

《惩教署人员子女教育信托基金条例》

CORRECTIONAL SERVICES CHILDREN'S
EDUCATION TRUST ORDINANCE

(第 1131 章)

(Cap. 1131)

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本条例旨在为惩教署主任级以下雇员的子女的高等教育提供协助及设施、为该等雇员的伤残子女的教育及培训设立信托基金，并为该基金的妥善管理，以及就与上述事宜相关的目的订定条文。

To establish a trust fund for providing assistance in, and facilities for, the higher education of the children of employees below officer rank of the Correctional Services Department, for the education and training of handicapped children of such employees and for the due administration of such fund and for purposes connected with the matters aforesaid.

[1983 年 7 月 1 日]

[1 July 1983]

1. 简称

本条例可引称为《惩教署人员子女教育信托基金条例》。

1. Short title

This Ordinance may be cited as the Correctional Services Children's Education Trust Ordinance.

2. 释义

在本条例中，除文意另有所指外——

“受托人” (trustee) 指作为基金受托人的署长；

“委员会” (Committee) 指根据第 6 条设立的委员会；

“高等教育” (higher education) 指小学修业后的教育，或任何不低于小学修业后的教育程度而属专业、技术、学术或其他性质的教育；

“基金” (fund) 指由第 3 条设立的信托基金；

“署长” (Commissioner) 指惩教署署长；

“归属日期” (vesting day) 指本条例的生效日期；

“惩教助理及同等职系人员” (Assistant Officers and equivalent grades) 指受雇为惩教署惩教主任级以下的人，并包括共通及一般职系人员。

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“Assistant Officers and equivalent grades” (惩教助理及同等职系人员) means any person employed in the Correctional Services Department below officer rank and includes common and general grade staff;

“Commissioner” (署长) means the Commissioner of Correctional Services;

“Committee” (委员会) means the committee established under section 6;

“fund” (基金) means the trust fund established by section 3;

“higher education” (高等教育) means post-primary education or any education of a professional, technological, academic or other nature not below the standard of post-primary education;

“trustee” (受托人) means the Commissioner as trustee of the fund;

3. 基金的设立及归属

- (1) 现设立一个信托基金，名为惩教署人员子女教育信托基金。
- (2) 受托人须以信托形式并在本条例所载条文的规限下，持有基金。
- (3) 基金由以下各项组成——
 - (a) 以就惩教署惩教助理及同等职系人员的子女的高等教育和就该等人员的伤残子女的教育及培训提供协助为宗旨，而于 1983 年 3 月 18 日成立和公开接受认捐的基金获公众捐赠的款项于归属日期的结余；
 - (b) 在归属日期前藉使用任何如此捐赠的款项而获取的其他资产；及
 - (c) 在归属日期或该日之后——
 - (i) 为基金的目的而向受托人捐赠、认捐或遗赠并被受托人接受的其他款项及资产；或
 - (ii) 受托人为基金的目的而以其他方式获取的其他款项及资产。

4. 作为受托人的署长成立为法团

- (1) 为施行本条例，当其时执行署长职责的人为基金的受托人，并为一个单一法团（在本条中称为“法团”），须以“The Trustee of the Correctional Services Children's Education

“vesting day” (归属日期) means the date of commencement of this Ordinance.

3. Establishment and vesting of fund

- (1) There is hereby established a trust fund to be known as the Correctional Services Children's Education Trust.
- (2) The trustee shall hold the fund upon the trusts and subject to the provisions contained in this Ordinance.
- (3) The fund shall consist of—
 - (a) the balance on the vesting day of the moneys donated by members of the public to the fund set up and opened to subscription on 18 March 1983 with the object of providing assistance for the higher education of the children of Assistant Officers and equivalent grades of the Correctional Services Department and for the education and training of handicapped children of such officers;
 - (b) such other assets as may have been acquired before the vesting day by the use of any moneys so donated; and
 - (c) such further moneys and assets as may, on or after the vesting day, be—
 - (i) donated, subscribed or bequeathed to, and accepted by, the trustee for the purposes of the fund; or
 - (ii) otherwise acquired by the trustee for the purposes of the fund.

4. Incorporation of the Commissioner as trustee

- (1) For the purposes of this Ordinance, the person for the time being performing the duties of the office of the Commissioner shall be the trustee of the fund and shall be a corporation sole (in this section called “the corporation”) and shall have the

Trust” 的名称命名，而且以该名称永久延续，且在任何法院可以该名称起诉与被起诉。

- (2) 法团须备有法团印章，而加盖该印章须由受托人签署认证。
- (3) 任何看来是用法团印章妥为签立的文书，须获收取为证据，而除非相反证明成立，否则须当作为如此签立的文书。

5. 基金的宗旨及运用

受托人须以委员会凭其绝对酌情决定权而指示的方式，为以下宗旨而运用基金——

- (a) 就惩教助理及同等职系人员的子女的高等教育及其附属目的提供协助及方便；
- (b) 就惩教助理及同等职系人员的伤残子女的教育及培训提供协助及方便；及
- (c) 为上述子女提供继续上述研修和接受上述教育及培训的机会。

6. 委员会的设立

(有关《立法会决议》(2007 年第 130 号法律公告)所作之修订的保留及过渡性条文，见载于该决议第 (12) 段。)

- (1) 基金须由一个委员会管理，该委员会名为惩教署人员子女教育信托基金委员会。
- (2) 委员会的成员如下——
 - (a) 主席一名，由行政长官委任；
 - (b) 署长或其代表；

name “The Trustee of the Correctional Services Children’s Education Trust”, and in that name shall have perpetual succession and may sue and be sued in any court.

- (2) The corporation shall have a common seal and the affixing of the seal shall be authenticated by the signature of the trustee.
- (3) Any instrument purporting to be an instrument duly executed under the seal of the corporation shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument so executed.

5. Objects and application of the fund

The trustee shall apply the fund in such manner as the committee may, in its absolute discretion, direct for the following objects—

- (a) the provision of assistance in, and facilities for, the higher education of the children of Assistant Officers and equivalent grades and for purposes ancillary thereto;
- (b) the provision of assistance in, and facilities for, the education and training of handicapped children of Assistant Officers and equivalent grades; and
- (c) the provision for any such children of opportunities for the furtherance of such studies, education and training.

6. Establishment of committee

(For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.)

- (1) The fund shall be managed by a committee to be known as the Correctional Services Children’s Education Trust Committee.
- (2) The committee shall consist of—
 - (a) a Chairman, appointed by the Chief Executive;
 - (b) the Commissioner, or his representative;

- (c) 教育局常任秘书长或其代表；(由 2003 年第 3 号第 41 条修订；由 2007 年第 130 号法律公告修订)
 - (d) 惩教署福利主任，由署长委任；
 - (e) 由行政长官委任的惩教助理及同等职系人员代表；
 - (f) 由行政长官委任的其他成员不超过 2 名。(由 1999 年第 15 号第 3 条修订)
- (3) 由行政长官委任的成员，任期为委任书所指明者，并可由行政长官再度委任或免任。(由 1999 年第 15 号第 3 条修订)
- (4) 委员会处理事务所需的法定人数，可由根据第 7 条订立的常规订定，而除非有如此订定，否则法定人数为主席及 2 名成员。

7. 常规

(具追溯力的适应化修订 - 见 1999 年第 15 号第 3 条)

- (1) 委员会可就以下事宜，订立常规——
- (a) 管限其处理事务的程序；
 - (b) 维持其会议的秩序良好；及
 - (c) 一般而言，与基金的行政和管理及委员会履行职责有关的事宜。
- (2) 上述每一项常规的文本，须提交政务司司长，而上述每一项常规得由行政长官修订。(由 1997 年第 362 号法律公告修订；由 1999 年第 15 号第 3 条修订)

- (c) the Permanent Secretary for Education, or his representative; (*Amended 3 of 2003 s. 41; L.N. 130 of 2007*)
 - (d) the Correctional Services Welfare officer, appointed by the Commissioner;
 - (e) such representative of the Assistant Officers and equivalent grades as may be appointed by the Chief Executive;
 - (f) such other members, not exceeding 2, as may be appointed by the Chief Executive. (*Amended 15 of 1999 s. 3*)
- (3) A member appointed by the Chief Executive shall hold office for such period as may be specified in the letter of appointment and may be reappointed or removed by the Chief Executive. (*Amended 15 of 1999 s. 3*)
- (4) The quorum necessary for the transaction of business by the committee may be fixed by standing orders made under section 7 and unless so fixed shall be the Chairman and 2 members.

7. Standing orders

(Adaptation amendments retroactively made - see 15 of 1999 s. 3)

- (1) The committee may make standing orders—
- (a) governing its procedure in the transaction of business;
 - (b) for the maintenance of good order at its meetings; and
 - (c) generally, for matters relating to the administration and management of the fund and the discharge of the duties of the committee.
- (2) A copy of every such standing order shall be furnished to the Chief Secretary for Administration and every such order shall

8. 高级人员的委任

委员会可不时按其认为恰当的条款，委任一名义务秘书、一名义务司库和其认为为执行信托所需的其他义务干事。

9. 款项的投资

(具追溯力的适应化修订 - 见 1999 年第 15 号第 3 条)

- (1) 受托人可按委员会建议，将基金的任何款项投资在《受托人条例》(第 29 章)特准由信托基金投资的投资项目。
- (2) 行政长官可委出一个投资顾问委员会，该投资顾问委员会须由不少于 3 人但不多于 5 人组成，而如该投资顾问委员会一经委出，则受托人经投资顾问委员会的事先批准，可按委员会建议，将基金的任何款项投资在并非特准由信托基金投资的投资项目。(由 1999 年第 15 号第 3 条修订)

10. 帐目

(具追溯力的适应化修订 - 见 1999 年第 15 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，并须安排就由归属日期至 1983 年 8 月 31 日的期间及其后就每段截至 8 月 31 日为止的一年期间，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及主席签署。
- (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。

be subject to amendment by the Chief Executive. (*Amended L.N. 362 of 1997; 15 of 1999 s. 3*)

8. Appointment of officers

The committee may from time to time appoint, upon such terms as it may think proper, an Honorary Secretary, an Honorary Treasurer, and such other Honorary officials as it may think necessary for the purpose of carrying out the trusts.

9. Investment of moneys

(Adaptation amendments retroactively made - see 15 of 1999 s. 3)

- (1) The trustee may invest any moneys of the fund in such investment authorized for the investments of trust funds by the Trustee Ordinance (Cap. 29) as the committee may advise.
- (2) The Chief Executive may appoint an Investment Advisory Board, which shall consist of not less than 3 nor more than 5 persons and in the event of such Investment Advisory Board being appointed the trustee may, subject to the prior approval of the Investment Advisory Board, invest any moneys of the fund in investments, which are not investments authorized for the investment of trust funds, as the committee may advise. (*Amended 15 of 1999 s. 3*)

10. Accounts

(Adaptation amendments retroactively made - see 15 of 1999 s. 3)

- (1) The trustee shall cause proper accounts to be kept of all transactions of the fund and shall cause to be prepared, in respect of the period from the vesting day to 31 August 1983, and thereafter in respect of every period of one year ending on 31 August, 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 and the Chairman.

- (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），以及受托人就经审计的帐目所涵盖期间内的基金管理作出的报告，须于受托人从根据第 (2) 款获委任的核数师收到经签署及审计的帐目报表 3 个月内，或行政长官容许的较后日期，呈交立法会会议席上省览。

(由 1999 年第 15 号第 3 条修订)

11. 基金的管理费用

(具追溯力的适应化修订 - 见 1999 年第 15 号第 3 条)

- (1) 管理基金的费用须从政府一般收入中拨款支付：

但财政司司长可指示从基金收益中，征收一项监管年费，以拨入政府一般收入，数目由财政司司长厘定。*(由 1997 年第 362 号法律公告修订；由 1999 年第 15 号第 3 条修订)*

- (2) 根据第 (1) 款的但书而征收的费用——

- (a) 须就归属日期至 1983 年 8 月 31 日的期间及其后就每段截至 8 月 31 日为止的一年期间计算；及
- (b) 不得超过有关期间内基金收益的百分之二点五。

12. 保留条文

(具追溯力的适应化修订 - 见 1999 年第 15 号第 3 条)

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

- (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 accounts together with the auditor's report, if any, and a report by the trustee on the administration of the fund during the period covered by the audited accounts shall be laid on the table of the Legislative Council within 3 months of the receipt by the trustee of the signed and audited statement of accounts from the auditor appointed under subsection (2), or so soon thereafter as the Chief Executive may allow.

(Amended 15 of 1999 s. 3)

11. Costs of administering the fund

- (1) The cost of the administration of the fund shall be a charge upon 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.

- (2) The fee charged under the proviso to subsection (1) shall—

- (a) be in respect of the period from the vesting day to 31 August 1983, and thereafter in respect of every period of one year ending on 31 August; and
- (b) not exceed two and a half per cent of the income of the fund over the relevant period.

12. Saving

(Adaptation amendments retroactively made - see 15 of 1999 s. 3)

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong

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 15 号第 3 条修订)

Kong Special Administrative Region under the Basic Law and
other laws, or the rights of any body politic or corporate or of any
other person except such as are mentioned in this Ordinance and
those claiming by, from or under them.

(Amended 15 of 1999 s. 3)