

《玛利亚方济各传教修会法团条例》

FRANCISCAN MISSIONARIES OF MARY  
INCORPORATION ORDINANCE

(第 1082 章)

(Cap. 1082)

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1  
第 1082 章

第 1 条

Section 1

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Cap. 1082

本条例旨在为玛利亚方济各传教修会在香港的本地代表成立为法团而  
订定条文。

(由 1987 年第 33 号第 3 条修订)

To provide for the incorporation of the local representative in Hong Kong  
of the Franciscan Missionaries of Mary.

(Amended 33 of 1987 s. 3)

[1955 年 9 月 2 日]

[2 September 1955]

**1. 简称**

本条例可引称为《玛利亚方济各传教修会法团条例》。

(由 1987 年第 33 号第 3 条修订)

**1. Short title**

This Ordinance may be cited as the Franciscan Missionaries of  
Mary Incorporation Ordinance.

(Amended 33 of 1987 s. 3)

**2. 成立为法团**

玛利亚方济各传教修会当其时的香港院长(以下称为院长)为  
一个单一法团(以下称为法团),须以“**The Mother Superior in  
Hong Kong of the Franciscan Missionaries of Mary**”的名称命名,  
并以该名称永久延续,且在香港所有的法院可以和必须以该  
名称起诉与被起诉,以及可以和必须具备有和使用法团印章,  
亦可以不时破毁、更换、改变和重新制造法团印章。

(由 1987 年第 33 号第 3 条修订)

**2. Incorporation**

(Adaptation amendments retroactively made - see 32 of 1999 s. 3)

The Mother Superior for the time being in Hong Kong of the  
Franciscan Missionaries of Mary, hereinafter called the Mother  
Superior, shall be a corporation sole, hereinafter called the  
corporation, and shall have the name “**The Mother Superior in  
Hong Kong of the Franciscan Missionaries of Mary**”, and in that  
name shall have perpetual succession, and shall and may sue and  
be sued in all courts in Hong Kong and shall and may have and  
use a common seal, and may from time to time break, change, alter  
and make anew the said seal.

(Amended 33 of 1987 s. 3; 32 of 1999 s. 3)

**3. 法团的权力**

(1) 法团有权获取、购买、取得、持有和享用任何性质或种  
类以及位于任何地点的土地、建筑物、宅院或物业单位,  
以及接受该等土地、建筑物、宅院或物业单位的租赁,  
并有权将款项投资于任何土地、建筑物、宅院或物业单  
位的按揭,或投资于任何政府、市政府、法团或公司的

**3. Powers of corporation**

(1) The corporation shall have power to acquire, accept leases  
of, purchase, take, hold and enjoy any lands, buildings,  
messuages or tenements of what nature or kind soever and  
wheresoever situate, and also to invest moneys upon mortgage  
of any lands, buildings, messuages or tenements or upon the

按揭、债权证、股额、资金、股份或证券、保证，亦有权购买、获取和管有任何性质及种类的货品及实产。

- (2) 法团更进一步有权按其认为适合的条款，藉盖上其印章的契据，将当其时归属或属于法团的任何土地、建筑物、宅院、物业单位、按揭、债权证、股额、资金、股份或证券、保证，或船只或其他货品及实产批出、出售、转易、转让、退回、交换、分划、交出、按揭、批租、再转让、移转或以其他方式处置。(由 1987 年第 33 号第 2 条增补)

#### 4. 财产的移转

如院长死亡或停任上述院长职位，则不论以任何方式归属法团的任何财产的法律上的产权，须转移予其职位的继任人，但第 6(2) 条的规定须予遵从。

#### 5. 文件的签立

所有须盖上法团的印章的契据及其他文书，均须在院长或在妥为授权代表她的受托代表人在场的情况下盖章，而该等契据及文书，以及所有须由法团签署的其他文件、文书及文字，均须由院长或她的受托代表人签署。

#### 6. 院长的委任及有关详情的登记

- (1) 如由于死亡或由于任何其他理由而委任新的院长时，该项委任须由罗马玛利亚方济各传教修会的总会长作出。(由 1987 年第 33 号第 3 条修订)

mortgage, debentures, stocks, funds, shares or securities of any government, municipality, corporation, or company and also to purchase, acquire and possess goods and chattels of what nature and kind soever.

- (2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or vessels or other goods and chattels, which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit. (*Added 33 of 1987 s. 2*)

#### 4. Transfer of property

The legal estate in any property whatsoever, vested in the corporation in any manner whatsoever, shall, in the event of death of the Mother Superior or in the event of her ceasing to hold office as such Mother Superior, pass to her successor in such office subject to compliance with section 6(2).

#### 5. Execution of documents

All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the Mother Superior or of her attorney duly authorized, and such deeds and instruments and all other documents, instruments and writings requiring the signature of the corporation shall be signed by the Mother Superior or her attorney.

#### 6. Appointment of Mother Superior and registration of particulars

- (1) The appointment of a new Mother Superior, in the event of the death or for any other reason, shall be made by the

- (2) 每当任何人获委出任院长一职，院长须在上述委任后的 6 个星期内，或在行政长官所容许的较长期间内，向公司注册处处长提交令该处长满意的关于其获委任的通知以及其获委任的证据，而于当时以及于地址有任何更改起计 3 个星期内，院长均须向公司注册处处长提交其居住地的详情或在香港的其他足够的地址。*(由 1999 年第 32 号第 3 条修订)*
- (3) 院长的委任的登记为该项委任的不可推翻的证据。
- (4) 为记录任何本条例所规定或授权由注册处处长记录的事实，须向公司注册处处长缴付根据《公司条例》(第 622 章)第 26 条订立的规例所规定的费用。*(由 2012 年第 28 号第 912 及 920 条修订)*

## 7. 中央或政府权利及其他某些权利的保留

*(具追溯力的适应化修订——见 1999 年第 32 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 1999 年第 32 号第 3 条修订)*

- Mother General of the Franciscan Missionaries of Mary, Rome. *(Amended 33 of 1987 s. 3)*
- (2) Whenever any person is appointed to the office of Mother Superior within 6 weeks or within such further period as the Chief Executive may allow after such appointment, the Mother Superior shall furnish to the Registrar of Companies notice of her appointment and evidence thereof to the satisfaction of such Registrar, and shall then and within 3 weeks of any change of address, furnish to such Registrar particulars of her place of residence or other sufficient address within Hong Kong. *(Amended 32 of 1999 s. 3)*
  - (3) The registration of the appointment of a Mother Superior shall be conclusive evidence of such appointment.
  - (4) There shall be payable to the Registrar of Companies a fee as required by the regulations made under section 26 of the Companies Ordinance (Cap. 622) for making a record of any fact by this Ordinance required or authorized to be recorded by the Registrar. *(Amended 28 of 2012 ss. 912 & 920)*

## 7. Saving of rights of the Central Authorities or the Government and of certain other rights

*(Adaptation amendments retroactively made - see 32 of 1999 s. 3)*

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 in this Ordinance and those claiming by, from or under them.

*(Amended 32 of 1999 s. 3)*