

## 《麦理浩爵士信托基金条例》

## (第 1118 章)

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SIR MURRAY MACLEHOSE TRUST FUND  
ORDINANCE

## (Cap. 1118)

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本条例旨在为香港人的利益而设立一个名为麦理浩基金的信托基金，以及就该基金的妥善管理及相关事宜订定条文。

[1982 年 5 月 21 日]

### 1. 简称

本条例可引称为《麦理浩爵士信托基金条例》。

### 2. 信托基金的设立

- (1) 现设立一个基金，名为麦理浩基金。
- (2) 基金须以信托并在本条例所载条文的规限下持有。
- (3) 基金的受托人为根据《民政及青年事务局局长法团条例》(第 1044 章)成立为法团的民政及青年事务局局长法团。(由 1985 年第 67 号法律公告修订；由 1985 年第 68 号法律公告修订；由 1989 年第 263 号法律公告修订；由 1997 年第 362 号法律公告修订；由 1999 年第 18 号第 3 条修订；由 2022 年第 144 号法律公告修订)
- (4) 基金由以下各项组成——
  - (a) 在本条例生效日期前为设立基金而捐赠、认捐或遗赠并由受托人持有的款项及资产；
  - (b) 在本条例生效日期前藉使用任何如此持有的款项或资产而获取的其他款项及资产；及
  - (c) 在本条例生效日期或该日之后——
    - (i) 向基金捐赠、认捐或遗赠并获受托人为基金而接受的其他款项及资产；或
    - (ii) 受托人以其他方式为基金而获取的其他款项及资产。

To establish for the benefit of the people of Hong Kong a trust fund called the MacLehose Fund and to provide for the due administration of the fund and connected matters.

[21 May 1982]

### 1. Short title

This Ordinance may be cited as the Sir Murray MacLehose Trust Fund Ordinance.

### 2. Establishment of trust fund

- (1) There is established a fund called the MacLehose Fund.
- (2) The fund shall be held upon the trusts and subject to the provisions contained in this Ordinance.
- (3) The trustee of the fund shall be The Secretary for Home and Youth Affairs Incorporated incorporated under the Secretary for Home and Youth Affairs Incorporation Ordinance (Cap. 1044). (*Amended L.N. 67 of 1985; L.N. 68 of 1985; L.N. 263 of 1989; L.N. 144 of 2022*)
- (4) The fund shall consist of—
  - (a) the moneys and assets donated, subscribed or bequeathed before the commencement of this Ordinance with the object of establishing the fund and held by the trustee;
  - (b) such other moneys and assets as may have been acquired before the commencement of this Ordinance by the use of any moneys or assets so held; and
  - (c) such further moneys and assets as may, on or after the commencement of this Ordinance, be—

**3. 基金的运用及宗旨**

在符合第 4 条的规定下，受托人须以行政长官凭其完全酌情决定权而指示的方式，为香港人的利益而运用基金。

*(由 1999 年第 18 号第 3 条修订)*

**4. 与运用基金的方式有关的特别条文**

(1) 受托人可在符合行政长官的指示下，为第 3 条指明的宗旨而支用基金的收益。

(2) 在 1985 年 1 月 1 日前，受托人可在符合总督的指示下，为第 3 条指明的宗旨而从基金的资本中支用一笔不超过 \$10,000,000 的款项：

但受托人须在不损害第 (1) 款的原则下，于总督认为适当的较后日期，从基金的收益中拨款填补已如此支用的资本。

(3) 受托人可无息或按行政长官指示的利率，为第 3 条指明的宗旨而借出基金的任何款项。

*(由 1999 年第 18 号第 3 条修订)*

**5. 款项的投资**

(1) 尽管有《民政及青年事务局局长法团条例》(第 1044 章)第 8(2) 条的规定，受托人仍可将基金的任何款项投资在行政长官指示的投资项目，而不论该等投资项目是否《受托人条例》(第 29 章)第 4 条特准的投资项目。*(由 1985*

(i) donated, subscribed or bequeathed to, and accepted by, the trustee for the fund; or

(ii) otherwise acquired by the trustee for the fund.

**3. Application and object of the fund**

Subject to section 4, the trustee shall apply the fund for the benefit of the people of Hong Kong in such manner as the Chief Executive in his sole discretion may direct.

*(Amended 18 of 1999 s. 3)*

**4. Special provisions relating to manner of application of fund**

(1) The trustee may, subject to the direction of the Chief Executive, expend the income of the fund for the object specified in section 3.

(2) Before 1 January 1985 the trustee may, subject to the direction of the Governor, expend a sum not exceeding \$10,000,000 out of the capital of the fund for the object specified in section 3:

Provided that the trustee shall, without prejudice to subsection (1), as soon after that date as the Governor thinks appropriate, replace from the income of the fund any capital so expended.

(3) The trustee may lend any moneys of the fund for the object specified in section 3 without any interest or at such rate of interest as the Chief Executive may direct.

*(Amended 18 of 1999 s. 3)*

**5. Investment of moneys**

(1) Notwithstanding section 8(2) of the Secretary for Home and Youth Affairs Incorporation Ordinance (Cap. 1044), the trustee may invest any moneys of the fund in such investments as the Chief Executive may direct, whether or not

年第 67 号法律公告修订；由 1989 年第 48 号第 2 条修订；  
由 1989 年第 262 号法律公告修订；由 2022 年第 144 号法律公告修订)

- (2) 行政长官可委出一个投资顾问委员会，就第 (1) 款所指的投资项目向他提供意见，而该投资顾问委员会须由不少于 3 人但不多于 5 人组成。

(由 1999 年第 18 号第 3 条修订)

## 6. 专业顾问及管理人的聘用

- (1) 受托人可雇用任何专业人士或财务机构，就因本条例所指的受托人职能而引起或与该等职能相关的事宜，向受托人提供意见，或按照受托人不时以书面作出的一般或特定指示，管理基金款项的投资。(由 1989 年第 48 号第 2 条修订)
- (2) 任何获如此雇用的人或机构，其全部薪金及费用须由受托人从基金拨款支付。

## 7. 帐目

- (1) 受托人须安排为基金的一切交易备存妥善的帐目，并须安排就由本条例生效日期至 1983 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) 在根据第 (1) 款须拟备的报表所关的每段期间终结后的第一个 12 月 31 日或之前，或在行政长官容许的较后日期，须将以下文件呈交立法会会议席上省览——

such investments are investments authorized by section 4 of the Trustee Ordinance (Cap. 29). (Amended L.N. 67 of 1985; 48 of 1989 s. 2; L.N. 262 of 1989; L.N. 144 of 2022)

- (2) The Chief Executive may, for the purpose of advising him on investments under subsection (1), appoint an investment advisory committee, which shall consist of not less than 3 nor more than 5 persons.

(Amended 18 of 1999 s. 3)

## 6. Appointment of professional advisers and managers

- (1) The trustee may employ any professional person or financial institution to advise him on any matter arising out of or in connection with his functions under this Ordinance or to manage the investment of the moneys of the fund in accordance with such general or specific directions as the trustee may give in writing from time to time. (Amended 48 of 1989 s. 2)
- (2) All salaries and fees of any person or institution so employed shall be paid by the trustee out of the fund.

## 7. Accounts

- (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 commencement of this Ordinance to 31 March 1983 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

- (a) 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）；
  - (b) 受托人就该段期间的基金管理作出的报告；及
  - (c) 行政长官认为适合就此作出的其他报告（如有的话）。
- (由 1999 年第 18 号第 3 条修订)

## 8. 基金的管理费用

- (1) 管理基金的费用，但不包括根据第 6(2) 条支付的薪金及费用，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) 须就本条例生效日期至 1983 年 3 月 31 日的期间及其后就每段截至 3 月 31 日为止的一年期间计算；及
  - (b) 不得超过有关期间内基金收益的 2 1/2%。

- Chief Executive and the auditor shall certify the statement subject to such report, if any, as he may think fit.
- (3) There shall be laid on the table of the Legislative Council not later than 31 December next following the end of each period in respect of which a statement is required to be prepared under subsection (1) or so soon thereafter as the Chief Executive may allow—
    - (a) a copy of the signed and audited statement of accounts together with the auditor's report, if any;
    - (b) a report of the trustee on the administration of the fund during that period; and
    - (c) such other report, if any, as the Chief Executive may see fit to make thereon.

*(Amended 18 of 1999 s. 3)*

## 8. Cost of administering the fund

- (1) The cost of administering the fund, other than the salaries and fees paid under section 6(2), 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.
- (2) The fee charged under the proviso to subsection (1) shall—
  - (a) be in respect of the period from the commencement of this Ordinance to 31 March 1983 and thereafter in respect of every period of one year ending on 31 March; and
  - (b) not exceed 2 1/2% of the income of the fund over the relevant period.