

《聖約翰學院條例》
(第 1089 章)
St. John's College Ordinance
(Cap. 1089)

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經核證文本
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尚未實施的條文 / 修訂 ——

尚未實施的條文及修訂的資料，可於「電子版香港法例」(<https://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation ——

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第 1089 章

制定史

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(第 1089 章)

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St. John's College Ordinance

(Cap. 1089)

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本條例旨在於香港大學內設立一所稱為傳道者聖約翰學院的學院，並就該學院的成員成立為法團而訂定條文。

[1956 年 4 月 27 日]

(格式變更——2022 年第 2 號編輯修訂紀錄)

弁言

鑑於現適宜於香港大學內設立一所稱為傳道者聖約翰學院的學院，以供在聖公宗的教制下憑藉對神的篤信，追求明德格物之道；並為此目的而向所有種族的教師及學生提供他們可一起生活、學習和崇拜的住宿地方；以及推廣有關基督教的知識及侍奉方面的校外活動，以使學院成員可更了解和更佳地履行對神和對鄰舍的義務：

又鑑於現適宜將上述學院的成員成立為法團：

1. 簡稱

本條例可引稱為《聖約翰學院條例》。

2. 釋義

在本條例中，除文意另有所指外——

大學 (University) 指香港大學；

司庫 (treasurer) 指學院司庫；

成員 (members) 指會長、院長、院士、名譽院士及司庫、院務委員會成員、曾註冊為學院或聖約翰宿舍或聖士提反宿舍本生成員的大學畢業生，以及註冊為學院或聖約翰

To establish a college within the University of Hong Kong styled the College of St. John the Evangelist, and to provide for the incorporation of the members thereof.

[27 April 1956]

(Format changes—E.R. 2 of 2022)

Preamble

WHEREAS it is desirable to establish a college within the University of Hong Kong, styled the College of St. John the Evangelist for the pursuit of virtue and sound learning with faith in God and within the order of the Anglican Communion; and to this end to provide accommodation for teachers and students of all races where they may live, study and worship together; and to promote extramural activities in Christian learning and service, that the members of the College may the better understand and fulfil their duty to God and their neighbours:

AND WHEREAS it is desirable to incorporate the members of the said College:

1. Short title

This Ordinance may be cited as the St. John's College Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

College (學院) means the College of St. John the Evangelist;

constitution (憲章) means the constitution set out in the Schedule and any subsequent amendments thereto;

council (院務委員會) means the council of the College established in accordance with the constitution;

宿舍或聖士提反宿舍本生成員並於當其時在學院住宿的大學本科生；

院長 (Master) 指學院院長；

院務委員會 (council) 指按照憲章設立的學院院務委員會；

規則 (rules) 指由院務委員會根據第 6 條訂立的規則；

會長 (President) 指學院會長；

學院 (College) 指傳道者聖約翰學院；(編輯修訂——2022 年第 2 號編輯修訂紀錄)

憲章 (constitution) 指附表列出的憲章，以及日後對憲章所作的任何修訂。(編輯修訂——2022 年第 2 號編輯修訂紀錄)
(編輯修訂——2022 年第 2 號編輯修訂紀錄)

3. 設立及成立為法團

現於香港設立一所附屬於大學稱為“College of St. John the Evangelist”的學院，學院成員以該名稱組成一個永久延續並備有法團印章的法人團體，該法人團體具有全面權力藉該名稱及以該名稱起訴與被起訴。

4. 權力

- (1) 學院有權獲取、購買、取得、持有和享用任何性質或種類以及位於任何地點的任何土地、建築物、宅院或物業單位，以及接受該等土地、建築物、宅院或物業單位的租賃，並有權將款項投資於任何土地、建築物、宅院或物業單位的按揭，或投資於任何政府、市政府、法團、公司或人的按揭、債權證、股額、資金、股份或證券、保證，亦有權購買、獲取與管有任何性質和種類的船隻及其他貨品及資產。

Master (院長) means the Master of the College;

members (成員) means the President, Master, Fellows, Honorary Fellows and treasurer, the members of the council, the graduates of the University who have been registered as undergraduate members of the College or of St. John's Hall or of St. Stephen's Hall and the undergraduates of the University registered as such and for the time being residing in the College;

President (會長) means the President of the College;

rules (規則) means rules made by the council under section 6;

treasurer (司庫) means the treasurer of the College;

University (大學) means the University of Hong Kong.

3. Establishment and incorporation

There shall be established in Hong Kong a college affiliated to the University styled the “College of St. John the Evangelist” by which name the members of the College are hereby constituted a body corporate with perpetual succession and a common seal and with full power by and in such name to sue and be sued.

(Amended 53 of 2000 s. 3)

4. Powers

- (1) The College 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, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements, or upon the mortgages, debentures, stocks, funds, shares or securities of any government, municipality, corporation, company or person, and also to purchase, acquire and possess vessels and other goods and chattels of what nature and kind soever.

- (2) 學院更進一步有權按其認為適合的條款，將當其時歸屬或屬於學院的任何土地、建築物、宅院、物業單位、按揭、債權證、股額、資金、股份或證券、保證或船隻或其他貨品及實產批出、出售、轉易、轉讓、退回、交換、分割、交出、按揭、批租、再轉讓、移轉及以其他方式處置。
- (3) 在不局限第 (1) 及 (2) 款的原則下，學院有權 ——
 - (a) 借入款項或籌集款項，並可以其認為合宜的保證或條款 (包括，但不限於，提供擔保，向財務與非財務機構簽發支持信) 進行該等行為；及
 - (b) 按其認為合宜的規模及方式將屬於學院的任何款項用作投資。(由 2020 年第 12 號第 3 條增補)
- (4) 為免生疑問，在第 (1) 及 (2) 款所包含的權力包括學院有權獲取、持有及處置其他法人團體權益，及參與組成法人團體。(由 2020 年第 12 號第 3 條增補)
- (5) 學院可以獨自或聯同其他人士或法人團體行使任何其具有的權力。(由 2020 年第 12 號第 3 條增補)

5. 學院的管治

學院須按照以下各項的條文予以管治、營辦和管理 ——

- (a) 本條例、憲章及規則；及
- (b) 由大學教務委員會不時就管治學生的住宿、福利及紀律而訂立的規例。

- (2) The College shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer and otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or vessels or other goods and chattels, which are for the time being vested in or belonging to the College, upon such terms as to the College may seem fit.
- (3) Without limiting subsections (1) and (2), the College has the powers to—
 - (a) borrow or otherwise raise moneys and may do so on the securities or terms (including, without limitation, the giving of guarantee, the issuance of letter of support to financial and non-financial institutions) that it thinks expedient; and
 - (b) invest any money belonging to the College in the manner and to the extent that it thinks expedient. *(Added 12 of 2020 s. 3)*
- (4) To avoid doubt, the powers contained in subsections (1) and (2) include the powers for the College to acquire, hold and dispose of interest in other corporate bodies and take part in forming corporate bodies. *(Added 12 of 2020 s. 3)*
- (5) In exercising any of its powers, the College may either exercise alone or in association with any other person or body corporate. *(Added 12 of 2020 s. 3)*

5. Government of College

The College shall be governed, administered and managed in accordance with—

- (a) the provisions of this Ordinance, of the constitution and of the rules; and

6. 院務委員會

- (1) 現設立一個院務委員會，院務委員會為學院的管治團體。
- (2) 院務委員會得行使第 4 條所列出的權力，此外亦有權——
 - (a) 委任院士及名譽院士；
 - (b) 就學院的行政、控制及管理訂立規則，並不時改動該等規則；
 - (c) 提供學院所需的建築物、處所、家具及其他需求；
 - (d) 代表學院訂立、更改、履行和取消合約；
 - (e) 為學院選擇一個印章；
 - (f) 訂明費用；
 - (g) 訂明其聘任的所有主管人員的職責，並訂定他們的薪酬及聘任條款和條件；
 - (h) 訂定財政年度；
 - (i) 作出為施行本條例所賦予院務委員會的權力而需作出的所有其他作為及事情。
- (3) 在不損害第 (2) 款 (b) 段的一般性的原則下，該條文中的權力包括就下列事項而訂立和改動規則的權力——
 - (a) 院務委員會成員的選舉：

但根據本款訂立的規則，須就學院、聖約翰宿舍及聖士提反宿舍的畢業生成員在院務委員會所具代表作出適當規定；
 - (b) 學生的錄取、住宿及紀律。

- (b) the provisions of regulations made by the Senate of the University from time to time governing the residence, welfare and discipline of students.

6. Council

- (1) There shall be a council, which shall be the governing body of the College.
- (2) The council shall exercise the powers set out in section 4 and in addition shall have power—
 - (a) to appoint Fellows and Honorary Fellows;
 - (b) to make, and from time to time to alter, rules for the administration, control and management of the College;
 - (c) to provide the buildings, premises, furniture, and other requirements needed for the College;
 - (d) to enter into, vary, carry out, and cancel contracts on behalf of the College;
 - (e) to select a seal for the College;
 - (f) to prescribe fees;
 - (g) to prescribe the duties of all officers whom it may appoint and to fix their remuneration and the terms and conditions of their appointments;
 - (h) to fix the financial year;
 - (i) to do all such other acts and things as may be requisite to give effect to the powers conferred on the council by this Ordinance.
- (3) Without prejudice to the generality of paragraph (b) of subsection (2), the power therein shall include power to make and alter rules for—
 - (a) the election of members to the council:

7. 行政主管當局

院長及院士組成學院的行政主管當局，負責規管學院的內部管理，但須受本條例及規則的條文所規限，並須受院務委員會在財政方面的控制。

8. 委員會

院務委員會、院長及院士可分別設立其認為適合的委員會，而該等委員會由其認為適合的成員組成。

8A. 保障有牽涉執行職能或行使權力的成員及其他人士

- (1) 如本款所適用的人真誠地行事，即就其有關的作為或錯失免受法律責任或任何申索，而有關的作為或錯失是指——
 - (a) 在行使或其意是在行使本條例賦予的權力；或
 - (b) 在執行或其意是在執行本條例賦予的職能或職責。
- (2) 按照第 (1) 款提述就有關作為或錯失而對個人賦予的保障，不會影響學院就有關作為或錯失的任何法律責任。
- (3) 第 (1) 款適用於——
 - (a) 任何人士符合第 2 條中**成員**的定義；
 - (b) 任何人士為依第 8 條成立的任何委員會的成員；及
 - (c) 任何人士為附表中第 3 條所指的學院主管人員。

(由 2020 年第 12 號第 4 條增補)

Provided that rules made under this subsection shall make due provision for the representation on the council of the graduate members of the College and of St. John's and St. Stephen's Halls;

- (b) entry, residence and discipline of students.

7. Administrative authority

The Master and Fellows shall constitute the administrative authority of the College and, subject to the provisions of this Ordinance and the rules and to the financial control of the council, shall have the regulation of the internal management of the College.

8. Committees

The council and the Master and Fellows respectively may establish such committees with such membership as they think fit.

8A. Protection of members and other persons involved in performing functions or exercising powers

- (1) A person to whom this subsection applies, acting in good faith, is not personally liable for any liability or any claim in respect of any act done or default made—
 - (a) in the exercise or purported exercise of the powers conferred by this Ordinance; or
 - (b) in the performance or purported performance of the functions or duties imposed under this Ordinance.
- (2) The protection conferred on a person by subsection (1) in respect of any act or default does not affect any liability of the College for that act or default.
- (3) Subsection (1) applies to—
 - (a) any person who falls within the definition of **members** in section 2;

8B. 成員保障概括而言

為免生疑問，任何人只因符合第 2 條中**成員**的定義，並不會僅因此身分而須為學院的責任負上個人法律責任。

(由 2020 年第 12 號第 4 條增補)

9. 文件的簽立

- (1) 須蓋上學院的法團印章的一切契據及其他文書，須在會長、院長及司庫其中兩人在場的情況下蓋章，並須由蓋章時在場的人簽署，而該等簽署須視為該等契據及其他書面文書已妥為蓋章的充分證據。
- (2) 須由學院簽署的一切契據、文書和其他文件及文字，須由第 (1) 款所指明的人其中兩人簽署。

10. 禁止向成員付款

不得由學院或代學院向任何成員派發股息或紅利，或作出饋贈或分派金錢，但如屬獎賞、酬賞或特別補助金，則不在此限。

11. 修訂及改動

附表列出的院務委員會憲章，可藉院務委員會決議而予以修

- (b) any person who is a member of any committee established under section 8; and
- (c) any person who is an officer of the College as referred to in section 3 of the Schedule.

(Added 12 of 2020 s. 4)

8B. Protection of members generally

To avoid doubt, a person who is within the definition of **members** in section 2 is not personally liable for any liability of the College solely because he or she is one of the members of the College.

(Added 12 of 2020 s. 4)

9. Execution of documents

- (1) All deeds and other instruments requiring the corporate seal of the College shall be sealed in the presence of two of the following persons, namely the President, the Master and the treasurer, and shall be signed by the persons in whose presence they are sealed, and such signing shall be taken as sufficient evidence of due sealing of such deeds and other written instruments.
- (2) All deeds, instruments and other documents and writings requiring the signature of the College shall be signed by two of the persons specified in subsection (1).

10. Prohibition of payments to members

No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the College to or among any of the members except by way of prize, reward or special grant.

11. Amendments and alterations

The constitution of the council as set out in the Schedule may be

訂或改動：

但 ——

- (a) 任何上述決議均須由不少於院務委員會三分之二的成員通過，並須經學院名譽會長、香港維多利亞主教及大學校務委員會的書面批准；
- (b) 對憲章所作的任何修訂或改動，均須呈交行政長官會同行政會議，而行政長官會同行政會議可批准或拒准該等修訂或改動。任何經行政長官會同行政會議批准的修訂或改動均須於憲報刊登，並除非另有規定，否則須由刊登當日起開始實施。（由 2000 年第 53 號第 3 條修訂）

12. 向公司註冊處處長登記文件

- (1) 學院須將以下各項遞送公司註冊處處長辦理登記 ——
 - (a) 學院註冊辦事處地址的通知及更改該地址的通知；及
 - (b) 院長及司庫的姓名及地址，以及該等姓名及地址的任何更改。
- (2) 按照第 (1) 款發出的通知，須於任何更改作出後 28 天內發出。
- (3) 任何人可查閱任何根據本條登記的文件。
- (4) 根據本條登記任何文件，須繳付 \$5 的費用。
- (5) 查閱根據本條登記的文件，須繳付 \$1 的費用。

amended or altered by resolution of the council:

Provided that—

- (a) any such resolution shall be passed by not less than two-thirds of the members of the council and shall be approved in writing by the Visitor of the College, by the Bishop of Victoria, Hong Kong and by the Council of the University;
- (b) any amendment or alteration to the constitution shall be submitted to the Chief Executive in Council who may approve or disallow the same. Any amendment or alteration approved by the Chief Executive in Council shall be published in the Gazette and shall, unless otherwise provided, come into operation on the day of such publication. (*Amended 53 of 2000 s. 3*)

12. Registration of documents with Registrar of Companies

- (1) The College shall forward to the Registrar of Companies for registration—
 - (a) notice of the address of the registered office of the College and any change thereto; and
 - (b) the names and addresses of the Master and treasurer and any change thereto.
- (2) Notification in accordance with subsection (1) shall be made within twenty-eight days of any change.
- (3) Any person may inspect any of the documents registered under this section.
- (4) A fee of five dollars shall be payable for registering any document under this section.
- (5) A fee of one dollar shall be payable for inspecting the documents registered under this section.

13. 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。

(由 2000 年第 53 號第 3 條修訂)

13. 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 53 of 2000 s. 3)

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第 1089 章附表
第 1 條Schedule
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附表

學院憲章

1. 名譽會長

英國差會會長為學院的名譽會長。

2. 院務委員會

院務委員會由以下的人組成——

(a) 當然成員如下——

- (i) 會長，由他出任主席；
- (ii) 院長；
- (iii) 司庫；
- (iv) 並非名譽院士的院士；
- (v) 薄扶林聖士提反堂主任牧師；
- (vi) 英國差會華南傳道會秘書，或一名由他指定的人；

(b) 委任成員如下——

- (i) 屬學院前宿生的男女各一名，由男校友會及女校友會委任；
- (ii) 香港聖公會轄下的中學的校長四名，由香港聖公會教省總議會常備委員會委任，每次任期兩年；(由 2005 年第 109 號法律公告修訂)
- (iii) 由香港聖公會教省總議會常備委員會委任的代表兩名，每次任期兩年；(由 2005 年第 109 號法律公告增補)

Schedule

Constitution of the College

1. Visitor

The president of the Church Missionary Society shall be the Visitor of the College.

2. Council

The council shall consist of—

(a) the following members ex officio—

- (i) the President, who shall be chairman;
- (ii) the Master;
- (iii) the treasurer;
- (iv) the Fellows not being honorary fellows;
- (v) the Vicar of St. Stephen's Church in Pok Fu Lam;
- (vi) the secretary of the Church Missionary Society, South China Mission, or a person nominated by him;

(b) the following appointed members—

- (i) one man and one woman being former residents of the College, appointed by the associations of alumnae and alumni;
- (ii) four principals of Hong Kong Sheng Kung Hui Secondary Schools, appointed by the Standing Committee of the General Synod of the Province of Hong Kong Sheng Kung Hui, for a period of two years at a time; (Amended L.N. 109 of 2005)

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附表

第 3 條

(c) 由院務委員會選出的其他成員兩名。

3. 主管人員

- (1) 學院設有以下主管人員，即會長、院長、司庫及規則所指定的其他主管人員。
- (2) 會長為首席主管人員。
- (3) 會長由院務委員會委任。（由 2005 年第 109 號法律公告代替）
- (4) 院長為總行政主管人員。
- (5) 院長、司庫及由規則指定為主管人員的其他主管人員，須由院務委員會按照規則委任，而院務委員會可撤銷任何該等委任。
- (6) 院長的委任須於諮詢大學教務委員會後方可作出。

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(iii) two representatives appointed by the Standing Committee of the General Synod of the Province of Hong Kong Sheng Kung Hui, for a period of two years at a time; (*Added L.N. 109 of 2005*)

(c) two other members as may be elected by the council.

3. Officers

- (1) There shall be the following officers of the College, namely, the President, the Master, the treasurer and such other officers as may be designated by the rules.
- (2) The President shall be the principal officer.
- (3) The President shall be appointed by the council. (*Replaced L.N. 109 of 2005*)
- (4) The Master shall be the chief administrative officer.
- (5) The Master, the treasurer, and the other officers designated as such by the rules, shall be appointed by the council in accordance with the rules and the council may revoke any such appointment.
- (6) The Master shall be appointed only after consultation with the Senate of the University.