

《紧急救援基金条例》

(第 1103 章)

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EMERGENCY RELIEF FUND ORDINANCE

(Cap. 1103)

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本条例旨在就设立一个名为紧急救援基金的信托基金，以及就其妥善管理及就与上述事宜相关的目的订定条文。

(由 1973 年第 65 号第 2 条修订)

[1962 年 6 月 15 日]

弁言

鉴于——

- (a) 公众人士响应不时作出的呼吁，捐款协助和救援因台风玛利、红磡山谷山火灾、元朗水灾及新九龙寮屋区火灾而蒙受损失的人，以及捐款设立一个社会救援的基金；
- (b) 已从上述捐款中支付款项以达致第一段叙文所提述的资金的宗旨，而仍有各项结余；
- (c) 现认为适宜设立一个单一基金，为类似第一段叙文所提述的宗旨并包括该等宗旨而予以运用，以及将上述结余连同日后为该等宗旨而捐赠的其他款项，归属作为受托人的社会福利署署长法团，并就由一个为此而委出的委员会管理上述基金而订定条文：
(由 1973 年第 65 号第 3 条修订)

1. 简称

本条例可引称为《紧急救援基金条例》。

(由 1973 年第 65 号第 4 条修订)

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

(Amended 65 of 1973 s. 2)

[15 June 1962]

Preamble

WHEREAS—

- (a) in response to appeals made from time to time, members of the public donated sums of money for the aid and relief of persons who suffered loss as a result of Typhoon Mary, the Hung Hom Valley Hill fire, the Yuen Long floods and the New Kowloon Squatter Area fire, and for the establishment of a fund for community relief;
- (b) sums of money have been paid thereout for the attainment of the objects of the funds referred to in the first recital and various balances remain;
- (c) it is considered expedient to establish a single fund to be applied for objects similar to and to include those referred to in the first recital and to vest the said balances together with any further sums which may be donated for these objects in the Director of Social Welfare Incorporated as trustee, and to provide for the administration of the said fund by a committee appointed for that purpose: (Amended 65 of 1973 s. 3)

1. Short title

This Ordinance may be cited as the Emergency Relief Fund Ordinance.

(Amended 65 of 1973 s. 4)

2. 释义

在本条例中，除文意另有所指外——

“委员会” (committee) 指根据第 5 条委出的委员会。

3. 基金的设立及归属

- (1) 现设立一个信托基金，归属作为受托人的社会福利署署长法团。基金名为紧急救援基金。（由 1973 年第 65 号第 5 条修订）
- (2) 基金由以下各项组成：在弁言所提述的款项于 1962 年 6 月 15 日的结余，连同不时向下文所列的信托捐赠的其他款项及资产，或受托人不时以下文所列信托形式获取的其他款项及资产。

4. 信托基金的宗旨

受托人须以信托形式持有和持续管有基金，并须以委员会建议的方式及在委员会建议的范围内，为以下宗旨而运用基金——

- (a) 发放资助及贷款予委员会觉得因火灾、水灾、暴风雨、台风或其他事件而需要资助及贷款的人，而上述火灾、水灾、暴风雨、台风或其他事件所做成苦难或损失的程度属委员会认为应予救援者；
- (b) 在相似情况下，不论以任何形式，但以委员会觉得公正者提供物质协助。

5. 委员会的设立

（具追溯力的适应化修订——见 1999 年第 17 号第 3 条）

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“committee” (委员会) means the committee appointed under section 5.

3. Establishment and vesting of fund

- (1) There is hereby established a trust fund which is vested in the Director of Social Welfare Incorporated as trustee. The fund shall be known as the Emergency Relief Fund. (*Amended 65 of 1973 s. 5*)
- (2) The fund shall consist of the balances of the sums of money referred to in the preamble on 15 June 1962, together with such other moneys and assets as may from time to time be donated to or acquired by the trustee on the trusts hereinafter set out.

4. Objects of the trust fund

The trustee shall hold and stand possessed of the fund upon trust to apply the same in such manner and to such extent as the committee may advise for the following objects—

- (a) to make grants and loans to persons who appear to the committee to be in need thereof as a result of fire, flood, tempest, typhoon or other occurrence which has caused suffering or loss to an extent which, in the opinion of the committee, merits relief;
- (b) in the like circumstances to provide material assistance in whatever form appears to the committee to be just.

5. Establishment of committee

(Adaptation amendments retroactively made - see 17 of 1999 s. 3)

- (1) 现设立一个委员会，名为紧急救援基金委员会。（由 1973 年第 65 号第 6 条修订）
- (2) 委员会的成员如下——
 - (a) 社会福利署署长，出任当然成员及主席；
 - (b) 房屋署署长，出任当然成员；
 - (c) 民政事务总署署长，出任当然成员；
 - (d) 并非公职人员的其他成员 2 名或多于 2 名，由行政长官委任：（由 1999 年第 17 号第 3 条修订）
但民政事务总署署长及房屋署署长可各自委任一名代表在任何会议上执行他们的职能。（由 1974 年第 94 号法律公告修订；由 1981 年第 370 号法律公告修订；由 1982 年第 297 号法律公告修订；由 1988 年第 38 号第 2 条修订；由 1989 年第 262 号法律公告修订；由 1994 年第 621 号法律公告修订；由 1997 年第 362 号法律公告修订）
- (3) 由行政长官委任的成员，任期为委任书所指明者，并可由行政长官酌情再度委任或免任。（由 1999 年第 17 号第 3 条修订）
- (4) 委员会处理事务所需的法定人数，可由根据第 7 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。
- (5) 委员会任何议事程序的有效性，不因成员席位空缺或成员的委任有欠妥之处而受影响。

6. 委员会的管辖

在符合本条例条文的规定和在受托人同意下，委员会可决定涉及基金的管理及达致基金宗旨的所有事宜。

- (1) There shall be established a committee to be known as the Emergency Relief Fund Committee. (*Amended 65 of 1973 s. 6*)
- (2) The committee shall consist of—
 - (a) the Director of Social Welfare as ex officio member and chairman;
 - (b) the Director of Housing as ex officio member;
 - (c) the Director of Home Affairs, as ex officio member;
 - (d) 2 or more other members not being public servants appointed by the Chief Executive: (*Amended 17 of 1999 s. 3*)
Provided that the Director of Home Affairs and the Director of Housing, may each appoint a representative to perform their functions at any meeting. (*Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 297 of 1982; 38 of 1988 s. 2; L.N. 262 of 1989; L.N. 621 of 1994*)
- (3) A member appointed by the Chief Executive shall hold office for such period as may be specified in the letter of appointment, and may be re-appointed or removed at the discretion of the Chief Executive. (*Amended 17 of 1999 s. 3*)
- (4) The quorum necessary for the transaction of business by the committee may be fixed by standing orders made under section 7 and unless so fixed shall be 3 members.
- (5) The validity of any proceedings of the committee shall not be affected by any vacancy among the members thereof or by any defect in the appointment of any member thereto.

6. Control by committee

Subject to the provisions of this Ordinance and the agreement of the trustee, the committee may determine all matters whatsoever

7. 常规

(具追溯力的适应化修订——见 1999 年第 17 号第 3 条)

- (1) 委员会可就以下事宜，订立常规——
 - (a) 管限其处理事务的程序；
 - (b) 维持会议的秩序良好；及
 - (c) 概括而言，与基金的行政和管理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、更改或修订。(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 1999 年第 17 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。

8. 高级人员的聘用

- (1) 委员会可不时按其认为恰当的薪金及条款，聘用一名秘书、一名司库及其认为为执行信托所需的其他干事，亦可雇用任何专业人士，就因上述信托而引起或与上述信托相关的项目，向委员会提供意见。
- (2) 任何获如此聘用或雇用的人，其全部薪金及费用须由受托人从基金拨款支付。

9. 款项的投资

touching the administration of the fund and the attainment of the objects thereof.

7. Standing orders

(Adaptation amendments retroactively made - see 17 of 1999 s. 3)

- (1) The committee may make standing orders—
 - (a) governing its procedure in the transaction of business;
 - (b) for the maintenance of good order at meetings; and
 - (c) generally, for matters relating to the administration and management of the fund and the discharge of the duties of the committee.
- (2) A copy of such standing orders shall be furnished to the Chief Secretary for Administration and they shall be subject to disallowance, alteration or amendment by the Chief Executive. (*Amended L.N. 226 of 1976; L.N. 362 of 1997; 17 of 1999 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.

8. Appointment of officers

- (1) The committee may from time to time appoint, upon such salary and upon such terms as it may think proper, a secretary, a treasurer and such other officials as it may think necessary for the purpose of carrying out the trusts and may employ any professional person to advise it on any point arising out of or in connection with the said trusts.
- (2) All salaries and fees of any person or persons so appointed or employed shall be paid by the trustee out of the fund.

9. Investment of moneys

(具追溯力的适应化修订——见 1999 年第 17 号第 3 条)
 受托人可将基金的任何款项，投资在委员会建议的投资项目，而不论该等投资项目是否信托投资项目，但如投资项目并非信托投资项目，则须获财政司司长的事先批准。

(由 1977 年第 16 号法律公告修订；由 1997 年第 362 号法律公告修订；由 1999 年第 17 号第 3 条修订)

10. 帐目

(具追溯力的适应化修订——见 1999 年第 17 号第 3 条)

- (1) 受托人须安排为基金的一切交易备存妥善的帐目，并须安排为每段截至每年 3 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。
- (2) 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。
- (3) 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的第一个 12 月 31 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 1988 年第 38 号第 3 条修订)

(由 1999 年第 17 号第 3 条修订)

11. 基金的管理费用

管理基金的费用，但不包括根据第 8(2) 条的条文支付的薪金及费用，须从香港政府一般收入拨款支付；

(Adaptation amendments retroactively made - see 17 of 1999 s. 3)
 The trustee may invest any moneys of the fund in such investments, whether or not such investments are trust investments, as the committee may advise, subject, in the case of investments which are not trust investments, to the prior approval of the Financial Secretary.

(Amended L.N. 16 of 1977; 17 of 1999 s. 3)

10. Accounts

(Adaptation amendments retroactively made - see 17 of 1999 s. 3)

- (1) The trustee shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared for every period of 12 months ending on 31 March in each year, a statement of the accounts of the fund, which statement shall include an income and expenditure account and balance sheet and shall be signed by the trustee.
- (2) 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.
- (3) A copy of the signed and audited statement of accounts 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 on the table of the Legislative Council not later than 31 December next following the end of such period, or so soon thereafter as the Chief Executive, in his absolute discretion, may allow.

(Amended 38 of 1988 s. 3)

(Amended 17 of 1999 s. 3)

11. Cost of administration of the fund

The cost of the administration of the fund, other than the salaries and fees paid under the provisions of section 8(2), shall be a charge

但财政司司长可指示从基金收益中，征收一项监管年费，以拨入香港政府一般收入，数目由财政司司长厘定。

(由 1988 年第 38 号第 4 条修订；由 1997 年第 362 号法律公告修订)

on the general revenue of Hong Kong:

Provided that the Financial Secretary may direct that an annual supervision fee to be determined by him shall be charged against the income of the fund and paid into the general revenue of Hong Kong.

(Amended 38 of 1988 s. 4)