

《菲腊牙科医院条例》

(第 1081 章)

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THE PRINCE PHILIP DENTAL HOSPITAL
ORDINANCE

(Cap. 1081)

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本条例旨在为菲腊牙科医院管理局的设立和成立为法团订定条文，赋权予该管理局营运和管理该医院，以及就附带与相关的事宜订定条文。

[1981 年 5 月 29 日]

1. 简称

本条例可引称为《菲腊牙科医院条例》。

2. 释义

在本条例中，除文意另有所指外——

“主席” (Chairman) 指根据第 5(1) 或 (4) 条委任的管理局主席；

“成员” (Member) 指管理局的成员；

“院长” (Director) 指根据第 12(1) 条委任的医院院长或根据第 12(2A) 条委任以执行院长职能的任何人；(由 1992 年第 3 号第 2 条修订)

“管理局” (Board) 指根据第 4 条设立的医院管理局；

“审计主任” (Comptroller) 指根据第 12(3) 条委任的医院审计主任；

“职能” (functions) 包括权力及职责；

“医院” (Hospital) 指菲腊牙科医院。

3. 医院的宗旨

(具追溯力的适应化修订——见 2000 年第 60 号第 3 条)

To provide for the establishment and incorporation of a Board of Governors of The Prince Philip Dental Hospital, to empower the Board to manage and administer the Hospital and to provide for matters incidental thereto or connected therewith.

[29 May 1981]

1. Short title

This Ordinance may be cited as The Prince Philip Dental Hospital Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“Board” (管理局) means the Board of Governors of the Hospital established by section 4;

“Chairman” (主席) means the Chairman of the Board appointed under section 5(1) or (4);

“Comptroller” (审计主任) means the Comptroller of the Hospital appointed under section 12(3);

“Director” (院长) means the Director of the Hospital appointed under section 12(1) or any person appointed under section 12(2A) to perform the functions of the Director; (*Amended 3 of 1992 s. 2*)

“functions” (职能) includes powers and duties;

“Hospital” (医院) means The Prince Philip Dental Hospital;

“Member” (成员) means a member of the Board.

3. Objects of Hospital

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

- (1) 医院的宗旨是为训练牙医及牙科辅助专业的人而提供设施。
- (2) 即使有第 (1) 款的规定，如行政长官会同行政会议在征询管理局的意见后，指示医院的设施须用作该项指示所指明的其他牙科或医务用途，则须如此行事。（由 2000 年第 60 号第 3 条修订）

4. 管理局

- (1) 现设立菲腊牙科医院管理局；该管理局以 Board of Governors of The Prince Philip Dental Hospital 的名称作为永久延续的法人团体，并能起诉与被起诉，以及在符合本条例的规定下，能作出和容受可由法人团体合法作出和容受的所有其他作为及事情。
- (2) 管理局须备有法团印章，而盖上法团印章须由任何 2 名成员签署认证。
- (3) 看来是经盖上管理局的印章而妥为签立的任何文件，须予收取为证据，而除非相反证明成立，否则须当作为经如此签立的文件。

5. 管理局的成员

（具追溯力的适应化修订——见 2000 年第 60 号第 3 条）

- (1) 管理局由下述人士组成——
 - (a) 当然成员如下——
 - (i) 院长；及
 - (ii) 审计主任；及
 - (b) 由行政长官委任者如下——
 - (i) 管理局主席；

- (1) The objects of the Hospital shall be to provide facilities for the training of dentists and other persons in professions supplementary to dentistry.
- (2) Notwithstanding subsection (1) the facilities of the Hospital shall, if the Chief Executive in Council so directs after consultation with the Board, be used for such other dental or medical purposes as may be specified in the direction. (Amended 60 of 2000 s. 3)

4. Board of Governors

- (1) There is hereby established a Board of Governors of The Prince Philip Dental Hospital, which shall in that name be a body corporate with perpetual succession and shall be capable of suing and being sued and, subject to this Ordinance, of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.
- (2) The Board shall have a common seal, the affixing of which shall be authenticated by the signature of any 2 members.
- (3) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

5. Membership of Board

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

- (1) The Board shall consist of—
 - (a) the following who shall be ex-officio members—
 - (i) the Director; and
 - (ii) the Comptroller; and
 - (b) the following who shall be appointed by the Chief Executive—

- (ii) 香港大学成员 4 名；
 - (iii) 非公职人员的注册牙医 2 名；
 - (iv) 公职人员 4 名；及
 - (v) 非公职人员的其他人士 3 名。
- (2) 在不损害《释义及通则条例》(第 1 章)第 42 条的原则下，并非当然成员或公职人员的成员可获委任为期 3 年，或行政长官就任何个别情况所指定的较短任期，以及可不时再获委任。
- (3) 并非当然成员或公职人员的成员可随时藉给予行政长官书面通知而辞去管理局的职务。
- (4) 如主席不在香港或因任何其他理由不能履行主席职务，则行政长官可委任另一成员在主席不在香港或不能履行主席职务期间，替代主席。
- (5) 如任何成员(主席除外)不在香港或因任何其他理由不能行使他作为成员的权力或执行他作为成员的职责，则行政长官可委任另一人为临时成员，在该成员不在香港或不能行使或执行权力或职责期间，替代该成员。

(由 2000 年第 60 号第 3 条修订)

6. 管理局的职能

管理局须将医院投入运作、营运和维持，并有权作出一切为更有效落实医院的宗旨所需或所附带的事情，或作出一切有助于更有效落实医院的宗旨的事情，并在不损害前述条文的一般性的原则下，尤可——

- (i) the Chairman of the Board;
 - (ii) 4 members of the University of Hong Kong;
 - (iii) 2 persons, other than public officers, who are registered dentists;
 - (iv) 4 persons who are public officers; and
 - (v) 3 other persons who are not public officers.
- (2) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), a member who is not an ex-officio member or a public officer may be appointed for a period of 3 years, or for such lesser period as the Chief Executive may in any particular case appoint, and may from time to time be re-appointed.
- (3) A member who is not an ex-officio member or a public officer may at any time, by notice in writing to the Chief Executive, resign from the Board.
- (4) If the Chairman is absent from Hong Kong or is for any other reason unable to act as Chairman, the Chief Executive may appoint another member to be Chairman in his place during his absence or inability.
- (5) If any member, other than the Chairman, is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of his office as member, the Chief Executive may appoint another person to be a temporary member in his place during his absence or inability.

(Amended 60 of 2000 s. 3)

6. Functions of the Board

The Board shall commission, manage and maintain the Hospital and shall have power to do all such things as are necessary for, or incidental to or conducive to, the better carrying out of the objects

- (a) 获取、承租、购买、持有和享用任何财产，以及将任何财产出售、出租或以其他方式处置；
- (b) 订立任何合约；
- (c) 建造、提供、装备、保养、修葺和规管为进行医院的工作所需的建筑物、处所、家具及设备以及一切其他设施；
- (d) 厘定和收取病人及其他人就医院提供的设施及服务而须支付的费用及收费；
- (e) 一般地或就任何个别情况或任何类别的情况减收、免收或退还如此厘定的费用及收费；
- (f) 批准支用医院的款项以贯彻其宗旨；
- (g) 在财政司司长的事先批准下，以管理局认为适合的方式及规模将医院的款项投资；(由 1997 年第 362 号法律公告修订)
- (h) 在财政司司长的事先批准下，以管理局认为适合的方式及保证或条款借入款项；(由 1997 年第 362 号法律公告修订)
- (i) 以管理局认为适合的条件，为执行其职能而申请资助；
- (j) 聘用任何专业人士或专家，就管理局在本条例下的任何职能所产生或关连的事宜，向管理局提供意见；
- (k) 代表医院收取馈赠及捐赠。

7. 管理局的会议及议事程序

of the Hospital and may in particular, but without prejudice to the generality of the foregoing—

- (a) acquire, take on lease, purchase, hold and enjoy any property and sell, let or otherwise dispose of the same;
- (b) enter into any contract;
- (c) erect, provide, equip, maintain, keep in repair and regulate the buildings, premises, furniture and equipment and all other means necessary for carrying on the work of the Hospital;
- (d) fix and collect fees and charges payable by patients and other persons for the facilities and services provided by the Hospital;
- (e) reduce, waive or refund fees and charges so fixed generally or in any particular case or class of case;
- (f) approve the expenditure of the funds of the Hospital in the furtherance of its objects;
- (g) with the prior approval of the Financial Secretary, invest the funds of the Hospital in such manner and to such extent as it thinks fit;
- (h) with the prior approval of the Financial Secretary, borrow moneys in such manner and on such securities or terms as it thinks fit;
- (i) apply for any grant in aid for its functions on such conditions as it thinks fit;
- (j) employ any professional or expert person to advise it on any matter arising out of or in connection with any of its functions under this Ordinance;
- (k) receive gifts and donations on behalf of the Hospital.

7. Meetings and proceedings of the Board

- (1) 管理局的会议须在主席指定的时间及地点举行。
- (2) 管理局的会议法定人数为成员 7 名。
- (3) 管理局的任何会议均须由主席主持。
- (4) 如在管理局的任何会议上主席缺席，则出席该会议的成员须互选一人替代主席主持会议。
- (5) 主席或主持会议的成员对于在管理局提出的所有事宜，有权投普通票；如票数均等，他并有权投决定票。
- (6) 如任何成员在将于管理局任何会议上考虑的任何事宜中有金钱利害关系，而他又出席该会议，则须于该会议开始后在切实可行范围内尽快向管理局披露该金钱利害关系的事实及性质。
- (7) 在与会者要求下，该成员须在管理局考虑该事宜时从会议退席，而于任何情况下该成员不得就该事宜投票。
- (8) 在符合本条例的规定下，管理局可决定其会议程序。

8. 以传阅文件方式处理事务

管理局可藉传阅文件的方式处理其任何事务，由过半数成员以书面通过的书面决议，其效力及作用犹如该决议是在管理局会议上通过的一样。

9. 议事程序的有效性

管理局任何议事程序的有效性均不受下述情况影响——

- (a) 任何成员的委任方面有任何欠妥之处；
- (b) 任何成员在进行该项议事程序的会议上缺席；或

- (1) Meetings of the Board shall be held at such times and places as the Chairman may appoint.
- (2) A quorum shall be 7 members.
- (3) At any meeting of the Board the Chairman shall preside.
- (4) If the Chairman is absent from any meeting of the Board, the members present at the meeting shall elect one of their number to preside at the meeting in his place.
- (5) The Chairman or member presiding shall have a deliberative vote on all matters coming before the Board and in the case of an equality of votes he shall also have a casting vote.
- (6) If a member has a pecuniary interest in any matter to be considered at a meeting of the Board and is present at such meeting, he shall as soon as practicable after the commencement of the meeting disclose to the Board the fact and nature of the interest.
- (7) Such member shall, if so required by the meeting, withdraw from the meeting while the Board is considering the matter and in any case shall not vote thereon.
- (8) Subject to this Ordinance, the Board may determine its own procedure.

8. Transaction of business by circulation of papers

The Board may transact any of its business by circulation of papers, and a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Board.

9. Validity of proceedings

The validity of any proceedings of the Board shall not be affected by—

- (a) any defect in the appointment of any member;

(c) 有成员席位悬空。

10. 委员会

- (1) 管理局为更妥善履行其在本条例下的职能，可委出委员会。
- (2) 根据本条委出的委员会可包括并非管理局成员的人：但每个委员会须最少有三分之二的成员是管理局的成员。
- (3) 除管理局另有指示外，每个委员会可决定其会议程序。

11. 转授

- (1) 除第 (2) 款另有规定外，管理局可以书面将其任何职能转授予院长或审计主任或根据第 10 条委出的任何委员会：但所作出的任何转授，并不阻止管理局在任何时间行使或执行经如此转授的职能。
- (2) 管理局不得转授其在第 6(d)、12(5) 或 15 条下的职能。

12. 院长及其他职员委任

(具追溯力的适应化修订——见 2000 年第 60 号第 3 条)

- (1) 医院设有院长一职，院长须——
 - (a) 具牙医资格；及
 - (b) 是香港大学的教务人员，并由该大学提名；及
 - (c) 由行政长官委任。(由 2000 年第 60 号第 3 条修订)

- (b) the absence of any member from the meeting at which such proceedings occurred; or
- (c) any vacancy among members.

10. Committees

- (1) The Board may appoint committees for the better discharge of its functions under this Ordinance.
- (2) A committee appointed under this section may include persons who are not members of the Board:
Provided that at least two-thirds of the members of every committee shall be members of the Board.
- (3) Subject to the directions of the Board, each committee may determine its own procedure at its meetings.

11. Delegation

- (1) Subject to subsection (2), the Board may in writing delegate to the Director or the Comptroller or to any committee appointed under section 10 any of its functions:
Provided that no delegation shall preclude the Board from exercising or performing at any time any function so delegated.
- (2) The Board shall not delegate its functions under section 6(d), 12(5) or 15.

12. Appointment of Director and other staff

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

- (1) There shall be a Director of the Hospital who shall be—
 - (a) qualified in dentistry; and
 - (b) a member of the teaching staff of the University of Hong Kong and nominated by the University; and

- (2) 院长须就医院的营运、经营及管理向管理局负责。
(2A) 如院长不在香港或不能执行院长的职能，则主席可委任一人在院长不在香港或不能执行职能期间署理院长一职，而该人须具牙医资格，以及是香港大学的教务人员并由该大学提名。（由 1992 年第 3 号第 3 条增补）
(2B) 根据第 (2A) 款作出的委任须于委任作出后第 44 天结束时终止，但获管理局确认者则除外。（由 1992 年第 3 号第 3 条增补）
- (3) 管理局须委任一人为医院的审计主任，审计主任须——
- 就医院的营运、经营及管理而协助院长；及
 - 就与医院运作有关的财政事宜及预算，直接向管理局负责。
- (4) 管理局可为医院的目的，聘用其认为适合的人。
- (5) 管理局须决定关于雇员薪酬及其聘用条款和条件的一切事宜。

13. 职员利益

- (1) 管理局可——
- 发放或提供资金以备发放退休金、酬金及退休利益予其雇员；
 - 为其雇员及他们的受养人的福利，提供其他利益；

- (c) appointed by the Chief Executive. (*Amended 60 of 2000 s. 3*)
- (2) The Director shall be responsible to the Board for the management, conduct and administration of the Hospital.
- (2A) If the Director is absent from Hong Kong or is unable to function as Director, the Chairman may appoint a person who is qualified in dentistry and who is a member of the teaching staff of the University of Hong Kong and nominated by the University, to act as Director during the Director's absence or inability. (*Added 3 of 1992 s. 3*)
- (2B) An appointment under subsection (2A) is terminated at the end of 44 days after it is made unless it is confirmed by the Board. (*Added 3 of 1992 s. 3*)
- (3) The Board shall appoint a person to be the Comptroller of the Hospital who—
- shall assist the Director in the management, conduct and administration of the Hospital; and
 - shall be responsible directly to the Board for the financial matters and budgets relating to the operation of the Hospital.
- (4) The Board may employ such persons as it thinks fit for the purposes of the Hospital.
- (5) The Board shall determine all matters relating to the remuneration of employees and to their terms and conditions of employment.

13. Staff benefits

- (1) The Board may—
- grant, or make provision for the grant of, pensions, gratuities and retirement benefits, to its employees;

- (c) 付款予已去世的雇员的合法遗产代理人或在该雇员去世时受其供养的任何人，不论有关付款是特惠的或是在法律上须付的。
- (2) 管理局可设立、管理与管制任何基金或计划，或与任何公司或组织订立安排，由该公司或组织单独或联同管理局设立、管理与控制任何基金或计划，以便提供第(1)款提述的退休金、酬金、利益及付款。
- (3) 管理局可向第(2)款提述的基金或计划供款，并可规定其雇员向该基金或计划供款。
- (4) 管理局可按其决定的租金、条款及条件，向其雇员、顾问及他们的家属，提供居所及家居用品，以供他们占用和使用。
- (5) 在本条中，“雇员”(employees)包括管理局指明的任何类别的雇员，而在第(1)款中，则包括前雇员。

14. 管理局的款项

管理局的款项由下列各项组成——

- (a) 病人及其他人就医院提供的设施及服务而支付的费用及收费；
- (b) 管理局借入的款额；
- (c) 政府为协助医院的经营而不时提供的资助；
- (d) 管理局收取的任何馈赠或捐赠。

- (b) provide other benefits for the welfare of its employees and their dependants;
- (c) make payments, whether ex gratia or legally due, to the legal personal representative of a deceased employee or to any person who was a dependant of such employee at his death.
- (2) The Board may establish, manage and control or enter into an arrangement with any company or association for the establishment, management and control by such company or association either alone or jointly with the Board of any fund or scheme for the purpose of providing pensions, gratuities, benefits and payments referred to in subsection (1).
- (3) The Board may make contribution to any fund or scheme referred to in subsection (2) and may require its employees to make contributions thereto.
- (4) The Board may supply living accommodation and household effects for the occupation and use of employees and advisers of the Board and their families, at such rent and on such terms and conditions as it may determine.
- (5) In this section “employees” (雇员) includes any class of employee which the Board may specify and in subsection (1) includes former employees.

14. Funds of the Board

The funds of the Board shall consist of—

- (a) the fees and charges paid by patients and other persons for the facilities and services provided by the Hospital;
- (b) such sums as the Board may borrow;
- (c) such subsidies as may be made available from time to time by the Government to assist towards the running of the Hospital;

15. 计划及收支预算

(具追溯力的适应化修订——见 2000 年第 60 号第 3 条)

- (1) 在行政长官的事先批准下，管理局须不时订定某段期间为管理局的财政年度。
- (2) 于每个财政年度内，管理局须在行政长官指定的日期前，向行政长官呈交管理局下一财政年度的建议事务计划及收支预算。
- (3) 根据第 (2) 款呈交的收入预算，须包括管理局建议向病人及其他人所收取费用及收费的细节，以及该等费用及收费的任何建议加费的陈述书。
- (4) 行政长官须考虑根据第 (2) 款向他呈交的计划、收支预算和建议费用及收费，并可予以批准或拒绝，如予以拒绝，行政长官可要求管理局在行政长官指定的时间内将计划或收支预算或建议费用及收费，或所有或任何该等项目，在按行政长官指示的方式修改后，再予呈交。
- (5) 管理局可不时更改已根据第 (4) 款获批准的收支预算，并须于切实可行范围内尽快将任何更改的细节送交行政长官。

(由 2000 年第 60 号第 3 条修订)

16. 帐目及报表

(具追溯力的适应化修订——见 2000 年第 60 号第 3 条)

- (d) any gifts or donations received by the Board.

15. Programme and estimates

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

- (1) The Board shall, from time to time, with the prior approval of the Chief Executive, fix a period to be the financial year of the Board.
- (2) In each financial year, before a date to be appointed by the Chief Executive, the Board shall submit to the Chief Executive a programme of its proposed activities and estimates of receipts and payments of the Board for the next financial year.
- (3) The estimates of receipts submitted under subsection (2) shall include details of the fees and charges which the Board proposes to charge patients and other persons and a statement of any proposed increase in such fees and charges.
- (4) The Chief Executive shall consider the programme, estimates and proposed fees and charges submitted to him under subsection (2) and may approve or reject them, and, in the case of rejection, may require the Board to resubmit the programme or estimates or proposed fees and charges, or all or any of them modified in such manner and within such time as the Chief Executive may direct.
- (5) The Board may from time to time vary the estimates of receipts and payments approved under subsection (4) and shall, as soon as practicable, deliver to the Chief Executive details of any variation.

(Amended 60 of 2000 s. 3)

16. Accounts and statements

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

- (1) 管理局须备存库务署署长所规定的交易帐目，并须就由本条例生效日期至管理局订定为管理局首个财政年度终结之日的期间以及就管理局其后每一财政年度，拟备管理局帐目报表，该报表须包括收支结算表、资产负债表及收支报表，并须由主席签署。
- (2) 主席须在管理局帐目报表所关的期间终结后 6 个月内，或在行政长官容许的较后日期之前，将经签署的管理局帐目报表，送交事先经行政长官批准而由管理局委任的核数师。（由 2000 年第 60 号第 3 条修订）
- (3) 管理局的帐目及经签署的帐目报表，须由该名获委任的核数师审计，该核数师须核证该帐目报表，并可附加其认为适合的报告（如有的话）予以规限。
- (4) 经签署与审计的帐目报表连同该名获委任核数师的报告（如有的话），以及管理局就其于该份经审计帐目所涵盖期间内的事务所作的报告，须在管理局从该名获委任核数师处接获该份经签署与审计的帐目报表的 3 个月内，呈交行政长官和呈交立法会会议席上省览。（由 2000 年第 60 号第 3 条修订）

17. 行政长官会同行政会议发出指示的权力

（具追溯力的适应化修订——见 2000 年第 60 号第 3 条）

- (1) 行政长官会同行政会议可向管理局发出一般性的指示，指示管理局如何履行其在本条例下，与行政长官会同行

- (1) The Board shall keep such accounts of its transactions as the Director of Accounting Services may require and shall prepare for the period from the commencement of this Ordinance to the date fixed by the Board to be the close of the first financial year of the Board, and for each financial year of the Board thereafter, a statement of the accounts of the Board, which statement shall include an income and expenditure account, a balance sheet and a statement of receipts and payments, and shall be signed by the Chairman.
- (2) The signed statement of the accounts of the Board shall be submitted by the Chairman to an auditor who shall be appointed by the Board with the prior approval of the Chief Executive not later than 6 months after the end of the period to which it relates or such later date as the Chief Executive may allow. (*Amended 60 of 2000 s. 3*)
- (3) The accounts of the Board and the signed statement of the accounts shall be audited by the appointed auditor, who shall certify such statement subject to such report, if any, as he may think fit.
- (4) A copy of the signed and audited statement of accounts together with the report, if any, of the appointed auditor and a report by the Board on its activities during the period covered by the audited accounts, shall be submitted to the Chief Executive and laid on the table of the Legislative Council within 3 months of the receipt by the Board of the signed and audited statement of accounts from the appointed auditor. (*Amended 60 of 2000 s. 3*)

17. Power of Chief Executive in Council to give directions

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

- (1) The Chief Executive in Council may give the Board directions of a general character as to the discharge by the Board of its functions under this Ordinance in relation to

政会议觉得会影响公众利益的事宜有关的职能，包括颁授荣誉、学术或专业名衔。

- (2) 管理局在行使或执行其在本条例下的任何职能时，须遵从行政长官会同行政会议根据第 (1) 款发出的任何指示。

(由 2000 年第 60 号第 3 条修订)

18. 管理局须向行政长官提供资料

(具追溯力的适应化修订——见 2000 年第 60 号第 3 条)

每当行政长官提出要求时，管理局须向行政长官提供行政长官所要求而与医院运作有关的资料。

(由 2000 年第 60 号第 3 条修订)

19. 管理局并非政府的雇员或代理人

管理局并非政府的雇员或代理人，亦不享有任何政府地位、政府豁免权或政府特权。

(由 2002 年第 23 号第 40 条修订)

20. 规例

(具追溯力的适应化修订——见 2000 年第 60 号第 3 条)

行政长官会同行政会议可为使本条例的条文更有效地施行而订立规例。

(由 2000 年第 60 号第 3 条修订)

21. 权利及法律责任的移转以及其他过渡性条文

- (1) 所有于紧接本条例生效日期前属临时管理局的权利、义务及法律责任，从该生效日期起即成为管理局的权利、义务及法律责任，而管理局具有执行该等权利和履行该等义务及法律责任所需的一切权力。

matters appearing to the Chief Executive in Council to affect the public interest, including the making of any honorary, academic or professional awards.

- (2) The Board shall, in the exercise or performance of any function under this Ordinance, comply with any directions given by the Chief Executive in Council under subsection (1).

(Amended 60 of 2000 s. 3)

18. Board to supply information to Chief Executive

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

The Board shall, whenever so required by the Chief Executive, furnish the Chief Executive with such information relating to the operation of the Hospital as the Chief Executive may require.

(Amended 60 of 2000 s. 3)

19. Board not servant or agent of the Government

The Board is not the servant or agent of the Government and does not enjoy any status, immunity or privilege of the Government.

(Amended 23 of 2002 s. 40)

20. Regulations

(Adaptation amendments retroactively made - see 60 of 2000 s. 3)

The Chief Executive in Council may make regulations for the better carrying out of the provisions of this Ordinance.

(Amended 60 of 2000 s. 3)

21. Transfer of rights and liabilities and other transitional provisions

- (1) All rights, obligations and liabilities of the Provisional Board immediately before the commencement of this Ordinance are as from such commencement the rights, obligations and liabilities of the Board and the Board shall have all necessary

- (2) 在不局限第 (1) 款的一般性的原则下，于紧接本条例生效日期之前临时管理局作为其中一方的每项协议（不论其是否书面协议亦不论根据协议而有的权利及法律责任可否转让），从该生效日期起具有效力，犹如——
- (a) 管理局是代替临时管理局而作为该协议的一方；及
- (b) 任何提述临时管理局之处，不论措词，亦不论是明示的或是隐含的，就任何于本条例生效日期当日或该日之后有待作出或不作出的事情而言，均已由对管理局的提述取代。
- (3) 凡为施行第 (1) 款而有需要，第 (2)(b) 款亦适用于任何并非协议而内有提述临时管理局的文件。
- (4) 临时管理局对任何雇员的聘用如于紧接本条例生效日期前持续有效，即当作由管理局根据本条例作出；就决定该雇员于终止服务时获得退休金、酬金或其他利益的权利而言，其服务的连续性不得只因本条而中断。
- (5) 于本条例生效日期前，已由临时管理局或已在临时管理局授权下开始进行的事情，可由管理局或在管理局授权下继续进行与完成。
- (6) 在本条中，“临时管理局” (Provisional Board) 指总督在本条例生效日期前委出的菲腊牙科医院临时管理局。

- powers to enforce those rights and discharge those obligations and liabilities.
- (2) Without limiting the generality of subsection (1), every agreement, whether in writing or not, to which the Provisional Board was a party immediately before the commencement of this Ordinance and whether or not of such a nature that the rights and liabilities thereunder could be assigned shall have effect as from such commencement as if—
- (a) the Board had been party to such agreement in lieu of the Provisional Board; and
- (b) for any reference, however worded and whether expressed or implied, to the Provisional Board there were substituted in respect of anything to be done or omitted on or after the commencement of this Ordinance a reference to the Board.
- (3) Where necessary for the purpose of giving effect to subsection (1), subsection (2)(b) shall also apply to any document, not being an agreement, having therein references to the Provisional Board.
- (4) The appointment of any employee of the Provisional Board subsisting immediately before the commencement of this Ordinance shall be deemed to be made by the Board under this Ordinance and for the purpose of determining the right to pension, gratuity or other benefits of such employee on the cessation of his service, there shall be no break in the continuity thereof by reason only of this section.
- (5) Where anything has been commenced by or under the authority of the Provisional Board before the commencement of this Ordinance such thing may be carried on and completed by, or under the authority of, the Board.
- (6) In this section “Provisional Board” (临时管理局) means the Provisional Board of The Prince Philip Dental Hospital

appointed by the Governor before the commencement of this Ordinance.