

第 18 部**公司與外間的通訊***(格式變更——2013 年第 1 號編輯修訂紀錄)***第 1 分部 —— 導言****821. 釋義**

(1) 在本部中 ——

文件 (document) 除在第 2 分部外，並不包括為任何法律程序的目的而發出的文件；

地址 (address) 包括為了以電子方式送交或接收文件或資料而使用的數目字，或為該目的而使用的以任何語文的字母、字樣、數目字或符號組成的序列或組合；

適用條文 (applicable provision) ——

- (a) 在第 3 分部中，指本條例或《公司 (清盤及雜項條文) 條例》(第 32 章) 中批准或規定向公司送交或提供有關文件或資料的條文；或
- (b) 在第 4 分部中，指本條例或《公司 (清盤及雜項條文) 條例》(第 32 章) 中批准或規定公司向另一人送交或提供有關文件或資料的條文；

辦公日 (business day) 指不是以下任何日子的日子 ——

- (a) 公眾假期；或
 - (b) 《釋義及通則條例》(第 1 章) 第 71(2) 條所界定的黑色暴雨警告日或烈風警告日。
- (2) 在本部中 ——
- (a) 除在第 2 分部外，提述送交文件 ——
 - (i) 包括提供、交付、遞交或交出該文件及 (如屬通知) 發出或給予該文件；但

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(1) In this Part—

address (地址) includes a number, or any sequence or combination of letters, characters, numbers or symbols of any language, used for the purpose of sending or receiving a document or information by electronic means;

applicable provision (適用條文) —

- (a) in Division 3, means a provision of this Ordinance or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) that authorizes or requires the document or information to be sent or supplied to a company; or
- (b) in Division 4, means a provision of this Ordinance or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) that authorizes or requires the document or information to be sent or supplied by a company to another person;

business day (辦公日) means a day that is not—

- (a) a general holiday; or
- (b) a black rainstorm warning day or gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

- (ii) 不包括送達該文件；及
- (b) 提述提供資料，包括送交、交付、遞交或交出該資料。
- (3) 就本部而言，任何人如將載有有關文件或資料並已預付郵資的信封投寄，即屬以郵遞方式送交該文件或以郵遞方式提供該資料。

822. 為施行第 828(3)、831(4) 及 833(6) 條而指明的最短期間

- (1) 本條為施行第 828(3)、831(4) 及 833(6) 條，就公司與另一人達成的協議指明撤銷通知的最短期間。
- (2) 上述最短期間是以下期間中的較長者 ——
 - (a) 7 日的期間；
 - (b) 第 (3) 或 (4) 款列明的期間。
- (3) 如有關的另一人並非公司，為施行第 (2)(b) 款而列明的期間為 ——
 - (a) (凡該另一人是有關公司的成員) 在該公司的章程細則內為此目的而指明的期間；
 - (b) (凡該另一人是有關公司的債權證持有人) 在設立該債權證的文書內為此目的而指明的期間；或
 - (c) (凡該另一人並非上述成員亦非上述持有人) 在該人與有關公司達成的協議內為此目的而指明的期間。

document (文件), except in Division 2, excludes a document that is issued for the purpose of any legal proceedings.

(2) In this Part—

- (a) a reference to sending a document, except in Division 2—
 - (i) includes supplying, delivering, forwarding or producing the document and, in the case of a notice, giving the document; but
 - (ii) excludes serving the document; and
- (b) a reference to supplying information includes sending, delivering, forwarding or producing the information.
- (3) For the purposes of this Part, a person sends a document, or supplies information, by post if the person posts a prepaid envelope containing the document or information.

822. Minimum period specified for purposes of sections 828(3), 831(4) and 833(6)

- (1) This section specifies the minimum period of the notice of revocation, in relation to an agreement between a company and another person, for the purposes of sections 828(3), 831(4) and 833(6).
- (2) The minimum period is whichever is the longer of the following—
 - (a) a period of 7 days;
 - (b) the period set out in subsection (3) or (4).
- (3) If that other person is not a company, the period set out for the purposes of subsection (2)(b) is—
 - (a) where that other person is a member of the company, the period specified for the purpose in the company's articles;

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- (4) 如有關的另一人是公司，為施行第 (2)(b) 款而列明的期間為 ——
- (a) (凡該另一人是有關公司的成員) 在該公司的章程細則內為此目的而指明的期間；
 - (b) (凡有關公司是該另一人的成員) 在該人的章程細則內為此目的而指明的期間；
 - (c) (凡該另一人是有關公司的債權證持有人，或凡有關公司是該另一人的債權證持有人) 在設立該債權證的文書內為此目的而指明的期間；或
 - (d) (凡該另一人及有關公司皆並非上述成員亦非上述持有人) 在該人與該公司達成的協議內為此目的而指明的期間。

823. 為施行第 828(7)(a)、831(7)(a) 及 833(12)(b) 條而指明的期間

- (1) 本條 ——
- (a) 為施行第 828(7)(a) 條，就另一人向公司送交或提供的文件或資料指明期間；及
 - (b) 為施行第 831(7)(a) 及 833(12)(b) 條，就公司向另一人送交或提供的文件或資料指明期間。
- (2) 上述期間是第 (3)、(4) 或 (5) 款所列明的期間。
- (3) 如有關的另一人並非公司，為施行第 (2) 款而列明的期間為 ——

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- (b) where that other person is a debenture holder of the company, the period specified for the purpose in the instrument creating the debenture; or
 - (c) where that other person is not such a member or holder, the period specified for the purpose in any agreement between the person and the company.
- (4) If that other person is a company, the period set out for the purposes of subsection (2)(b) is—
- (a) where that other person is a member of the company, the period specified for the purpose in the company's articles;
 - (b) where the company is a member of that other person, the period specified for the purpose in the person's articles;
 - (c) where that other person is a debenture holder of the company or where the company is a debenture holder of that other person, the period specified for the purpose in the instrument creating the debenture; or
 - (d) where neither that other person nor the company is such a member or holder, the period specified for the purpose in any agreement between the person and the company.

823. Period specified for purposes of sections 828(7)(a), 831(7)(a) and 833(12)(b)

- (1) This section specifies—
- (a) the period, in relation to a document or information sent or supplied to a company by another person, for the purposes of section 828(7)(a); and
 - (b) the period, in relation to a document or information sent or supplied by a company to another person, for the purposes of sections 831(7)(a) and 833(12)(b).

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- (a) (凡該另一人是有關公司的成員)在該公司的章程細則內為此目的而指明的期間；
- (b) (凡該另一人是有關公司的債權證持有人)在設立該債權證的文書內為此目的而指明的期間；或
- (c) (凡該另一人並非上述成員亦非上述持有人)在該人與有關公司達成的協議內為此目的而指明的期間。
- (4) 如有關的另一人是公司，為施行第(2)款而列明的期間為——
 - (a) (凡該另一人是有關公司的成員)在該公司的章程細則內為此目的而指明的期間；
 - (b) (凡有關公司是該另一人的成員)在該人的章程細則內為此目的而指明的期間；
 - (c) (凡該另一人是有關公司的債權證持有人，或凡有關公司是該另一人的債權證持有人)在設立該債權證的文書內為此目的而指明的期間；或
 - (d) (凡該另一人及有關公司皆並非上述成員亦非上述持有人)在該人與該公司達成的協議內為此目的而指明的期間。
- (5) 如有關章程細則、文書或協議沒有指明期間，為施行第(2)款而列明的期間即為 48 小時。
- (6) 在計算第(5)款所述的小時數目時，不屬辦公日的日子的任何部分無須理會。

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- (2) The period is the period set out in subsection (3), (4) or (5).
- (3) If that other person is not a company, the period set out for the purposes of subsection (2) is—
 - (a) where that other person is a member of the company, the period specified for the purpose in the company's articles;
 - (b) where that other person is a debenture holder of the company, the period specified for the purpose in the instrument creating the debenture; or
 - (c) where that other person is not such a member or holder, the period specified for the purpose in any agreement between the person and the company.
- (4) If that other person is a company, the period set out for the purposes of subsection (2) is—
 - (a) where that other person is a member of the company, the period specified for the purpose in the company's articles;
 - (b) where the company is a member of that other person, the period specified for the purpose in the person's articles;
 - (c) where that other person is a debenture holder of the company or where the company is a debenture holder of that other person, the period specified for the purpose in the instrument creating the debenture; or
 - (d) where neither that other person nor the company is such a member or holder, the period specified for the purpose in any agreement between the person and the company.
- (5) If the articles, instrument or agreement does not specify the period, the period set out for the purposes of subsection (2) is 48 hours.

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824. 為施行第 828(7)(b)、829(5)(a)、831(7)(b) 及 832(5)(a) 條而指明的時間

- (1) 本條 ——
 - (a) 為施行第 828(7)(b) 及 829(5)(a) 條，就另一人向公司送交或提供的文件或資料指明時間；及
 - (b) 為施行第 831(7)(b) 及 832(5)(a) 條，就公司向另一人送交或提供的文件或資料指明時間。
- (2) 上述時間是以下時間中的較遲者 ——
 - (a) 送交或提供有關文件或資料的日子後的第二個辦公日；
 - (b) 第 (3) 或 (4) 款列明的時間。
- (3) 如有關的另一人並非公司，為施行第 (2)(b) 款而列明的時間為 ——
 - (a) (凡該另一人是有關公司的成員) 在該公司的章程細則內為此目的而指明的時間；
 - (b) (凡該另一人是有關公司的債權證持有人) 在設立該債權證的文書內為此目的而指明的時間；或
 - (c) (凡該另一人並非上述成員亦非上述持有人) 在該人與有關公司達成的協議內為此目的而指明的時間。
- (4) 如有關的另一人是公司，為施行第 (2)(b) 款而列明的時間為 ——
 - (a) (凡該另一人是有關公司的成員) 在該公司的章程細則內為此目的而指明的時間；
 - (b) (凡有關公司是該另一人的成員) 在該人的章程細則內為此目的而指明的時間；

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- (6) In calculating a period of hours mentioned in subsection (5), any part of a day that is not a business day is to be disregarded.

824. Time specified for purposes of sections 828(7)(b), 829(5)(a), 831(7)(b) and 832(5)(a)

- (1) This section specifies—
 - (a) the time, in relation to a document or information sent or supplied to a company by another person, for the purposes of sections 828(7)(b) and 829(5)(a); and
 - (b) the time, in relation to a document or information sent or supplied by a company to another person, for the purposes of sections 831(7)(b) and 832(5)(a).
- (2) The time is whichever is the later of the following—
 - (a) the second business day after the day on which the document or information is sent or supplied;
 - (b) the time set out in subsection (3) or (4).
- (3) If that other person is not a company, the time set out for the purposes of subsection (2)(b) is—
 - (a) where that other person is a member of the company, the time specified for the purpose in the company's articles;
 - (b) where that other person is a debenture holder of the company, the time specified for the purpose in the instrument creating the debenture; or
 - (c) where that other person is not such a member or holder, the time specified for the purpose in any agreement between the person and the company.
- (4) If that other person is a company, the time set out for the purposes of subsection (2)(b) is—

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- (c) (凡該另一人是有關公司的債權證持有人，或凡有關公司是該另一人的債權證持有人) 在設立該債權證的文書內為此目的而指明的時間；或
- (d) (凡該另一人及有關公司皆並非上述成員亦非上述持有人) 在該人與該公司達成的協議內為此目的而指明的時間。

825. 為施行第 831(3)(b)(iii) 及 832(2)(b) 條而指明的地址

- (1) 本條為施行第 831(3)(b)(iii) 及 832(2)(b) 條，就公司向另一人送交或提供的文件或資料指明地址。
- (2) 除第 (3) 及 (4) 款另有規定外，上述地址為 ——
 - (a) 有關的另一人為此目的而一般地或明確地指明的地址；或
 - (b) 本條例的條文批准有關文件或資料可送交或提供所至的地址，或本條例的條文規定有關文件或資料須送交或提供所至的地址。
- (3) 如有關的另一人 (不論是否公司) 是有關公司的成員、債權證持有人、董事或公司秘書，則有關地址為 ——
 - (a) 第 (2) 款指明的地址；或
 - (b) 該公司的成員登記冊、債權證持有人登記冊、董事登記冊或公司秘書登記冊內所示的該人的地址。
- (4) 如有關的另一人是公司 (但不是第 (3) 款所涵蓋的人)，則有關地址為 ——
 - (a) 第 (2) 款指明的地址；或

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- (a) where that other person is a member of the company, the time specified for the purpose in the company's articles;
- (b) where the company is a member of that other person, the time specified for the purpose in the person's articles;
- (c) where that other person is a debenture holder of the company or where the company is a debenture holder of that other person, the time specified for the purpose in the instrument creating the debenture; or
- (d) where neither that other person nor the company is such a member or holder, the time specified for the purpose in any agreement between the person and the company.

825. Address specified for purposes of sections 831(3)(b)(iii) and 832(2)(b)

- (1) This section specifies the address, in relation to a document or information sent or supplied by a company to another person, for the purposes of sections 831(3)(b)(iii) and 832(2)(b).
- (2) Subject to subsections (3) and (4), the address is—
 - (a) an address specified for the purpose by that other person generally or specifically; or
 - (b) an address to which a provision of this Ordinance authorizes or requires the document or information to be sent or supplied.
- (3) If that other person (whether or not a company) is a member, debenture holder, director or company secretary of the company, the address is—
 - (a) the address specified in subsection (2); or
 - (b) the person's address as shown in the company's register of members, register of debenture holders, register of directors or register of company secretaries.

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- (b) 其註冊辦事處。
- (5) 如有關公司不能取得第 (2)、(3) 或 (4) 款指明的地址，則有關地址為有關的另一人的最後為該公司所知的地址。

826. 本部對向處長送交文件等的效力

在應用於向處長送交或提供的文件或資料時，本部在第 2 部的規限下具有效力。

第 2 分部 —— 向公司送達文件

827. 送達文件

向公司送達的文件可藉以下方式送達：將該文件留在該公司的註冊辦事處，或以郵遞方式，將該文件送交該公司的註冊辦事處。

第 3 分部 —— 由並非公司的人向公司作出的其他通訊

828. 電子形式的通訊

- (1) 如並非公司的人以電子形式，向公司送交或提供任何文件或資料，則本條適用。
- (2) 如有以下情況，有關文件或資料即屬為適用條文的目的向有關公司送交或提供 ——
- (a) 該公司 ——
- (i) 已一般地或明確地同意可藉電子形式向它送交或提供該文件或資料，且沒有撤銷該項同意；或

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- (4) If that other person is a company and is not a person covered by subsection (3), the address is—
- (a) the address specified in subsection (2); or
- (b) its registered office.
- (5) If the company is unable to obtain an address specified in subsection (2), (3) or (4), the address is that other person's address last known to the company.

826. Effect of this Part on sending documents etc. to Registrar

In its application in relation to documents or information to be sent or supplied to the Registrar, this Part has effect subject to Part 2.

Division 2—Service of Document on Company

827. Service of document

A document may be served on a company by leaving it at, or sending it by post to, the company's registered office.

Division 3—Other Communication to Company by Person who is not Company

828. Communication in electronic form

- (1) This section applies if a document or information is sent or supplied, in electronic form, to a company by a person who is not a company.
- (2) The document or information is sent or supplied to the company for the purposes of an applicable provision if—
- (a) the company—
- (i) has agreed, generally or specifically, that the document or information may be sent or supplied

- (ii) 根據本條例的條文，須視為已給予上述同意；
- (b) 該文件或資料是 ——
 - (i) 以電子方式送交或提供至 ——
 - (A) 該公司為此目的而一般地或明確地指明的地址；或
 - (B) 根據本條例的條文，被視為已為此目的而如此指明的地址；或
 - (ii) 由專人或以郵遞方式送交或提供至第 (4) 款指明的地址；及
- (c) 按有關的人的合理意見，該文件或資料在送交或提供時的形式，以及送交或提供的方式，讓接收者能夠 ——
 - (i) 以肉眼或在輔以適合的矯正視力鏡片的情況下，閱讀該文件或資料或 (在該文件或資料是由影像組成的範圍內) 觀看該文件或資料；及
 - (ii) 保存該文件或資料的文本。
- (3) 就第 (2)(a)(i) 款而言，除非有關公司已向有關的人發出不少於第 822 條指明的期間的撤銷通知，否則它沒有撤銷有關同意。
- (4) 為施行第 (2)(b)(ii) 款而指明的地址為 ——
 - (a) 有關公司為此目的而一般地或明確地指明的地址；
 - (b) 有關公司的註冊辦事處；或
 - (c) 本條例的條文批准有關文件或資料可送交或提供所至的地址，或本條例的條文規定有關文件或資料須送交或提供所至的地址。
- (5) 就批准有關文件或資料可予認證的適用條文而言，或就規定有關文件或資料須予認證的適用條文而言，如 ——
 - (a) 有關的人的身分，按有關公司指明的方式確認；或

- to it in electronic form and has not revoked the agreement; or
- (ii) is to be regarded under a provision of this Ordinance as having so agreed;
- (b) the document or information is sent or supplied—
 - (i) by electronic means to an address—
 - (A) specified for the purpose by the company generally or specifically; or
 - (B) regarded under a provision of this Ordinance as having been so specified for the purpose; or
 - (ii) by hand or by post to an address specified in subsection (4); and
- (c) the document or information is sent or supplied in a form, and by a means, that, in the person's reasonable opinion, will enable the recipient—
 - (i) to read the document or information, or, to the extent that it consists of images, to see the document or information, with the naked eye or with the eye with suitable corrective lens; and
 - (ii) to retain a copy of the document or information.
- (3) The company has not revoked the agreement for the purposes of subsection (2)(a)(i) unless it has given the person a notice of revocation of not less than the period specified in section 822.
- (4) The address specified for the purposes of subsection (2)(b)(ii) is—
 - (a) an address specified for the purpose by the company generally or specifically;
 - (b) the company's registered office; or

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- (b) (凡該公司沒有指明確認方式)有關通訊載有或隨附關於有關的人的身分的陳述，而該公司沒有理由懷疑該陳述的真確性，
則該文件或資料即屬已獲充分認證。
- (6) 如有關文件或資料是由某人代另一人送交或提供的，則有關公司的章程細則中該公司可據以要求提供關於前者可代後者行事的權限的合理證據的條文，不受第 (5) 款影響。
- (7) 如有關文件或資料是為適用條文的目的是向公司送交或提供的，而 ——
- (a) 該文件或資料是以電子方式送交或提供的，則除非相反證明成立，該文件或資料須視作在它送交或提供之後，於第 823 條指明的期間終結時，由該公司收到；
- (b) 該文件或資料是以郵遞方式送交或提供的，則除非相反證明成立，該文件或資料須視作在第 824 條指明的時間，由該公司收到；或
- (c) 該文件或資料是由專人送交或提供的，則該文件或資料須視作在該文件或資料送抵之時，由該公司收到。

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- (c) an address to which a provision of this Ordinance authorizes or requires the document or information to be sent or supplied.
- (5) For the purposes of an applicable provision that authorizes or requires the document or information to be authenticated, the document or information is sufficiently authenticated if—
- (a) the person's identity is confirmed in a manner specified by the company; or
- (b) where no manner has been specified, the communication contains or is accompanied by a statement of the person's identity, and the company has no reason to doubt the truth of the statement.
- (6) If the document or information is sent or supplied by a person on behalf of another, subsection (5) does not affect any provision of the company's articles under which the company may require reasonable evidence of the former's authority to act on behalf of the latter.
- (7) If the document or information is sent or supplied to a company for the purposes of an applicable provision, it is to be regarded as being received by the company—
- (a) where the document or information is sent or supplied by electronic means, at the end of the period specified in section 823 after it is sent or supplied, unless the contrary is proved;
- (b) where the document or information is sent or supplied by post, at the time specified in section 824, unless the contrary is proved; or
- (c) where the document or information is sent or supplied by hand, at the time when the document or information is delivered.

829. Communication in hard copy form

- (1) 如並非公司的人以印本形式，向公司送交或提供任何文件或資料，則本條適用。
- (2) 如有關文件或資料是由專人或以郵遞方式送交或提供至以下地址，則該文件或資料即屬為適用條文的目的是向有關公司送交或提供——
 - (a) 該公司為此目的而一般地或明確地指明的地址；
 - (b) 該公司的註冊辦事處；或
 - (c) 本條例的條文批准該文件或資料可送交或提供所至的地址，或本條例的條文規定該文件或資料須送交或提供所至的地址。
- (3) 就批准有關文件或資料可予認證的適用條文而言，或就規定有關文件或資料須予認證的適用條文而言，如該文件或資料是由有關的人簽署，則該文件或資料即屬已獲充分認證。
- (4) 如有關文件或資料是由某人代另一人送交或提供的，則有關公司的章程細則中該公司可據以要求提供關於前者可代後者行事的權限的合理證據的條文，不受第 (3) 款影響。
- (5) 如有關文件或資料是為適用條文的目的向公司送交或提供的，而——
 - (a) 該文件或資料是以郵遞方式送交或提供的，則除非相反證明成立，該文件或資料須視作在第 824 條指明的時間，由該公司收到；或
 - (b) 該文件或資料是由專人送交或提供的，則該文件或資料須視作在該文件或資料送抵之時，由該公司收到。

- (1) This section applies if a document or information is sent or supplied, in hard copy form, to a company by a person who is not a company.
- (2) The document or information is sent or supplied to the company for the purposes of an applicable provision if the document or information is sent or supplied by hand or by post to—
 - (a) an address specified for the purpose by the company generally or specifically;
 - (b) the company's registered office; or
 - (c) an address to which a provision of this Ordinance authorizes or requires the document or information to be sent or supplied.
- (3) For the purposes of an applicable provision that authorizes or requires the document or information to be authenticated, the document or information is sufficiently authenticated if it is signed by the person.
- (4) If the document or information is sent or supplied by a person on behalf of another, subsection (3) does not affect any provision of the company's articles under which the company may require reasonable evidence of the former's authority to act on behalf of the latter.
- (5) If the document or information is sent or supplied to a company for the purposes of an applicable provision, it is to be regarded as being received by the company—
 - (a) where the document or information is sent or supplied by post, at the time specified in section 824, unless the contrary is proved; or
 - (b) where the document or information is sent or supplied by hand, at the time when the document or information is delivered.

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830. 其他形式的通訊

- (1) 如並非公司的人以既非電子亦非印本的形式，向公司送交或提供任何文件或資料，則本條適用。
- (2) 如有關文件或資料是以有關公司同意的形式或方式送交或提供，則該文件或資料即屬為適用條文的目的是向該公司送交或提供。

830. Communication in other forms

- (1) This section applies if a document or information is sent or supplied, otherwise than in electronic or hard copy form, to a company by a person who is not a company.
- (2) The document or information is sent or supplied to the company for the purposes of an applicable provision if the document or information is sent or supplied in a form or manner that has been agreed by the company

第 4 分部 —— 由公司向另一人作出的其他通訊

Division 4—Other Communication by Company to Another Person

831. 電子形式的通訊

- (1) 除第 (2) 款另有規定外，如公司以電子形式，向另一人送交或提供任何文件或資料，則本條適用。
- (2) 如有關公司可以在網站上提供有關文件或資料的方式，向有關的另一人送交或提供該文件或資料，則本條不適用。
- (3) 如有以下情況，有關文件或資料即屬為適用條文的目的是向有關的另一人送交或提供 ——
 - (a) 以下情況 ——
 - (i) 該另一人並非公司，而該人已一般地或明確地同意可藉電子形式向該人送交或提供該文件或資料，且沒有撤銷該項同意；或
 - (ii) 該另一人是公司，而該人已給予上述同意，且沒有撤銷該項同意，或根據本條例的條文，須視為已給予上述同意；
 - (b) 該文件或資料是 ——
 - (i) 以電子方式送交或提供至 ——
 - (A) (凡該另一人並非公司) 該另一人為此目的而一般地或明確地指明的地址；或

831. Communication in electronic form

- (1) Subject to subsection (2), this section applies if a document or information is sent or supplied, in electronic form, by a company to another person.
- (2) This section does not apply if the document or information is sent or supplied by the company to that other person by making it available on a website.
- (3) The document or information is sent or supplied to that other person for the purposes of an applicable provision if—
 - (a) that other person—
 - (i) where that other person is not a company, has agreed, generally or specifically, that the document or information may be sent or supplied to the person in electronic form and has not revoked the agreement; or
 - (ii) where that other person is a company, has so agreed and has not revoked the agreement, or is to

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- (B) (凡該另一人是公司) 為此目的而一般地或明確地指明的地址，或根據本條例的條文被視為已為此目的而如此指明的地址；
- (ii) 由專人送交或提供予該另一人；或
- (iii) 由專人或郵遞方式送交或提供至第 825 條指明的地址；及
- (c) 按有關公司的合理意見，該文件或資料在送交或提供時的形式，以及送交或提供的方式，讓接收者能夠——
- (i) 以肉眼或在輔以適合的矯正視力鏡片的情況下，閱讀該文件或資料或(在該文件或資料是由影像組成的範圍內)觀看該文件或資料；及
- (ii) 保存該文件或資料的文本。
- (4) 就第(3)(a)款而言，除非有關的另一人已向有關公司發出不少於第 822 條指明的期間的撤銷通知，否則該人沒有撤銷有關同意。
- (5) 就批准有關文件或資料可予認證的適用條文而言，或就規定有關文件或資料須予認證的適用條文而言，如——
- (a) 有關公司的身分，按有關的另一人指明的方式確認；或
- (b) (凡該另一人沒有指明確認方式)有關通訊載有或隨附關於有關公司的身分的陳述，而該另一人沒有理由懷疑該陳述的真確性，
- 則該文件或資料即屬已獲充分認證。
- (6) 如有關文件或資料是由某人代公司送交或提供予另一公司的，則該另一公司的章程細則中該另一公司可據以要求提供關於該人可代首述的公司行事的權限的合理證據的條文，不受第(5)款影響。
- (7) 如有關文件或資料是為適用條文的目的向有關的另一人送交或提供的，而——

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- be regarded under a provision of this Ordinance as having so agreed;
- (b) the document or information is sent or supplied—
- (i) by electronic means to an address—
- (A) where that other person is not a company, specified for the purpose by that other person generally or specifically; or
- (B) where that other person is a company, so specified for the purpose, or regarded under a provision of this Ordinance as having been so specified for the purpose;
- (ii) by hand to that other person; or
- (iii) by hand or by post to an address specified in section 825; and
- (c) the document or information is sent or supplied in a form, and by a means, that, in the company's reasonable opinion, will enable the recipient—
- (i) to read the document or information, or, to the extent that it consists of images, to see the document or information, with the naked eye or with the eye with suitable corrective lens; and
- (ii) to retain a copy of the document or information.
- (4) That other person has not revoked the agreement for the purposes of subsection (3)(a) unless the person has given the company a notice of revocation of not less than the period specified in section 822.
- (5) For the purposes of an applicable provision that authorizes or requires the document or information to be authenticated, the document or information is sufficiently authenticated if—

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- (a) 該文件或資料是以電子方式送交或提供的，則除非相反證明成立，該文件或資料須視作在它送交或提供之後，於第 823 條指明的期間終結時，由該另一人收到；
- (b) 該文件或資料是以郵遞方式送交或提供的，則除非相反證明成立，該文件或資料須視作在第 824 條指明的時間，由該另一人收到；或
- (c) 該文件或資料是由專人送交或提供的，則該文件或資料須視作在該文件或資料送抵之時，由該另一人收到。

832. 印本形式的通訊

- (1) 如公司以印本形式，向另一人送交或提供任何文件或資料，則本條適用。

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- (a) the company's identity is confirmed in a manner specified by that other person; or
- (b) where no manner has been specified, the communication contains or is accompanied by a statement of the company's identity, and that other person has no reason to doubt the truth of the statement.
- (6) If the document or information is sent or supplied by a person on behalf of the company to another company, subsection (5) does not affect any provision of that other company's articles under which that other company may require reasonable evidence of the person's authority to act on behalf of the company for which the document or information is sent or supplied.
- (7) If the document or information is sent or supplied to that other person for the purposes of an applicable provision, it is to be regarded as being received by that other person—
 - (a) where the document or information is sent or supplied by electronic means, at the end of the period specified in section 823 after it is sent or supplied, unless the contrary is proved;
 - (b) where the document or information is sent or supplied by post, at the time specified in section 824, unless the contrary is proved; or
 - (c) where the document or information is sent or supplied by hand, at the time when the document or information is delivered.

832. Communication in hard copy form

- (1) This section applies if a document or information is sent or supplied, in hard copy form, by a company to another person.

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- (2) 如有關文件或資料是以下述方式送交或提供，則該文件或資料即屬為適用條文的目的是向有關的另一人送交或提供 ——
 - (a) 由專人送交或提供予該另一人；或
 - (b) 由專人或郵遞方式送交或提供至第 825 條指明的地址。
- (3) 就批准有關文件或資料可予認證的適用條文而言，或就規定有關文件或資料須予認證的適用條文而言，如該文件或資料是由有關公司的董事或公司秘書簽署，或是由為此目的而授權的有關公司的高級人員簽署，則該文件或資料即屬已獲充分認證。
- (4) 如有關文件或資料是由某人代公司送交或提供予另一公司的，則該另一公司的章程細則中該另一公司可據以要求提供關於該人可代首述的公司行事的權限的合理證據的條文，不受第 (3) 款影響。
- (5) 如有關文件或資料是為適用條文的目的是向有關的另一人送交或提供的，而 ——
 - (a) 該文件或資料是以郵遞方式送交或提供的，則除非相反證明成立，該文件或資料須視作在第 824 條指明的時間，由該另一人收到；或
 - (b) 該文件或資料是由專人送交或提供的，則該文件或資料須視作在該文件或資料送抵之時，由該另一人收到。

833. 通過網站作出的通訊

- (1) 除第 (2) 款另有規定外，如公司可以在網站上提供文件或資料的方式，向另一人送交或提供文件或資料，則本條適用。

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- (2) The document or information is sent or supplied to that other person for the purposes of an applicable provision if the document or information is sent or supplied—
 - (a) by hand to that other person; or
 - (b) by hand or by post to an address specified in section 825.
- (3) For the purposes of an applicable provision that authorizes or requires the document or information to be authenticated, the document or information is sufficiently authenticated if it is signed by a director or company secretary of the company or by an officer of the company authorized for the purpose.
- (4) If the document or information is sent or supplied by a person on behalf of the company to another company, subsection (3) does not affect any provision of that other company's articles under which that other company may require reasonable evidence of the person's authority to act on behalf of the company for which the document or information is sent or supplied.
- (5) If the document or information is sent or supplied to that other person for the purposes of an applicable provision, it is to be regarded as being received by that other person—
 - (a) where the document or information is sent or supplied by post, at the time specified in section 824, unless the contrary is proved; or
 - (b) where the document or information is sent or supplied by hand, at the time when the document or information is delivered.

833. Communication by means of website

- (1) Subject to subsection (2), this section applies if a document or information is sent or supplied by a company to another person by making it available on a website.

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- (2) 如有關文件或資料是由公司的成員向公司送交或提供，則本條不適用。
- (3) 如有以下情況，有關文件或資料即屬為適用條文的目的向有關的另一人送交或提供 ——
 - (a) 該另一人 ——
 - (i) 已一般地或明確地同意有關公司可藉在網站上提供該文件或資料的方式，向該人送交或提供該文件或資料，或根據第 (4) 或 (5) 款，須視為已給予上述同意；且
 - (ii) 沒有撤銷該項同意；
 - (b) 按該公司的合理意見，該文件或資料在送交或提供時的形式，以及送交或提供的方式，讓接收者能夠 ——
 - (i) 以肉眼或在輔以適合的矯正視力鏡片的情況下，閱讀該文件或資料或 (在該文件或資料是由影像組成的範圍內) 觀看該文件或資料；及
 - (ii) 保存該文件或資料的文本；
 - (c) 除第 (10) 款另有規定外，該公司已將第 (8) 款指明的事宜通知該另一人；及
 - (d) 該公司已於整段以下期間內在網站上提供該文件或資料 ——
 - (i) 該適用條文指明的期間；或
 - (ii) (凡該適用條文沒有指明任何期間) 自 (c) 段所指的通知向該另一人送交的日期起計的 28 日的期間。
- (4) 就第 (3)(a)(i) 款而言，如有以下情況，則除第 (11) 款另有規定外，本身是有關公司的成員的人，須視作已同意該公司可藉在網站上提供有關文件或資料的方式，向該人送交或提供該文件或資料 ——

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- (2) This section does not apply if the document or information is sent or supplied by a member of a company to the company.
- (3) The document or information is sent or supplied to that other person for the purposes of an applicable provision if—
 - (a) that other person—
 - (i) has agreed, generally or specifically, that the document or information may be sent or supplied by the company to the person by making it available on a website, or is to be regarded under subsection (4) or (5) as having so agreed; and
 - (ii) has not revoked the agreement;
 - (b) the document or information is sent or supplied in a form, and by a means, that, in the company's reasonable opinion, will enable the recipient—
 - (i) to read the document or information, or, to the extent that it consists of images, to see the document or information, with the naked eye or with the eye with suitable corrective lens; and
 - (ii) to retain a copy of the document or information;
 - (c) subject to subsection (10), the company has notified that other person of the matters specified in subsection (8); and
 - (d) the company has made the document or information available on the website throughout—
 - (i) the period specified by the applicable provision; or
 - (ii) where no period is specified, the period of 28 days beginning on the date on which the notification under paragraph (c) is sent to that other person.
- (4) For the purposes of subsection (3)(a)(i), a person who is a member of the company is, subject to subsection (11), to be

- (a) 該公司的成員已議決，該公司可如此向其成員送交或提供一般文件或資料，或該公司的章程細則內，載有具如此效力的條文；
 - (b) 除第 (10) 款另有規定外，該公司已個別地要求該人同意，該公司可如此向該人送交或提供一般文件或資料，或送交或提供該文件或資料，且自送交該要求的日期起計的 28 日內，該公司沒有收到對該要求的回應；及
 - (c) 除第 (10) 款另有規定外 ——
 - (i) 該要求清楚述明沒有在該 28 日內作出回應的效果；及
 - (ii) 該要求的送交日期，是在對上一次為 (b) 段的目的是就相同或相近的類別的文件或資料而向該人作出要求後的 12 個月之後。
- (5) 就第 (3)(a)(i) 款而言，如有以下情況，則除第 (11) 款另有規定外，本身是有關公司的債權證持有人的人，須視作已同意該公司可藉在網站上提供有關文件或資料的方式，向該人送交或提供該文件或資料 ——
- (a) 設立該債權證的文書內載有條文，表明該公司可如此向相應債權證持有人送交或提供一般文件或資料，或相應債權證持有人已按照該文書的條文議決，該公司可如此向該等相應債權證持有人送交或提供一般文件或資料；
 - (b) 除第 (10) 款另有規定外，該公司已個別地要求該人同意，該公司可如此向該人送交或提供一般文件或資料，或送交或提供該文件或資料，且自送交該要求的日期起計的 28 日內，該公司沒有收到對該要求的回應；及
 - (c) 除第 (10) 款另有規定外 ——
 - (i) 該要求清楚述明沒有在該 28 日內作出回應的效果；及

regarded as having agreed that the document or information may be sent or supplied by the company to the person by making it available on a website if—

- (a) the company's members have resolved, or the company's articles contain a provision to the effect, that documents or information generally may be so sent or supplied by the company to its members;
 - (b) subject to subsection (10), the company has individually requested the person to agree that documents or information generally, or the document or information, may be so sent or supplied by the company to the person and has not received a response to the request within 28 days beginning on the date on which the request was sent; and
 - (c) subject to subsection (10), the request—
 - (i) stated clearly the effect of a failure to respond within those 28 days; and
 - (ii) was sent at least 12 months after any prior request made to the person for the purposes of paragraph (b) in respect of the same or a similar class of documents or information.
- (5) For the purposes of subsection (3)(a)(i), a person who is a debenture holder of the company is, subject to subsection (11), to be regarded as having agreed that the document or information may be sent or supplied by the company to the person by making it available on a website if—
- (a) the instrument creating the debenture contains a provision to the effect, or the equivalent debenture holders have resolved in accordance with the provisions of that instrument, that documents or information generally may be so sent or supplied by the company to those holders;

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- (ii) 該要求的送交日期，是在對上一次為 (b) 段的目的就相同或相近的類別的文件或資料而向該人作出要求後的 12 個月之後。
- (6) 就第 (3)(a)(ii) 款而言，除非有關的另一人已向有關公司發出不少於第 822 條指明的期間的撤銷通知，否則該人沒有撤銷有關同意。
- (7) 就第 (3)(c) 款而言，如有關適用條文指明須送交有關通知的時限或限期，則須在該時限前或該限期內送交該通知。
- (8) 為施行第 (3)(c) 款而指明的事宜為 ——
- (a) 有關文件或資料出現於網站上；
 - (b) (如在通知日期，該文件或資料沒有在網站上提供) 該文件或資料將會如此提供的日期；
 - (c) 網站的網址；
 - (d) 可於網站上何處取覽該文件或資料；及
 - (e) 如何取覽該文件或資料。
- (9) 為施行第 (3)(d) 款，如有以下情況，即使沒有在整段該款所述的期間內在網站上提供有關文件或資料，亦無須理會 ——
- (a) 於該期間內的部分時間，該文件或資料在網站上提供；及
 - (b) 沒有在該期間內如此提供該文件或資料，是完全歸因於某些情況，而按理是不能預期公司防止或避免這些情況出現的。
- (10) 如有以下情況，第 (3)(c)、(4)(b) 及 (c) 及 (5)(b) 及 (c) 款不適用 ——
- (a) 有關的另一人 ——
 - (i) 不是公司，而 ——

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- (b) subject to subsection (10), the company has individually requested the person to agree that documents or information generally, or the document or information, may be so sent or supplied by the company to the person and has not received a response to the request within 28 days beginning on the date on which the request was sent; and
- (c) subject to subsection (10), the request—
- (i) stated clearly the effect of a failure to respond within those 28 days; and
 - (ii) was sent at least 12 months after any prior request made to the person for the purposes of paragraph (b) in respect of the same or a similar class of documents or information.
- (6) That other person has not revoked the agreement for the purposes of subsection (3)(a)(ii) unless the person has given the company a notice of revocation of not less than the period specified in section 822.
- (7) For the purposes of subsection (3)(c), if the applicable provision specifies the time by which or the period within which the notification is to be sent, the notification must be sent by that time or within that period.
- (8) The matters specified for the purposes of subsection (3)(c) are—
- (a) the presence of the document or information on the website;
 - (b) if the document or information is not available on the website on the date of the notification, the date on which it will be so available;
 - (c) the address of the website;

- (A) 有關的人沒有為第 831(3)(a)(i) 條的目的而同意有關文件或資料以電子形式送交或提供予該人；或
- (B) 有關的人沒有為第 831(3)(b)(i)(A) 條的目的而指明有關文件或資料可送交或提供予該人的地址；或
- (ii) 是公司，而該人沒有如此同意或指明地址，亦不根據本條例的條文的被視為已如此同意或指明地址；及
- (b) 公司已將採用印本形式的該文件或資料，以郵遞方式送交或提供至該另一人，而郵寄地址是為第 832(2)(b) 條的目的而指明的地址，但郵政局以無法派遞至該地址為理由，退回該印本。
- (11) 就第 (4) 及 (5) 款而言，如有以下情況，則某人不得視作已同意有關公司可藉在網站上提供有關文件或資料的方式，向該人送交或提供該文件或資料 ——
 - (a) (就第 (4) 款而言，除非第 (4)(b) 款憑藉第 (10) 款而不適用) 該人經證明沒有收到第 (4)(b) 款所指的要求；或
 - (b) (就第 (5) 款而言，除非第 (5)(b) 款憑藉第 (10) 款而不適用) 該人經證明沒有收到第 (5)(b) 款所指的要求。
- (12) 如有關文件或資料是為適用條文的向有關的另一人送交或提供的，則 ——
 - (a) 該文件或資料須視作於以下日期 (以較遲者為準) 送交或提供 ——
 - (i) 該文件或資料首次在網站上提供的日期；
 - (ii) 第 (3)(c) 款所指的通知送交的日期；及
 - (b) 該文件或資料須視作由該另一人在以下時間 (以較遲者為準) 之後，於第 823 條指明的期間終結時收到 ——

- (d) the place on the website where the document or information may be accessed; and
- (e) how to access the document or information.
- (9) For the purposes of subsection (3)(d), a failure to make a document or information available on a website throughout the period mentioned in that subsection is to be disregarded if—
 - (a) the document or information is made available on the website for part of that period; and
 - (b) the failure is wholly attributable to circumstances that it would not be reasonable to have expected the company to prevent or avoid.
- (10) Subsections (3)(c), (4)(b) and (c) and (5)(b) and (c) do not apply if—
 - (a) that other person—
 - (i) where that other person is not a company—
 - (A) has not agreed that the document or information may be sent or supplied to the person in electronic form for the purposes of section 831(3)(a)(i); or
 - (B) has not specified an address to which the document or information may be sent or supplied to the person for the purposes of section 831(3)(b)(i)(A); or
 - (ii) where that other person is a company, has not so agreed or specified or is not regarded under a provision of this Ordinance as having so agreed or specified; and
 - (b) any document or information has been sent or supplied, in hard copy form, by the company to that other person by post to an address specified for the purposes of

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- (i) 該文件或資料首次在網站上提供之時；
 - (ii) 該另一人收到第 (3)(c) 款所指的通知之時。
- (13) 在本條中 ——
相應債權證持有人 (equivalent debenture holders) 就獲公司送交或提供文件或資料的人而言，指該公司的債權證持有人中，為所有目的之排序均與該人相同的人。

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- section 832(2)(b), and it has been returned by the post office as undeliverable at the address.
- (11) For the purposes of subsections (4) and (5), a person is not to be regarded as having agreed that the document or information may be sent or supplied by the company to the person by making it available on a website if—
- (a) in the case of subsection (4), except where subsection (4)(b) does not apply by virtue of subsection (10), it is proved that the person has not received the request under subsection (4)(b); or
 - (b) in the case of subsection (5), except where subsection (5)(b) does not apply by virtue of subsection (10), it is proved that the person has not received the request under subsection (5)(b).
- (12) If the document or information is sent or supplied to that other person for the purposes of an applicable provision—
- (a) it is to be regarded as being sent or supplied on whichever is the later of the following—
 - (i) the date on which the document or information is first made available on the website;
 - (ii) the date on which a notification under subsection (3)(c) is sent; and
 - (b) it is to be regarded as being received by that other person at the end of the period specified in section 823 after whichever is the later of the following—
 - (i) the time when the document or information is first made available on the website;
 - (ii) the time when that other person receives a notification under subsection (3)(c).
- (13) In this section—

834. 其他形式的通訊

- (1) 如公司以既非電子或印本的形式亦非以在網站上提供文件或資料的方式，向另一人送交或提供文件或資料，則本條適用。
- (2) 如有關文件或資料是以有關的另一人同意的形式或方式送交或提供，則該文件或資料即屬為適用條文的目的是向該另一人送交或提供。

835. 股份或債權證的聯名持有人

- (1) 如有以下情況，本條適用 ——
 - (a) 本條例的條文批准或規定公司向其股份或債權證的持有人送交或提供某文件或資料；及
 - (b) 某文件或資料按規定須送交予股份或債權證的聯名持有人。
- (2) 除公司的章程細則另有規定外，如有關文件或資料是向以下人士送交或提供，則該文件或資料即屬為有關條文的目的是向聯名持有人送交或提供 ——
 - (a) 每名聯名持有人；或
 - (b) 在該公司的成員登記冊或債權證持有人登記冊內排名最前的持有人。
- (3) 除公司的章程細則另有規定外，由持有人為本分部的目的而同意或指明的事宜，須由所有聯名持有人同意或指明。

equivalent debenture holders (相應債權證持有人), in relation to a person to whom a document or information is sent or supplied by a company, means the debenture holders of the company ranking equally for all purposes with the person.

834. Communication in other forms

- (1) This section applies if a document or information is sent or supplied by a company to another person otherwise than in electronic or hard copy form or by making it available on a website.
- (2) The document or information is sent or supplied to that other person for the purposes of an applicable provision if the document or information is sent or supplied in a form or manner that has been agreed by that other person.

835. Joint holders of shares or debentures

- (1) This section applies if—
 - (a) a provision of this Ordinance authorizes or requires a document or information to be sent or supplied by a company to the holders of its shares or debentures; and
 - (b) a document or information is required to be sent to joint holders of the shares or debentures.
- (2) Subject to anything in the company's articles, the document or information is sent or supplied to the joint holders for the purposes of the provision if the document or information is sent or supplied to—
 - (a) each of the joint holders; or
 - (b) the holder whose name appears first in the company's register of members or register of debenture holders.

836. 股份持有人去世或破產

- (1) 如有以下情況，本條適用 ——
 - (a) 本條例的條文批准或規定公司向其股份的持有人送交或提供某文件或資料；及
 - (b) 任何持有上述股份的人已去世或破產。
- (2) 除公司的章程細則另有規定外，如有關文件或資料是以下述方式送交或提供，則該文件或資料即屬為有關條文的目的是向有關持有人送交或提供 ——
 - (a) 按聲稱因上述去世或破產事件而享有有關股份的人為此目的提供的香港地址，並用該人的姓名或名稱，或用死者的代理人或破產人的受託人的稱號或任何類似的稱謂作為收件人，將該文件或資料送交或提供予該人；或
 - (b) 在該人如此提供上述地址前，以上述去世或破產事件未發生前本可用以送交或提供該文件或資料的方式送交或提供。

837. 成員或債權證持有人可要求印本

- (1A) 如任何文件或資料是根據本條例或《公司(清盤及雜項條文)條例》(第 32 章)，批准或規定公司送交或提供予成員或債權證持有人的，則本條適用。(由 2018 年第 35 號第 83 條增補)
- (1) 公司的任何成員或債權證持有人如從該公司收到不屬印本形式的文件或資料，可在收到該文件或資料的日期後的 28 日內，要求該公司以印本形式，向他送交或提供該文件或資料。

- (3) Subject to anything in the company's articles, anything to be agreed or specified by the holders for the purposes of this Division must be agreed or specified by all the joint holders.

836. Death or bankruptcy of holder of shares

- (1) This section applies if—
 - (a) a provision of this Ordinance authorizes or requires a document or information to be sent or supplied by a company to the holders of its shares; and
 - (b) a holder of the shares is dead or bankrupt.
- (2) Subject to anything in the company's articles, the document or information is sent or supplied to that holder for the purposes of the provision if the document or information—
 - (a) is sent or supplied to the persons claiming to be entitled to the shares in consequence of the death or bankruptcy by name, or by the title of representatives of the deceased, or trustee of the bankrupt, or by any like description, at the address within Hong Kong supplied for the purpose by the persons so claiming; or
 - (b) until such an address has been so supplied, is sent or supplied in any manner in which it might have been sent or supplied if the death or bankruptcy had not occurred.

837. Member or debenture holder may require hard copy

- (1A) This section applies if a document or information is authorized or required to be sent or supplied by a company to a member or debenture holder under this Ordinance or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32). (Added 35 of 2018 s. 83)
- (1) A member or debenture holder of a company may, within 28 days after the date of receiving from the company a document or information, otherwise than in hard copy form, request

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- (2) 公司須在以下時間，以印本形式，免費向有關成員或持有人送交或提供有關文件或資料——
- (a) 收到有關要求的日期後的 21 日內；或
 - (b) (如該文件或資料要求該成員或持有人在某日期當日或之前採取某行動) 收到該要求的日期後的 7 日內。
- (3) 如公司違反第 (2) 款，該公司及其每名責任人均屬犯罪，可各處第 3 級罰款。
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- the company to send or supply to the member or holder the document or information in hard copy form.
- (2) The company must send or supply to the member or holder the document or information in hard copy form, free of charge—
- (a) within 21 days after the date of receiving the request; or
 - (b) if the document or information requires an action to be taken by the member or holder, within 7 days after the date of receiving the request.
- (3) If a company contravenes subsection (2), the company, and every responsible person of the company, commit an offence, and each is liable to a fine at level 3.
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