

《警察教育及福利信托基金条例》

POLICE EDUCATION AND WELFARE TRUST
ORDINANCE

(第 1120 章)

(Cap. 1120)

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本条例旨在设立信托基金，就各级警务人员（包括辅助警务人员）的子女的一般教育提供协助及设施，以及就所有该等警务人员的一般利益提供福利，就该基金的妥善管理及就与上述事宜相关的目的订定条文。

[1967 年 12 月 1 日]

1. 简称

本条例可引称为《警察教育及福利信托基金条例》。

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处长；
- “委员会” (committee) 指根据第 6 条设立的委员会；
- “基金” (fund) 指由第 3 条设立的信托基金；
- “处长” (Commissioner) 指警务处处长；
- “归属日期” (vesting day) 指本条例的生效日期。

3. 基金的设立及归属

(具追溯力的适应化修订——见 1999 年第 76 号第 3 条)

- (1) 现设立一个信托基金，名为警察教育及福利信托基金。
- (2) 受托人须以信托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——

To establish a trust fund for providing assistance in, and facilities for, the general education of the children of police officers of all ranks, including auxiliary police, and for welfare purposes of general benefit to all such police officers, and for the due administration of such fund and for purposes connected with the matters aforesaid.

[1 December 1967]

1. Short title

This Ordinance may be cited as the Police Education and Welfare Trust Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

- “Commissioner” (处长) means the Commissioner of Police;
- “committee” (委员会) means the committee established under section 6;
- “fund” (基金) means the trust fund established by section 3 ;
- “trustee” (受托人) means the Commissioner as trustee of the fund;
- “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 Police Education and Welfare 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) 主要为协助香港警务处及香港辅助警察队各级警务人员的子女的教育，以及为上述两支警队的一般利益提供其他福利，而由英皇御准香港赛马会于 1967 年 5 月 27 日捐赠的款项在归属日期的结余；(由 1969 年第 29 号第 2 条修订；由 1997 年第 362 号法律公告修订；由 1999 年第 76 号第 3 条修订)
- (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) 向受托人捐赠、认捐或遗赠并获受托人接受的其他款项及资产；或
 - (ii) 受托人以其他方式获取的其他款项及资产。

4. 作为受托人的处长成立为法团

- (1) 为施行本条例，当其时执行处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 Police Education and Welfare 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

(具追溯力的适应化修订 —— 见 1999 年第 76 号第 3 条)

- (a) the balance on the vesting day of the moneys donated by the Royal Hong Kong Jockey Club on 27 May 1967 primarily for assisting in the education of the children of police officers of all ranks of the Hong Kong Police Force and the Hong Kong Auxiliary Police Force and also for other welfare purposes of general benefit to both Forces; (*Amended 29 of 1969 s. 2; L.N. 362 of 1997*)
- (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; or
 - (ii) otherwise acquired by the trustee.

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 name “The Trustee of the Police Education and Welfare 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

受托人须以委员会指示的方式，为以下宗旨而运用基金——

- (a) 就香港警务处及香港辅助警察队各级警务人员的子女的一般教育提供协助及设施；(由 1969 年第 29 号第 2 条修订)
- (b) 为委员会觉得应得继续研修机会的任何该等子女提供该等机会；及
- (c) 为香港警务处或香港辅助警察队或两者的部分或所有成员的一般利益提供福利。

(由 1997 年第 362 号法律公告修订；由 1999 年第 76 号第 3 条修订)

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，该委员会名为警察教育及福利信托基金委员会。
- (2) 委员会的成员如下——
 - (a) 主席一名，由行政长官委任；
 - (b) 处长或其代表；
 - (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) 警察福利主任一名，由处长委任；
 - (e) 督察级以下警务人员的代表一名，由行政长官委任；
 - (f) 香港辅助警察队的代表一名，由该支警队的指挥官提名并由行政长官委任；及(由 1969 年第 29 号第 2 条修订；由 1997 年第 362 号法律公告修订)
 - (g) 由行政长官委任的其他成员不超过十名。(由 1999 年第 76 号第 3 条修订)

may direct for the following objects—

- (a) the provision of assistance in, and facilities for, the general education of the children of police officers of all ranks of the Hong Kong Police Force and of the Hong Kong Auxiliary Police Force; (Amended 29 of 1969 s. 2; L.N. 362 of 1997)
- (b) the provision for any such children, who appear to the committee to be deserving, of opportunities for the furtherance of studies; and
- (c) welfare purposes of general benefit to some or all members of either or both such Forces.

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 Police Education and Welfare Trust Committee.
- (2) The committee shall consist of—
 - (a) a Chairman, appointed by the Chief Executive;
 - (b) the Commissioner, or his representative;
 - (c) the Permanent Secretary for Education, or his representative; (Amended 3 of 2003 s. 41; L.N. 130 of 2007)
 - (d) a police welfare officer, appointed by the Commissioner;
 - (e) a representative of police officers below the rank of inspector, appointed by the Chief Executive;
 - (f) a representative of the Hong Kong Auxiliary Police Force, nominated by the Commandant thereof, and appointed by the Chief Executive; and (Amended 29 of 1969 s. 2; L.N. 362 of 1997)

- (3) 由行政长官委任的成员，任期为委任书所指明者，并可由行政长官重新委任或免任。(由 1999 年第 76 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，否则法定人数为七名成员。

7. 常规

(具追溯力的适应化修订——见 1999 年第 76 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) 概括而言，与基金的行政和管理及履行委员会的职责有关的事宜。
- (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 1976 年第 226 号法律公告修订；由 1997 年第 362 号法律公告修订；由 1999 年第 76 号第 3 条修订)

8. 高级人员及顾问的聘用

- (1) 委员会可不时按其认为恰当的薪金及条款，聘用一名秘书、一名司库及其认为为执行信托所需的其他干事，亦可雇用任何专业人士，就因信托而引起或与信托相关的事宜，向委员会提供意见。
- (2) 任何获如此聘用或雇用的人，其全部薪金及费用须由受托人从基金拨款支付。

- (g) such other members, not exceeding ten, as may be appointed by the Chief Executive. (*Amended 76 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 76 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 seven members.

7. Standing orders

(Adapation amendments retroactively made - see 76 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 be subject to amendment by the Chief Executive. (*Amended L.N. 226 of 1976; L.N. 242 of 1994; L.N. 362 of 1997; 76 of 1999 s. 3*)

8. Appointment of officers and advisers

- (1) The committee may from time to time appoint, upon such salary and upon such terms as it may think proper, a secretary, a treasurer, and such other officials as it may think necessary for the purpose of carrying out the trusts and may employ any professional person to advise it on any matter arising out of or in connection with the trusts.

9. 款项的投资

(具追溯力的适应化修订——见 1999 年第 76 号第 3 条)

- (1) 受托人可将基金的任何款项，投资在委员会建议的投资项目，而不论该等投资项目是否信托投资项目，但如投资项目并非信托投资项目，则须获投资咨询委员会的事先批准。(由 1977 年第 16 号法律公告修订)
- (2) 为施行第 (1) 款，行政长官须委出一个投资咨询委员会，该投资咨询委员会须由不少于三人但不多于五人组成。

(由 1999 年第 76 号第 3 条修订)

10. 帐目

(具追溯力的适应化修订——见 1999 年第 76 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 1968 年 3 月 31 日的期间及其后就每段截至 3 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，须不迟于上述期间终结后的第一个 12 月 31 日呈交立法会会议席上省览，或在行政长官所容许的较后日期呈交立法会会议席上省览。(由 1991 年第 73 号第 2 条修订)

- (2) All salaries and fees of any person so appointed or employed shall be paid by the trustee out of the fund.

9. Investment of moneys

(Adapation amendments retroactively made - see 76 of 1999 s. 3)

- (1) The trustee may invest any moneys of the fund in such investments, whether or not such investments are trust investments, as the committee may advise, subject, in the case of investments which are not trust investments, to the prior approval of the Investment Advisory Board. (*Amended L.N. 16 of 1977; L.N. 453 of 1993*)
- (2) The Chief Executive shall, for the purposes of subsection (1), appoint an Investment Advisory Board, which shall consist of not less than three nor more than five persons.

(*Amended 76 of 1999 s. 3*)

10. Accounts

(Adapation amendments retroactively made - see 76 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 March 1968, and thereafter in respect of every period of one year ending on 31 March, 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 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

(由 1999 年第 76 号第 3 条修订)

11. 基金的管理费用

- (1) 管理基金的费用，但不包括根据第 8 条第 (2) 款支付的薪金及费用，须从香港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，以拨入香港政府一般收入，数目由财政司司长厘定。(由 1997 年第 362 号法律公告修订)
- (2) 根据第 (1) 款的但书而征收的费用——
 - (a) 须就由归属日期至 1968 年 3 月 31 日的期间及其后就每段截至 3 月 31 日为止的一年期间征收；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 76 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、透过他们或在他们之下作申索者除外。

(由 1999 年第 76 号第 3 条修订)

the Legislative Council not later than 31st day of December next following the end of such period, or so soon thereafter as the Chief Executive may allow. (Amended 73 of 1991 s. 2)
(Amended 76 of 1999 s. 3)

11. Costs of administering the fund

(Adapation amendments retroactively made - see 76 of 1999 s. 3)

- (1) The cost of the administration of the fund, other than the salaries and fees paid under subsection (2) of section 8, 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. (Amended 76 of 1999 s. 3)
- (2) The fee charged under the proviso to subsection (1) shall—
 - (a) be in respect of the period from the vesting day to 31 March 1968, and thereafter in respect of every period of one year ending on 31 March; and
 - (b) not exceed two and a half per cent of the income of the fund over the relevant period.

12. Saving

(Adapation amendments retroactively made - see 76 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 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 76 of 1999 s. 3)