

《靈光堂法團條例》
(第 1069 章)

Emmanuel Church Incorporation Ordinance
(Cap. 1069)

版本日期
Version date
5.5.2022

經核證文本
Verified Copy

(《法例發布條例》(第 614 章) 第 5 條)
(Legislation Publication Ordinance (Cap. 614), section 5)

如某內頁的頁底標明：

- “經核證文本”；及
 - 以下列表顯示的該頁的最後更新日期，
- 該頁所載條文即視作於上述“版本日期”的正確版本。

此文本所載條文，如並非正在實施，會有附註作說明。

A provision is presumed to be correctly stated as at the above version date if it is on a page marked at the bottom with:

- the words “Verified Copy”; and
- the last updated date shown in this table for the page.

Any provision included in this copy that is not in force is marked accordingly.

條文 Provision	頁數 Page number	最後更新日期 Last updated date
整條 Whole	1—6	5.5.2022

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 —

Please see Hong Kong e-Legislation (<https://www.elegislation.gov.hk>) for information of provisions and amendments not yet in operation.

制定史

本為 1954 年第 14 號 —— 1964 年編正版，1997 年第 (C)59 號法律公告 (中文真確本)，1999 年第 33 號，2022 年第 2 號編輯修訂紀錄

Enactment History

Originally 14 of 1954 — R. Ed. 1964, L.N. (C) 59 of 1997 (Chinese authentic version), 33 of 1999, E.R. 2 of 2022

《靈光堂法團條例》

(第 1069 章)

目錄

條次		頁次
1.	簡稱	1
2.	釋義	1
3.	成立為法團	1
4.	法團的權力	3
5.	印章	5
6.	保留條文	5

Emmanuel Church Incorporation Ordinance

(Cap. 1069)

Contents

Section		Page
1.	Short title	2
2.	Interpretation	2
3.	Incorporation	2
4.	Powers of corporation	4
5.	Seal	6
6.	Saving	6

本條例旨在為靈光堂的牧師及受託人委員會成立為法團而訂定條文。

[1954 年 4 月 15 日]

(格式變更——2022 年第 2 號編輯修訂紀錄)

1. 簡稱

本條例可引稱為《靈光堂法團條例》。

2. 釋義

在本條例中，除文意另有所指外——

受託人委員會 (board of trustees) 指當其時按照章程委出的教會受託人委員會；

牧師 (minister) 指當其時按照章程委任的靈光堂牧師；

教會 (church) 指靈光堂；(編輯修訂——2022 年第 2 號編輯修訂紀錄)

章程 (constitution) 指教會當其時的章程。(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. 成立為法團

(1) 教會的牧師及受託人委員會以及他們的職位的繼任人為一個法人團體(以下稱為**法團**)，須以“**The Emmanuel Church**”的名稱命名，並以該名稱永久延續，且在香港所有的法院可以和必須以該名稱起訴與被起訴，以及可以和必須備有和使用法團印章。

(2) 牧師須按照章程委任，而在其獲委任的通知書送交公司註冊處處長存檔後(如該項委任是為取代卸任的教會牧

To provide for the incorporation of the Minister and Board of Trustees of The Emmanuel Church.

[15 April 1954]

(Format changes—E.R. 2 of 2022)

1. Short title

This Ordinance may be cited as the Emmanuel Church Incorporation Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

board of trustees (受託人委員會) means the board of trustees of the church for the time being appointed in accordance with the constitution;

church (教會) means The Emmanuel Church;

constitution (章程) means the constitution for the time being of the church;

minister (牧師) means the minister of The Emmanuel Church for the time being appointed in accordance with the constitution.

3. Incorporation

(1) The minister and board of trustees of the church and their successors in office shall be a body corporate, hereinafter referred to as **the corporation**, and shall have the name of “**The Emmanuel Church**”, 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. (Amended 33 of 1999 s. 3)

師而作出的，則在該項卸任的通知書亦送交公司註冊處處長存檔後)，牧師即在其委任期間內為法團的成員；任何上述通知書須由卸任的牧師和由受託人委員會簽署，並須蓋上法團的法團印章。

- (3) 受託人委員會的成員須按照章程委任，而在其獲委任的通知書送交公司註冊處處長存檔後（如該項委任是為取代卸任的受託人委員會委員而作出的，則在該項卸任的通知書亦送交公司註冊處處長存檔後），受託人委員會的委員即在其各自的委任期間內為法團的成員；任何上述通知書須由留任及卸任的受託人簽署，並須蓋上法團的法團印章。
- (4) 受託人委員會即使因任何成員去世、不在、辭職、或無能力履行職務或任何其他因由而出現空缺，仍屬合法組成；但受託人委員會在任何時間不得由少於2名成員組成。

4. 法團的權力

- (1) 法團有權獲取、購買、取得、持有和享用任何性質或種類以及位於香港任何地點的土地、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，亦有權將款項投資於在香港經營業務或設有辦事處的任何法團或公司的任何土地、建築物、債權證、股額、資金、股份或證券、保證的按揭，亦有權購買和獲取任何性質或種類的一切貨品及資產。

- (2) The minister shall be appointed in accordance with the constitution and shall for the period of his appointment be a member of the corporation upon notice of his appointment and where such appointment is made to replace a retiring minister of the church, upon, in addition, notice of such retirement, being filed with the Registrar of Companies. Any such notice shall be signed by the retiring minister and by the board of trustees and shall be sealed with the common seal of the corporation.
- (3) The members of the board of trustees shall be appointed in accordance with the constitution and shall for the periods of their respective appointments be members of the corporation upon notice of their appointment, and where such appointment is made to replace a retiring member of the board of trustees, upon, in addition, notice of such retirement, being filed with the Registrar of Companies. Any such notice shall be signed by the continuing and retiring trustee or trustees and shall be sealed with the common seal of the corporation.
- (4) The board of trustees shall be lawfully constituted notwithstanding any vacancies occurring therein by death, absence, resignation or incapacity of any member or any other cause: Provided always that the board of trustees shall at no time consist of less than two members.

4. Powers of corporation

- (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 in Hong Kong, and also to invest moneys upon mortgage of any lands, buildings, debentures, stocks, funds, shares or securities of any corporation or company carrying on business or having an office in Hong Kong, and

- (2) 法團更進一步有權按其認為適合的條款而將歸屬法團的任何土地、建築物、宅院或物業單位、按揭、債權證、股額、證券、保證、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、移轉或以其他方式處置。

5. 印章

所有須蓋上法團的印章的契據、文件及其他文書，均須在牧師及受託人委員會 2 名成員在場的情況下用法團的法團印章蓋章，並須由他們簽署，而上述的簽署即須視為該等契據、文件及其他文書已妥為蓋章的足夠表面證據。

6. 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 1999 年第 33 號第 3 條修訂)

also to purchase and acquire all goods and chattels of what nature or kind soever. (*Amended 33 of 1999 s. 3*)

- (2) The corporation shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages or tenements, mortgages, debentures, stocks, securities, goods and chattels vested in the corporation on such terms as the corporation may seem fit.

5. Seal

All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with its common seal in the presence of the minister and two members of the board of trustees and shall also be signed by them and such signing shall be taken as sufficient prima facie evidence of the due sealing of such deeds, documents and other instruments.

6. 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 33 of 1999 s. 3*)