

《博爱医院法团条例》

POK OI HOSPITAL INCORPORATION
ORDINANCE

(第 1068 章)

(Cap. 1068)

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本条例旨在为博爱医院董事局成立为法团而订定条文。

[1954 年 3 月 26 日]

1. 简称

本条例可引称为《博爱医院法团条例》。

2. 释义

在本条例中，除文意另有所指外——

“章程”(constitution)指董事局不时批准并送交公司注册处处长存档的医院章程；(由 1960 年第 9 号第 2 条代替)

“董事局”(board of directors)指按照章程委出的当其时的医院董事局；

“医院”(hospital)指新界元朗博爱医院。(由 1960 年第 9 号第 2 条修订)

3. 成立为法团

(1) 医院董事局及各董事职位的继任人是一个法人团体，以下称为法团，以“Pok Oi Hospital”的名称命名，并以该名称永久延续，而且在香港所有法院必须并可以该名称起诉和被起诉，以及必须并可以该名称备有和使用法团印章。

(2) 章程对法团具约束力，并且董事局须按照章程而予以委任，该项委任的通知一经送交公司注册处处长存档，即须将董事局成员当作为法团的成员。(由 1960 年第 9 号第 3 条修订)

To provide for the incorporation of the Board of Directors of the Pok Oi Hospital.

[26 March 1954]

1. Short title

This Ordinance may be cited as the Pok Oi Hospital Incorporation Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“board of directors”(董事局) means the board of directors of the hospital for the time being appointed in accordance with the constitution;

“constitution”(章程) means the constitution of the hospital approved from time to time by the board of directors and filed with the Registrar of Companies; (Replaced 9 of 1960 s. 2)

“hospital”(医院) means the Pok Oi Hospital of Yuen Long in the New Territories. (Amended 9 of 1960 s. 2)

3. Incorporation

(1) The board of directors of the hospital and their successors in office shall be a body corporate, hereinafter called the corporation, and shall have the name of “Pok Oi Hospital”, 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 41 of 1999 s. 3)

(2) The constitution shall be binding upon the corporation and a board of directors shall be appointed in accordance with

4. 法团的权力

- (1) 法团具有权力获取、购买、取得、持有与享用任何性质或种类以及位于香港任何地点的任何土地、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，并具有权力将款项投资于任何土地、建筑物、任何在香港经营业务或设有办事处的法团或公司的债权证、股额、资金、股份或证券、保证的按揭，亦具有权力购买与获取任何性质或种类的所有货品及实产。

- (2) 法团更进一步具有权力按其认为适合的条款，将归属法团的任何土地、建筑物、宅院或物业单位、按揭、债权证、股额、证券、保证、货品及实产批出、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：

但本条赋予的指示权，只能为捐助、支持、维持、进行或以其他方式促进章程所指明的法团工作而行使。

- (3) 法团须安排将根据第(4)款修订的章程送交公司注册处处长存档，而该等修订须为负责医院日常管理工作的执行委员会订定条文。(由 1960 年第 9 号第 4 条增补)
- (4) 法团可不时修订章程，由当其时的各董事以不少于四分之三的多数通过决议而修订：

但在提出任何上述决议前，须先取得医务卫生局局长的书面同意。(由 1960 年第 9 号第 4 条增补。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 1983 年第 14 号法律公告修订；由 1983 年第 18 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2002 年第 106 号法律公告修订；由 2007 年第 130 号法律公告修订；由 2022 年第 144 号法律公告修订)

the constitution the members of which shall be deemed to be members of the corporation after notice of their appointment has been filed with the Registrar of Companies. (*Amended 9 of 1960 s. 3*)

4. Powers of the 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 in Hong Kong, and also to invest moneys upon mortgage of any lands, buildings, debentures, stocks, funds, shares or securities of any corporation or company carrying on business or having an office in Hong Kong and also to purchase and acquire all goods and chattels of what nature or kind soever. (*Amended 41 of 1999 s. 3*)

- (2) The corporation shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages or tenements, mortgages, debentures, stocks, securities, goods and chattels vested in the corporation on such terms as to the corporation may seem fit:

Provided that the powers of direction conferred by this section shall only be exercised for the purpose of endowing, supporting, maintaining, carrying on or otherwise promoting the work of the corporation as specified in the constitution.

- (3) The corporation shall cause to be filed with the Registrar of Companies the constitution as amended under subsection (4), and such amendments shall make provision for an executive committee responsible for the day to day administration of the hospital. (*Added 9 of 1960 s. 4*)
- (4) The corporation may from time to time amend the constitution by resolution passed by a majority of not less than three-quarters of the directors for the time being:

- (5) 法团须被当作已按需要而将其有关职能转授予根据章程设立的执行委员会，使执行委员会能有效率地管理医院的日常事务，法团并可将其任何其他职能转授予执行委员会，视乎其认为适合者而定。（由 1960 年第 9 号第 4 条增补）

5. 印章

须盖上法团的印章的所有契据、文件及其他文书，须在董事局两名成员面前盖上法团印章，并须由他们签署，其签署且须视为该等契据、文件及其他文书妥为盖章的充分表面证据。

6. 保留条文

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 41 号第 3 条修订)

Provided that the consent in writing of the Secretary for Health shall have been obtained prior to the introduction of any such resolution. *(Added 9 of 1960 s. 4. Amended L.N. 94 of 1974; L.N. 370 of 1981; L.N. 14 of 1983; L.N. 18 of 1983; L.N. 106 of 2002; L.N. 130 of 2007; L.N. 144 of 2022)*

- (5) The corporation shall be deemed to have delegated to the executive committee established under the constitution such of its functions as are necessary to enable the executive committee to administer efficiently the day to day affairs of the hospital, and may delegate to such committee such other of its functions as it shall see fit. *(Added 9 of 1960 s. 4)*

5. Seal

All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with its common seal in the presence of two members of the board of directors and shall also be signed by them and such signing shall be taken as sufficient prima facie evidence of the due sealing of such deeds, documents and other instruments.

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

(Amended 41 of 1999 s. 3)