

《鲍思高慈幼会法团条例》

(第 1043 章)

目录

条次		页次
1.	简称	1
2.	成立为法团	1
3.	法团的权力	1
4.	移转予法团的财产须转移予继任人	3
5.	司理的委任	3
6.	文件的签立	5
7.	保留条文	5

SALESIAN SOCIETY INCORPORATION
ORDINANCE

(Cap. 1043)

Contents

Section		Page
1.	Short title	2
2.	Incorporation	2
3.	Powers of corporation	2
4.	Property transferred to corporation to pass to successors	4
5.	Appointment of Procurator	4
6.	Execution of documents	6
7.	Saving	6

本条例旨在为鲍思高慈幼会香港司理成立为法团而订定条文。

[1931 年 4 月 2 日]

1. 简称

本条例可引称为《鲍思高慈幼会法团条例》。

2. 成立为法团

鲍思高慈幼会当其时的香港司理为一个单一法团(以下称为法团),并须以“The Procurator in Hong Kong of the Salesian Society”的名称命名,而且以该名称永久延续,并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。

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、公司或个人的按揭、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与种类的船只及其他货品及实产。
- (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、

To provide for the incorporation of the Procurator in Hong Kong of the Salesian Society.

[2 April 1931]

1. Short title

This Ordinance may be cited as the Salesian Society Incorporation Ordinance.

2. Incorporation

(Adaptation amendments retroactively made - see 32 of 1999 s. 3)
The Procurator for the time being in Hong Kong of the Salesian Society shall be a corporation sole, hereinafter called the corporation, and shall have the name of “The Procurator in Hong Kong of the Salesian Society”, 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.

(Amended 32 of 1999 s. 3)

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

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或实产批出、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。

4. 移转予法团的财产须转移予继任人

如鲍思高慈幼会当其时的香港司理去世或停任上述司理职位，则不论以任何方式移转予法团的任何财产的法律上的产权，须在其职位的继任人获委任时，转移予继任人。

5. 司理的委任

(具追溯力的适应化修订——见 1999 年第 32 号第 3 条)

- (1) 每当任何人获委出任鲍思高慈幼会香港司理一职，该人须在获委任后的 3 个星期内，或在行政长官所容许的较长期间内，向行政长官提交证明其已获委任的使人信纳的证据。
- (2) 经政务司司长签署而在宪报刊登的关于上述的人已向行政长官提交上述证据的公告，即为上述委任的不可推翻的证据。(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 1939 年第 33 号修订；由 1940 年第 840 号政府公告补充附表修订；由 1999 年第 32 号第 3 条修订)

- (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.

4. Property transferred to corporation to pass to successors

The legal estate in any property whatsoever transferred to the corporation in any manner whatsoever shall in the event of the death of the Procurator for the time being in Hong Kong of the Salesian Society, or in the event of his ceasing to hold office as such Procurator, pass to his successor in such office when appointed.

5. Appointment of Procurator

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

- (1) Whenever any person is appointed to the office of Procurator in Hong Kong of the Salesian Society such person shall within three weeks after his appointment or within such further time as may be allowed by the Chief Executive furnish to the Chief Executive satisfactory evidence of his appointment.
- (2) A notification in the Gazette under the hand of the Chief Secretary for Administration that such evidence has been furnished to the Chief Executive by such person shall be conclusive evidence of such appointment. (*Amended L.N. 226 of 1976; L.N. 242 of 1994; L.N. 362 of 1997*)

(*Amended 33 of 1939; G.N. 840 of 1940 Supp. Schedule; 32 of 1999 s. 3*)

6. 文件的签立

所有须盖上法团的印章的契据及其他文书，均须在上述司理或其受托代表人在场的情况下盖章，并须由上述司理或其受托代表人签署，上述的签署即须视为该等契据及其他文书已妥为盖章的足够证据；而所有须由法团签署的契据、文书及其他文件及文字，均须由上述司理或其受托代表人签署。

7. 保留条文

(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)

6. Execution of documents

All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the said Procurator or his attorney and shall be signed by him or his attorney, and such signing shall be taken as sufficient evidence of the due sealing of such deeds and other instruments, and all deeds, instruments and other documents and writings requiring the signature of the corporation shall be signed by such Procurator or his attorney.

7. Saving

(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)