

《基本工程儲備基金》
(第2章，附屬法例A)
Capital Works Reserve Fund
(Cap. 2 sub. leg. A)

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經核證文本
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(《法例發布條例》(第614章)第5條)
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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」(<http://www.elegislation.gov.hk>) 閱覽。

Provisions / Amendments not yet in operation ——

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制定史

本為 1982 年第 18 號法律公告，1983 年第 250 號法律公告，1985 年第 131 號法律公告 —— 1985 年編正版，1988 年第 4 號法律公告，1991 年第 399 號法律公告，1995 年第 (C)18 號法律公告 (中文真確本)，1996 年第 70 號，1997 年第 610 號法律公告，2017 年第 1 號編輯修訂紀錄

Enactment History

Originally L.N. 18 of 1982, L.N. 250 of 1983, L.N. 131 of 1985 — R. Ed. 1985, L.N. 4 of 1988, L.N. 399 of 1991, L.N. (C) 18 of 1995 (Chinese authentic version), 70 of 1996, L.N. 610 of 1997, E.R. 1 of 2017

《基本工程儲備基金》

Capital Works Reserve Fund

立法局決議

Resolutions of the Legislative Council

(格式變更——2017 年第 1 號編輯修訂紀錄)

(Format changes—E.R. 1 of 2017)

1. 立法局在 1982 年 1 月 20 日作出及通過的決議。
決議通過——
 - (a) 由 1982 年 4 月 1 日起設立一基金，稱為基本工程儲備基金。
 - (b)-(f) (停止適用，見第 2(g) 條。)
(1982 年第 18 號法律公告)
2. 立法局在 1983 年 7 月 27 日根據《公共財政條例》(第 2 章)第 29(1) 條作出及通過的決議。
決議就本局在 1982 年 1 月 20 日提出及通過的決議所設立，並根據本條例第 29(3) 條當作為已按該條設立的基本工程儲備基金，通過——
 - (a)-(f) (停止適用，見第 3(o) 條。)
 - (g) 本局在 1982 年 1 月 20 日提出及通過，並在憲報以 1982 年第 18 號法律公告刊出的決議，其中與基金的組成、開支及管理有關的 (b)、(c)、(d)、(e) 及 (f) 款停止適用。
(1983 年第 250 號法律公告)

1. Resolution made and passed by the Legislative Council on 20 January 1982.
Resolved—
 - (a) that there will, with effect from 1 April 1982, be established a fund styled the Capital Works Reserve Fund;
 - (b)-(f) (ceased to apply, see paragraph 2(g).)
(L.N. 18 of 1982)
2. Resolution made and passed by the Legislative Council under section 29(1) of the Public Finance Ordinance (Cap. 2) on 27 July 1983.
Resolved with respect to the Capital Works Reserve Fund established by resolution made and passed by this Council on 20 January 1982 and deemed under section 29(3) of the Ordinance to have been established in accordance with that section, that—
 - (a)-(f) (ceased to apply, see paragraph 3(o).)
 - (g) paragraphs (b), (c), (d), (e) and (f) of the resolution made and passed by this Council on 20 January 1982 and published in the Gazette as Legal Notice No. 18 of

3. 立法局在 1985 年 5 月 15 日根據《公共財政條例》(第 2 章)第 29(1) 條作出及通過的決議。

決議 就本局在 1982 年 1 月 20 日作出及通過，並在憲報以 1982 年第 18 號法律公告刊出的決議所設立的基本工程儲備基金，以及為了達致安排執行聯合王國政府與中華人民共和國政府於 1984 年 12 月 19 日在北京簽署的聯合聲明附件 III 第 6 款的規定，通過由聯合聲明生效之時起——

- (a)-(n) (已期滿失效而略去—2017 年第 1 號編輯修訂紀錄)
(見轉錄於編輯附註的 1997 年第 610 號法律公告 (h) 段)
- (o) 本局在 1983 年 7 月 27 日作出及通過，並在憲報以 1983 年第 250 號法律公告刊出的決議，其中的 (a)、(b)、(c)、(d)、(e) 及 (f) 款停止適用。

(1985 年第 131 號法律公告)

編輯附註：

並請參閱 1997 年第 610 號法律公告內的臨時立法會決議，其內容載錄如下——

1982, which relate to the composition, expenditure and administration of the Fund, cease to apply.

(L.N. 250 of 1983)

3. Resolution made and passed by the Legislative Council under section 29(1) of the Public Finance Ordinance (Cap. 2) on 15 May 1985.

Resolved with respect to the Capital Works Reserve Fund established by resolution made and passed by this Council on 20 January 1982 and published in the Gazette as Legal Notice No. 18 of 1982, and for the purpose of giving effect to arrangements for implementing paragraph 6 of Annex III to the Joint Declaration of the Government of the United Kingdom and the Government of the People's Republic of China signed in Peking on 19 December 1984, that with effect from the entry into force of the Joint Declaration—

- (a)-(n) (Omitted as expired—E.R. 1 of 2017)(See paragraph (h) of L.N. 610 of 1997 which is reproduced in the Editorial Note.)
- (o) paragraphs (a), (b), (c), (d), (e) and (f) of the resolution made and passed by this Council on 27 July 1983, and published in the Gazette as Legal Notice No. 250 of 1983, shall cease to apply.

(L.N. 131 of 1985)

Editorial Note:

Please also see the Resolution of the Provisional Legislative Council in L.N. 610 of 1997, which is reproduced below—

“臨時立法會於 1997 年 12 月 17 日根據《公共財政條例》(第 2 章) 第 29(1) 條提出和通過的決議。

議決對於基本工程儲備基金 (該基金由立法局於 1982 年 1 月 20 日提出和通過並在憲報刊登為 1982 年第 18 號法律公告的決議所設立)，通過下列事項——

- (a) 基金由財政司司長管理，他可將管理權轉授其他公職人員；
- (b) 下列款項記入基金的貸項下——
 - (i) 從土地交易所收受的地價收入；
 - (ii) 為基金的目的而進行的工程或承擔的責任而收受的一切款項；
 - (iii) 與第 (ii) 段所指的款項有關而在 5 年內無人認領的尚未支付存款；
 - (iv) 經臨時立法會或立法會核准由政府一般收入撥出的款項；
 - (v) 根據《借款條例》(第 61 章) 第 3 條借入的款項，而該借款是核准借款的臨時立法會決議或立法會決議所如此規定記入者；
 - (vi) 所有來自基金所持款項賺得的已收受利息或股息；
 - (vii) 為基金而收受的捐獻及其他款項；
- (c) 財政司司長可由基金支用款項——
 - (i) 以作為政府公共工程計劃的用途；
 - (ii) 以購置和安裝為實施公共工程計劃而致必需的設備；
 - (iii) 以發展、購置和安裝政府所用的主要系統及設備；
 - (iv) 以用作非經常補助金；
 - (v) 以收購土地；及
 - (vi) 以支付根據《新界土地交換權利 (贖回) 條例》(第 495 章) 須就土地交換權利支付的贖回款項以及須就該等贖回款項支付的利息，

但須按照財務委員會所指明的條件、例外情況及限制行事；
- (d) 財政司司長可——
 - (i) 將基金內基金不需用的款項的結餘從基金撥入政府一般收入內；
 - (ii) 償還根據《借款條例》(第 61 章) 第 3 條借入並已記入基金貸項下的本金及其利息，以及償還就借入該筆款項而招致的費用；
 - (iii) 行使酌情決定權，授權將基金在任何時間所持的任何款項，以財政司司長決定的方式投資；

“Resolution made and passed by the Provisional Legislative Council under section 29(1) of the Public Finance Ordinance (Cap. 2) on 17 December 1997.

RESOLVED with respect to the Capital Works Reserve Fund established by resolution made and passed by the Legislative Council on 20 January 1982 and published in the Gazette as Legal Notice No.18 of 1982, that—

- (a) the Fund be administered by the Financial Secretary, who may delegate his power of administration to other public officers;
- (b) there be credited to the Fund—
 - (i) premium income received from land transactions;
 - (ii) all moneys received arising from works or commitments entered into for the purposes of the Fund;
 - (iii) unclaimed deposits in respect of moneys referred to in subparagraph (ii) which have been unpaid for 5 years;
 - (iv) such appropriations from general revenue as may be approved by the Provisional Legislative Council or Legislative Council;
 - (v) sums borrowed under section 3 of the Loans Ordinance (Cap. 61) where the resolution of the Provisional Legislative Council or Legislative Council approving the borrowing so stipulates;
 - (vi) all moneys received by way of interest or dividends earned in respect of moneys held in the Fund;
 - (vii) such donations and other moneys as may be received for the purposes of the Fund;
- (c) the Financial Secretary may expend moneys from the Fund for—
 - (i) the purposes of the Government's public works programme;
 - (ii) the purchase and installation of equipment consequential on implementing the public works programme;
 - (iii) the development, purchase and installation of major systems and equipment used by the Government;
 - (iv) capital subventions;
 - (v) the acquisition of land; and
 - (vi) the payment of redemption money payable in respect of land exchange entitlements and of interest payable thereon under the New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap. 495),

in accordance with such conditions, exceptions and limitations as may be specified by the Finance Committee;
- (d) the Financial Secretary may—

- (e) 庫務署署長須根據財政司司長發出的基金支付令授予的權限，由基金撥支款項以應付基金開支所需；
- (f) 本決議自財政司司長以憲報公告指定的日期起實施[#]；
- (g) 自 (a) 至 (f) 款的實施日期起，基金內的暫記帳、工程帳及儲備帳須予取消，任何仍留在該等帳項內的款項須全數結轉入基金內；及
- (h) 立法局於 1985 年 5 月 15 日提出和通過，並在憲報以 1985 年第 131 號法律公告刊出的決議，其中的 (a) 至 (n) 款以及任何其後對該等條款作出的修訂停止適用。”。

[#] 實施日期：1998 年 1 月 1 日。

- (i) transfer from the Fund to the general revenue any balance in the Fund which is not required for the purposes of the Fund;
- (ii) repay the principal, interest thereon and expenses incurred in relation to sums borrowed under section 3 of the Loans Ordinance (Cap. 61) where such sums have been credited to the Fund;
- (iii) in his discretion, authorize the investment in such manner as he may determine of any moneys held in the Fund at any time;
- (e) the Director of Accounting Services shall, under the authority of a funds warrant issued by the Financial Secretary, pay from the Fund such sums as may be required to meet expenditure from the Fund;
- (f) this resolution shall come into operation[#] on a date to be appointed by the Financial Secretary by notice in the Gazette;
- (g) on the coming into operation of paragraphs (a) to (f), the suspense account, works account and reserve account of the Fund shall be cancelled and any moneys remaining in those accounts shall be carried forward in their entirety in the Fund; and
- (h) paragraphs (a) to (n) of the resolution made and passed by the Legislative Council on 15 May 1985, and published in the Gazette as Legal Notice No. 131 of 1985, and any subsequent amendments made to those paragraphs shall cease to apply.”.

[#] Commencement date: 1 January 1998.