not, by any court or magistrate;
 - (e) has been found guilty of a disciplinary offence; or
 - (f) notwithstanding any of the other grounds for removal, is, in the opinion of the Board, unable or unfit to carry out his functions as a member of the Board,
- the Board may by notice in writing terminate his appointment.
- (5) Where any member of the Board appointed by the Council is precluded by temporary absence or incapacity from carrying out his functions as a member for any period or resigns, the Council may appoint another person to hold office in place of such member—

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5. 主席

- (1) 管理局每年須從其成員中選出管理局主席及副主席各一名，而每一次選舉的日期與下一次的日期不得相隔超過 15 個月。
- (2) 根據第 (1) 款選出的主席或副主席，可隨時藉向管理局發出書面通知辭去其主席或副主席職位。

6. 工作程序

- (1) 管理局會議的時間及地點由主席指定，如主席缺勤，則由副主席指定。
- (2) 在不少於 2 名成員的書面要求下，註冊主任須發出管理局會議通知，並指定會議的時間及地點，而在不少於 2 名成員的書面要求下，管理局任何一名成員亦可以這樣做。根據本款召開的會議須在有關要求收到後 7 至 28 天的期間內舉行。
- (3) 管理局須在有需要時舉行會議以處理其事務，而每 6 個月須最少舉行一次。
- (4) 管理局會議的法定人數是成員的三分之一。如出席會議的成員不足法定人數，則在該會議上，管理局只能押後會議而不得處理任何其他事務。
- (5) 管理局可訂立不抵觸本條的規則，列出會議進行時須遵循的程序。
- (6) 管理局須將根據第 (5) 款訂立的任何規則的文本送交發展局局長。（由 1997 年第 362 號法律公告修訂；由 2002

- (a) in the case of a temporary absence or incapacity, during the period of temporary absence or incapacity; or
- (b) in the case of a resignation, for the balance of the period for which the resigning member was due to serve.

5. Chairman

- (1) The Board shall elect a Chairman and a Vice-chairman each year from among the members and not more than 15 months shall elapse between the date of one election and the next.
- (2) A member elected as Chairman or Vice-chairman under subsection (1) may at any time, by notice in writing to the Board, resign from the office of Chairman or Vice-chairman.

6. Proceedings

- (1) The Chairman, or in his absence, the Vice-chairman, may appoint the time and place for the Board to meet.
- (2) The Registrar shall, or a member of the Board may, on the written requisition of not less than 2 members, give notice of a meeting of the Board to be held not sooner than 7 days but within 28 days from the receipt of the requisition and appoint the time and place for that purpose.
- (3) The Board shall meet at least once every 6 months and as often as may be necessary to transact the business of the Board.
- (4) The Board shall not transact business at a meeting other than to adjourn unless there is a quorum of one-third of the members of the Board present.
- (5) The Board may make rules, not inconsistent with this section, setting out the procedures to be followed at meetings.

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年第 106 號法律公告修訂；由 2007 年第 130 號法律公告修訂)

7. 管理局的職能

管理局須——

- (a) 設置和備存一份註冊園境師註冊紀錄冊；
- (b) 制訂和檢討註冊為註冊園境師的資格標準及有關連的註冊事宜；
- (c) 就註冊事宜向政府及學會提供意見；
- (d) 審查和核實申請註冊為註冊園境師的人的資格；
- (e) 接收、審查、接納或拒絕註冊為註冊園境師或將註冊續期的申請；
- (f) 按照本條例處理違紀行為；
- (g) 備存關於該局程序及帳目的妥善紀錄；及
- (h) 執行本條例所訂明的其他職能。

8. 管理局的權力

管理局可——

- (a) 釐定根據本條例須向該局繳付的費用；
- (b) 成立委員會，就該局行使權力和執行職責事宜向該局提供意見；
- (c) 聘用僱員以協助執行根據本條例委予該局的職能；

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- (6) The Board shall lodge a copy of any rules made under subsection (5) with the Secretary for Development. (*Amended L.N. 106 of 2002; L.N. 130 of 2007*)

7. Functions of the Board

The Board shall—

- (a) establish and maintain a register of registered landscape architects;
- (b) set and review the qualification standards for registration as a registered landscape architect and related registration matters;
- (c) advise the Government and the Institute on registration matters;
- (d) examine and verify the qualifications of persons who apply for registration as registered landscape architects;
- (e) receive, examine, accept or reject applications for registration and renewal of registration as a registered landscape architect;
- (f) deal with disciplinary offences in accordance with this Ordinance;
- (g) keep proper records of its proceedings and accounts; and
- (h) carry out such other functions as this Ordinance may prescribe.

8. Powers of the Board

The Board may—

- (a) set fees payable to it under this Ordinance;
- (b) establish committees to advise the Board on the carrying out of the powers and duties of the Board;

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- (d) 不時聘用管理局認為需要或適當的專業顧問；
- (e) 訂立關於註冊園境師的操守及紀律的規則；
- (f) 就補還任何人因處理該局事務而招致的合理開支訂立規則；
- (g) 按本條例規定訂立其他規則。

9. 無須付酬金予管理局成員

管理局成員不可因出任該局成員而獲付酬金。

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- (c) employ persons to assist with the carrying out of its functions under this Ordinance;
- (d) from time to time engage such professional advisers as it may consider necessary or expedient;
- (e) make rules for the conduct and discipline of registered landscape architects;
- (f) make rules for the reimbursement of reasonable expenses incurred by persons attending to the business of the Board;
- (g) make further rules required under this Ordinance.

9. No fees payable to Board members

No fees shall be paid to any member of the Board for his services as a member.

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註冊紀錄冊及證明書

10. 註冊主任的委任及職責

- (1) 管理局須以該局認為適當的條款及條件委任一名註冊主任。
- (2) 註冊主任須——
 - (a) 負責保管註冊紀錄冊；及
 - (b) 擔任管理局秘書，並在符合管理局所訂立的規則下，擔任註冊事務委員會和所有研訊委員會的秘書。

11. 註冊紀錄冊的格式

- (1) 註冊主任須按照管理局的指示備存註冊紀錄冊，並在冊內記錄每一個註冊園境師的——
 - (a) 姓名及地址；
 - (b) 據以註冊的資格；及
 - (c) 其他由管理局所指示的細節。
- (2) 註冊紀錄冊須在管理局指示的合理時間內，在管理局不時指定的辦事處內，免費供人查閱。
- (3) 名列註冊紀錄冊的人，須將第 (1) 款訂明的詳情的任何改變在 28 天內通知註冊主任。
- (4) 管理局不得就修改註冊紀錄冊收取費用。

12. 註冊資格

Part III

Register and Certificates

10. Appointment and duties of Registrar

- (1) The Board shall appoint a person to be Registrar upon such terms and conditions as it thinks fit.
- (2) The Registrar shall—
 - (a) be responsible for the custody of the register; and
 - (b) serve as secretary to the Board, and, subject to any rules made by the Board, the registration committee and any inquiry committee.

11. Form of register

- (1) The Registrar shall, in accordance with the directions of the Board, keep the register in which he shall enter in respect of every registered landscape architect—
 - (a) the name and address of the registered landscape architect;
 - (b) the qualification on which his registration is based; and
 - (c) any other details that the Board may direct.
- (2) The register shall be available to any person for inspection free of charge at an office nominated from time to time by the Board at such reasonable times as the Board may direct.
- (3) A person whose name is entered in the register shall within 28 days notify the Registrar of any change in the particulars prescribed by subsection (1).
- (4) The Board shall not charge a fee to amend the register.

12. Qualifications for registration

- (1) 除符合以下條件的人外，管理局不得接納任何人註冊為註冊園境師——
- (a) 他須是——
- (i) 學會會員；或
- (ii) 其他園境師團體的成員，而管理局接納該團體的成員資格標準不低於學會的會員資格標準；或
- (iii) 已在園境學及其他學科的考試中取得合格，並曾接受訓練和取得經驗的人，而該等考試、訓練及經驗，是獲得管理局在一般或個別情況下接納為不低於學會會員標準的資格的；及
- (b) 他須令管理局信納他在提出註冊申請的日期之前，已在香港取得 1 年有關專業經驗；及
- (c) 他須是通常居於香港；及
- (d) 他須不是研訊委員會的研訊對象，亦不受第 IV 部所指的禁止他根據本條例註冊的紀律制裁命令所限制；及
- (e) 他須以書面聲明令管理局信納他有能力以園境師身分執業；及
- (f) 他須是獲得註冊的適當人選。
- (2) 在不限制第 (1)(f) 款的效力情況下，任何人如——
- (a) 曾在香港或香港以外地方被裁定犯了任何刑事罪行，並被判處監禁，不論是否緩期執行，而該罪行可能損及園境師專業的聲譽；或（由 1999 年第 57 號第 3 條修訂）
- (b) 曾在專業方面有失當行為或疏忽行為，管理局可拒絕接納他註冊為註冊園境師。
- (3) 凡申請人令管理局信納他有能力以園境師身分執業，而其後管理局信納他沒有上述能力，管理局可將此事轉交

- (1) The Board shall not register a person as a registered landscape architect unless—
- (a) he—
- (i) is a member of the Institute; or
- (ii) is a member of a landscape architectural body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; or
- (iii) has passed such examination in landscape architecture and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; and
- (b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
- (c) he is ordinarily resident in Hong Kong; and
- (d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
- (e) he satisfies the Board by declaration in writing that he is competent to practise as a landscape architect; and
- (f) he is a fit and proper person to be registered.
- (2) Without limiting the effect of subsection (1)(f), the Board may refuse to register a person as a registered landscape architect who—
- (a) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not; or

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研訊委員會，而研訊委員會須對事件作出裁定，猶如事件是一宗第 21(1) 條所指的投訴。

13. 申請註冊

- (1) 任何人申請註冊為註冊園境師，須用管理局指明的表格及方式提出申請。
- (2) 申請人遞交申請時須向管理局繳付申請費用。
- (3) 管理局可運用其酌情決定權，要求申請人接受一項第 12(1)(a)(iii) 條所指的筆試，考核其園境學及專業事務知識。

14. 接納或拒絕註冊申請

- (1) 管理局可接納或拒絕根據本條例註冊或將註冊續期的申請。
- (2) 凡管理局接納或拒絕註冊或將註冊續期的申請，註冊主任須按照管理局訂立的規則辦事。
- (3) 凡管理局拒絕註冊或將註冊續期的申請，該局須提出拒絕的理由。

15. 註冊有效期的屆滿及將註冊續期

- (1) 註冊紀錄冊內將任何人根據本條例列為註冊園境師的紀錄——

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(b) has committed misconduct or neglect in a professional respect.

- (3) Where the Board is satisfied by an applicant that he is competent to practise landscape architecture and the Board is later satisfied that the person is not competent to practise landscape architecture, the Board may refer the matter to an inquiry committee who shall deal with it as if it was a complaint under section 21(1).

13. Application for registration

- (1) A person shall apply for registration as a registered landscape architect in such form and manner as the Board may specify.
- (2) An applicant shall pay to the Board at the time of lodging his application the fee for an application for registration.
- (3) The Board may, in its discretion, require an applicant to undertake a written examination under section 12(1)(a)(iii) of his knowledge of landscape architecture and professional matters.

14. Acceptance or refusal of registration

- (1) The Board may accept or reject an application for registration or renewal of registration under this Ordinance.
- (2) Where the Board accepts or rejects an application for registration or renewal of registration, the Registrar shall act in accordance with rules made by the Board.
- (3) Where the Board rejects an application for registration or renewal of registration, it shall give reasons for the rejection.

15. Expiry of registration and renewal

- (1) The entry in the register of a person as a registered landscape architect under this Ordinance—

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- (a) 須有效 12 個月，自他註冊當日起計；
- (b) 可由經如此註冊的人每年申請將註冊續期。
- (2) 註冊園境師須在註冊有效期屆滿前 3 個月至 28 天的期間內，用管理局指明的表格，向註冊主任申請將註冊續期。
- (3) 註冊園境師申請將註冊續期時，須向管理局繳付申請費用。
- (4) 如註冊園境師不在註冊有效期屆滿前申請將註冊續期，則——
 - (a) 註冊主任須在其註冊有效期屆滿時，在註冊紀錄冊內註明註冊沒有續期；及
 - (b) 自其註冊有效期屆滿之日起，他須被當作為不是名列當時的註冊紀錄冊內的。
- (5) 管理局如信納申請將註冊續期的人不再符合第 12 條列出的註冊條件，可拒絕他的申請。
- (6) 凡註冊園境師沒有依時將註冊續期，則如他向管理局繳付延長續期期限費用，管理局可將續期期限延長。
- (7) 管理局批准延長期限，對任何人因不依時續期而導致可能犯任何其他條例所訂的罪行，並無影響。
- (8) 如任何註冊園境師的註冊有效期屆滿，管理局可要求他重新申請註冊，而不是將其註冊續期。

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- (a) shall remain in force for 12 months from the date when he was registered;
- (b) may be renewed annually by application of the person so registered.
- (2) A registered landscape architect shall apply for renewal of registration to the Registrar in the form specified by the Board not earlier than 3 months and not later than 28 days prior to the expiry of the current registration.
- (3) A registered landscape architect shall pay to the Board the fee for an application for renewal of registration at the time of applying for renewal of registration.
- (4) If a registered landscape architect does not apply for renewal of registration before the expiry of his current registration—
 - (a) the Registrar shall, on the expiry of the current registration, note in the register that registration has not been renewed; and
 - (b) the person shall be deemed not to be currently on the register from the date of expiry of his registration.
- (5) The Board may reject an application for renewal if it is satisfied that the applicant does not continue to comply with the requirements for registration set out in section 12.
- (6) Where a registered landscape architect fails to renew his registration within time, the Board may extend the time for renewal of registration if the registered landscape architect pays to the Board the fee for the extension of time.
- (7) Any grant of extension of time by the Board shall not affect any offence under any other Ordinance that the person who has failed to renew on time may commit as a result of the failure.

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16. 註冊事務委員會

- (1) 管理局可委出一個由不少於 3 名學會會員組成的註冊事務委員會，以審查申請人的資格。
- (2) 行政長官可提名一人出任註冊事務委員會委員，而管理局須委任經行政長官提名的人為委員會委員。(由 1999 年第 57 號第 3 條修訂)
- (3) 凡申請人的資格根據第 12(1)(a)(ii) 或 (iii) 條須獲管理局接納，註冊事務委員會須就可否接納這些資格向管理局提出建議。
- (4) 管理局無須受註冊事務委員會根據第 (3) 款提出的建議所約束。
- (5) 管理局可將關於註冊及註冊續期的任何職能，轉授予註冊事務委員會。

17. 註冊證明書

管理局收到由註冊園境師繳付的有關費用後，註冊主任可發出註冊證明書或註冊續期證明書予該園境師，證明書的格式由管理局指明。

18. 離開香港須通知管理局

註冊園境師如相當可能會連續超過 6 個月不在香港，須通知管理局。

- (8) If the registration of a registered landscape architect has expired, the Board may require him to reapply for registration instead of renewing his registration.

16. Registration committee

- (1) The Board may appoint a registration committee of not less than 3 persons who are members of the Institute to examine the qualifications of applicants.
- (2) The Chief Executive may nominate a person to be a member of the registration committee, and, if a person is so nominated, the Board shall appoint him to the committee. (Amended 57 of 1999 s. 3)
- (3) The registration committee shall make recommendations to the Board on the acceptability of the qualifications which require the Board's acceptance under section 12(1)(a)(ii) or (iii).
- (4) The Board shall not be bound by a recommendation of the registration committee under subsection (3).
- (5) The Board may delegate any of its functions relating to registration and the renewal of registration to the registration committee.

17. Certificate of registration

The Registrar may, on payment by a registered landscape architect to the Board of the fee, issue to the registered landscape architect a certificate of registration or a certificate of renewal of registration in the form specified by the Board.

18. Notice to Board on leaving Hong Kong

A registered landscape architect shall notify the Board if he is likely to be absent from Hong Kong for a continuous period of more than 6 months.

19. 在註冊紀錄冊內註銷姓名

- (1) 註冊主任如知悉任何註冊園境師有以下情況，可在註冊紀錄冊內將他的姓名註銷——
 - (a) 該園境師已去世；
 - (b) 該園境師已申請中止其註冊；
 - (c) 管理局認為該園境師已不再通常居於香港；
 - (d) 該園境師沒有將其註冊續期；
 - (e) 該園境師憑藉某資格得以註冊，而他已不再具備該資格；或
 - (f) 該園境師沒有依照第 11(3) 條規定，將有關詳情的改變通知註冊主任。
- (2) 就第 (1)(c) 款而言，如任何註冊園境師已有 2 年或以上沒有在香港居住，管理局不得將他當作是通常居於香港的。
- (3) 在符合第 26(2) 條規定下，註冊主任如接獲由終審法院、上訴法庭或研訊委員會作出的命令，指示在註冊紀錄冊內將某姓名註銷，他即須在註冊紀錄冊內將該姓名註銷。（由 1999 年第 57 號第 3 條修訂；由 2005 年第 10 號第 116 條修訂）
- (4) 凡註冊主任擬根據第 (1)(c)、(d)、(e) 或 (f) 款在註冊紀錄冊內將任何註冊園境師的姓名註銷，他須以預付郵費的掛號郵件，將其意向通知該園境師，通知須寄往該園境師的註冊地址。在寄出通知後的 28 天期間屆滿之前，註冊主任不得將該園境師的姓名註銷。
- (5) 如註冊主任向註冊園境師發出通知——
 - (a) 指出管理局認為該園境師不是通常居於香港，而該園境師在註冊主任採取行動在註冊紀錄冊內註銷其姓名前，令管理局信納他是通常居於香港的；

19. Removal of name from the register

- (1) The Registrar may remove the name of a registered landscape architect from the register if he has notice that the registered landscape architect has—
 - (a) died;
 - (b) applied to discontinue his registration;
 - (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
 - (d) failed to renew his registration;
 - (e) ceased to hold a qualification by virtue of which he was registered; or
 - (f) failed to notify a change of details required under section 11(3).
- (2) For the purpose of subsection (1)(c), if a registered landscape architect has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.
- (3) Subject to section 26(2), the Registrar shall remove a name from the register if he receives an order of the Court of Final Appeal, the Court of Appeal or an inquiry committee directing that the name be removed from the register. (*Amended 10 of 2005 s. 116*)
- (4) Where the Registrar intends to remove the name of a registered landscape architect from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered landscape architect and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.

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- (b) 指出該園境師沒有申請將其註冊續期，而該園境師在註冊主任採取行動在註冊紀錄冊內註銷其姓名前，循正當手續申請將其註冊續期；
 - (c) 指出該園境師憑藉某資格得以註冊，但他已不再具備該資格，而該園境師在註冊主任採取行動在註冊紀錄冊內註銷其姓名前，令管理局信納他是具備該資格的；或
 - (d) 指出該園境師沒有依照第 11(3) 條規定將有關詳情的改變通知註冊主任，而該園境師在註冊主任採取行動在註冊紀錄冊內註銷其姓名前，採取行動以糾正註冊紀錄冊內不準確的地方，
- 則註冊主任不得以第 (4) 款所指的通知內所列理由將該園境師的姓名註銷。
- (6) 註冊園境師的姓名如在註冊紀錄冊內註銷，他的註冊即被取消，而他須將獲發給的註冊證明書交回註冊主任。
 - (7) 任何人的姓名如在註冊紀錄冊內註銷，管理局無須將任何費用或其中任何部分退還予該人。

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- (5) If the Registrar gives notice to a registered landscape architect that—
 - (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered landscape architect satisfies the Board that he is ordinarily resident in Hong Kong;
 - (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered landscape architect properly applies to renew his registration;
 - (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered landscape architect satisfies the Board that he holds the qualification; or
 - (d) he has failed to notify a change in particulars required under section 11(3) and, before the Registrar acts to remove his name from the register, the registered landscape architect takes such action as will remedy the defect in the register,

the Registrar shall not remove the name from the register for the reason set out in the notice referred to in subsection (4).
- (6) If the name of a registered landscape architect is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.
- (7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.

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(8) 註冊主任可更正註冊紀錄冊內的明顯錯誤。

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(8) The Registrar may correct any error apparent on the face of the register.

第 IV 部**紀律程序****20. 違紀行為**

- (1) 註冊園境師如有以下情況，便是作出違紀行為——
- (a) 在專業方面有失當行為或疏忽行為；
 - (b) 曾被裁定犯了本條例所訂的罪行；
 - (c) 以欺詐手段或失實陳述而得以根據本條例註冊；
 - (d) 在根據本條例註冊時，其實無權獲得註冊；
 - (e) 被傳召以證人身分或以研訊委員會研訊對象身分出席研訊委員會的聆訊，但沒有出席而又沒有合理辯解；或
 - (f) 曾在香港或香港以外地方被裁定犯了任何刑事罪行，並被判處監禁，不論是否緩期執行，而該罪行可能損及園境師專業的聲譽。（由 1999 年第 57 號第 3 條修訂）
- (2) 凡任何人曾被裁定在專業方面有失當行為或疏忽行為，或曾被裁定犯了本條例所訂的罪行，或曾被裁定犯了任何刑事罪行及判處監禁，而該罪行相當可能損及園境師專業的聲譽，但他已在申請註冊或將註冊續期時將上述行為或定罪知會管理局，並其後獲管理局接納其申請，則就註冊或將註冊續期而言，該人不得因所披露的行為或定罪，而被當作有作出違紀行為。
- (3) 凡註冊主任收到與違紀行為有關的投訴，註冊主任須將有關事實呈報由管理局就該項投訴所委派的 2 名成員，而該 2 名成員須在諮詢註冊主任後決定應否將投訴轉交管理局。

Part IV**Disciplinary Proceedings****20. Disciplinary offences**

- (1) A registered landscape architect commits a disciplinary offence if he—
- (a) commits misconduct or neglect in any professional respect;
 - (b) has been convicted of an offence under this Ordinance;
 - (c) has obtained registration under this Ordinance by fraud or misrepresentation;
 - (d) was not at the time of his registration under this Ordinance entitled to be registered;
 - (e) without reasonable excuse, fails to attend before an inquiry committee when summoned either as a witness or as a person in respect of whom the inquiry committee is meeting; or
 - (f) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether the sentence is suspended or not.
- (2) If a person who has been guilty of misconduct or neglect in a professional respect or has been convicted of an offence under this Ordinance or has been convicted of an offence likely to bring the profession into disrepute and sentenced to imprisonment, informs the Board of such misconduct, neglect or conviction when he applies for registration or renewal of registration and the Board subsequently accepts the person for registration or renewal of registration, that person shall

21. 研訊委員會及進行研訊的規則

- (1) 管理局可將與違紀行為有關的投訴，轉交一個研訊委員會以作出決定，而為此目的，管理局可設立由不少於 3 名學會會員組成的研訊委員會，以裁定遭投訴的註冊園境師是否有作出違紀行為。
- (2) 管理局可訂立規則，對由研訊委員會進行研訊及與調查指稱的違紀行為有關的其他事宜作出規定。
- (3) 除非遭投訴的註冊園境師，在事前 28 天獲給予關於該項與違紀行為有關的投訴及聆訊日期、時間和地點的通知，否則研訊委員會不得著手聆聽該項投訴的證據。
- (4) 第 (3) 款所指的註冊園境師有權出席有關聆訊及聆聽所有證供，並須獲提供本條例文本及根據本條所訂立的規則各一份。
- (5) 管理局可訂立規則，對由研訊委員會重新進行研訊作出規定。
- (6) 凡註冊園境師被指稱有作出第 20(1)(b) 或 (f) 條所指的違紀行為，有關的研訊委員會——
 - (a) 無須查究該園境師是否被正確地裁定犯了所控的罪行；及
 - (b) 可考慮已將定罪記錄在案的案件紀錄，並可考慮其他可以顯示罪行性質和嚴重程度的其他有關證據。

not, for the purposes of registration or renewal of registration, be considered as having committed a disciplinary offence in respect of the disclosed misconduct, neglect or conviction.

- (3) Where the Registrar receives a complaint concerning a disciplinary offence, the Registrar shall submit the facts to 2 members of the Board appointed by the Board for the purpose, and the members, in consultation with the Registrar, shall determine whether the complaint should be referred to the Board.

21. Inquiry committee and rules of conduct

- (1) The Board may refer any complaint concerning a disciplinary offence to an inquiry committee for decision, and for that purpose the Board may establish an inquiry committee of not less than 3 members of the Institute to determine whether or not the registered landscape architect against whom the complaint is made has committed a disciplinary offence.
- (2) The Board may make rules providing for the conduct of its inquiries by an inquiry committee and for other matters relating to the investigation of an alleged disciplinary offence.
- (3) The inquiry committee shall not proceed to hear evidence of a complaint concerning a disciplinary offence unless the registered landscape architect in respect of whom the complaint is made is given 28 days' notice of the complaint and the date, time and place of the hearing.
- (4) The registered landscape architect referred to in subsection (3) shall be entitled to attend and hear all evidence produced at the hearing and shall be provided with a copy of this Ordinance and any rules made under this section.
- (5) The Board may make rules for the rehearing of an inquiry by an inquiry committee.

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- (7) 研訊委員會在決定任何人是否有作出違紀行為時，可考慮由管理局公布的或當時為學會採用的專業操守守則或實務守則。

22. 法律顧問

管理局可委任一名法律執業者，就研訊進行期間或前後產生的法律論點及程序問題，向有關的研訊委員會及覆核委員會提供意見。

23. 研訊委員會的紀律制裁命令

- (1) 凡研訊委員會裁斷任何註冊園境師有作出違紀行為，在裁斷獲覆核委員會確認後，或在裁斷或建議作出的命令已根據覆核委員會的建議更改後，研訊委員會可作出以下任何一項或多於一項命令——
- (a) 命令註冊主任在註冊紀錄冊內註銷該園境師的姓名；
 - (b) 命令註冊主任在註冊紀錄冊內將該園境師的姓名註銷一段研訊委員會認為適當的期間；
 - (c) 以書面譴責該園境師，並命令註冊主任將該項譴責記入註冊紀錄冊內；

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- (6) Where a registered landscape architect is alleged to have committed a disciplinary offence under section 20(1)(b) or (f), the inquiry committee—
- (a) shall not be required to inquire whether the registered landscape architect was properly convicted of the alleged offence; and
 - (b) may consider any record of the case in which a conviction was recorded and any other evidence which is relevant as showing the nature and gravity of the offence.
- (7) The inquiry committee may, in deciding whether a person has committed a disciplinary offence, have regard to any code of professional conduct or practice promulgated by the Board or currently in use by the Institute.

22. Legal adviser

The Board may appoint a legal practitioner to advise an inquiry committee and a review committee on any points of law and procedure that arise before, during or after the inquiry.

23. Disciplinary order of inquiry committee

- (1) Where an inquiry committee finds that a registered landscape architect committed a disciplinary offence, on confirmation by a review committee of the finding, or on the variation of the finding or any proposed order based on the recommendation of the review committee, the inquiry committee may make any one or more of the following orders—
- (a) order the Registrar to remove the name of the registered landscape architect from the register;
 - (b) order the Registrar to remove the name of the registered landscape architect from the register for such period as the inquiry committee may think fit;

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- (d) 命令將根據本條作出的命令暫緩執行不超過 2 年，並可定出它認為恰當的暫緩執行條件；
 - (e) 命令管理局在指定的期間內，或在該園境師令管理局信納他應獲註冊前，不得接納他要求註冊為註冊園境師的申請；
 - (f) 命令主席口頭訓誡該園境師；
 - (g) 如研訊委員會信納就該個案的所有情況而言，不命令該園境師繳付註冊主任、管理局或研訊委員會因該案件而引致的費用的全部或部分並非公正公平，則在此情況下但亦只在此情況下命令該園境師繳付該等費用的全部或部分。
- (2) 憑藉一項根據第 (1)(g) 款作出的命令而須予繳付的費用，可作為民事債項追討。
- (3) 研訊委員會可——
- (a) 評計憑藉一項根據第 (1)(g) 款作出的命令而須予繳付的任何費用；或
 - (b) 命令根據《區域法院規則》(第 336 章，附屬法例 H) 第 62 號命令附表 1 第 I 部所指明的訟費收費表評定該等費用，(由 1999 年第 57 號第 3 條修訂；由 2008 年第 25 號第 19 條修訂)
- 而《高等法院規則》(第 4 章，附屬法例 A) 第 62 號命令的附表 (經作出所有必需的變通後) 適用於費用的評定及追討。(由 1999 年第 57 號第 3 條修訂)
- (4) 為本條例 (包括第 25 及 28 條) 的施行，根據第 (3) 款作出的任何評計或命令，須當作為它所關乎的根據第 (1)(g) 款作出的命令的一部分。

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- (c) reprimand the registered landscape architect in writing and order the Registrar to record the reprimand on the register;
 - (d) order that an order made under this section be suspended, subject to such conditions as the inquiry committee may think fit, for a period of not exceeding 2 years;
 - (e) order that the Board shall not accept an application from the registered landscape architect for registration as a registered landscape architect either for a fixed period or until the registered landscape architect satisfies the Board that he should be registered;
 - (f) order that the Chairman admonish the registered landscape architect orally;
 - (g) order the registered landscape architect to pay all or part of the costs of any of the Registrar, the Board or the inquiry committee arising from the case if, but only if, the inquiry committee is satisfied that in all the circumstances of the case it would be unjust and inequitable not to do so.
- (2) Costs payable by virtue of an order under subsection (1)(g) shall be recoverable as a civil debt.
- (3) The inquiry committee may—
- (a) assess the amount of any costs to be payable by virtue of an order under subsection (1)(g); or
 - (b) order that those costs be taxed on the basis of any one of the scale of costs specified in Part I of Schedule 1 to Order 62 of the Rules of the District Court (Cap. 336 sub. leg. H), (*Amended 25 of 2008 s. 19*)

and the Schedules to Order 62 of the Rules of the High Court (Cap. 4 sub. leg. A) shall, with all necessary modifications,

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24. 蒐集證據的權力及研訊的進行

(1) 研訊委員會有權 ——

- (a) 聆聽、收取及審查證人在宣誓後作出的證供；
 - (b) 傳召任何其行為是研訊對象的人出席研訊，或傳召任何人出席作供或出示任何由他管有的文件或其他物件，並有權訊問該名被傳召出席作證的人，或要求他出示任何由他管有的文件或其他物件，但在公正的例外情況下，本段不適用；
 - (c) 容許或禁止所有或任何公眾人士旁聽研訊；
 - (d) 容許或禁止新聞界旁聽研訊；
 - (e) 付給被傳召出席作證的人研訊委員會認為他就出席作證而付出的合理開支、所付款項由管理局資金撥出。
- (2) 註冊主任須簽署證人傳票。
 - (3) 如研訊委員會認為任何問題、文件或其他物件會導致有關的人入罪，該人無須回答該問題或出示該文件或物件。
 - (4) 在向研訊委員會作出的證供方面，證人所享有的特權，與他假如在法庭作供時即享有的相同。

apply to the taxation and recovery of costs. (*Amended 57 of 1999 s. 3*)

- (4) For the purposes of this Ordinance (including sections 25 and 28), any assessment or order under subsection (3) shall be deemed to be part of the order under subsection (1)(g) to which it relates.

24. Powers in regard to obtaining of evidence and conduct at inquiry

(1) An inquiry committee shall have power—

- (a) to hear, receive and examine evidence on oath;
 - (b) to summon any person to attend the inquiry either as the person whose conduct is the subject of the inquiry or to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
 - (c) to admit or exclude the public or any member of the public from the inquiry;
 - (d) to admit or exclude the press from the inquiry;
 - (e) to award any person summoned to attend the inquiry as a witness such sum, to be paid from the funds of the Board, as in the opinion of the inquiry committee has been reasonably expended by him in connection with his attendance.
- (2) The Registrar shall sign summonses to witnesses.
 - (3) No person shall be required to answer any question or produce any document or other thing which, in the opinion of the inquiry committee, may tend to incriminate him.
 - (4) A witness shall, in respect of any evidence given by him before the inquiry committee, be entitled to the same

25. 紀律制裁命令的覆核

- (1) 在研訊委員會就一宗違紀行為完成聆訊，並裁斷被指控的人有作出違紀行為後，註冊主任須即時將委員會的決定連同該研訊委員會建議根據第 23 條作出的命令的細節，提交管理局覆核。
- (2) 管理局須委派 3 名管理局成員，與主席組成覆核委員會，以覆核研訊委員會的決定。
- (3) 管理局不得委任有關的研訊委員會委員出任覆核委員會委員。
- (4) 覆核委員會可——
 - (a) 確認有關的研訊委員會的決定和建議作出的命令；
 - (b) 推翻有關的研訊委員會所作的被指控的人有作出違紀行為的裁斷；
 - (c) 建議更改由有關的研訊委員會作出的命令；或
 - (d) 將有關的研訊委員會的決定或建議作出的命令發還予該研訊委員會，同時指示該研訊委員會重新考慮該項決定或建議作出的命令，或指示二者均須重新考慮。
- (5) 覆核委員會如發出指示和作出建議，有關的研訊委員會須予遵從。

26. 送達研訊委員會的命令

- (1) 註冊主任在收到——
 - (a) 覆核委員會的報告後（除非有關的研訊委員會須重新考慮其決定）；或

privileges to which he would be entitled if he were giving evidence in court.

25. Review of disciplinary orders

- (1) When an inquiry committee completes its hearing in respect of a disciplinary offence and makes a finding that a disciplinary offence has been committed, the Registrar shall forthwith forward the inquiry committee's decision and details of any order proposed to be made by the inquiry committee under section 23 to the Board for review.
- (2) The Board shall appoint 3 of its members to sit with the Chairman as a review committee to review the decision of the inquiry committee.
- (3) The Board shall not appoint a member of the inquiry committee to be a member of the review committee.
- (4) The review committee may—
 - (a) confirm the decision and any proposed order of the inquiry committee;
 - (b) reverse a finding of guilt by the inquiry committee;
 - (c) recommend that any proposed order made by the inquiry committee be varied; or
 - (d) remit the decision or any proposed order of the inquiry committee to the inquiry committee with directions to reconsider the decision or proposed order or both.
- (5) The inquiry committee shall comply with the directions and recommendation, if any, of the review committee.

26. Service of orders of inquiry committee

- (1) The Registrar shall serve a copy of any order made under section 23(1), together with a copy of the inquiry committee's reasons, or serve notice that the inquiry

(b) 已根據第 25(4)(d) 條覆核的研訊委員會命令後，須立即將一份根據第 23(1) 條作出的命令，連同一份研訊委員會的裁定理由，或將研訊委員會裁斷有關的園境師沒有作出違紀行為的通知書，以面交方式或以掛號郵遞方式送達該園境師，郵遞地址須是他的註冊地址。

- (2) 在命令根據第 (1) 款送達之日後的 3 個月期間內，或 (如有上訴根據第 28 條針對該命令向上訴法庭提出) 在該上訴已予最終裁定前，註冊主任不得在註冊紀錄冊內註銷該園境師的姓名。(由 1999 年第 57 號第 3 條修訂；由 2005 年第 10 號第 117 條修訂)
- (3) 凡任何人的姓名根據本條例在註冊紀錄冊內註銷，該人可向管理局申請將其姓名重新列入紀錄冊內，而管理局在進行該局認為適當的調查後，可在符合該局認為適宜的條件下，批准或拒絕該申請。
- (4) 管理局如根據第 (3) 款批准申請，須命令註冊主任在收到申請人繳交的訂明費用後，將他的姓名重新列入註冊紀錄冊內。

27. 發表紀律制裁命令

- (1) 在可根據第 28 條針對研訊委員會根據第 23(1)(a)、(b)、(c)、(d) 或 (e) 條作出的命令向上訴法庭提出上訴的期限屆滿後，或如有任何該等上訴提出，則在該上訴已予最終裁定，管理局——(由 2005 年第 10 號第 118 條修訂)

committee has not found that the registered landscape architect concerned committed a disciplinary offence, upon the registered landscape architect concerned, either personally or by registered post addressed to his registered address immediately when the Registrar receives—

- (a) the report of the review committee, unless the inquiry committee is to reconsider its decision; or
- (b) any order of the inquiry committee reviewed under section 25(4)(d).
- (2) The Registrar shall not remove the name of the registered landscape architect from the register before the expiry of a period of 3 months after the date of service of the order under subsection (1) or, in the case of an appeal made to the Court of Appeal against the order under section 28, before the appeal is finally determined. (*Amended 10 of 2005 s. 117*)
- (3) Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.
- (4) If the Board allows an application under subsection (3), it shall order the Registrar to restore the name of the applicant to the register on payment by the applicant of the prescribed fee.

27. Publication of disciplinary orders

- (1) After the expiry of the time within which an appeal may be made to the Court of Appeal under section 28 against an order of an inquiry committee made under section 23(1)(a), (b), (c), (d) or (e) or, if such an appeal has been made, after the appeal is finally determined, the Board— (*Amended 10 of 2005 s. 118*)

- (a) 須將該命令或 (如該命令在上訴時被更改) 經如此更改的該命令, 在每日行銷於香港的中英文報章最少各一份發表; 及
 - (b) 可將該命令或 (如該命令在上訴時被更改) 經如此更改的該命令, 在管理局認為適當的其他刊物上發表, 或以管理局認為適當的其他方式發表。 (由 2005 年第 10 號第 118 條修訂)
- (2) 凡管理局根據第 (1) 款發表命令 ——
- (a) 須同時發表足夠的詳情, 以令公眾人士知悉與該命令有關的事項的性質; 及
 - (b) 可同時發表有關的研訊委員會的研訊過程。
- (3) 不得就本條規定發表或容許發表的命令及詳情而以誹謗為理由對任何人提出索取損害賠償的訴訟。
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- (a) shall publish a copy of the order or, if the order is varied on appeal, the order as so varied in at least one English and one Chinese language newspaper circulating daily in Hong Kong; and
 - (b) may publish the order or, if the order is varied on appeal, the order as so varied in any other publication or manner as the Board thinks fit. (*Amended 10 of 2005 s. 118*)
- (2) Where an order is published under subsection (1), the Board—
- (a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
 - (b) may publish with such order an account of the proceedings of the inquiry committee.
- (3) No action in damages for defamation shall lie against any person as a result of publishing an order and other particulars required or permitted under this section.
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第 V 部**上訴****28. 向上訴法庭提出上訴**

- (1) 任何人因根據第 14(1)、15(5) 或 23(1) 條就他作出的決定或命令而感到受屈，可向上訴法庭提出上訴。 (*由 2005 年第 10 號第 119 條修訂*)
- (2) 上訴法庭可確認、推翻或更改上訴所針對的決定或命令。 (*由 2005 年第 10 號第 119 條修訂*)
- (3) 凡有人對研訊委員會的任何命令提出上訴，上訴法庭須考慮研訊委員會所據的理由，及代表研訊的各方就研訊委員會對事實和法律的裁斷作出的陳詞。上訴法庭可要求出示向研訊委員會提出的證據的原來紀錄及用作證據的文件。 (*由 2005 年第 10 號第 119 條修訂*)
- (4) 如有特殊理由，上訴法庭可考慮沒有向研訊委員會提出的證據。
- (5) (*由 2005 年第 10 號第 114 條廢除*)
- (6) 上訴的常規須符合根據《高等法院條例》(第 4 章) 訂立的法院規則。
- (7) 任何人就根據第 14(1)、15(5) 或 23(1) 條作出的決定或命令提出上訴，須在以下時間內給予上訴通知，否則上訴法庭無權聆訊該宗上訴——
 - (a) 如屬根據第 14(1) 或 15(5) 條作出的決定，則在申請人接獲該決定的書面通知後 3 個月內；
 - (b) 如屬根據第 23(1) 條作出的命令，則在該命令根據第 26 條送達後 3 個月內。
- (8) 上訴法庭在判決根據本條提出的上訴時，可就繳付訟費作出它認為合理的命令。

Part V**Appeals****28. Appeal to Court of Appeal**

- (1) Any person who is aggrieved by any decision or order made in respect of him under section 14(1), 15(5) or 23(1) may appeal to the Court of Appeal. (*Amended 10 of 2005 s. 119*)
- (2) The Court of Appeal may affirm, reverse or vary the decision or order appealed against. (*Amended 10 of 2005 s. 119*)
- (3) Where a person appeals against an order of any inquiry committee, the Court of Appeal shall consider the reasons of the inquiry committee and submissions upon the findings of fact and law of the inquiry committee made on behalf of the parties to the inquiry and may call for the original record of the evidence taken and any document put in evidence before the inquiry committee. (*Amended 10 of 2005 s. 119*)
- (4) The Court of Appeal may, upon special grounds being shown, consider any additional evidence not adduced before the inquiry committee.
- (5) (*Repealed 10 of 2005 s. 114*)
- (6) The practice in relation to any appeal shall be subject to any rules of court made under the High Court Ordinance (Cap. 4). (*Amended 57 of 1999 s. 3*)
- (7) The Court of Appeal shall not have power to hear any appeal against a decision or order made under section 14(1), 15(5) or 23(1) unless—
 - (a) in the case of a decision made under section 14(1) or 15(5), notice of such appeal is given within 3 months after the applicant is notified in writing of the decision;

(由 1999 年第 57 號第 3 條修訂)

- (b) in the case of an order made under section 23(1), notice of such appeal is given within 3 months of the service of the order under section 26.
- (8) In deciding any appeal under this section the Court of Appeal may make such order for the payment of costs as it considers reasonable.
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第 VI 部**使用名銜****29. 使用名銜**

- (1) 不是名列註冊紀錄冊內的人無權自稱為“園境師”或“註冊園境師”，或在姓名後加上英文縮寫“R.L.A.”。
- (2) 除第(4)款另有規定外，管理局可向法官提出申請，要求頒令禁止不是名列註冊紀錄冊的人自稱為“園境師”或“註冊園境師”或使用英文縮寫“R.L.A.”。
- (3) 不是名列註冊紀錄冊的人亦可在以下情況下自稱為園境師：他在提述自己是任何在香港以外地方成立的園境師團體或專業學會的成員的情況下自稱為園境師，而所用的稱謂並不暗示他有權用園境師的稱謂在香港園境學專業內執業。（由 1999 年第 57 號第 3 條修訂）
- (4) 除第(3)款另有規定或在以下情況外，任何人（包括商號或公司）均不得使用“園境師”或“註冊園境師”的稱謂或英文縮寫“R.L.A.”——
 - (a) 在該人經營園境專業的每個地點，該業務均在一名註冊園境師的督導下進行，而除大致上由同一個或同一批管理及實益擁有該人（如該人是商號或公司）的人所實益擁有及管理的商號或公司外，該園境師並無同時以相近身分代其他人行事；

Part VI**Use of Title****29. Use of title**

- (1) A person whose name does not appear on the register shall not be entitled to describe himself as “landscape architect” or “registered landscape architect” or to use the initials “R.L.A.” after his name.
- (2) Subject to subsection (4), the Board may apply to a judge for an order restraining any person whose name is not on the register from describing himself as “landscape architect” or “registered landscape architect” or using the initials “R.L.A.”.
- (3) A person whose name is not on the register may describe himself as a landscape architect if he describes himself by reference to a membership of any body or institute of landscape architects formed outside Hong Kong which description does not imply that he has the right to practise landscape architecture in Hong Kong under the description of landscape architect. (*Amended 57 of 1999 s. 3*)
- (4) Subject to subsection (3), a person including a firm or company shall not use the description of “landscape architects” or “registered landscape architects” or the initials “R.L.A.” unless—
 - (a) at each place where the person carries on the business of landscape architecture, the business is conducted under the supervision of a registered landscape architect who does not act at the same time in a similar capacity for any other person other than for a firm or company that has substantially the same beneficial ownership and

- (b) 該人進行多界別業務，但其所有關於園境的業務由一名註冊園境師全職執掌及管理，而除大致上由同一個或同一批管理及實益擁有該人（如該人是商號或公司）的人所實益擁有及管理的商號或公司外，該園境師並無同時以相近身分代其他人行事。
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- management as the person (where the person is a firm or company);
- (b) where the person carries on a multidisciplinary practice, that business, so far as it relates to landscape architecture, is under the full time control and management of a registered landscape architect who does not act at the same time in a similar capacity for any other person other than for a firm or company that has substantially the same beneficial ownership and management as the person (where the person is a firm or company).
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第 VII 部

罪行及證據

30. 罪行及刑罰

(1) 任何人 ——

- (a) 根據第 24 條被研訊委員會傳召出席研訊作證或出示文件或其他物件，但拒絕或沒有這樣做而又沒有合理辯解；
- (b) 在研訊委員會席前作證，但沒有合法辯解而拒絕或沒有回答研訊委員會向他提出的問題；
- (c) 以欺詐手段令自己或他人獲得註冊為註冊園境師；
- (d) 藉虛假、有誤導性或有欺詐成分的口頭或書面陳述，令自己或他人獲得註冊為註冊園境師；
- (e) 捏改註冊紀錄冊內容，或安排這樣做；
- (f) 假冒或虛假地表示自己是就關乎管理局或研訊委員會在本條例下的職能而呈交的證明書或文件中所指的人；
- (g) 虛假地接受或使用任何暗示自己名列註冊紀錄冊的名稱、英文縮寫字樣、名銜、頭銜或稱謂；
- (h) 不是註冊園境師，但知情而在與其業務或專業有關的情況下使用以下稱謂，或容許他人使用以下稱謂 ——
 - (i) “園境師”；
 - (ii) “註冊園境師”；
 - (iii) 英文縮寫“R.L.A.”；或
 - (iv) 目的在令到（或按常理可能令到）他人相信使用者是名列註冊紀錄冊的英文縮寫字樣或字句縮寫；

Part VII

Offences and Evidence

30. Offences and penalties

(1) Any person who—

- (a) having been summoned by an inquiry committee to attend as a witness or to produce a document or other thing under section 24 without reasonable excuse refuses or fails to do so;
- (b) attends as a witness before an inquiry committee and, without lawful excuse, refuses or fails to answer any question put to him by the inquiry committee;
- (c) fraudulently obtains registration as a registered landscape architect for himself or any other person;
- (d) obtains registration as a registered landscape architect for himself or any other person by means of any misleading, false or fraudulent representation or statement, either orally or in writing;
- (e) makes or causes to be made any falsification in the register;
- (f) impersonates or falsely represents himself as being the person referred to in any certificate or document presented to the Board or any inquiry committee in connection with its functions under this Ordinance;
- (g) falsely takes or uses any name, initials, title, addition or description implying that his name is entered in the register;

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- (i) 不是名列註冊紀錄冊的，但卻表示或在廣告中宣稱 he 自己是註冊園境師，或知情而容許別人表示或在廣告中宣稱 he 自己是註冊園境師；
- (j) 在申請註冊時不是通常居於香港，卻顯示自己是通常居於香港的，
即屬犯罪，可處第 5 級罰款及監禁 1 年。
- (2) 任何屬在香港以外地方成立的園境師團體或專業學會的成員但並非註冊園境師的人，如使用根據該團體或學會會章 he 有權使用的稱謂或英文縮寫，而沒有藉以顯示 he 是名列註冊紀錄冊的，則第 (1)(h) 款並不就該項使用而適用。 (由 1999 年第 57 號第 3 條修訂)

31. 證明書作為證據

一份看來是由註冊主任簽署的證明書，證明某人的姓名有或沒有列入註冊紀錄冊內，或某人的姓名已在註冊紀錄冊內註銷或已被頒令註銷，該證明書為所有目的即為其內所述事實的證據，無須其他證明。

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- (h) not being a registered landscape architect, knowingly permits the use of or uses in connection with his business or profession the description—
- (i) “landscape architect”;
- (ii) “registered landscape architect”;
- (iii) the initials “R.L.A.”; or
- (iv) any initials or abbreviations or words intended to cause, or which may reasonably cause, any person to believe that the person using the initials or abbreviations is on the register;
- (i) not being on the register, advertises or represents himself as a registered landscape architect or knowingly permits himself to be so advertised or represented;
- (j) holds himself out to be ordinarily resident in Hong Kong at the time of making an application for registration when he is not so ordinarily resident,
- commits an offence and is liable to a fine at level 5 and to imprisonment for 1 year.
- (2) Subsection (1)(h) shall not apply in relation to the use by any member of any body or institute of landscape architects formed outside Hong Kong who is not a registered landscape architect, of any description or initials which he is entitled to use under the constitution of that body or institute if by such use he does not represent that his name is entered on the register. (Amended 57 of 1999 s. 3)

31. Certificate as evidence

A certificate, purporting to be signed by the Registrar, that the name of a person has or has not been entered in or has been removed or ordered to be removed from the register shall for all

32. 保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治團體或法人團體或任何其他人的權利，但本條例所述及者及經由、透過或藉他們提出申索者除外。

(由 1999 年第 57 號第 3 條修訂)

purposes, without further proof, be evidence of the facts stated in the certificate.

32. Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws or the rights of any body politic or corporate or of any other persons except such as are mentioned or referred to in this Ordinance and those claiming by, through, from or under them.

(Amended 57 of 1999 s. 3)