

《教育奖学金基金条例》

(第 1085 章)

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EDUCATION SCHOLARSHIPS FUND ORDINANCE

(Cap. 1085)

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本条例旨在就设立一个名为教育奖学金基金的信托基金，以及就其妥善管理及就与上述事宜相关的目的订定条文。

[1955 年 12 月 23 日]

1. 简称

本条例可引称为《教育奖学金基金条例》。

2. 释义

(有关《立法会决议》(2007 年第 130 号法律公告)所作之修订的保留及过渡性条文，见载于该决议第 (12) 及 (13) 段。)

在本条例中，除文意另有所指外——

“一般资本”(general capital)指第 3(2)(a) 条所述的款项及资产，和根据第 14(2)(a) 条而成为该等款项及资金一部分的任何款项或资产；(由 1973 年第 63 号第 2 条增补)

“一般储备金”(General Reserve Fund)指关于登记册第 I 及 II 部所提述奖学金的储备金；(由 1973 年第 63 号第 2 条增补)

“受托人”(Trustee)指作为基金受托人的常任秘书长；(由 2003 年第 3 号第 30 条修订)

“委员会”(committee)指根据第 5 条设立的教育奖学金基金委员会；

“原有价值”(original value)指任何奖学金于首天为受托人管理时的价值；(由 1973 年第 63 号第 2 条增补)

“常任秘书长”(Permanent Secretary)指教育局常任秘书长；(由 2003 年第 3 号第 30 条增补。由 2007 年第 130 号法律公告修订)

“基金”(fund)指由第 3 条设立的教育奖学金基金；

To make provision for the establishment of a trust fund to be known as the Education Scholarships Fund and for the due administration thereof and for purposes connected with the matters aforesaid.

[23 December 1955]

1. Short title

This Ordinance may be cited as the Education Scholarships Fund Ordinance.

2. Interpretation

(For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraphs (12) and (13) of that Resolution.)

In this Ordinance, unless the context otherwise requires—

“committee”(委员会) means the Education Scholarships Fund Committee established by section 5;

“fund”(基金) means the Education Scholarships Fund established by section 3;

“general capital”(一般资本) means the moneys and assets mentioned in section 3(2)(a) and any moneys or assets forming part thereof under section 14(2)(a); (Added 63 of 1973 s. 2)

“General Reserve Fund”(一般储备金) means the reserve fund in respect of the scholarships referred to in Parts I and II of the Register; (Added 63 of 1973 s. 2)

“original value”(原有价值) means the value of a scholarship on the first day it is administered by the Trustee; (Added 63 of 1973 s. 2)

“登记册”(Register)指第 8 条所提述的奖学金登记册；(由 1973 年第 63 号第 2 条增补)

“独立资本”(separate capital)指登记册第 III 部所提述的奖学金的款项及资产；(由 1973 年第 63 号第 2 条增补)

“独立储备金”(Separate Reserve Fund)指就登记册第 III 部所提述的奖学金而成立的储备金；(由 1973 年第 63 号第 2 条增补)

“归属日期”(vesting day)指 1956 年 4 月 1 日。(1956 年第 157 号政府公告)

(由 2003 年第 3 号第 30 条修订)

3. 基金的设立及归属

(有关《立法会决议》(2007 年第 130 号法律公告)所作之修订的保留及过渡性条文，见载于该决议第 (12) 及 (13) 段。)

- (1) 现设立一个信托基金，名为教育奖学金基金，并归属作为受托人的常任秘书长。
- (2) 基金由以下各项组成——
 - (a) 款项及资产，包括于归属日期已藉该等款项及资产的利息而累积的任何款项，而由该等款项及资产所得的收益供支付登记册第 I 及 II 部所提述的奖学金；(由 1973 年第 63 号第 3 条代替)
 - (b) 登记册第 III 部所提述奖学金的款项及资产；(由 1973 年第 63 号第 3 条代替)

“Permanent Secretary” (常任秘书长) means the Permanent Secretary for Education; (*Added 3 of 2003 s. 30. Amended L.N. 130 of 2007*)

“Register” (登记册) means the register of scholarships referred to in section 8; (*Added 63 of 1973 s. 2. Amended L.N. 446 of 1994*)

“separate capital” (独立资本) means the moneys and assets of a scholarship referred to in Part III of the Register; (*Added 63 of 1973 s. 2*)

“Separate Reserve Fund” (独立储备金) means the reserve fund formed in respect of a scholarship referred to in Part III of the Register; (*Added 63 of 1973 s. 2*)

“Trustee” (受托人) means the Permanent Secretary as trustee of the fund; (*Amended 3 of 2003 s. 30*)

“vesting day” (归属日期) means the 1st day of April, 1956. (*G.N. 157 of 1956*)

(*Amended 3 of 2003 s. 30*)

3. Establishment and vesting of fund

(For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraphs (12) and (13) of that Resolution.)

- (1) There is hereby established a trust fund to be known as the Education Scholarships Fund which is vested in the Permanent Secretary as Trustee.
- (2) The fund consists of—
 - (a) the moneys and assets, including any sum accumulated by way of interest therefrom at the vesting day, the income from which is available for payment of the scholarships referred to in Parts I and II of the Register; (*Replaced 63 of 1973 s. 3*)

- (c) 在任何时间向基金作出并获委员会接受的任何其他捐赠；
 - (d) 按照第 8(2) 条支付的任何款项。
- (3) 为施行本条例，当其时执行常任秘书长职责的人为一个单一法团，并须以“教育局常任秘书长”的名称命名，而且永久延续，而所有根据本条例归属受托人的款项及资产，须当作归属教育局常任秘书长，而无须作任何进一步的转让或转易。（由 2007 年第 130 号法律公告修订）
- （由 2003 年第 3 号第 31 条修订）

4. 信托基金的宗旨

- (1) 受托人在本条例所规定的委员会指示及管辖的规限下，并在符合和按照本条例条文的规定下，以信托形式持有和持续管有基金——
- (a) 就一般资本而言，将由该资本所得的收益，运用作支付登记册第 I 及 II 部所提述的奖学金；（由 1973 年第 63 号第 4 条代替）
 - (b) 就登记册第 III 部所提述每项奖学金的独立资本而言，按照奖学金捐赠人所订的条款（如有的话）中没有抵触本条例的条文者，将由该资本所得的收益，运用作支付每项奖学金；（由 1973 年第 63 号第 4 条代替）
 - (c) 就向基金捐赠并获委员会以信托形式接受的其他款项而言，按照捐赠人所订的条款或按照委员会根据第 14 条所订的条款，运用由该款项所得的收益；（由 1973 年第 63 号第 4 条修订）

- (b) the moneys and assets of the scholarships referred to in Part III of the Register; *(Replaced 63 of 1973 s. 3)*
 - (c) any further donations at any time made to the fund and accepted by the committee;
 - (d) any sums paid in accordance with section 8(2).
- (3) For the purposes of this Ordinance, the person for the time being performing the duties of the office of the Permanent Secretary shall be a corporation sole and shall have the name of the “Permanent Secretary for Education” and shall have perpetual succession and all moneys and assets vested in the Trustee under this Ordinance shall be deemed to be vested in the Permanent Secretary for Education without any further transfer or conveyance. *(Amended L.N. 130 of 2007)*
- (Amended 3 of 2003 s. 31)*

4. Objects of the trust fund

- (Adaptation amendments retroactively made - see 55 of 2000 s. 3)
- (1) The Trustee holds and stands possessed of the fund subject to such direction and control by the committee as is provided in this Ordinance and subject to and in accordance with the provisions of this Ordinance upon trust—
- (a) as to the general capital, to apply the income therefrom in payment of the scholarships referred to in Parts I and II of the Register; *(Replaced 63 of 1973 s. 4)*
 - (b) as to the separate capital of each of the scholarships referred to in Part III of the Register, to apply the income therefrom in payment of each scholarship in accordance with the terms laid down by the donor of the scholarship, if any, so far as they are not inconsistent with the provisions of this Ordinance; *(Replaced 63 of 1973 s. 4)*

- (d) 就按照第 8(3) 条缴付的任何费用而言，将该等费用转拨一般储备金。(1973 年第 63 号第 4 条代替)
- (2) 从基金拨出的款项，只可支付予在参加考试当日在香港居住的人，但可就于香港或香港以外的教育机构就学而支付。(由 1966 年第 13 号附表修订)

5. 委员会的设立

- (1) 现设立一个委员会，名为教育奖学金基金委员会。
- (2) 委员会的成员如下——
- (a) 常任秘书长或其代表；(由 1988 年第 19 号第 2 条修订；由 2003 年第 3 号第 32 条修订)
- (b) 库务署署长或其代表；(由 1977 年第 16 号法律公告修订)
- (c) 皇仁书院校长；
- (d) 英皇书院校长；
- (e) 由行政长官委任的其他成员不超过 2 名。
- (2A) 委员会的主席由行政长官委任。(由 1988 年第 19 号第 2 条增补)
- (3) 获行政长官委任的成员，任期 3 年，由他们各自获委任的日期起计，并可由行政长官酌情再度委任或免任。

- (c) as to any further moneys donated to the fund and accepted by the committee in trust to apply the income therefrom in accordance with the terms laid down by the donor or by the committee in accordance with section 14; (*Amended 63 of 1973 s. 4*)
- (d) as to any fees paid in accordance with section 8(3), to transfer them to the General Reserve Fund; (*Replaced 63 of 1973 s. 4*)
- (2) Payments out of the fund may be made only to persons who at the date of taking their respective examinations were resident in Hong Kong but may be made in respect of attendance at any educational institution whether within Hong Kong or not. (*Amended 13 of 1966 Schedule; 55 of 2000 s. 3*)

5. Establishment of committee

- (1) There is hereby established a committee to be known as the Education Scholarships Fund Committee.
- (2) The committee shall consist of—
- (a) the Permanent Secretary or his representative; (*Amended 19 of 1988 s. 2; 3 of 2003 s. 32*)
- (b) the Director of Accounting Services or his representative; (*Amended L.N. 16 of 1977; L.N. 453 of 1993*)
- (c) the principal of Queen's College;
- (d) the principal of King's College;
- (e) such other members not exceeding two as may be appointed by the Chief Executive.
- (2A) The chairman of the committee shall be appointed by the Chief Executive. (*Added 19 of 1988 s. 2*)
- (3) Members appointed by the Chief Executive shall hold office for three years from the date of their respective appointments,

- (4) 委员会处理事务所需的法定人数，可由根据第 6 条订立的常规订定，而除非有如此订定，否则法定人数为 3 名成员。

(由 2000 年第 55 号第 3 条修订)

6. 委员会常规

(具追溯力的适应化修订——见 2000 年第 55 号第 3 条)

- (1) 委员会可就以下事宜，订立常规——
- 管限其处理事务的程序；
 - 维持其会议的秩序良好；及
 - 概括而言，与基金的行政及管理以及委员会履行职责有关的事宜。
- (2) 上述常规的文本须提交政务司司长，而该等常规得由行政长官拒准。(由 1976 年第 226 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2000 年第 55 号第 3 条修订)
- (3) 在委员会的任何会议上出现的所有问题，须由出席的成员表决，并以过半数票取决，如票数均等，则主席除其原有一票外，有权投决定票。

7. 秘书

(具追溯力的适应化修订——见 2000 年第 55 号第 3 条)

- (1) 委员会有一名秘书(以下提述为秘书)，由行政长官委任。(由 2000 年第 55 号第 3 条修订)
- (2) 秘书须于有需要时召集委员会会议，并须就该会议发出至少 7 天通知及议程。
- (3) 秘书须备存委员会每次会议的纪录。

and may be reappointed or removed by the Chief Executive at his discretion.

- (4) The quorum necessary for the transaction of business by the committee may be fixed by standing orders made under section 6 and unless so fixed shall be three members.

(Amended 55 of 2000 s. 3)

6. Standing orders of committee

(Adaptation amendments retroactively made - see 55 of 2000 s. 3)

- (1) The committee may make standing orders—
- governing its procedure in the transaction of business;
 - for the maintenance of good order at its meetings; and
 - generally, for matters relating to the administration and management of the fund and the discharge of its duties.
- (2) A copy of such standing orders shall be furnished to the Chief Secretary for Administration and they shall be subject to disallowance by the Chief Executive. (Amended L.N. 226 of 1976; L.N. 242 of 1994; L.N. 362 of 1997; 55 of 2000 s. 3)
- (3) All questions arising at any meeting of the committee shall be decided by a majority of votes of members present and, in case of an equality of votes, the chairman shall have a casting vote in addition to his original vote.

7. Secretary

(Adaptation amendments retroactively made - see 55 of 2000 s. 3)

- (1) There shall be a secretary to the committee, hereinafter referred to as the secretary, who shall be appointed by the Chief Executive. (Amended 55 of 2000 s. 3)
- (2) The secretary shall summon such meetings of the committee as may be required of which he shall give at least seven days' notice with an agenda.

8. 奖学金登记册

- (1) 秘书须安排备存一份奖学金登记册，而以下详情须记入登记册内——
- (a) 在第 I 部中——
- (i) 于归属日期前已捐赠的奖学金的名称，而就该项奖学金所捐赠的款额及捐赠人所订的颁授条件并非为人所知；
 - (ii) 每项奖学金的原有价值；
 - (iii) 委员会就每项奖学金所订的颁授条件；
- (b) 在第 II 部中——
- (i) 于归属日期前已捐赠的奖学金的名称，而就该项奖学金所捐赠的款额及捐赠人所订的颁授条件属为人所知者，和第 14(2)(a) 条所指在该日期后捐赠并获接受的奖学金的名称；
 - (ii) 相当于就每项奖学金所作原有捐赠的款项及资产；
 - (iii) 每项奖学金原有颁授名额的数目；
 - (iv) 每项奖学金或其颁授名额的原有价值；
 - (v) 每项奖学金的颁授条件；
 - (vi) 捐赠人的姓名或名称；及
- (c) 在第 III 部中——
- (i) 冯平山奖学金，和第 14(2)(b) 条所指在归属日期后捐赠并获接受的奖学金的名称；
 - (ii) 相当于就每项奖学金所作原有捐赠的款项及资产；
 - (iii) 每项奖学金原有颁授名额的数目；

- (3) The secretary shall maintain minutes of each meeting of the committee.

8. Register of scholarships

- (1) The secretary shall cause a Register of Scholarships to be maintained and the following particulars shall be entered therein—
- (a) in Part I—
- (i) the names of the scholarships donated before the vesting day in respect of which the amounts donated and the conditions of award as laid down by the donors are unknown;
 - (ii) the original value of each scholarship;
 - (iii) the conditions of award as laid down by the committee in respect of each scholarship;
- (b) in Part II—
- (i) the names of the scholarships donated before the vesting day in respect of which the amounts donated and the conditions of award as laid down by the donors are known, and the names of scholarships donated and accepted after that day under section 14(2)(a);
 - (ii) the moneys and assets representing the original donation in respect of each scholarship;
 - (iii) the original number of awards in respect of each scholarship;
 - (iv) the original value of each scholarship or of the awards thereof;
 - (v) the conditions of award in respect of each scholarship;

- (iv) 每项奖学金或其颁授名额的原有价值；
 - (v) 每项奖学金的颁授条件；
 - (vi) 捐赠人的姓名或名称。
- (2) 根据第 13 或 17 条就任何奖学金所作的任何更改，须由秘书在登记册内。
- (3) 登记册须于任何方便时间，在常任秘书长的办事处供公众人士在向基金缴付费用 \$5 后查阅。 (由 2003 年第 3 号第 32 条修订)

(由 1973 年第 63 号第 5 条代替)

9. 司库及核数师

(具追溯力的适应化修订——见 2000 年第 55 号第 3 条)

- (1) 基金须有一名司库(以下提述为司库)，由行政长官委任。
(由 2000 年第 55 号第 3 条修订)
- (2) 司库须备存库务署署长以书面规定的帐目及纪录，并须就下列项目备存独立帐目——(由 1988 年第 19 号第 3 条修订)

- (vi) the name of the donor; and
- (c) in Part III—
- (i) the Fung Ping Shan scholarship, and the names of the scholarships donated and accepted after the vesting day under section 14(2)(b);
 - (ii) the moneys and assets representing the original donation in respect of each scholarship;
 - (iii) the original number of awards in respect of each scholarship;
 - (iv) the original value of each scholarship or of the awards thereof;
 - (v) the conditions of award in respect of each scholarship;
 - (vi) the name of the donor.
- (2) The secretary shall note in the Register any changes made in respect of any scholarship under section 13 or 17.
- (3) The Register shall be available for public inspection at the office of the Permanent Secretary at all convenient times on payment to the fund of a fee of 5 dollars. (Amended 3 of 2003 s. 32)

(Replaced 63 of 1973 s. 5)

9. Treasurer and auditor

(Adaptation amendments retroactively made - see 55 of 2000 s. 3)

- (1) There shall be a treasurer of the fund, hereinafter referred to as the treasurer, who shall be appointed by the Chief Executive. (Amended 55 of 2000 s. 3)
- (2) The treasurer shall keep such accounts and records of the fund as the Director of Accounting Services may in writing require and shall keep separate accounts in respect of— (Amended 19 of 1988 s. 3)

- (a) 登记册第 I 及 II 部中所提述奖学金的一般资本及一般储备金；
- (b) 登记册第 III 部所提述每项奖学金的独立资本及独立储备金；
- (c) 按照第 8(3) 条缴付的任何费用。(由 1973 年第 63 号第 6 条代替)
- (3) 司库须按照受托人的指示，向奖学金持有人作出所有付款。(由 1960 年第 19 号第 2 条代替)
- (4) 受托人须安排司库就每段截至每年 8 月 31 日为止的 12 个月期间，拟备基金帐目报表，其中包括收支帐及资产负债表，而该等报表须由受托人签署。(由 1960 年第 19 号第 2 条代替。由 1995 年第 68 号第 43 条修订)
- (5) 基金的帐目及经签署的帐目报表，须由行政长官委任的核数师审计，而该核数师须核证帐目报表，但可按其认为适合的报告(如有的话)予以规限。(由 1960 年第 19 号第 2 条代替。由 2000 年第 55 号第 3 条修订)
- (6) 一份经签署和审计的帐目报表，连同核数师的报告(如有的话)，以及受托人就经审计的帐目所涵盖期间内的基金管理作出的报告，须不迟于上述期间终结后第一个 2 月 28 日呈交立法会会议席上省览，或在行政长官凭其绝对酌情决定权而容许的较后日期呈交立法会会议席上省览。(由 1960 年第 19 号第 2 条增补。由 2000 年第 55 号第 3 条修订)

10. 投资

- (1) 如任何款项于任何时间属基金的一部分，而该笔款项的原有捐赠人在作出捐赠时已规定或规定某一种类的投资

- (a) the general capital and the General Reserve Fund of the scholarships referred to in Parts I and II of the Register;
- (b) the separate capital and the Separate Reserve Fund of each scholarship referred to in Part III of the Register;
- (c) any fees paid in accordance with section 8(3). *(Replaced 63 of 1973 s. 6)*
- (3) The treasurer shall make all payments to holders of scholarships in accordance with the directions of the Trustee. *(Replaced 19 of 1960 s. 2)*
- (4) The Trustee shall cause the treasurer to prepare for every period of twelve months ending on the 31st day of August in each year a statement of the accounts of the fund, which statement shall include an income and expenditure account, and a balance sheet and shall be signed by the Trustee. *(Replaced 19 of 1960 s. 2. Amended 68 of 1995 s. 43)*
- (5) The accounts of the fund and the signed statement of the accounts shall be audited by an auditor appointed by the Chief Executive and the auditor shall certify the statement subject to such report, if any, as he may think fit. *(Replaced 19 of 1960 s. 2. Amended 55 of 2000 s. 3)*
- (6) A copy of the signed and audited statement of account together with the auditor's report, if any, and a report by the Trustee on the administration of the fund during the period covered by the audited accounts shall be laid upon the table of the Legislative Council not later than the 28th day of February next following the end of such period or so soon thereafter as the Chief Executive, in his absolute discretion, may allow. *(Added 19 of 1960 s. 2. Amended 55 of 2000 s. 3)*

10. Investment

- (1) If the original donor of any moneys at any time forming part of the fund stipulated or shall stipulate at the time when the

项目，或已将或将该笔款项以某一种类的投资项目的形式交付，则受托人可将该笔款项投资在该种类的投资项目，并继续将该笔款项以投资在该种类的投资项目的形式持有。

- (2) 受托人可继续持有任何属基金一部分的款项现时投资所在的任何投资项目。
- (3) 除第 (1) 及 (2) 款的条文另有规定外，受托人只可将构成基金的款项投资在任何成文法则准许供信托基金投资的投资项目或投资在委员会特准的其他投资项目。
- (4) *(由 1995 年第 68 号第 44 条废除)*
- (5) 由本条赋予受托人在投资项目方面的权力，可由受托人转授司库行使。*(由 1995 年第 68 号第 44 条增补)*

11. 将款项拨入基金和从基金拨款支付

- (1) 由以受托人名义所作投资项目所得的一切收益，与基金的其他收入及基金中未作投资的一切款项，均须存入以受托人名义开立的银行帐户。*(由 1973 年第 63 号第 7 条修订)*
- (2) 基金的款项只可以由常任秘书长与秘书或与司库签署的支票提取。*(由 2003 年第 3 号第 32 条修订)*

12. 剩余收益及储备金的处置

- (1) 委员会可指示受托人——
 - (a) 将任何一年由一般资本收取所得的任何收益中，超过该年支付登记册第 I 及 II 部所提述的奖学金所需总额之数，转拨一般储备金，或拨作一般资本的一部分；

donation is made any particular kind of investment or gave or shall give the moneys in the form of a particular kind of investment the Trustee may invest and continue to hold invested such moneys in such kind of investment.

- (2) The Trustee may continue to hold any investments in which any moneys forming part of the fund are at present invested.
- (3) Subject to the provisions of subsections (1) and (2), the Trustee shall invest moneys comprised in the fund only in investments permitted for the investment of trust funds by any enactment or in such other investments as may be specially authorized by the committee.
- (4) *(Repealed 68 of 1995 s. 44)*
- (5) The Trustee may delegate the treasurer to exercise the powers in respect of investments conferred on him by this section. *(Added 68 of 1995 s. 44)*

11. Payments into and out of the fund

- (1) All income from investments in the name of the Trustee and other revenue of the fund and all uninvested moneys of the fund shall be paid into a bank account in the name of the Trustee. *(Amended 63 of 1973 s. 7)*
- (2) Withdrawal from the fund shall be only by cheques signed by the Permanent Secretary and either the secretary or the treasurer. *(Amended 3 of 2003 s. 32)*

12. Disposal of excess income and reserve funds

- (1) The committee may direct the Trustee—
 - (a) to transfer any income received in any year from the general capital which is in excess of the total amount required for payment of the scholarships referred to in Parts I and II of the Register in that year to the General

- (b) 将一般储备金或其中任何部分，拨作一般资本的一部分；或
 - (c) 将一般储备金或其中任何部分，用作增补任何一年由一般资本所得的收益。
- (2) 委员会可指示受托人——
- (a) 将任何一年由登记册第 III 部内某奖学金的独立资本收取所得的任何收益中，超逾该年支付该收益所适用的奖学金所需款额之数，转拨该奖学金的独立储备金，或拨作该独立资本的一部分；
 - (b) 将登记册第 III 部内某奖学金的独立储备金或其中任何部分，拨作该奖学金的独立资本的一部分；或
 - (c) 将登记册第 III 部内某奖学金的独立储备金或其中任何部分，用作增补任何一年由该奖学金的独立资本所得的收益。

(由 1973 年第 63 号第 8 条代替)

13. 奖学金价值的更改和颁授名额的增设

- (1) 除第 (4) 款另有规定外，委员会可于任何一年指示受托人——
- (a) 增加或减低任何奖学金或其颁授名额的价值；或
 - (b) 增设任何奖学金的颁授名额，但该奖学金任何其他颁授名额的价值不得因此而降至低于其原有价值。

- Reserve Fund or to apply that income to form part of the general capital;
- (b) to apply the General Reserve Fund or any part thereof to form part of the general capital; or
 - (c) to apply the General Reserve Fund or any part thereof to augment the income from the general capital in any year.
- (2) The committee may direct the Trustee—
- (a) to transfer any income received in any year from a separate capital of a scholarship in Part III of the Register which is in excess of the amount required for payment of the scholarship for which it is applicable in that year to the Separate Reserve Fund of such scholarship or to apply that income to form part of the separate capital;
 - (b) to apply a Separate Reserve Fund of a scholarship in Part III of the Register or any part thereof to form part of the separate capital of such scholarship; or
 - (c) to apply a Separate Reserve Fund of a scholarship in Part III of the Register or any part thereof to augment the income from the separate capital of such scholarship in any year.

(Replaced 63 of 1973 s. 8)

13. Variation of value of scholarship and creation of additional award

- (1) Subject to subsection (4), the committee may in any year, direct the Trustee—
- (a) to increase or decrease the value of any scholarship or of any award thereof; or

- (2) 凡根据第 (1)(b) 款增设某奖学金的颁授名额，由委员会所指定的颁授条件，可与该奖学金任何其他颁授名额的颁授条件，在学校、机构、班级、科目或其他方面有所不同。
- (3) 委员会可指示受托人取消任何根据第 (1)(b) 款所增设的奖学金颁授名额。
- (4) 如某奖学金的捐赠人仍然在生，则委员会未经该捐赠人的同意，不得根据第 (1) 款指示受托人减低该奖学金或其颁授名额的价值或增设该奖学金的颁授名额。
- (5) 奖学金或其颁授名额的价值的任何更改，或奖学金的颁授名额的增设，须由常任秘书长藉在宪报刊登的公告而公布。 (由 2003 年第 3 号第 32 条修订)

(由 1973 年第 63 号第 9 条代替)

14. 对基金将来的捐赠

- (1) 如有任何对基金的捐赠，而委员会觉得管理拟从该项捐赠拨款支付的奖学金并不方便或不恰当，则受托人可按照委员会的指示拒绝该项捐赠。
- (2) 对基金将来的捐赠而获受托人接受的，可按捐赠人的选择，或如捐赠人并无表示任何意愿，则可按委员会的选择而——
 - (a) 拨作一般资本的一部分，而在此情形下从该项捐赠拨款支付的奖学金须记入登记册第 II 部；或 (由 1973 年第 63 号第 10 条代替)

- (b) to create an additional award of any scholarship provided that the value of any other award of that scholarship does not thereby fall below its original value.
- (2) Where an additional award of a scholarship is created under subsection (1)(b), the conditions of the award, which shall be specified by the committee, may differ as to school, institution, class, form, subject or otherwise from the conditions of any other award of that scholarship.
- (3) The committee may direct the Trustee to cancel any additional award of a scholarship created under subsection (1)(b).
- (4) The committee shall not under subsection (1) direct the Trustee to decrease the value of any scholarship or any award thereof, or to create any additional award thereof, without the consent of the donor of that scholarship if he is living.
- (5) Notice of any variation of the value of a scholarship or of an award thereof or of the creation of an additional award of a scholarship shall be given by the Permanent Secretary by notice published in the Gazette. (Amended 3 of 2003 s. 32)

(Replaced 63 of 1973 s. 9)

14. Future donations to fund

- (1) The Trustee, in accordance with the directions of the committee, may refuse any donation to the fund if it appears to the committee that it would not be convenient or proper to administer the scholarship proposed to be paid out of such donation.
- (2) Any future donations to the fund accepted by the Trustee may, at the option of the donor or if he shall not have expressed any wish thereon, at the option of the committee be either—
 - (a) applied to form part of the general capital whereupon the scholarship payable out of such donation shall be

- (b) 保留于独立帐目内，而在此情形下从该项捐赠拨款支付的奖学金须记入登记册第 III 部。(由 1973 年第 63 号第 10 条代替)
- (3) 将来的捐赠而根据本条获接受的，须由常任秘书长藉在宪报刊登的公告而公布。(由 1973 年第 63 号第 10 条增补。由 2003 年第 3 号第 32 条修订)

15. 延迟支付奖学金

- (1) 委员会可凭其绝对酌情决定权而决定任何一年并无任何人有资格成为某奖学金的收受人，并可指示在该年内不就该奖学金作出付款。
- (2) 如任何奖学金是在一段多于一年的期间内分期支付的，则委员会可以获颁授奖学金的人的进度不足以支持继续付款为理由，凭其绝对酌情决定权而取消该奖学金。
- (3) 任何因第 (1) 或 (2) 款的条文而仍未支付的款项，可由受托人按委员会的指示，于同一年或随后任何一年运用作增补将来的奖学金，或运用作增设一个奖学金，其颁授条件与附加于原有奖学金的相同。

16. 保留条文

本条例并不阻止任何人就多于一项奖学金而收取付款。

17. 奖学金颁授条件的修改

- entered in Part II of the Register; or (*Replaced 63 of 1973 s. 10*)
- (b) retained in a separate account whereupon the scholarship payable out of such donation shall be entered in Part III of the Register. (*Replaced 63 of 1973 s. 10*)
- (3) Notice of any future donations accepted under this section shall be given by the Permanent Secretary by notice published in the Gazette. (*Added 63 of 1973 s. 10. Amended 3 of 2003 s. 32*)

15. Postponement of payment of scholarship

- (1) The committee may, in its absolute discretion, decide that in any year there is no person eligible to be a recipient of a scholarship and may direct that no payment is made in respect of that scholarship during that year.
- (2) If any scholarship is payable by instalments over a period of more than one year the committee may, in its absolute discretion, cancel the scholarship on the grounds that the person to whom the scholarship was awarded has not made sufficient progress to justify the continuance of payments.
- (3) Any moneys remaining unpaid by reason of the provisions of subsection (1) or (2) may be applied by the Trustee at the direction of the committee in the same or any subsequent year to augment future scholarships or to create an additional scholarship under the same conditions of award as attached to the original scholarship.

16. Saving

Nothing in this Ordinance shall prevent a person receiving payment in respect of more than one scholarship.

17. Change of conditions of award of scholarship

- (1) 如在任何时间常任秘书长觉得以下任何一项变得不切实可行或不可能——(由 2003 年第 3 号第 32 条修订)
- (a) 将由一般资本任何部分所得的收益运用作支付登记册第 I 及 II 部所提述的任何奖学金；或
- (b) 将由登记册第 III 部所提述奖学金的独立资本所得的收益运用作支付该项奖学金，
- 则常任秘书长可将该事实通知委员会。(由 1973 年第 63 号第 11 条修订；由 2003 年第 3 号第 32 条修订)
- (2) 委员会于考虑上述事实后，可决定修改该奖学金的颁授条件是符合公众利益的。

18. 修改颁授条件的公告

如委员会按照第 17 条的条文决定修改某奖学金的颁授条件是符合公众利益的，则秘书须安排于同一日在每日出版行销于香港的中、英文报章各一份，分别刊登一项公告一次，述明——

- (a) 列于登记册第 I、II 或 III 部的该奖学金颁授条件，或捐赠人就按照第 4(1)(c) 条向基金捐赠的款项所规定的颁授条件；(由 1973 年第 63 号第 12 条修订)
- (b) 委员会建议修改该奖学金的颁授条件；
- (c) 建议的新颁授条件；
- (d) 任何人如反对委员会的建议，可于公告刊登日期的一个月内，呈交致予秘书并交付至常任秘书长办事处给秘书的书面申述，另可于公告规定的日期(该日期须于公告刊登日期的不少于一个月后)，亲自到委员会席前解释其提出的反对。(由 2003 年第 3 号第 32 条修订)

- (1) If at any time it appears to the Permanent Secretary that it has become impracticable or impossible to apply— (*Amended 3 of 2003 s. 32*)
- (a) the income from any part of the general capital in payment of any of the scholarships referred to in Parts I and II of the Register; or
- (b) the income from the separate capital of a scholarship referred to in Part III of the Register in payment of such scholarship,
- the Permanent Secretary may bring such fact to the notice of the committee. (*Amended 63 of 1973 s. 11; 3 of 2003 s. 32*)
- (2) Upon consideration of this fact the committee may decide that it would be in the public interest to change the conditions of award of such scholarship.

18. Notice of change of conditions of award

If in accordance with the provisions of section 17 the committee decides that it is in the public interest to change the conditions of award of a scholarship the secretary shall cause to be published once each and on the same day in one English language daily newspaper and one Chinese language daily newspaper each circulating in Hong Kong a notice stating— (*Amended 55 of 2000 s. 3*)

- (a) the conditions of award of the scholarship as set forth in Part I, II or III of the Register or in respect of moneys donated to the fund in accordance with section 4(1)(c) as stipulated by the donor; (*Amended 63 of 1973 s. 12*)
- (b) that the committee proposes to change the conditions of award of the scholarship;
- (c) the proposed new conditions of award;

19. 修改颁授条件的决定

- (1) 委员会须于第 18 条所提述公告的刊登日期后的不少于一个月而不多于两个月的期间举行会议，并须考虑就修改奖学金颁授条件的建议所提出的任何反对，而在该会议或其延会上须决定应否修改该奖学金的颁授条件及修改方式。
- (2) 如委员会在会议上决定修改某奖学金的颁授条件，则委员会须作出修改该等条件的命令。
- (3) 上述命令须在宪报刊登并由常任秘书长签署。（由 2003 年第 3 号第 32 条修订）
- (4) 上述命令刊登后，受托人须以信托形式持有就该奖学金而归属他的款项，将由该款项所得的收益按照上述经更改的颁授条件运用作支付该奖学金。（由 1973 年第 63 号第 13 条修订）

20. 修改颁授条件的限制

第 17、18 及 19 条所载更改颁授条件的权力，须按照近似原则行使，并须包括将任何两项或多于两项的奖学金合并和将任何奖学金分割的权力。

- (d) that any person who objects to the proposal of the committee may submit representations in writing addressed to the secretary and delivered to him at the office of the Permanent Secretary within one month of the date of publication of the notice and in addition may appear before the committee in person at a date to be stipulated in the notice, such date to be not less than one month after the date of publication of the notice, to explain his objection. (*Amended 3 of 2003 s. 32*)

19. Determination of change of condition of award

- (1) The committee shall meet not less than one month and not more than two months after the date of publication of the notice referred to in section 18, and shall consider any objection to a proposal to change the conditions of award of a scholarship and at such meeting or at any adjournment thereof shall decide whether the conditions of award of such scholarship should be changed and in what manner.
- (2) If at such meeting the committee shall decide to change the conditions of award of a scholarship it shall make an order changing such conditions.
- (3) Such order shall be published in the Gazette under the hand of the Permanent Secretary. (*Amended 3 of 2003 s. 32*)
- (4) Upon publication of such order the Trustee shall thereupon hold the moneys vested in him in respect of such scholarship upon trust to apply the income therefrom in payment of such scholarship in accordance with such altered conditions of award. (*Amended 63 of 1973 s. 13*)

20. Restriction of change of conditions of award

The power of alteration of the conditions of award contained in sections 17, 18 and 19 shall be exercised in accordance with the

21. 管理费用

(具追溯力的适应化修订——见 2000 年第 55 号第 3 条)
管理基金的费用须从政府一般收入中拨款支付。

(由 2000 年第 55 号第 3 条修订)

22. 保留条文

(具追溯力的适应化修订——见 2000 年第 55 号第 3 条)
本条例的条文不影响亦不得当作影响中央或香港特别行政区政府根据《基本法》和其他法律的规定所享有的权利或任何政治体或法人团体或任何其他人的权利，但本条例所述及者和经由、透过他们或在他们之下作申索者除外。

(由 2000 年第 55 号第 3 条修订)

23. 关于《2003 年教育重组(杂项修订)条例》的保留及过渡性条文

(1) 在本条及第 24 条中——

“生效日期”(date of commencement)指《2003 年教育重组(杂项修订)条例》(2003 年第 3 号)开始实施的日期*；

“经修订条例”(Amended Ordinance)指经《2003 年教育重组(杂项修订)条例》(2003 年第 3 号)修订的本条例。

(2) 在第 24 条中，凡提述名为“教育署署长”的单一法团的财产、权利及法律责任，即为提述——

(a) 每一类别的财产及资产(不论是实体的或是无形的)，以及每一类别的权利及法律责任(不论是现存的或是将来的，实有的或是或有的)；

cy pres rule and shall include a power to combine any two or more scholarships and to divide any scholarship.

21. Cost of administration

(Adaptation amendments retroactively made - see 55 of 2000 s. 3)

The cost of administering the fund shall be paid out of the general revenue.

(Amended 55 of 2000 s. 3)

22. Saving

(Adaptation amendments retroactively made - see 55 of 2000 s. 3)

Nothing in this Ordinance shall effect 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 in this Ordinance and those claiming by, from or under them.

(Amended 55 of 2000 s. 3)

23. Saving and transitional provisions relating to the Education Reorganization (Miscellaneous Amendments) Ordinance 2003

(1) In this section and section 24—

“Amended Ordinance” (经修订条例) means this Ordinance as amended by the Education Reorganization (Miscellaneous Amendments) Ordinance 2003 (3 of 2003);

“date of commencement” (生效日期) means the date of commencement* of the Education Reorganization (Miscellaneous Amendments) Ordinance 2003 (3 of 2003).

(2) A reference in section 24 to property, rights and liabilities of the corporation sole known as the “Director of Education” is a reference to—

- (b) 不论位于何处的财产或受任何地方的法律管限的权利及法律责任。
- (3) 根据经修订条例第 3(3) 条构成的名为“教育统筹局常任秘书长”的单一法团，须被当作是根据在生效日期前的本条例第 3(3) 条构成的名为“教育署署长”的单一法团的延续及同一法律实体。
- (4) 《2003 年教育重组 (杂项修订) 条例》(2003 年第 3 号) 的制定并不影响名为“教育署署长”的单一法团在生效日期前作出的任何事情的法律性及效力。

(由 2003 年第 3 号第 33 条增补)

编辑附注：

* 生效日期：2003 年 2 月 28 日。

24. 关于第 23 条的附带及补充条文

- (1) 本条的条文为免生疑问而订，在不局限第 23 条的一般性的情况下适用，并在于有关情况下属适当及不抵触本条例的范围内适用。
- (2) 名为“教育署署长”的单一法团在紧接生效日期前享有或承担的所有财产、权利及法律责任，自该日起即无须再作实际转让或转易而当作归属名为“教育统筹局常任秘书长”的单一法团。
- (3) 凡 ——

- (a) property and assets of every description (whether tangible or intangible) and rights and liabilities of every description (whether present or future, actual or contingent);
- (b) property wherever situated or rights and liabilities under the law of any place.
- (3) The corporation sole known as the “Permanent Secretary for Education and Manpower” constituted by section 3(3) of the Amended Ordinance is deemed to be a continuation of and the same legal entity as the corporation sole known as the “Director of Education” constituted by section 3(3) of this Ordinance before the date of commencement.
- (4) The enactment of the Education Reorganization (Miscellaneous Amendments) Ordinance 2003 (3 of 2003) does not affect the legality and validity of anything done by the corporation sole known as the “Director of Education” before the date of commencement.

(Added 3 of 2003 s. 33)

Editorial Note:

* Commencement date: 28 February 2003.

24. Provisions incidental and supplemental to section 23

- (1) The provisions in this section are for the avoidance of doubt and apply without limiting the generality of section 23 and to the extent that they are appropriate in the circumstances and consistent with this Ordinance.
- (2) As from the date of commencement, all property, rights and liabilities to which the corporation sole known as the “Director of Education” was entitled or subject immediately before that date are deemed to be vested, without any actual transfer or

- (a) 在任何协议、安排、合约、契据、担保书或其他文书中；
- (b) 在对于法院、审裁处或相类机关席前进行的法律程序而发出、拟备或使用的法律程序文件或其他文件中；及
- (c) 在关于或影响名为“教育署署长”的单一法团根据第(2)款归属名为“教育统筹局常任秘书长”的单一法团的任何财产、权利或法律责任的任何其他文件(成文法则除外)中，
- 有提述名为“教育署署长”的单一法团之处，该等提述自生效日期起，须视为对名为“教育统筹局常任秘书长”的单一法团的提述。
- (4) 名为“教育署署长”的单一法团在紧接生效日期前的财产纪录如是以记项形式载于任何银行、公司或其他法团的簿册内的，则有关银行、公司或其他法团须应名为“教育统筹局常任秘书长”的单一法团的要求将该等财产纪录在该等簿册内转到名为“教育统筹局常任秘书长”的单一法团的名下。
- (5) 名为“教育统筹局常任秘书长”的单一法团可就根据第(2)款归属法团的任何财产或权利提起诉讼、进行追讨或采取法律行动，亦可就法团根据该款承担的任何法律责任被起诉。
- (6) 名为“教育统筹局常任秘书长”的单一法团可就任何根据第(2)款归属法团的据法权产提起诉讼、进行追讨或采取法律行动，而无须将该等据法权产已移交一事通知受该等据法权产约束的人。
- (7) 在紧接生效日期前既有的在任何司法或行政程序中由名为“教育署署长”的单一法团提出或是针对该法团提出的申索，并不因《2003年教育重组(杂项修订)条例》(2003年第3号)的制定而中止。该等申索可由名为“教育统筹局常任秘书长”的单一法团继续进行或强制执行，亦可

- conveyance, in the corporation sole known as the “Permanent Secretary for Education and Manpower”.
- (3) A reference to the corporation sole known as the “Director of Education”—
- (a) in any agreement, arrangement or contract or in any deed, bond or any other instrument;
- (b) in any process or other document issued, prepared or employed for the purpose of any proceeding before a court, tribunal or similar body; and
- (c) in any other document whatsoever (other than an enactment) relating to or affecting any property, right or liability of the corporation sole known as the “Director of Education” which vests in the corporation sole known as the “Permanent Secretary for Education and Manpower” by virtue of subsection (2),
- shall be taken as from the date of commencement as referring to the corporation sole known as the “Permanent Secretary for Education and Manpower”.
- (4) The record of property of the corporation sole known as the “Director of Education” immediately before the date of commencement that is in the form of any entry in the books of a bank, company or other corporation is to be transferred in those books to the corporation sole known as the “Permanent Secretary for Education and Manpower” on the request of the corporation sole known as the “Permanent Secretary for Education and Manpower” by the bank, company or other corporation.
- (5) The corporation sole known as the “Permanent Secretary for Education and Manpower” may sue on, recover or enforce any property or right vested in it under subsection (2) and may be sued for any liabilities to which it is subject under that subsection.

- 针对名为“教育统筹局常任秘书长”的单一法团而继续进行或强制执行。
- (8) 在紧接生效日期前存续的而名为“教育署署长”的单一法团是其中一方的任何司法或行政程序中，名为“教育统筹局常任秘书长”的单一法团在该日并自该日起，须取代名为“教育署署长”的单一法团作为该方。
- (9) 本条及第 23 条不得解释为对以下任何或所有事情赋予效力或令其继续有效或将其施行——
- (a) 根据被《2003 年教育重组 (杂项修订) 条例》(2003 年第 3 号) 修订或废除的成文法则本来就不能有效作出或本来就不能施行的事情；或
- (b) 并非在合法行使权力或执行职责的情况下作出的事情。
- (10) 本条及第 23 条乃增补而非减损《释义及通则条例》(第 1 章) 第 23 条的效力。

(由 2003 年第 3 号第 33 条增补)

- (6) The corporation sole known as the “Permanent Secretary for Education and Manpower” may sue on, recover or enforce a chose in action vested in it under subsection (2) without having to give a notice of transfer to the person bound by the chose in action.
- (7) Any claim by or against the corporation sole known as the “Director of Education” in any judicial or administrative proceedings that is subsisting immediately before the date of commencement does not abate by reason of the enactment of the Education Reorganization (Miscellaneous Amendments) Ordinance 2003 (3 of 2003) and may be continued or enforced by or against the corporation sole known as the “Permanent Secretary for Education and Manpower”.
- (8) In any judicial or administrative proceedings that is subsisting immediately before the date of commencement in which the corporation sole known as the “Director of Education” is a party, the corporation sole known as the “Permanent Secretary for Education and Manpower” shall, on and from that date, substitute for the corporation sole known as the “Director of Education” as that party.
- (9) This section and section 23 shall not be construed as giving validity, continuing in force or giving effect to any or all of the following—
- (a) anything that could not have validly been done or given effect to under an enactment amended or repealed by the Education Reorganization (Miscellaneous Amendments) Ordinance 2003 (3 of 2003); or
- (b) anything done otherwise than in the lawful exercise of a power or performance of a duty.
- (10) This section and section 23 are in addition to and not in derogation from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

(Added 3 of 2003 s. 33)