

**An Extract of Sections 7 & 12 of the Prevention of Bribery Ordinance -
Cap. 201 of the Laws of Hong Kong**

7. Bribery in relation to auctions

- (1) Any person who, without lawful authority or reasonable excuse, offers any advantage to any other person as an inducement to or reward for or otherwise on account of that other person's refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence.
- (2) Any person who, without lawful authority or reasonable excuse, solicits or accepts any advantage as an inducement to or reward for or otherwise on account of his refraining or having refrained from bidding at any auction conducted by or on behalf of any public body, shall be guilty of an offence.

12. Penalty for offences

- (1) Any person guilty of an offence under this Part, other than an offence under section 3, shall be liable -
 - (a) on conviction on indictment -
 - (i) for an offence under section 10, to a fine of \$1,000,000 and to imprisonment for 10 years;
 - (ii) for an offence under section 5 or 6, to a fine of \$500,000 and to imprisonment for 10 years; and
 - (iii) for any other offence under this Part, to a fine of \$500,000 and to imprisonment for 7 years; and (*Replaced 50 of 1987 s. 3*)
 - (b) on summary conviction -
 - (i) for an offence under section 10, to a fine of \$500,000 and to imprisonment for 3 years; and
 - (ii) for any other offence under this Part, to a fine of \$100,000 and to imprisonment for 3 years, (*Replaced 50 of 1987 s.3*)

and shall be ordered to pay to such person or public body and in such manner as the court directs, the amount or value of any advantage received by him, or such part thereof as the court may specify. (*Amended 28 of 1980 s. 5*)

- (2) Any person guilty of an offence under section 3 shall be liable on conviction to a fine of \$100,000 and to imprisonment for 1 year, and shall be ordered to pay to the Crown in such manner as the court directs the amount or value of the advantage received by him or such part thereof as the court may specify. (*Amended 9 of 1974 s. 4 ; 28 of 1980 s. 5*)
- (3) In addition to any penalty imposed under subsection (1), the court may order a person convicted of an offence under section 10(1)(b) to pay to the Crown -
 - (a) a sum not exceeding the amount of the pecuniary resources; or
 - (b) a sum not exceeding the value of the property,the acquisition of which by him was not explained to the satisfaction of the court. (*Added 9 of 1974 s. 4.*)
- (4) An order under subsection (3) may be enforced in the same manner as a judgment of the High Court in its civil jurisdiction. (*Added 9 of 1974 s. 4 Amended 25 of 1998 s. 2*)
- (5) An order may be made under subsection (3) in respect of an offence under section 10(1)(b) where the facts that gave rise to that offence arose before 15 February 1974. (*Added 61 of 1980 s. 2*)