

《遮打捐款基金 (聖約翰座堂及聖安德烈堂) 法團條例》
(第 1050 章)

Chater (Cathedral and St. Andrew's) Endowment Funds Incorporation Ordinance
(Cap. 1050)

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E-1

第 1050 章

E-2

Cap. 1050

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目錄

Contents

條次		頁次	Section	Page
1.	簡稱	1	1. Short title	2
2.	成立為法團	3	2. Incorporation	4
3.	法團的權力	3	3. Powers of corporation	4
4.	受託人的委任	3	4. Appointment of trustees	4
5.	文件的簽立	5	5. Execution of documents	6
6.	保留條文	5	6. Saving	6

本條例旨在將有能力持有財產和獲賦權管理名為遮打捐款基金(聖約翰座堂)及遮打捐款基金(聖安德烈堂)的兩個信託基金的受託人成立為法團,以協助維持香港聖約翰座堂及聖安德烈堂。

[1941 年 6 月 27 日]

(格式變更——2022 年第 2 號編輯修訂紀錄)

弁言

鑑於藉日期為 1920 年 4 月 24 日及 1925 年 4 月 29 日的兩份各別的信託契據,並由已故 Sir Catchick Paul Chater 為一方而該等契據內所述的受託人為另一方, Sir Catchick Paul Chater 設立了款額各為 \$250,000.00 的兩個基金,分別名為“遮打捐款基金(聖約翰座堂)”及“遮打捐款基金(聖安德烈堂)”,並將上述基金交予上述受託人以信託形式管有,以將上述基金的收益運用於協助維持香港聖約翰座堂及聖安德烈堂,以及增添下述聖品的薪津,即當其時在聖約翰座堂任職堂牧或助理堂牧的聖品及在聖安德烈堂任職牧師或助理聖品的聖品:

又鑑於認為適宜將上述基金歸屬一個法人團體,並由該法人團體為上述兩份信託契據內所宣布的目的而管理上述基金:

1. 簡稱

To incorporate trustees capable of holding property and empowered to administer two trust funds known as The Chater (Cathedral) Endowment Fund and The Chater (St. Andrew's Church) Endowment Fund for the purpose of assisting in the maintenance of St. John's Cathedral and St. Andrew's Church in Hong Kong.

(Amended 32 of 1999 s. 3)

[27 June 1941]

(Format changes—E.R. 2 of 2022)

Preamble

WHEREAS by two several Deeds of Trust dated the 24th day of April, 1920, and the 29th day of April, 1925, made between the late Sir Catchick Paul Chater of the one part and trustees therein mentioned of the other part the said Sir Catchick Paul Chater created two funds each of the amount of \$250,000.00 to be known as “The Chater (Cathedral) Endowment Fund” and “The Chater (St. Andrew's Church) Endowment Fund” respectively which said funds he gave to the said trustees to be possessed by them upon trust to apply the income thereof in assisting in the maintenance of St. John's Cathedral Church and St. Andrew's Church in Hong Kong and augmenting the stipends of the Clergy for the time being holding the respective offices of Chaplain or Assistant Chaplain of the said Cathedral and Incumbent or Curate of the said Church:

(Amended 32 of 1999 s. 3)

AND WHEREAS it is deemed expedient that the said funds should be vested in an incorporated body which may administer the same for the purposes declared in the said two deeds of trust:

1. Short title

本條例可引稱為《遮打捐款基金(聖約翰座堂及聖安德烈堂)法團條例》。

2. 成立為法團

遮打捐款基金(聖約翰座堂)的受託人及遮打捐款基金(聖安德烈堂)的受託人,以及該等受託人的職位繼任人為一個法人團體(以下稱為**法團**),並須以“The Trustees of the Chater (Cathedral and St. Andrew’s) Endowment Funds”的名稱命名,而且以該名稱永久延續,且在香港所有的法院可以和必須以該名稱起訴或被起訴,以及可以和必須備有和使用法團印章,而法團可按其認為適合而破毀、更換、更改和重新製造上述印章。

3. 法團的權力

該法團須按照日期為 1920 年 4 月 24 日並由已故 Sir Catchick Paul Chater 為一方而 Newton John Stabb 及 John Scott Harston 為另一方,以及日期為 1925 年 4 月 29 日並由前述 Sir Catchick Paul Chater 為一方而前述 John Scott Harston 及 Arthur Howard Barlow 為另一方的兩份各別的信託契據所載的有關條文及指示,管理現時及以後分別相當於遮打捐款基金(聖約翰座堂)及遮打捐款基金(聖安德烈堂)的資金及證券,並就該等資金及證券具有與上述兩份信託契據所述和所載相同的權力及權限。

4. 受託人的委任

(1) 如任何受託人去世或辭任遮打捐款基金(聖約翰座堂及聖安德烈堂)受託人的職位,則尚存的受託人或餘下一位

This Ordinance may be cited as the Chater (Cathedral and St. Andrew’s) Endowment Funds Incorporation Ordinance.

2. Incorporation

The trustees of The Chater (Cathedral) Endowment Fund and the trustees of The Chater (St. Andrew’s) Endowment Fund and their successors in office shall be a body corporate, hereinafter called **the corporation**, and shall have the name “The Trustees of the Chater (Cathedral and St. Andrew’s) Endowment Funds”, and by that name shall have perpetual succession and shall and may sue or be sued in all courts in Hong Kong and shall and may have and use a common seal and the said seal may break, change, alter and make anew as to the said corporation may seem fit.

(Amended 32 of 1999 s. 3)

3. Powers of corporation

The said corporation shall administer the funds and securities now respectively representing and hereafter so to represent The Chater (Cathedral) Endowment Fund and The Chater (St. Andrew’s Church) Endowment Fund in accordance with the provisions and directions that are contained regarding the same in two several deeds of trust dated the 24th day of April, 1920, made between the late Sir Catchick Paul Chater of the one part and Newton John Stabb and John Scott Harston of the other part and the 29th day of April, 1925, made between the said Sir Catchick Paul Chater of the one part and the said John Scott Harston and Arthur Howard Barlow of the other part and shall have the same powers and authorities over such funds and securities as are mentioned and contained in the said two deeds of trust.

4. Appointment of trustees

(1) In the event of the death or retirement from the office of trustee of the Chater (Cathedral and St. Andrew’s)

的受託人有權親自簽署文書，委任遮打捐款基金(聖約翰座堂及聖安德烈堂)受託人的職位繼任人，以代替去世或辭任該職位的受託人。任何獲如此委任的人須當作為遮打捐款基金(聖約翰座堂及聖安德烈堂)受託人。

- (2) 凡任何人獲委出任遮打捐款基金(聖約翰座堂及聖安德烈堂)受託人，該人須在獲委任後的 3 個星期內，或在行政長官容許的較長時間內，向行政長官提交令人信納的獲委任證據。
- (3) 由政務司司長簽署而在憲報刊登的公告，謂上述的人已向行政長官提交上述證據，即為上述委任不可推翻的證據。(由 1976 年第 226 號法律公告修訂；由 1997 年第 362 號法律公告修訂)

(由 1966 年第 13 號附表修訂；由 1999 年第 32 號第 3 條修訂)

5. 文件的簽立

按規定須蓋上上述法團的印章的一切契據、文件及其他文書，須在上述基金當其時的受託人面前蓋章，並由該等受託人簽署，而該項簽署須為和須視為在該等契據、文件及其他文書上妥為蓋章的充分證據。

6. 保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過他們或在他們之下作申索者除外。

Endowment Funds of any trustee the survivor or remaining one of them shall have power by writing under his hand to appoint a successor to the office of a trustee of the Chater (Cathedral and St. Andrew's) Endowment Funds in the place of the one so dying or retiring from that office and any person so appointed shall be deemed to be a trustee of the Chater (Cathedral and St. Andrew's) Endowment Funds.

- (2) When any person is appointed to the office of a trustee of the Chater (Cathedral and St. Andrew's) Endowment Funds 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.
- (3) 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 13 of 1966 Schedule; 32 of 1999 s. 3*)

5. Execution of documents

All deeds, documents and other instruments requiring the seal of the said corporation shall be sealed in the presence of the trustees for the time being of the said funds and signed by them and such signing shall be and be taken as sufficient evidence of the due sealing thereof.

6. Saving

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

(由 1999 年第 32 號第 3 條修訂)

other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

(Amended 32 of 1999 s. 3)