

《葡侨教育及福利基金法团条例》

(第 1071 章)

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PORTUGUESE COMMUNITY EDUCATION AND
WELFARE FOUNDATION INCORPORATION
ORDINANCE

(Cap. 1071)

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1
第 1071 章

第 1 条

Section 1

2
Cap. 1071

本条例旨在就葡侨教育及福利基金总理团成立为法团订定条文。
(由 1982 年第 21 号第 2 条修订)

To provide for the incorporation of the Board of Governors of the Portuguese Community Education and Welfare Foundation.
(Amended 21 of 1982 s. 2)

[1954 年 4 月 15 日]

[15 April 1954]

1. 简称

本条例可引称为《葡侨教育及福利基金法团条例》。
(由 1982 年第 21 号第 3 条修订)

1. Short title

This Ordinance may be cited as the Portuguese Community Education and Welfare Foundation Incorporation Ordinance.
(Amended 21 of 1982 s. 3)

2. 释义

在本条例中，除文意另有所指外——
“管理委员会”(management committee)指依据第 10 条当其时委出的委员会；
“总理团”(Board of Governors)指依据第 5 条不时委出的团。

2. Interpretation

In this Ordinance, unless the context otherwise requires—
“Board of Governors”(总理团) means the board from time to time appointed pursuant to section 5;
“management committee”(管理委员会) means the committee for the time being appointed pursuant to section 10.

3. 法团的成立

当其时的总理团为一个法人团体，名称为“Portuguese Community Education and Welfare Foundation Incorporated”(以下称为法团)，并以该名称永久延续，且在香港所有的法院可以和必须以该名称起诉与被起诉，以及可以和必须具备有和使用法团印章，亦可不时按其认为适合而破毁、更换、更改和重新制造上述印章。

(由 1982 年第 21 号第 4 条修订)

3. Incorporation

(Adaptation amendments retroactively made - see 55 of 2000 s. 3)
The Board of Governors for the time being shall be a body corporate under the name of the “Portuguese Community Education and Welfare Foundation Incorporated”, hereinafter called the corporation, 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, and may from time to time break, change, alter and make anew the said seal as the corporation may seem fit.

(Amended 21 of 1982 s. 4; 55 of 2000 s. 3)

4. 法团的宗旨

法团的宗旨是设立和营办学校，以给予主要是香港葡萄牙人社群的子弟及香港其他社群的子弟建基于基督教教义的现代及通才教育（特别注重葡萄牙语文及文学的教学），并在符合该宗旨下——

- (a) 以总理团凭其绝对酌情决定权而认为适合的任何方法，协助由总理团遴选的属葡萄牙人社群的任何年龄的人在位于香港或其他地方的教育机构进行研修；
- (b) 以总理团凭其绝对酌情决定权而不时决定的方式，不论是藉批给款项或其他方式，资助和协助属葡萄牙人社群的任何年龄的任何有需要的人；
- (c) 向以任何方式协助葡萄牙人社群任何成员的慈善机构及团体提供协助；
- (d) 概括而言，作出所有对妥善及有效地执行任何上述宗旨是必需或合宜的事情。

(由 1982 年第 21 号第 5 条代替)

5. 总理团

- (1) 总理团由不多于 10 名但不少于 5 名的葡萄牙人社群成员组成，而于《1982 年葡侨学校法团（修订）条例》*（1982 年第 21 号）的生效日期时，由下列葡萄牙人社群成员组成——

4. Purposes of the corporation

The purposes of the corporation shall be to establish and maintain schools whereby children primarily of the Portuguese community and of other communities in Hong Kong are given a modern and liberal education (special attention being given to the teaching of the Portuguese language and literature) upon Christian principles, and subject to that purpose to—

- (a) assist in any way the Board of Governors in its absolute discretion may deem fit any person of whatever age of the Portuguese community selected by the Board of Governors to pursue studies in any educational institute situated in Hong Kong or elsewhere;
- (b) maintain and assist in such manner as the Board of Governors may from time to time and in its absolute discretion determine whether by grants of money or otherwise, any needy person of whatever age of the Portuguese community;
- (c) assist charitable institutions and organizations which in any manner assist any members of the Portuguese community;
- (d) generally, do all things necessary or expedient for the proper and effective carrying out of any of the foregoing purposes.

(Replaced 21 of 1982 s. 5)

5. Board of Governors

- (1) The Board of Governors shall be made up of not more than 10 nor less than 5 members of the Portuguese community and shall at the commencement of the Portuguese Community Schools Incorporation (Amendment) Ordinance 1982 (21 of

- | | |
|--|------|
| (a) Arnaldo de Oliveira Sales | 主席 |
| (b) Arthur Ernesto Gomes | 义务秘书 |
| (c) Alberto Antonio Maria Rodrigues,
Junior | 义务司库 |
| (d) Alberto Maria Rodrigues | 成员 |
| (e) Rogerio Hyndman Lobo | 成员 |
| (f) Henrique Alberto de Barros Botelho | 成员 |

(由 1982 年第 21 号第 6 条代替)

- (2) 总理团主席由总理团每年于 7 月 1 日委出。
- (3) 在符合第 (1) 款的规定下，总理团可在总理团的任何成员辞职、去世或以其他方式终止成员身分时，或在其他任何时间，委任一名葡萄牙人社群成员为总理团成员，而如在任何时间总理团成员少于 5 名，则总理团可作出使总理团成员增至 5 名所需的委任。(由 1982 年第 21 号第 6 条代替)

编辑附注：

* “《1982 年葡侨学校法团(修订)条例》”乃“Portuguese Community Schools Incorporation (Amendment) Ordinance 1982”之译名。

6. 法团的权力

(具追溯力的适应化修订——见 2000 年第 55 号第 3 条)

- (1) 法团有权获取、购买、取得、持有和享用任何性质或种类以及位于任何地点的土地、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，亦有权将款项投资于任何土地、建筑物、宅院或物业单位的按揭，或投资于任何政府、市政府、法团、公司或人的按揭、债权证、股额、资金、股份或证券、保证，以

1982) consist of the following members of the Portuguese community, namely—

- | | |
|--|----------------|
| (a) Arnaldo de Oliveira Sales | Chairman |
| (b) Arthur Ernesto Gomes | Hon. Secretary |
| (c) Alberto Antonio Maria Rodrigues,
Junior | Hon. Treasurer |
| (d) Alberto Maria Rodrigues | Member |
| (e) Rogerio Hyndman Lobo | Member |
| (f) Henrique Alberto de Barros Botelho | Member |

(Replaced 21 of 1982 s. 6)

- (2) The chairman of the Board of Governors shall be appointed by the Board of Governors annually on the first day of July.
- (3) Subject to subsection (1) the Board of Governors may on the resignation, death or other determination of the membership of any member of the Board of Governors or at any other time appoint a member of the Portuguese community to be a member of the Board of Governors, and, if at any time the membership of the Board of Governors should fall below 5, shall make such appointment as is necessary to bring the membership of the Board of Governors to 5. (Replaced 21 of 1982 s. 6)

6. Powers of corporation

(Adaptation amendments retroactively made - see 55 of 2000 s. 3)

- (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, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements or upon the mortgages, debentures, stocks, funds, shares or securities

及有权购买、获取和管有任何性质及种类的其他货品及实产。

- (2) 法团更进一步有权按其认为适合的条款，藉盖上其印章的契据，将当其时归属或属于法团的任何土地、建筑物、宅院、物业单位、按揭、债权证、股额、资金、股份或证券、保证或其他货品及实产批出、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；但就土地、建筑物、宅院、物业单位及按揭而言，如没有就每一个别情况首先获得行政长官会同行政会议的同意，则不得行使该等权力。（由 2000 年第 55 号第 3 条修订）

7. (由 1982 年第 21 号第 7 条废除)

8. 向公司注册处处长发出获委任通知的责任

每当任何属葡萄牙人社群的人根据第 5(3) 条获委任，以接替总理团的任何成员或成为总理团的增补成员，则该名获委任的人须在获委任后 3 个月内就上述事实向公司注册处处长发出书面通知。

(由 1982 年第 21 号第 8 条代替)

9. 文件的签立

所有须盖上法团印章的契据、文件及其他文书，须在 3 名或多于 3 名总理团成员在场的情况下盖章，并须由如此在场的该等成员中 3 人签署，而该项签署须视为在该等契据、文件及其他文书上妥为盖章的充分证据。

of any government, municipality, corporation, company or person, and also to purchase, acquire and possess other goods and chattels of what nature and kind soever.

- (2) The corporation shall further have power by deed under its seal to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or other goods and chattels, which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit: Provided that in respect of lands, buildings, messuages, tenements and mortgages such powers shall not be exercised without the consent of the Chief Executive in Council first had and obtained in each particular case. (Amended 55 of 2000 s. 3)

7. (Repealed 21 of 1982 s. 7)

8. Duty to give notice of appointment to Registrar of Companies

Whenever under section 5 (3) any person of the Portuguese community is appointed to succeed any member of the Board of Governors or to be an additional member of the Board of Governors, the person appointed shall within 3 months after his appointment give written notice to the Registrar of Companies of such fact.

(Replaced 21 of 1982 s. 8)

9. Execution of documents

All deeds, documents and other instruments requiring the seal of the corporation shall be sealed in the presence of 3 or more members of the Board of Governors and shall also be signed by

10. 管理委员会

- (1) 管理委员会由总理团每年于 7 月 1 日所委任的 3 人组成。
(由 1982 年第 21 号第 9 条修订)
- (2) 管理委员会主席由总理团每年于 7 月 1 日委任。
- (3) 在管理委员会的任何成员辞职、去世或以其他方式终止成员身分时，总理团如认为必需或合宜，可将任何如此引致的空缺填补。

11. 法定人数及以过半数票决定

- (1) (a) 在总理团的任何会议上，3 名总理团成员即构成法定人数；
- (b) 在管理委员会的任何会议上，2 名管理委员会成员即构成法定人数。(由 1969 年第 24 号第 4 条修订)
- (2) 在总理团或管理委员会的任何会议上的每一项问题，须由出席的成员表决，并以过半数票取决，如票数均等，则主席有权投第二票或决定票。

12. 将权力转授予管理委员会

总理团可不时将其认为对法团所设立或营办的任何学校作更佳管理是必需或合宜的权力转授予管理委员会，以将任何该等学校的有效管辖及管理置于管理委员会之下，但须受总理团所不时发出的指示规限。

3 of such members so present and such signing shall be taken as sufficient evidence of the due sealing thereof.

10. Management committee

- (1) The management committee shall consist of 3 persons appointed by the Board of Governors annually on the first day of July. (*Amended 21 of 1982 s. 9*)
- (2) The chairman of the management committee shall be appointed by the Board of Governors annually on the first day of July.
- (3) On the resignation, death or other determination of the membership of any member of the management committee any vacancy so caused may, if the Board of Governors deems it necessary or expedient, be filled by such Board.

11. Quorum and majority decision

- (1) At any meeting—
 - (a) of the Board of Governors 3 members thereof shall form a quorum;
 - (b) of the management committee 2 members thereof shall form a quorum. (*Amended 24 of 1969 s. 4*)
- (2) Every question at any meeting of the Board of Governors or of the management 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 second or casting vote.

12. Delegation of powers to management committee

The Board of Governors may from time to time delegate to the management committee such powers as the Board may consider necessary or expedient for the better management of any school established or maintained by the corporation in order to vest in

13. 总理团订立规则的权力

- (1) 总理团可就以下事宜，订立规则——
 - (a) 法团所设立或营办或拥有或占用的学校或校舍的管辖及管理，以及附带于该等学校或校舍的经营的所有事宜；
 - (b) 总理团或管理委员会举行会议及在会议上事务的处理；
 - (c) 管理委员会备存收支款项的帐目；
 - (d) 对总理团或管理委员会的管理及管辖是必需的所有其他事宜。
- (2) 总理团根据第(1)款订立的规则，除非经出席并投票的成员以过半数票通过，否则并无约束力。

14. 保留条文

(具追溯力的适应化修订——见 2000 年第 55 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、透过或在他们之下作申索者除外。

(由 2000 年第 55 号第 3 条修订)

the management committee the effectual control and management of any such school subject to such directions as the Board of Governors may give from time to time.

13. Power of Board of Governors to make rules

- (1) The Board of Governors may make rules providing for—
 - (a) the control and management of the schools or school premises established or maintained or owned or occupied by the corporation, and in regard to all matters incidental to the conduct of such schools or school premises;
 - (b) the holding of meetings of the Board of Governors or of the management committee and the conduct of business thereat;
 - (c) the keeping of accounts of moneys received and expended by the management committee;
 - (d) all other matters which are necessary for the management and control of the Board of Governors or of the management committee.
- (2) No rules made by the Board of Governors under subsection (1) shall be binding unless such rules have been passed by a majority of members present and voting.

14. Saving

(Adaptation amendments retroactively made - see 55 of 2000 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 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 55 of 2000 s. 3)