

《葛量洪奖学金基金条例》

(第 1076 章)

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GRANTHAM SCHOLARSHIPS FUND ORDINANCE

(Cap. 1076)

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本条例旨在就设立一个名为“葛量洪奖学基金”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。

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

[1955 年 3 月 4 日]

[4 March 1955]

弁言

鉴于——

- (a) 捐助人(以下提述为创办人)希望纪念总督葛量洪爵士(圣米迦勒及圣乔治大十字勋章)而筹集了一笔 \$250,000 的认捐款项；
- (b) 考虑到葛量洪爵士对教育的关注，创办人希望设立一个奖学基金，以在香港促进及鼓励教育；
- (c) 创办人希望上述基金名为“葛量洪奖学基金”，葛量洪爵士对此已表示同意；
- (d) 政务司法团在根据《政务司法团条例》(第 1044 章)第 8 条获总督批准下，同意成为上述基金的受托人：(由 1985 年第 67 号法律公告修订；由 1985 年第 68 号法律公告修订；由 1989 年第 262 号法律公告修订；由 1989 年第 263 号法律公告修订)
- (e) 创办人已将上述 \$250,000 的款项付予受托人，用意是将该笔款项以下文规定的方式，永久专用作在香港促进及鼓励本地教育：(由 1990 年第 23 号第 3 条修订)

Preamble

WHEREAS—

- (a) The benefactors, hereinafter referred to as the founders, wishing to commemorate the governorship of His Excellency Sir Alexander William George Herder Grantham, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, have raised by subscription the sum of \$250,000:
- (b) In view of the interest taken by the said Sir Alexander Grantham in education, the founders wish to establish a scholarships fund for the promotion and encouragement of education in Hong Kong:
- (c) The said Sir Alexander Grantham has signified his consent to the founders' wish that the said fund should be known as the “Grantham Scholarships Fund”:
- (d) The Secretary for Home Affairs Incorporated has, with the approval of the Governor under section 8 of the Secretary for Home Affairs Incorporation Ordinance (Cap. 1044), consented to become trustee of the said fund: (*Amended L.N. 67 of 1985; L.N. 68 of 1985; L.N. 262 of 1989; L.N. 263 of 1989*)
- (e) The founders have paid to the trustee the said sum of \$250,000 to the intent that the same shall be dedicated in perpetuity for the promotion and encouragement of local education in Hong Kong in the manner hereinafter provided: (*Amended 23 of 1990 s. 3*)

1. 简称

本条例可引称为《葛量洪奖学基金条例》。

2. 信托基金的设立

现设立一个信托基金，名为“葛量洪奖学基金”(以下提述为基金)，而基金由 \$250,000 (即创办人付予受托人的款项)及以下各项组成：于本条例生效日期已藉上述款项的利息而累积的任何款额，以及不时给予基金的其他款项。

3. 受托人

受托人须以信托形式并以本条例下文所载权力和条文，以及在該等权力及条文的规限下，持有基金。

4. 管理委员会

(1) 基金须由一个委员会管理，该委员会的成员如下——

- (a) 民政及青年事务局局长，并由他出任委员会主席；(由 1985 年第 67 号法律公告修订；由 1989 年第 262 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2022 年第 144 号法律公告修订)
- (b) 教育局常任秘书长；(由 2003 年第 3 号第 41 条修订；由 2007 年第 130 号法律公告修订)
- (c) (由 1973 年第 50 号第 2 条废除)
- (d) 东华医院当其时的主席；
- (e) 保良局当其时的主席；及
- (f) 由行政长官委任的其他成员不超过 4 名。

1. Short title

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

2. Establishment of trust fund

There is hereby established a trust fund to be known as the “Grantham Scholarships Fund”, hereinafter referred to as the fund, which shall consist of \$250,000, being moneys paid over to the trustee by the founders; it shall also consist of any sums accumulated by way of interest thereon at the commencement of this Ordinance, and such other moneys as may, from time to time, be given to the fund.

3. The trustee

The trustee shall hold the fund upon the trusts, and with and subject to the powers and provisions, hereinafter in this Ordinance contained.

4. Committee of management

(1) The fund shall be managed by a committee consisting of—

- (a) the Secretary for Home and Youth Affairs, who shall be the chairman of the committee; (*Amended L.N. 67 of 1985; L.N. 262 of 1989; L.N. 144 of 2022*)
- (b) the Permanent Secretary for Education; (*Amended 3 of 2003 s. 41; L.N. 130 of 2007*)
- (c) (*Repealed 50 of 1973 s. 2*)
- (d) the Chairman for the time being of the Tung Wah Hospital;
- (e) the Chairman for the time being of the Po Leung Kuk; and

- (2) 在第 (1)(a) 至 (c) 款指名的人，在出任其各自的职位时，为委员会的当然成员。
- (3) 由行政长官委任的成员，任期为其各自的委任书所指明者，并可由行政长官酌情再度委任或免任。*(由 1991 年第 91 号第 2 条修订)*

(由 1999 年第 18 号第 3 条修订)

5. 信托

受托人须以委员会指示的方式运用基金，以促进及鼓励本地教育，尤其是为居于香港的人，在香港的小学、中学、职业先修学校、工业学校及高等教育院校，提供奖学金及生活资助。

(由 1990 年第 23 号第 2 条代替)

6. 颁发的相隔期间、条款及条件

第 5 条所提述的奖学金及生活资助，须在委员会所订立的规例不时订明的相隔期间，按上述规例不时订明的考试或其他甄选方法的结果，以上述规例不时订明的方式颁发，并须在上述规例不时订明的期间，按上述规例不时订明的条款及条件和在该等条款及条件的规限下持有和享有，如没有订立上述规例，则上述各项由委员会决定；委员会可在任何时间更改或撤销任何根据本条订立的规例，并订立新规例以作代替。

7. 投资项目

- (f) such other members not exceeding 4 as may be appointed by the Chief Executive.
- (2) The persons named in subsection (1)(a) to (c) shall, whilst holding their respective offices, be ex officio members of the committee.
- (3) Members appointed by the Chief Executive shall hold office for such period as may be specified in their respective letters of appointment, and may be re-appointed or removed at the discretion of the Chief Executive. *(Amended 91 of 1991 s. 2)*

(Amended 18 of 1999 s. 3)

5. The trusts

The trustee shall apply the fund, in such manner as the committee may direct, for the promotion and encouragement of local education, and in particular for the provision for persons resident in Hong Kong of scholarships and maintenance grants in primary schools, secondary schools, pre-vocational schools, technical schools and institutions of higher education in Hong Kong.

(Replaced 23 of 1990 s. 2)

6. Intervals, and terms and conditions of awards

The scholarships and maintenance grants referred to in section 5 shall be awarded, at such intervals and as the result of such examination or other method of selection and in such manner and shall be held and enjoyed for such period and upon and subject to such terms and conditions as shall, from time to time, be prescribed by regulation made by the committee, or in default of such regulation, then as the committee shall determine; and the committee may, at any time, alter or revoke any regulation made under this section, and make new regulations in place thereof.

7. Investments

- (1) 在符合第 (2) 至 (5) 款的规定下，受托人可以其名义将基金款项投资在委员会指示的任何类别的投资项目，包括本地公司的股份，而不论该等投资项目是否获准供信托基金投资；该等投资项目亦可以同样方式于任何时间予以更改。*(由 1991 年第 91 号第 3 条修订)*
- (2) 如委员会如此指示，则受托人须雇用委员会所提名的专业人士或财务机构，以管理受托人根据第 (1) 款将基金的全部或部分款项投资所在的投资项目。*(由 1991 年第 91 号第 3 条增补)*
- (3) 根据第 (2) 款获聘用的人或机构在执行其职能时，须按照受托人不时以书面向其传达委员会就该等职能所作的指示而行事。*(由 1991 年第 91 号第 3 条增补)*
- (4) 如根据第 (2) 款获聘用的人或机构是真诚地获雇用的，则受托人无须对该人或该机构的任何作为或不作为的后果负责。*(由 1991 年第 91 号第 3 条增补)*
- (5) 根据第 (2) 款获聘用的人或机构，其全部薪金及费用须由受托人从基金拨款支付。*(由 1991 年第 91 号第 3 条增补)*

8. 委员会常规

委员会可就其内部管理及管辖，不时在行政长官批准下拟定常规，以及不时在同样的批准下更改常规；而所有该等常规一经如此批准，即对委员会每名成员具约束力。

(由 1999 年第 18 号第 3 条修订)

- (1) Subject to subsections (2) to (5), the trustee may invest the moneys of the fund in the name of the trustee in such investments of any kind, including shares in local companies, whether such investments are permitted for the investment of trust funds or not, as the committee may direct; and, in like manner, such investments may at any time be varied. *(Amended 91 of 1991 s. 3)*
- (2) If the committee so directs, the trustee shall employ such professional person or financial institution as may be nominated by the committee to manage the investment of all or part of the moneys of the fund invested by the trustee under subsection (1). *(Added 91 of 1991 s. 3)*
- (3) A person or institution appointed under subsection (2) shall, in performing his or its functions, act in accordance with any direction of the committee in respect of those functions conveyed to him or it in writing from time to time by the trustee. *(Added 91 of 1991 s. 3)*
- (4) The trustee shall not be responsible for the consequences of any act or omission of a person or institution employed under subsection (2) if he or it was employed in good faith. *(Added 91 of 1991 s. 3)*
- (5) All salaries and fees of a person or institution employed under subsection (2) shall be paid by the trustee out of the fund. *(Added 91 of 1991 s. 3)*

8. Standing orders of the committee

The committee may, from time to time with the approval of the Chief Executive, frame and, from time to time with the like approval, alter standing orders for its internal management and control; and all such standing orders when so approved as aforesaid shall be binding on every member of the committee.

(Amended 18 of 1999 s. 3)

8A. 以传阅文件方式处理事务

委员会可藉在成员间传阅文件的方式处理任何事务，而任何由委员会决定的事宜，可藉过半数成员以书面赞成的书面决议决定。

(由 1991 年第 91 号第 4 条增补)

9. 征求和接受认捐及遗赠的权力

委员会可不时代表受托人征求和接受对基金的认捐及遗赠。

10. 帐目

- (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 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。
- (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），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 1966 年第 23 号第 2 条代替。由 1999 年第 18 号第 3 条修订)

11. 受雇人及顾问

- (1) 在不损害第 7 条的原则下，委员会可按其认为恰当的薪

8A. Transaction of business by circulation of papers

The committee may transact any of its business by circulation of papers amongst members, and any matter for the determination of the committee may be determined by a resolution in writing approved by a majority of the members in writing.

(Added 91 of 1991 s. 4)

9. Power to solicit and take subscriptions and bequests

The committee may, from time to time, solicit and take on behalf of the trustee subscriptions and bequests to the fund.

10. Accounts

- (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 August 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 thinks fit.
- (3) A copy of the signed and audited statement of accounts together with the auditor's report, if any, 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.

(Replaced 23 of 1966 s. 2. Amended 18 of 1999 s. 3)

11. Servants and advisers

- (1) Without prejudice to section 7, the committee may appoint

金及条款，聘用其认为为执行本条例的条文所需的受雇人，亦可雇用任何专业人士，就因该等条文而引起或与该等条文相关的任何事宜，向委员会提供意见。（由 1991 年第 91 号第 5 条修订）

- (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。

12. 管理费用

- (1) 管理基金的费用，但不包括根据第 11(2) 条的条文支付的薪金及费用，须从香港政府一般收入中拨款支付：

但财政司司长可指示须从基金收益中，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 1990 年第 23 号第 3 条修订；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) 须就于 1966 年 9 月 1 日开始并于 1967 年 8 月 31 日终结的一年及其后就每段截至 8 月 31 日为止的 1 年期间计算；及
- (b) 不得超过基金周年收益的百分之二点五。

(由 1966 年第 23 号第 3 条代替)

13. 1955 年 6 月 30 日之前的认捐人当作为创办人

任何人以及任何商号、公司、法团或其他团体，于 1955 年 6 月 30 日或之前向基金认捐，即须当作为创办人。

upon such salary and upon such terms as it may think proper such servants as it may think necessary for the purpose of carrying out the provisions of this Ordinance, and may employ any professional persons to advise it on any matter arising out of or in connexion with such provisions. *(Amended 91 of 1991 s. 5)*

- (2) All salaries and fees of any person so appointed or employed shall be paid by the trustee out of the fund.

12. Cost of administration

- (1) The cost of the administration of the fund, other than the salaries and fees paid under the provisions of section 11(2), shall be a charge 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 23 of 1990 s. 3)*

- (2) The fee charged under the proviso to subsection (1) shall—
- (a) be in respect of the year commencing on 1 September 1966 and ending on 31 August 1967, and thereafter in respect of every period of 1 year ending on 31 August; and
- (b) not exceed 2 1/2 per cent of the annual income of the fund.

(Replaced 23 of 1966 s. 3)

13. Subscribers before 30 June 1955, to be deemed founders

Any person, and any firm, company, corporation or other body whatsoever, who or which makes a subscription to the fund on or before 30 June 1955, shall be deemed to be a founder.