

《嘉道理农业辅助贷款基金条例》

KADOORIE AGRICULTURAL AID LOAN FUND
ORDINANCE

(第 1080 章)

(Cap. 1080)

目录

Contents

条次		页次	Section	Page
1.	简称	1	1. Short title	2
2.	基金的设立	1	2. Establishment of the Fund	2
3.	基金的维持	1	3. Maintenance of Fund	2
4.	受托人	3	4. The trustee	4
5.	基金的管理	3	5. Administration of the Fund	4
6.	信托	5	6. The trusts	6
7.	投资项目	5	7. Investments	6
8.	借入款项的权力	5	8. Borrowing powers	6
9.	规例	7	9. Regulations	8
10.	冲销无法追讨款项的权力	7	10. Power to write off irrecoverable moneys	8
11.	在委员会会议上问题的决定	7	11. Determination of questions at meetings of the committee	8
12.	帐目	9	12. Accounts	10
13.	管理费用	9	13. Cost of administration	10

本条例旨在就设立和管理一个名为嘉道理农业辅助贷款基金的信托基金，以及就相关目的订定条文。

[1955 年 7 月 8 日]

1. 简称

本条例可引称为《嘉道理农业辅助贷款基金条例》。

2. 基金的设立

现设立一个信托基金，名为嘉道理农业辅助贷款基金（以下提述为基金），该基金由第 3 条列出的款项及资产组成。

3. 基金的维持

基金由以下各项组成——

- (a) 由 Horace Kadoorie 及 Lawrence Kadoorie 共同向基金捐赠的款项，以及由政府向基金捐赠的款项；
- (b) 不时由 Horace Kadoorie 或由 Lawrence Kadoorie，或由政府向基金作出的任何捐赠；
- (c) 在 Horace Kadoorie 及 Lawrence Kadoorie 共同在生时经他们同意而向基金作出的任何捐赠，以及在他们其中一人去世后而尚存者在生时经尚存者同意而向基金作出的任何捐赠；
- (d) 在 Horace Kadoorie 及 Lawrence Kadoorie 的尚存者去世后向基金作出的任何捐赠，

并连同不时相当于上述款项的任何投资项目，以及连同得自任何该等投资项目的权益及收益。

To provide for the establishment and administration of a trust fund to be known as the Kadoorie Agricultural Aid Loan Fund and for purposes connected therewith.

[8 July 1955]

1. Short title

This Ordinance may be cited as the Kadoorie Agricultural Aid Loan Fund Ordinance.

2. Establishment of the Fund

There is hereby established a trust fund to be known as the Kadoorie Agricultural Aid Loan Fund, hereinafter referred to as the Fund, which shall consist of the moneys and assets set forth in section 3.

3. Maintenance of Fund

The Fund shall consist of—

- (a) moneys donated jointly to the Fund by Horace Kadoorie and Lawrence Kadoorie, and by the Government;
- (b) any donations to the Fund which may from time to time be made either by Horace Kadoorie or by Lawrence Kadoorie, or by the Government;
- (c) any donations to the Fund which may be made during the joint lives of Horace Kadoorie and Lawrence Kadoorie with their consent and after the death of either of them and during the life of the survivor with the consent of the survivor;
- (d) any donations made to the Fund after the death of the survivor of Horace Kadoorie and Lawrence Kadoorie,

4. 受托人

- (1) 现将基金归属渔农自然护理署署长(以下提述为受托人), 受托人须以信托并以本条例下文所载权力及条文, 以及在该等权力及条文的规限下, 持有基金。
- (2) 为施行本条例, 渔农自然护理署署长的职位属永久延续, 而所有根据本条例归属受托人的款项、股额、证券、保证及土地须当作归属当其时的渔农自然护理署署长, 无须再作移转或转易。

(由 1999 年第 331 号法律公告修订)

5. 基金的管理

(具追溯力的适应化修订——见 2000 年第 61 号第 3 条)

- (1) 基金须由一个委员会(以下提述为委员会)管理, 该委员会的成员如下——
 - (a) 渔农自然护理署署长, 由他出任委员会主席; (由 1999 年第 331 号法律公告修订)
 - (aa) Sir Elly Kadoorie & Sons Limited 的代名人一名; (由 1996 年第 18 号第 2 条增补)
 - (b)-(c) (由 1996 年第 18 号第 2 条废除)
 - (d) 由行政长官委任的成员不多于 5 名。
- (2) 由行政长官委任的成员, 任期为 2 年, 由他们各自获委任的日期起计, 并可由行政长官酌情再度委任或免任。

and together with any investment from time to time representing the said moneys and together also with the interest and income derived from any such investment.

4. The trustee

- (1) The Fund is hereby vested in the Director of Agriculture, Fisheries and Conservation, hereinafter referred to as the trustee, who shall hold the Fund upon the trusts and with and subject to the powers and provisions hereinafter in this Ordinance contained.
- (2) For the purposes of this Ordinance, the office of the Director of Agriculture, Fisheries and Conservation shall have perpetual succession and all moneys, stocks, and securities and land which may be vested in the trustee under this Ordinance shall be deemed to be vested in the Director of Agriculture, Fisheries and Conservation for the time being, without any further transfer or conveyance.

(Amended L.N. 331 of 1999)

5. Administration of the Fund

(Adaptation amendments retroactively made - see 61 of 2000 s. 3)

- (1) The Fund shall be administered by a committee, hereinafter referred to as the committee, consisting of—
 - (a) the Director of Agriculture, Fisheries and Conservation who shall be chairman of the committee; (Amended L.N. 331 of 1999)
 - (aa) a nominee of Sir Elly Kadoorie & Sons Limited; (Added 18 of 1996 s. 2)
 - (b)-(c) (Repealed 18 of 1996 s. 2)
 - (d) not more than 5 members appointed by the Chief Executive.

- (3) 委员会处理事务所需的法定人数，可由根据本条例订立的规例订定，而除非有如此订定，否则 4 名成员即构成法定人数。

(由 1996 年第 18 号第 2 条修订；由 2000 年第 61 号第 3 条修订)

6. 信托

(具追溯力的适应化修订——见 2000 年第 61 号第 3 条)

- (1) 受托人须以委员会指示的方式运用基金，目的是藉向农民、农民团体或拟成为农民的人，按委员会指示的利率（如有的话）及条款或条件发放贷款，或藉行政长官不时批准的其他方式，鼓励或改善香港的农业。（由 1996 年第 18 号第 3 条修订；由 2000 年第 61 号第 3 条修订）

- (2) 就第 (1) 款而言，“农业” (agriculture) 一词包括各种形式的水产养殖。（由 1996 年第 18 号第 4 条代替）

(由 1960 年第 40 号第 4 条代替)

7. 投资项目

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。

8. 借入款项的权力

- (2) Members appointed by the Chief Executive shall hold office for 2 years from the date of their respective appointments, and may be re-appointed or removed by the Chief Executive at his discretion.

- (3) The quorum necessary for the transaction of the business of the committee may be fixed by regulation made under this Ordinance and unless so fixed, 4 members shall form a quorum.

(Amended 18 of 1996 s. 2; 61 of 2000 s. 3)

6. The trusts

(Adaptation amendments retroactively made - see 61 of 2000 s. 3)

- (1) The trustee shall apply the Fund in such manner as the committee may direct for the purpose of encouraging or improving agriculture in Hong Kong by the issue of loans to farmers, groups of farmers or persons intending to become farmers, at such rates of interest, if any, and subject to such terms or conditions as the committee may direct, or by such other means as may from time to time be approved by the Chief Executive. (Amended 18 of 1996 s. 3; 61 of 2000 s. 3)

- (2) For the purpose of subsection (1), the expression “agriculture” (农业) includes all forms of aquaculture. (Replaced 18 of 1996 s. 4)

(Replaced 40 of 1960 s. 4)

7. Investments

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.

8. Borrowing powers

受托人可按委员会不时指示的利率及条款或条件借入委员会不时指示的款项，以贯彻第 6 条指明的任何目的，而基金的资本及资产可予以押记作为偿还借入款项的保证。

(由 1960 年第 40 号第 5 条增补)

9. 规例

(具追溯力的适应化修订——见 2000 年第 61 号第 3 条)

委员会可藉规例，就其处理事务的程序、维持会议的秩序良好，以及概括而言与基金的行政和管理及委员会履行职责有关的所有事宜，作出规定：

但上述规例的文本须提交政务司司长，而该等规例得随时由行政长官拒准或修订。

(由 1976 年第 226 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2000 年第 61 号第 3 条修订)

10. 冲销无法追讨款项的权力

在符合委员会的指示下，受托人有权从基金款项中冲销委员会认为无法追讨的任何款额。

11. 在委员会会议上问题的决定

(具追溯力的适应化修订——见 2000 年第 61 号第 3 条)

在委员会的任何会议上出现的所有问题，须由出席的成员表决，并以过半数票取决，如票数均等，则主席除其原有一票外，有权投决定票：

The trustee may borrow such sums of money at such rates of interest and subject to such terms or conditions as the committee may from time to time direct for the furtherance of any of the purposes specified in section 6, and the capital and assets of the Fund shall be chargeable as security for the repayment thereof.

(Added 40 of 1960 s. 5)

9. Regulations

(Adaptation amendments retroactively made - see 61 of 2000 s. 3)

The committee may by regulation provide for its procedure in the transaction of business and the maintenance of good order at its meetings and generally for all matters relating to the administration and management of the Fund and the discharge of the duties of the committee:

Provided always that a copy of such regulations shall be furnished to the Chief Secretary for Administration and that they shall be subject to disallowance or amendment at any time by the Chief Executive.

(Amended L.N. 226 of 1976; L.N. 242 of 1994; L.N. 362 of 1997; 61 of 2000 s. 3)

10. Power to write off irrecoverable moneys

The trustee shall have power subject to the direction of the committee to write off from the moneys of the Fund any sums which the committee deem to be irrecoverable.

11. Determination of questions at meetings of the committee

(Adaptation amendments retroactively made - see 61 of 2000 s. 3)

All questions which may arise at any meeting of the committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the chairman shall have a casting vote in addition to his original vote:

但如在没有主席的决定票的情况下，表示赞成及反对的票数均等，则委员会任何三名成员可要求将问题提交行政长官作决定，而在该情况下，行政长官的决定即为最终决定。

(由 2000 年第 61 号第 3 条修订)

12. 帐目

(具追溯力的适应化修订——见 2000 年第 61 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，并须安排为每段截至每年 3 月 31 日为止的十二个月期间，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），以及委员会就经审计的帐目所涵盖期间内的基金管理作出的报告，须不迟于上述期间终结后的第一个 9 月 30 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 1960 年第 40 号第 6 条代替。由 2000 年第 61 号第 3 条修订)

13. 管理费用

管理基金的费用须从香港政府一般收入中拨款支付。

(由 1996 年第 18 号第 3 条修订)

Provided that, in any case in which the committee is equally divided in opinion without the casting vote of the chairman, any three members of the committee may demand that the point be referred to the Chief Executive for his decision, which shall in every such case be final.

(Amended 61 of 2000 s. 3)

12. Accounts

(Adaptation amendments retroactively made - see 61 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 for every period of twelve months ending on the 31st day of March 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 may think fit.
- (3) A copy of the signed and audited statement of the accounts together with the auditor's report, if any, and a report by the committee on the administration of the Fund during the period covered by the audited accounts shall be laid on the table of the Legislative Council not later than the 30th day of September next following the end of such period or so soon thereafter as the Chief Executive, in his absolute discretion, may allow.

(Replaced 40 of 1960 s. 6. Amended 61 of 2000 s. 3)

13. Cost of administration

The cost of administrating the Fund shall be defrayed out of the general revenue of Hong Kong.

(Amended 18 of 1996 s. 3)