

## 《戴麟趾爵士康乐基金条例》

SIR DAVID TRENCH FUND FOR RECREATION  
ORDINANCE

## (第 1128 章)

## (Cap. 1128)

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本条例旨在设立一个基金，就康乐、体育、文化及社交活动提供或协助提供设施，并就该基金的妥善管理及就与上述事宜相关的目的订定条文。

[1970 年 2 月 13 日]

### 1. 简称

本条例可引称为《戴麟趾爵士康乐基金条例》。

### 2. 释义

在本条例中，除文意另有所指外——

“受托人”(trustee)指作为基金受托人的库务署署长；(由 1977 年第 16 号法律公告修订)

“基金”(fund)指由第 3 条设立的信托基金；

“归属日期”(vesting day)指本条例的生效日期。

### 3. 基金的设立及归属

(1) 现设立一个基金，名为戴麟趾爵士康乐基金。

(2) 受托人须以信托并在本条例所载条文的规限下，持有基金。

(3) 基金由以下各项组成——

- (a) 由匿名者于 1970 年 1 月 5 日为设立基金而捐赠，并且现时由库务署署长以信托形式为戴麟趾爵士康乐基金持有的款项 \$3,000,000(以下提述为原有资本)；(由 1977 年第 16 号法律公告修订)

To establish a fund for providing or assisting in providing facilities for recreational, sporting, cultural and social activities and for the due administration of such fund and for purposes connected with the matters aforesaid.

[13 February 1970]

### 1. Short title

This Ordinance may be cited as the Sir David Trench Fund for Recreation Ordinance.

### 2. Interpretation

In this Ordinance, unless the context otherwise requires—

“fund” (基金) means the trust fund established by section 3;

“trustee” (受托人) means the Director of Accounting Services as trustee of the fund; (*Amended L.N. 16 of 1977; L.N. 453 of 1993*)

“vesting day” (归属日期) means the date of commencement of this Ordinance.

### 3. Establishment and vesting of fund

(1) There is hereby established a fund to be known as the Sir David Trench Fund for Recreation.

(2) The trustee shall hold the fund upon the trusts and subject to the provisions contained in this Ordinance.

(3) The fund shall consist of—

- (a) the sum of 3 million dollars (hereinafter referred to as the original capital sum) being an anonymous donation made on 5 January 1970 with the object of setting up the

- (b) 在归属日期前藉使用任何如此捐赠的款项而获取的其他资产；
- (c) 在归属日期或该日之后——
  - (i) 向受托人捐赠、认捐或遗赠并获受托人接受的其他款项及资产；或
  - (ii) 受托人以其他方式获取的其他款项及资产。

#### 4. 作为受托人的库务署署长成立为法团

- (1) 为施行本条例，当其时执行库务署署长职责的人为基金的受托人，并为一个单一法团（在本条中提述为法团），须以“The Trustee of the Sir David Trench Fund for Recreation”的名称命名，而且以该名称永久延续，且在任何法院可以该名称起欣与被起诉。（由 1977 年第 16 号法律公告修订）
- (2) 法团须备有法团印章，而加盖该印章须由受托人签署认证。
- (3) 任何看来是用法团印章妥为签立的文书，须获收取为证据，而除非相反证明成立，否则当作为如此签立的文书。

#### 5. 基金的运用及宗旨

（具追溯力的适应化修订——见 2000 年第 59 号第 3 条）  
受托人须以行政长官指示的方式，为以下宗旨而运用基金——

- fund and presently held by the Director of Accounting Services in trust for the Sir David Trench Fund for Recreation; (*Amended L.N. 16 of 1977; L.N. 453 of 1993*)
- (b) such other assets as may have been acquired before the vesting day by the use of any moneys so donated;
- (c) such further moneys and assets as may, on or after the vesting day, be—
  - (i) donated, subscribed or bequeathed to, and accepted by, the trustee; or
  - (ii) otherwise acquired by the trustee.

#### 4. Incorporation of Director of Accounting Services as trustee

- (1) For the purposes of this Ordinance, the person for the time being performing the duties of the office of the Director of Accounting Services shall be the trustee of the fund and shall be a corporation sole (in this section referred to as the corporation) and shall have the name “The Trustee of the Sir David Trench Fund for Recreation”, and in that name shall have perpetual succession and may sue and be sued in any court. (*Amended L.N. 16 of 1977; L.N. 453 of 1993*)
- (2) The corporation shall have a common seal and the affixing of the seal shall be authenticated by the signature of the trustee.
- (3) Any instrument purporting to be an instrument duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument so executed.

#### 5. Application and objects of the fund

(Adaptation amendments retroactively made - see 59 of 2000 s. 3)  
The trustee shall apply the fund in such manner as the Chief Executive may direct for the following objects—

- (a) 就康乐、体育、文化及社交活动提供或协助提供设施；
- (b) 附属或附属于 (a) 段所列宗旨并属行政长官认为适当的宗旨。

(由 2000 年第 59 号第 3 条修订)

## 6. 与运用基金的方式有关的特别条文

(具追溯力的适应化修订——见 2000 年第 59 号第 3 条)

- (1) 在符合行政长官的指示下，基金（原有资本除外）可为第 5 条指明的任何宗旨而予以支用、运用和使用，但未经立法会事先批准，不得为任何上述目的而支用、运用或使用原有资本的任何部分。
- (2) 受托人可无息或按行政长官指示的利率，为第 5 条指明的宗旨而借出基金的任何款项。

(由 2000 年第 59 号第 3 条修订)

## 7. 款项的投资

(具追溯力的适应化修订——见 2000 年第 59 号第 3 条)

- (1) 受托人可将基金的任何款项，投资在行政长官指示的投资项目，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，则须获投资咨询委员会的事先批准。
- (2) 为施行第 (1) 款，行政长官须委出一个投资咨询委员会，该投资咨询委员会须由不少于三人但不多于五人组成。

(由 2000 年第 59 号第 3 条修订)

- (a) the provision of, or assistance in the provision of facilities for recreational, sporting, cultural and social activities;
- (b) such objects ancillary or incidental to the objects set out in paragraph (a) as the Chief Executive may consider appropriate.

(Amended 59 of 2000 s. 3)

## 6. Special provisions relating to manner of application of fund

(Adaptation amendments retroactively made - see 59 of 2000 s. 3)

- (1) Subject to the direction of the Chief Executive, the fund, other than the original capital sum, may be expended, applied and used for any object specified in section 5 but no part of the original capital sum shall be expended, applied or used for any such purpose without the prior approval of the Legislative Council.
- (2) The trustee may lend any moneys of the fund for any object specified in section 5 without any interest or at such a rate of interest as the Chief Executive may direct.

(Amended 59 of 2000 s. 3)

## 7. Investment of moneys

(Adaptation amendments retroactively made - see 59 of 2000 s. 3)

- (1) The trustee may invest any moneys of the fund in such investments, whether or not such investments are trust investments, as the Chief Executive may direct, subject, in the case of investments which are not trust investments, to the prior approval of the Investment Advisory Committee.
- (2) The Chief Executive shall, for the purposes of subsection (1) appoint an Investment Advisory Committee, which shall consist of not less than three nor more than five persons.

(Amended 59 of 2000 s. 3)

**8. 干事及专业顾问的聘用**

(具追溯力的适应化修订——见 2000 年第 59 号第 3 条)

- (1) 受托人可在符合行政长官的指示下，不时按其认为恰当的薪金及条款，聘用其认为为执行信托或对基金的妥善的行政和管理属必需的干事。(由 2000 年第 59 号第 3 条修订)
- (2) 受托人可雇用任何专业人士，就因本条例所指的受托人职能而引起或与该等职能相关的任何事宜，向受托人提供意见。
- (3) 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. 帐目**

(具追溯力的适应化修订——见 2000 年第 59 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，并须安排就由归属日期至 1971 年 3 月 31 日的期间及其后就每段截至 3 月 31 日为止的一年期间，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) 在根据第(1)款须拟备的基金帐目报表所关的每段期间终结后的第一个 9 月 30 日或之前，或在行政长官容许的较后日期，须将以下文件呈交立法会会议席上省览——
  - (a) 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)；
  - (b) 受托人就该段期间的基金管理作出的报告；及
  - (c) 行政长官认为适合就此作出的其他报告(如有的话)。

**8. Appointment of officials and professional advisers**

(Adaptation amendments retroactively made - see 59 of 2000 s. 3)

- (1) The trustee may, subject to the direction of the Chief Executive, from time to time appoint, upon such salary and upon such terms as he may think proper, such officials as he may think necessary for the purpose of carrying out the trusts or for the proper administration and management of the fund. (Amended 59 of 2000 s. 3)
- (2) The trustee may employ any professional person to advise him on any matter arising out of or in connection with his functions under this Ordinance.
- (3) All salaries and fees of any person so appointed or employed shall be paid by the trustee out of the fund.

**9. Accounts**

(Adaptation amendments retroactively made - see 59 of 2000 s. 3)

- (1) The trustee shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared, in respect of the period from the vesting day to 31 March 1971, and thereafter in respect of every period of one year ending on 31 March, 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) There shall be laid on the table of the Legislative Council, not later than 30 September next following the end of each period in respect of which a statement of the accounts of the fund is required to be prepared under subsection (1) or so soon thereafter as the Chief Executive may allow—

(由 2000 年第 59 号第 3 条修订)

## 10. 基金的管理费用

- (1) 管理基金的费用，但不包括根据第 8 条第 (3) 款支付的薪金及费用，须从香港政府一般收入中拨款支付：  
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 1997 年第 362 号法律公告修订)
- (2) 根据第 (1) 款的但书而征收的费用——
  - (a) 须就归属日期至 1971 年 3 月 31 日的期间及其后就每段截至 3 月 31 日为止的一年期间计算；及
  - (b) 不得超过有关期间内基金收益的百分之二点五。

## 11. 保留条文

(具追溯力的适应化修订——见 2000 年第 59 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 59 号第 3 条修订)

- (a) a copy of the signed and audited statement of accounts together with the auditor's report, if any;
- (b) a report of the trustee on the administration of the fund during such period; and
- (c) such other report, if any, as the Chief Executive may see fit to make thereon.

(Amended 59 of 2000 s. 3)

## 10. Cost of administering the fund

(Adaptation amendments retroactively made - see 59 of 2000 s. 3)

- (1) The cost of the administration of the fund, other than the salaries and fees paid under subsection (3) of section 8, shall be a charge upon the general revenue:  
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. (Amended 59 of 2000 s. 3)
- (2) The fee charged under the proviso to subsection (1) shall—
  - (a) be in respect of the period from the vesting day to 31 March 1971 and thereafter in respect of every period of one year ending on 31 March; and
  - (b) not exceed two and a half per cent of the income of the fund over the relevant period.

## 11. Saving

(Adaptation amendments retroactively made - see 59 of 2000 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 59 of 2000 s. 3)*