

《嘉道理农场暨植物园公司条例》

KADOORIE FARM AND BOTANIC GARDEN
CORPORATION ORDINANCE

(第 1156 章)

(Cap. 1156)

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本条例旨在设立一个为了公众利益管理及控制嘉道理农场暨植物园的法人团体，使之成为一自然保育及教育中心，并为此将现有嘉道理农场暨植物园的业权转归该法人团体，同时为各项附带事宜作出规定。

To establish a body corporate to manage and control the Kadoorie Farm and Botanic Garden for the public benefit as a centre for conservation and education, and for those purposes to vest in the body corporate the title to the existing Kadoorie Farm and Botanic Garden, and to provide for incidental matters.

[1995 年 1 月 20 日]

[20 January 1995]

第 I 部 导言

PART I PRELIMINARY

1. 简称

本条例可引称为《嘉道理农场暨植物园公司条例》。

1. Short title

This Ordinance may be cited as the Kadoorie Farm and Botanic Garden Corporation Ordinance.

2. 释义

在本条例中，除文意另有所指外——

“公司” (Corporation) 指由第 3(1) 条设立的嘉道理农场暨植物园公司；

“主席” (Chairman) 指根据第 9 条委任的董事局主席或根据第 10 条以主席身分行事的其他成员；

“成员” (member) 指董事局成员；

“受托人” (Trustees) 指 “Incorporated Trustees of the Kadoorie Foundation”；

“协会” (Association) 指 “Incorporated Trustees of the Kadoorie Agricultural Aid Association”；

“核数师” (auditor) 指《专业会计师条例》(第 50 章) 第 2 条所指的执业会计师；

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“Association” (协会) means the Incorporated Trustees of the Kadoorie Agricultural Aid Association;

“auditor” (核数师) means a certified public accountant (practising) within the meaning of section 2 of the Professional Accountants Ordinance (Cap. 50); (*Amended 23 of 2004 s. 56*)

“Board” (董事局) means the Board of the Kadoorie Farm and Botanic Garden Corporation established by section 7(1);

“Chairman” (主席) means the Chairman of the Board appointed under section 9 or any other member when acting under section 10 as the Chairman.

- “执行董事” (Executive Director) 指根据第 15(1) 条获委任为执行董事的人士；
- “董事局” (Board) 指由第 7(1) 条设立的嘉道理农场暨植物园公司董事局；
- “嘉道理农场暨植物园” (Kadoorie Farm and Botanic Garden) 指位于新界白牛石及公司可能不时取得的其他土地上并以此命名的农场暨植物园。
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- “Corporation” (公司) means the Kadoorie Farm and Botanic Garden Corporation established by section 3(1);
- “Executive Director” (执行董事) means the person appointed under section 15(1) to be the Executive Director;
- “member” (成员) means a member of the Board;
- “Kadoorie Farm and Botanic Garden” (嘉道理农场暨植物园) means the farm and botanic garden called by that name and situated at Paak Ngau Shek, New Territories and such other land as may be acquired by the Corporation from time to time;
- “Trustees” (受托人) means the Incorporated Trustees of the Kadoorie Foundation.
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第 II 部

嘉道理农场暨植物园公司的设立

3. 公司的设立

- (1) 现设立一名为“嘉道理农场暨植物园公司”的法人团体。
- (2) 该公司永久延续及拥有法团印章，并能够起诉及被起诉。

4. 公司的职能

公司的职能为——

- (a) 为了公众利益管理及控制嘉道理农场暨植物园，使之成为一自然保育及教育场所，以增强公众的环境意识为宗旨；
- (b) 为动物及鸟类提供一处庇护所；
- (c) 与香港或其他地方具有相类宗旨或性质相类的组织或机构合作；
- (d) 支持保护各种生物品种的公认原则与准则；及
- (e) 为贯彻本条所列宗旨，提供有关设施并以其认为合适的方式发展嘉道理农场暨植物园。

5. 公司的一般权力

- (1) 为更佳地履行其职能或履行其他合理地附带于其某一项职能或合理地由其某一项职能引起的职能，公司可办理

PART II

ESTABLISHMENT OF THE KADOORIE FARM AND BOTANIC GARDEN CORPORATION

3. Establishment of the Corporation

- (1) There is established a body corporate called the Kadoorie Farm and Botanic Garden Corporation.
- (2) The Corporation has perpetual succession and a common seal and is capable of suing and being sued.

4. Functions of the Corporation

The functions of the Corporation are—

- (a) to manage and control the Kadoorie Farm and Botanic Garden for the public benefit as a centre for conservation and education with the aim of increasing the awareness of the environment;
- (b) to provide a sanctuary for animals and birds;
- (c) to collaborate with organizations or institutions with similar aims or of a similar nature whether in Hong Kong or elsewhere;
- (d) to support accepted principles and standards for the protection of biological diversity; and
- (e) for the purposes set out in this section, to provide related facilities and develop the Kadoorie Farm and Botanic Garden in the manner it thinks fit.

5. General powers of the Corporation

- (1) The Corporation may do all things necessary for, or incidental or conducive to, the better performance of its functions or a

一切必要、附带或有助的事宜。

- (2) 在不损害第 (1) 款的概括性原则下，公司尤可——
- (a) 取得、承租、购买、持有及享用财产（不论是动产或不动产）及在其认为合宜的情况下出售、出租或以其他方式处置或处理该等财产；
 - (b) 订立、转让或承让、更改或撤销任何合约或义务；
 - (c) 申请及收取赞助，收取信托或其他形式的捐赠、拨款及资助，并担任以信托形式归属该公司的款项或其他财产的受托人；
 - (d) 在其土地上兴建建筑物或其他构筑物；在其土地上筑路、建立及维持防火带；对其建筑物、道路、水塘、构筑物、处所、家具及设备作装备、维修、更改、移走、拆除、替换、扩充、改善并使之保持完好可用；
 - (e) 委任代理人及承建商，以进行与公司职能有关的工程；
 - (f) 厘定及收取各种费用、缴款及收费，并指明其所提供的各种设施及服务的使用条件；
 - (g) 在一般情况下或在个别情况或特定类别的情况下减收、免收或退回其行使其在本条下的权力时厘定的各种费用、缴款或收费；
 - (h) 按照其宗旨在嘉道理农场暨植物园内从事发展嘉道理农场暨植物园的各种附带业务，其中包括经营店铺、餐馆及饮食零售店；
 - (i) 设立一个新的法人团体，以作出公司所能作出的任何事情；
 - (j) 与其他机构合作，以推展公司的职能；及
 - (k) 将其无论以何种方式获得的利润用以推展公司的职能。

function reasonably incidental to or consequent upon one of those functions.

- (2) In particular and without prejudice to the general nature of subsection (1), the Corporation may—
- (a) acquire, take on lease, purchase, hold and enjoy property, movable or immovable, and sell, let or otherwise dispose of or deal with property as it thinks fit;
 - (b) enter into, assign or accept the assignment of, and vary or rescind, any contract or obligation;
 - (c) apply for and receive sponsorships, receive donations, grants and subsidies, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust;
 - (d) erect buildings or other structures on its land, lay roads on its land, make and maintain firebreaks, equip, maintain, alter, remove, demolish, replace, enlarge, improve and keep in repair its buildings, roads, reservoirs, structures, premises, furniture and equipment;
 - (e) appoint agents and contractors to carry out works related to its functions;
 - (f) fix and collect fees, subscriptions and charges and specify conditions for the use of facilities and services provided by it;
 - (g) reduce, waive or refund fees, subscriptions or charges fixed in the exercise of its powers under this section generally or in any particular case or class of case;
 - (h) conduct businesses incidental to the promotion of the Kadoorie Farm and Botanic Garden in accordance with its aims including the operation of shops, restaurants and

- (3) 第 (2) 款所详列的权力不得理解为公司的全部权力，而只是列出公司的部分权力。

6. 公司的文件

- (1) 公司可为履行其职能或行使其权力或为上述履行或行使所合理附带或引致的事项，订立及签立任何文件。
- (2) 公司的法团印章经董事局授权后方可使用，并须经董事局一般授权或特别授权的任何两名成员签署认证。
- (3) 任何文件，如看来是已用公司的法团印章签立，可接纳为证据；除非相反证明成立，否则上述文件须视为已妥为签立。
- (4) 如一份合约或文书由一并非法人团体的人士订立或签立时无须加盖印章，则该合约或文书可由一名获公司为此事一般授权或特别授权的人士代表公司订立或签立。

refreshment outlets at the Kadoorie Farm and Botanic Garden;

- (i) establish a new body corporate for the purpose of doing anything which the Corporation may do;
 - (j) collaborate with other organizations with a view to promoting the functions of the Corporation; and
 - (k) apply its profits however derived towards the promotion of its functions.
- (3) The detailed powers set out in subsection (2) are not to be read as an exhaustive list of powers but as a descriptive list of some of the powers of the Corporation.

6. Documents of the Corporation

- (1) The Corporation may make and execute any document to perform or exercise its functions or powers or for a matter reasonably incidental to or consequential upon performing or exercising its functions or powers.
- (2) The common seal of the Corporation is affixed as the Board authorizes and is authenticated by the signatures of any 2 members authorized by the Board, either generally or specifically, to act for the purpose.
- (3) A document purporting to be executed under the seal of the Corporation is admissible in evidence and is, unless the contrary is proved, to be taken to have been duly executed.
- (4) A contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of the Corporation by a person generally or specifically authorized by the Corporation for that purpose.

第 III 部

公司董事局的设立

7. 董事局的设立

- (1) 现设立一名为“嘉道理农场暨植物园董事局”的董事局。
- (2) 董事局是公司的管治及行政机构，履行本条例施加公司的各项职能，并可行使本条例赋予公司的各项权力。

8. 董事局成员

- (1) 董事局由至少 5 名但不多于 9 名的成员组成，该等成员均由受托人委任。
- (2) 成员任期由受托人决定，以不超过 3 年为限，但可再获委任。
- (3) 成员可随时向受托人发出书面通知，辞去其在董事局的职务。

9. 董事局主席与名誉主席

- (1) 受托人须从成员中委任一名成员出任主席。
- (2) 主席的任期由受托人决定，以不超过 3 年为限，但可再获委任。
- (3) 霍勒斯·嘉道理爵士获委任为终身名誉主席。
- (4) 主席在名誉主席之外，履行主席的职能。

PART III

ESTABLISHMENT OF THE BOARD OF THE CORPORATION

7. Establishment of the Board

- (1) There is established a Board called the Board of the Kadoorie Farm and Botanic Garden.
- (2) The Board is the governing and executive body of the Corporation and, as such, performs the functions imposed on the Corporation and may exercise the powers conferred on the Corporation by this Ordinance.

8. Membership of the Board

- (1) The Board consists of not less than 5 members and not more than 9 members who are appointed by the Trustees.
- (2) A member holds office for a period of not more than 3 years as the Trustees may determine, but may be re-appointed.
- (3) A member may at any time resign from the Board by written notice to the Trustees.

9. Chairman and Honorary Chairman of the Board

- (1) The Trustees shall appoint a Chairman from among the members.
- (2) The Chairman holds office for a period of not more than 3 years as the Trustees may determine, but may be re-appointed.
- (3) Sir Horace Kadoorie is appointed the Honorary Chairman during his lifetime.
- (4) The Chairman acts in addition to the Honorary Chairman.

10. 董事局议事程序

- (1) 在董事局会议上，3 名在当其时自始至终出席会议的成员，即构成法定人数。
- (2) 董事局会议由主席主持。
- (3) 如主席不在香港或由于任何其他原因而不能履行其职能，则成员须从他们当中指定一人，在主席缺席或无能力履行其职能期间署理主席职位。
- (4) 所有须在董事局会议上决定的问题，均以出席会议的成员所投的多数票决定；如遇票数相等，则主持会议的成员除了其原有的一票外，可投决定票。
- (5) 如某一成员在公司订立或拟订立的合约中直接或间接有利害关系，则——
 - (a) 该成员须在董事局会议上披露其利害关系的性质；
 - (b) 董事局须将披露一事载入会议纪录；及
 - (c) 除非获得董事局主席准许，否则该成员不得参与董事局就该合约所进行的商议，而无论如何不得就与该合约有关问题投票。
- (6) 在符合本条例的规定下，董事局可决定其会议的全部安排、议事程序及会议的进行方式。

11. 以传阅文件方式处理事务

董事局可藉在成员（不论该等成员是否在香港）当中传阅文件

10. Proceedings of the Board

- (1) At a meeting of the Board 3 of the members for the time being present at the commencement of and throughout the meeting form a quorum.
- (2) At a meeting of the Board the Chairman presides.
- (3) Where the Chairman is absent from Hong Kong or is, for any other reason, unable to perform the functions of his office, the members may appoint one of their number to act as the Chairman during that absence or incapacity of the Chairman.
- (4) All questions for determination at a meeting of the Board are decided by a majority of votes of the members present and voting on the question and the member presiding has a casting vote in addition to his original vote where there is an equality of votes.
- (5) Where a member is in any way directly or indirectly interested in a contract made or proposed to be made by the Corporation—
 - (a) he is required to disclose the nature of his interest at a meeting of the Board;
 - (b) the Board is required to record the disclosure in its minutes; and
 - (c) the member is not to take part in the deliberation of the Board in relation to the contract except with the permission of the Chairman and is not, in any event, to vote on a question concerning it.
- (6) Subject to this Ordinance, the Board may determine all arrangements for, procedure at, and conduct of, its meetings.

11. Transaction of business by circulation of papers

The Board may transact its business by circulation of papers

的方式处理其事务，而经所有成员以书面同意的书面决议，其效力及作用与在董事局会议席上通过的决议无异。

among members (whether a member is in or outside Hong Kong), and a written resolution which is approved in writing by all of the members is as valid and effectual as if it had been passed at a meeting of the Board.

第 IV 部

将土地转归公司及有关事宜

12. 将土地等转归公司

- (1) 附表所载述现时归属或属于协会或 Kadoorie Agricultural Aid Association (于附表指明) 的财产自本条例生效日期起, 即按照同样的权益转移及转归于公司而无须任何额外转易契据, 而公司亦拥有接管、收回及取得财产利益所需的权力。
- (2) 公司须将或安排将一份由政府印务局印制的本条例文本按照《土地注册条例》(第 128 章) 登记于土地注册处, 以转移财产。
- (3) 除了第 (1) 款所提述的财产外, 受托人及协会于紧接本条例生效前关乎嘉道理农场暨植物园的权利、义务及法律责任, 自本条例生效日期起即成为公司的权利、义务及法律责任, 而公司亦拥有行使上述权利及履行上述义务及法律责任 (视属何情况而定) 的权力。
- (4) 根据本条转移财产, 无须缴纳印花税。

13. 文件中提述受托人

- (1) 本条例生效后, 在任何关乎归属公司的事项或财产的文

PART IV

CORPORATION TO BE VESTED WITH LAND AND RELATED MATTERS

12. Corporation to be vested with land, etc.

- (1) The property described in the Schedule currently vested in or belonging to the Association or the Kadoorie Agricultural Aid Association (as specified in the Schedule) is as from the date of commencement of this Ordinance transferred to and vested in the same interest in the Corporation without any further assurance and the Corporation shall have the powers necessary to take possession of, recover and obtain the benefit of the property.
- (2) The Corporation shall register or cause to be registered a Government Printer's copy of this Ordinance in the Land Registry for the transfer of the property in accordance with the Land Registration Ordinance (Cap. 128).
- (3) In addition to the property referred to in subsection (1), the rights, obligations and liabilities of the Trustees and the Association and relating to the Kadoorie Farm and Botanic Garden immediately before the commencement of this Ordinance are, as from the date of commencement, the rights, obligations and liabilities of the Corporation and the Corporation shall have the powers necessary to exercise and discharge them (as the case may be).
- (4) No stamp duty is payable on the transfer of property under this section.

13. References in documents to the Trustees

- (1) On the commencement of this Ordinance, a reference to

件中，凡提述受托人或协会，即须理解为提述公司。

- (2) 就本条而言，“文件”(document) 不包括任何关乎受托人或协会成立为法团的文件。

14. 嘉道理农场暨植物园雇员的权利保留

- (1) 在紧接本条例生效前受雇于嘉道理农场暨植物园的协会雇员，在本条生效当日并自本条例生效起即成为公司的雇员，其雇用条款及条件与其本人于紧接本条例生效前作为协会雇员的雇用条款及条件相同。
- (2) 就确定雇员离职时的权利或利益而言，有关雇员的服务连续性不得仅因本条例而中断。
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the Trustees or the Association in any document relating to a matter or property vested in the Corporation is read as a reference to the Corporation.

- (2) For the purposes of this section “document” (文件) does not include any document which relates to the incorporation of the Trustees or the Association.

14. Saving of employees of the Kadoorie Farm and Botanic Garden

- (1) A person who was, immediately before the commencement of this Ordinance, an employee of the Association and employed at the Kadoorie Farm and Botanic Garden is, on and from the commencement of this Ordinance, an employee of the Corporation on the same terms and conditions as he was an employee of the Association immediately before the commencement of this Ordinance.
- (2) For the purposes of determining the rights or benefits of an employee on his ceasing service, there is no break in continuity of his service by reason only of this Ordinance.
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第 V 部

公司的职员

15. 执行董事及其他雇员的委任

- (1) 公司须委任一名执行董事，而该董事须就嘉道理农场暨植物园的日常管理及行政工作对公司负责。
- (2) 公司可雇用它认为适宜的其他雇员，并就有关其薪酬及雇用条款及条件的一切事项作出决定。

16. 技术及专业顾问的聘用

- (1) 公司可聘请技术及专业顾问，就公司的任何职能或权力引起的或与之有关的事项向公司提出意见。
 - (2) 关于第 (1) 款下的顾问的薪酬、聘用条款及条件及聘用方式诸事项，均由公司决定。
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PART V

STAFF OF THE CORPORATION

15. Appointment of Executive Director and other employees

- (1) The Corporation is to appoint an Executive Director, who is responsible to the Corporation for the day to day management and administration of the Kadoorie Farm and Botanic Garden.
- (2) The Corporation may employ other employees as it thinks fit and determine all matters relating to their remuneration and the terms and conditions of their employment.

16. Employment of technical and professional advisers

- (1) The Corporation may engage the services of technical and professional advisers to advise the Corporation in matters arising out of or in connection with any of the functions or powers of the Corporation.
 - (2) Matters relating to the remuneration and the terms and conditions of engagement of advisers, and the manner of their engagement, under subsection (1) are determined by the Corporation.
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第 VI 部 转授

17. 公司转授的权力

公司可在施加或不施加限制或条件（视公司认为何者适当而定）的情况下，以书面形式将其任何职能或权力转授予执行董事，但其下述权力除外——

- (a) 委任执行董事的权力；
- (b) 委任核数师的权力；或
- (c) 订立附例的权力。

18. 执行董事转授的权力

- (1) 执行董事可在施加或不施加限制或条件（视他认为何者适当而定）的情况下，以书面形式将其职能及权力（包括根据第 17 条转授予他的职能或权力）转授予他认为适宜的人士。
 - (2) 执行董事将根据第 17 条转授予他的公司职能或权力再转授他人的权力，以及任何人对执行董事根据第 (1) 款转授予他的职能或权力的行使，均受公司根据第 17 条施加的任何限制或条件所规限。
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PART VI DELEGATION

17. Power of Corporation to delegate

The Corporation may, with or without restrictions or conditions as it thinks fit, delegate in writing any of its functions or powers to the Executive Director, other than its power—

- (a) to appoint the Executive Director;
- (b) to appoint an auditor; or
- (c) to make bylaws.

18. Power of Executive Director to delegate

- (1) The Executive Director may, with or without restrictions or conditions as he thinks fit, delegate in writing to a person as he thinks fit, his functions and powers, including a function or power delegated to him under section 17.
 - (2) The power of the Executive Director to delegate a function or power of the Corporation delegated to him under section 17 and the exercise by a person of a function or power delegated by the Executive Director under subsection (1), are subject to any restriction or condition imposed by the Corporation under section 17.
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第 VII 部 财务

19. 借款权力

为推展其职能，公司可借入款项并为此以其财产作为抵押，及就所借款项支付利息。

20. 帐目及报表

- (1) 公司须——
 - (a) 就其所有财务往来备存妥善帐目；
 - (b) 就每一财政年度拟备一份公司帐目报表，其中须包括经主席签署的收支结算表及资产负债表。
- (2) 由公司委任的一名核数师须审计公司帐目及经签署的帐目报表。
- (3) 核数师须核证上述报表，而他可在其认为适宜的报告（如有的话）的规限下核证上述报表。

21. 盈余资金的投资

公司可将非即时需用的资金投资于《受托人条例》(第 29 章)附表 2 所列的投资项目上。

PART VII FINANCIAL

19. Power to borrow money

The Corporation may, for the promotion of its functions, borrow money and charge its property as security therefor, and pay interest on the money borrowed.

20. Accounts and statements

- (1) The Corporation is—
 - (a) to keep proper accounts of all its financial transactions;
 - (b) to prepare for each financial year a statement of the accounts of the Corporation including an income and expenditure account and balance sheet signed by the Chairman.
- (2) An auditor appointed by the Corporation is to audit the accounts of the Corporation and the signed statement of accounts.
- (3) The auditor is to certify the statement subject to such report, if any, as he thinks fit.

21. Investment of surplus funds

The Corporation may invest such of its funds that are not immediately required in such forms of investments as are set out in Schedule 2 to the Trustee Ordinance (Cap. 29).

第 VIII 部

杂项

22. 受托人可获得资料

公司须应受托人的要求向受托人提供充分的方便，使其能够获得有关公司的财产及事务的资料，同时按照受托人要求的方式，于受托人要求的时间向受托人提供申报表、帐目与其他有关资料，并向其提供核实该等资料所需的方便。

23. 附例

- (1) 公司可为下述目的订立不抵触本条例并经公司盖章的附例——
 - (a) 进入及使用嘉道理农场暨植物园的条款及条件；
 - (b) 嘉道理农场暨植物园的管理及控制，其中包括嘉道理农场暨植物园的关闭或局部关闭；
 - (c) 订定嘉道理农场暨植物园或其任何部分向公众人士开放的时间；
 - (d) 嘉道理农场暨植物园内供使用的设备、器械、装置或设施的使用；
 - (e) 嘉道理农场暨植物园内保持良好秩序、纪律及防止滥用及妨碍；
 - (f) 禁止或限制在嘉道理农场暨植物园内杀害、捕猎、设陷阱捕捉、骚扰或扰乱任何种类的野生动物，或取走、毁坏或干扰嘉道理农场暨植物园内的植物或作出任何干扰土壤的事情；
 - (g) 禁止或限制在嘉道理农场暨植物园内点火及预防火警；

PART VIII

MISCELLANEOUS

22. Trustees may obtain information

The Corporation is required on request by the Trustees to afford to them sufficient facilities to obtain information on the property and affairs of the Corporation and in the manner and at the times as the Trustees may require to furnish them with returns, accounts and other relevant information and to afford to them facilities for the verification of information furnished.

23. Bylaws

- (1) The Corporation may, under its seal, make bylaws not inconsistent with this Ordinance for the following purposes—
 - (a) the terms and conditions of access to and use of the Kadoorie Farm and Botanic Garden;
 - (b) the management and control, including the closing or partial closing, of the Kadoorie Farm and Botanic Garden;
 - (c) the fixing of the times during which the Kadoorie Farm and Botanic Garden or any part may be open to members of the public;
 - (d) the use of any equipment, apparatus, fitting or facility provided for use at the Kadoorie Farm and Botanic Garden;
 - (e) the preservation of good order and discipline and prevention of abuses and nuisances in the Kadoorie Farm and Botanic Garden;

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第 23 条

- (h) 禁止将嘉道理农场暨植物园作以下用途或对该等用途加以管制——
- (i) 野餐；
 - (ii) 烧烤；
 - (iii) 露营；
 - (iv) 游泳；
 - (v) 贩卖；
 - (vi) 广告宣传；
 - (vii) 捕鱼或垂钓；及
 - (viii) 任何其他相类活动；
- (i) 对污染加以管制，其中包括禁止抛弃垃圾及将废物、化学品或其他污染物弃置于嘉道理农场暨植物园内的任何水体，以及管制嘉道理农场暨植物园内的噪音水平；
- (j) 对嘉道理农场暨植物园内或在其上进行的买卖、广告宣传或架设构筑物加以管制（包括予以禁止）；将违反根据本条订立的附例而带进或留在嘉道理农场暨植物园内或在其上的买卖、广告宣传或建筑等物料移走、储存或出售；追讨因上述移走、储存及出售而招致的一切费用，以及没收售卖收益；及
- (k) 更佳地履行公司的职能及行使公司的权力。
- (2) 根据本条订立的附例可规定，违反指明的条文即属犯罪，并可订明不超过第 2 级的罚款。
- (3) 在不损害任何与刑事罪行检控有关的条例或律政司司长检控刑事罪行的权力的原则下，根据附例进行的检控可以公司的名义提出。（由 1997 年第 362 号法律公告修订）
- (4) 公司须印制附例文本，然后——
- (a) 将附例文本显著地展示于嘉道理农场暨植物园内；
 - (b) 在其主要办公室内存放一份附例文本；及

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- (f) prohibiting or restricting the killing, hunting, trapping, molesting or disturbance of any form of wildlife within the Kadoorie Farm and Botanic Garden or the taking of, destruction of, or interference with, vegetation within the Kadoorie Farm and Botanic Garden or the doing of anything therein which will interfere with the soil;
- (g) prohibiting or restricting the lighting of fires within the Kadoorie Farm and Botanic Garden and the prevention of fire hazards;
- (h) prohibiting or controlling the use of the Kadoorie Farm and Botanic Garden for—
- (i) picnicking;
 - (ii) barbecuing;
 - (iii) camping;
 - (iv) swimming;
 - (v) hawking;
 - (vi) advertising;
 - (vii) fishing; and
 - (viii) any other similar activities;
- (i) the control of pollution, including prohibiting littering and the disposal of rubbish, chemicals or other pollutants into any body of water within the Kadoorie Farm and Botanic Garden, and controlling the level of noise within the Kadoorie Farm and Botanic Garden;
- (j) the control (including prohibition) of trading, advertising or the erection of structures in or on the Kadoorie Farm and Botanic Garden, the removal, storage and sale of trading, advertising or construction materials that are brought into or remain in or on the Kadoorie Farm and Botanic Garden in contravention of any bylaw made

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(c) 以合理价格将附例文本售予任何人。

under this section, the recovery of any costs incurred for the removal, storage and sale, and the forfeiture of the proceeds of sale; and

(k) the better carrying out of the functions and powers of the Corporation.

(2) A bylaw made under this section may provide that a contravention of specified provisions is an offence and may prescribe penalties not exceeding a fine at level 2.

(3) Without prejudice to any Ordinance relating to the prosecution of criminal offence or to the power of the Secretary for Justice for the prosecution of criminal offences, prosecutions under a bylaw may be brought in the name of the Corporation. (*Amended L.N. 362 of 1997*)

(4) The Corporation is to print copies of the bylaws and is to—
(a) display them prominently in the Kadoorie Farm and Botanic Garden;
(b) keep a copy at its principal office; and
(c) make them available for sale to any person at a reasonable cost.

24. 保留条文

(具追溯力的适应化修订——见 2000 年第 61 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，但本条例所述及者及经由、透过或藉他们提出申索者除外。

(由 2000 年第 61 号第 3 条修订)

24. Saving

(Adaptation amendments retroactively made - see 61 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 61 of 2000 s. 3*)

附表

[第 12 条]

转归公司的财产

1. 位于香港新界白牛石并在土地注册处登记为丈量约份第 10 约第 1822 号地段的余段及以协会名义登记的该整幅土地。(由 2002 年第 20 号第 5 条修订)
2. 位于香港新界白牛石并在土地注册处登记为丈量约份第 10 约第 18 号地段及以 Kadoorie Agricultural Aid Association 名义登记的该整幅土地。(由 2002 年第 20 号第 5 条修订)
3. 观音山及梧桐寨用作防火带的丈量约份第 10 约土地的政府土地牌照 T19005 属于协会的权益。
4. 新界元朗观音山丈量约份第 114 约土地的短期租约 No.1352 属于协会的权益。

SCHEDULE

[s. 12]

PROPERTY TO VEST IN THE CORPORATION

1. All that piece or parcel of land registered at the Land Registry being the Remaining Portion of Lot No. 1822 in D.D. 10 at Paak Ngau Shek, New Territories, Hong Kong and registered in the name of the Association. (*Amended 20 of 2002 s. 5*)
2. All that piece or parcel of land registered at the Land Registry and comprised in Lot No. 18 in D.D. 10 at Paak Ngau Shek, New Territories, Hong Kong and registered in the name of the Kadoorie Agricultural Aid Association. (*Amended 20 of 2002 s. 5*)
3. The benefit of the Government Land Licence T19005 in favour of the Association in respect of land used as a fire break at Kwun Yam Shan and Ng Tung Chai in D.D. 10.
4. The benefit of the Short Term Tenancy No. 1352 in favour of the Association in respect of land at Kwun Yam Shan, Yuen Long, New Territories in D.D. 114.