

《香港贸易发展局条例》

(第 1114 章)

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HONG KONG TRADE DEVELOPMENT COUNCIL
ORDINANCE

(Cap. 1114)

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本条例旨在就香港贸易发展局的设立，其权力和职能的界定，以及相关或附带事宜订定条文。

To provide for the establishment of the Hong Kong Trade Development Council, to define its powers and functions and to provide for matters connected therewith or incidental thereto.

[1966 年 9 月 30 日]

[30 September 1966]

第 I 部 导言

PART I PRELIMINARY

1. 简称

本条例可引称为《香港贸易发展局条例》。

1. Short title

This Ordinance may be cited as the Hong Kong Trade Development Council Ordinance.

2. 释义

在本条例中，除文意另有所指外——

“主席”(Chairman)指根据第 11(1)(a) 条委任的香港贸易发展局主席，或如在如此委任的主席不在香港或无行为能力期间，则指根据该条第 (6) 款获委任署理主席职位的人(如有的话)，或如没有人获委任署理主席职位，则指根据第 12 条委任的副主席；

“财政年度”(financial year)指由每年 4 月 1 日起至翌年 3 月 31 日终结的期间，但由发展局设立之日起至下一个 3 月 31 日的一段期间，须当作为一个财政年度；

“发展局”(Council)指根据第 3 条设立的香港贸易发展局；

“发展局委员会”(committee of the Council)指根据第 5(1)(f) 条由发展局委出的委员会；

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“Chairman”(主席) means the Chairman of the Hong Kong Trade Development Council appointed under section 11(1)(a) or, during the absence from Hong Kong or incapacity of the Chairman so appointed, the person (if any) appointed under subsection (6) of that section to act as Chairman or, if no person has been appointed to act as Chairman, the vice-chairman appointed under section 12;

“committee of the Council”(发展局委员会) means a committee appointed by the Council under section 5(1)(f);

“Council”(发展局) means the Hong Kong Trade Development Council established by section 3;

“Executive Director”(总裁) means the executive director of the Council appointed under section 5(1)(e);

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“总裁”(Executive Director)指根据第 5(1)(e) 条委任的发展局
总裁。

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“financial year” (财政年度) means the period commencing on
the 1 April each year and ending on 31 March in the year
following except that the period from the establishment of the
Council to 31 March next thereafter shall be deemed to be a
financial year.

第 II 部

香港贸易发展局

3. 香港贸易发展局的设立及成立为法团

现设立一个名为香港贸易发展局的发展局，发展局是一个以该名称成立的永久延续的法人团体，能起诉与被起诉，并在符合本条例的规定下，能作出和容受法人团体可合法作出和容受的所有其他作为及事情。

(由 1997 年第 80 号第 134 条修订)

4. 发展局的职能

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)
发展局的职能为——

- (a) 促进、协助和发展香港与香港以外的地方的贸易，尤其是出口；及 (由 2000 年第 66 号第 3 条修订)
- (b) 就发展局认为可达致香港贸易增长的任何措施向政府作出其觉得适合的建议。

5. 发展局的一般权力

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)

- (1) 在符合第 8 条的规定下，发展局可作出所有经审度后属便利于或有助于更有效地执行发展局职能的事情，或作出所有为更有效地执行发展局职能而须附带作出的事情，并在不损害前述条文的一般性的原则下，尤可为上述目的而——

PART II

THE HONG KONG TRADE DEVELOPMENT COUNCIL

3. Establishment and incorporation of the Hong Kong Trade Development Council

There is hereby established a council to be called the Hong Kong Trade Development Council which shall, in that name, be a body corporate with perpetual succession and shall be capable of suing and being sued, and subject to this Ordinance of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

4. Functions of the Council

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)
The functions of the Council shall be—

- (a) to promote, assist and develop Hong Kong's trade with places outside Hong Kong, with particular reference to exports; and (*Amended 66 of 2000 s. 3*)
- (b) to make such recommendations to the Government as it sees fit in relation to any measures which it considers would achieve an increase in Hong Kong's trade.

5. General powers of the Council

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)

- (1) Subject to section 8, the Council may do all such things as are calculated to facilitate, or as are incidental or conducive to, the better carrying out of its functions and to such end may in particular, but without prejudice to the generality of the foregoing—

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- (a) 获取、承租、购买、持有和享用任何财产，并出售、出租或以其他方式处置该等财产；
- (b) 在香港及香港以外地方设立和维持办事处；(由 2000 年第 66 号第 3 条修订)
- (c) 订立任何合约；
- (d) 出版期刊、册子及其他书面材料，以及制作或赞助制作纪录影片及其他视听材料，并按发展局认为适合而在收费或不收费的情况下以售卖、借出、租出或以其他方式将其分发；
- (e) 在符合第 V 部的规定下，不时委任一名总裁为发展局的总行政人员，并在香港及香港以外地方委任发展局认为为确保有效率地执行其职能而属必需的其他人员、受雇人及代理人；并可在香港或香港以外地方聘请任何专业人士就发展局任何职能或权力所引起的问题或与发展局任何职能或权力有关连的问题提供意见；(由 2000 年第 66 号第 3 条修订)
- (f) 为发展局认为可藉委员会获得更有效规管和管理的一般或特别事宜而委出委员会；
- (g) 以所需的保证，借入或以其他方式筹措款项，并为此目的而将发展局全部或任何部分财产作押记，但如事先未获财政司司长批准，则不得根据本段借入或以其他方式筹措一笔本身数额是或本身数额连同以往根据本段借入或以其他方式筹措但仍未清还的所有其他款项的数额合计是超逾现行财政年度根据第 22 条经批准的开支预算总额，包括同年度的预算中所显示的未分配结余及盈余(如有的话)的百分之十的款项；及(由 1997 年第 362 号法律公告修订)
- (h) 就使用发展局提供的任何设施或服务收取费用。
- (2) (a) 发展局委员会的成员人数及任期由发展局订定。
- (b) 发展局委员会可包括并非发展局成员的人。

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- (a) acquire, take on lease, purchase, hold and enjoy any property and sell, let or otherwise dispose of the same;
- (b) establish and maintain offices both in and outside Hong Kong; (*Amended 66 of 2000 s. 3*)
- (c) enter into any contract;
- (d) publish periodicals, booklets and other written material, and produce or sponsor the production of documentary films and other audio-visual material, and distribute the same by sale or by loan, hire or otherwise with or without charge as the Council thinks fit;
- (e) from time to time and subject to Part V, appoint an Executive Director to be the chief administrative officer of the Council and such other officers, servants and agents, both in and outside Hong Kong, as it considers necessary to secure the efficient discharge of its functions; and may employ any professional person, in or outside Hong Kong, to advise the Council on any point arising out of or in connection with any of the functions or powers of the Council; (*Amended 66 of 2000 s. 3*)
- (f) appoint a committee for any such general or special purpose as in the opinion of the Council would be better regulated and managed by means of a committee;
- (g) borrow or otherwise raise money on such security as may be necessary, and, for that purpose, charge all or any part of the property of the Council, but without the prior approval of the Financial Secretary no sum shall be borrowed or otherwise raised under this paragraph which itself or together with all other sums previously borrowed or otherwise raised under this paragraph and still outstanding exceeds or in the aggregate exceed 10 per cent of the total estimated expenditure approved

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- (c) 发展局可就发展局任何委员会的会议法定人数、议事程序及会议地点订立规则。

5A. 行政长官会同行政会议可发出指示

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)

- (1) 行政长官会同行政会议如认为为公众利益而有需要，可就发展局根据本条例行使其权力和履行其职责，向发展局发出书面指示，而发展局须遵从该等指示。(由 2000 年第 66 号第 3 条修订)
- (2) 该等指示不得抵触本条例的任何条文。

(由 1979 年第 72 号第 2 条增补)

6. 公积金或退休利益计划

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)

发展局可在经行政长官批准的情况下，设立、管理和控制任何为发展局所有或任何人员或受雇人或任何指明类别的人员或受雇人的利益而设的公积金计划或退休利益计划，或可与任何信托公司、保险公司或组织订立安排，以便由该公司或组织单独或与发展局共同设立、管理和控制任何为发展局所

under section 22 for the current financial year including the unallocated balances and surpluses (if any) shown in the estimates for the same year; and

- (h) charge for the use of any facility or service provided by the Council.

- (2) (a) The number of members of a committee of the Council and their term of office shall be fixed by the Council.

- (b) A committee of the Council may include persons who are not members of the Council.

- (c) The Council may make rules respecting the quorum, proceedings and place of meeting of any committee of the Council.

5A. Chief Executive in Council may give directions

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)

- (1) The Chief Executive in Council may, if he considers the public interest so requires, give directions in writing to the Council with respect to the exercise of its powers and the performance of its duties under this Ordinance, and the Council shall comply with those directions. (Amended 66 of 2000 s. 3)

- (2) No such direction shall be inconsistent with any provision of this Ordinance.

(Added 72 of 1979 s. 2)

6. Provident fund or retirement benefit scheme

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)

The Council may, with the approval of the Chief Executive, establish, manage and control, or enter into an arrangement with a trust company, an insurance company or association for the establishment, management and control by such company or association either alone or jointly with the Council of a provident

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有或任何人员或受雇人或任何指明类别的人员或受雇人的利益而设的公积金计划或退休利益计划，并如管限上述计划的规则有所规定，则可按照该等规则供款予上述计划。

(由 1977 年第 71 号第 2 条修订；由 2000 年第 66 号第 3 条修订)

7. 转授权力及职能

- (1) 除第 (2) 款另有规定外，发展局可藉书面形式的文书，按其认为适合而附加或不附加限制或条件，转授其认为有利于有效率地执行发展局职能的权力及职能予总裁或发展局任何委员会：

但根据本款作出的转授并不阻止发展局随时行使或履行任何已如此转授的权力或职能。

- (2) 第 (1) 款并不准许就以下各项作出权力转授——
- (a) 批准发展局的周年计划或收支预算；或
 - (b) 认可发展局的周年报告或收支结算表及资产负债表；或
 - (c) 委任高级经理职位以上或其同等职位以上的任何人员或受雇人；或 (由 1977 年第 71 号第 3 条代替。由 1986 年第 2 号第 2 条修订)
 - (d) 批准发展局人员或受雇人的一般服务条款及条件；或
 - (e) 根据第 6 条设立公积金计划或订立任何设立公积金计划的安排；或
 - (f) 根据第 22(4)(a) 条，将任何款项转拨入经批准的发展局开支预算内任何主要开支项目，

亦不准许将根据第 22(4)(b) 条从经批准的发展局开支预算内任何开支分目转拨款项入该预算内任何其他分目的权力转授发展局任何委员会。

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fund scheme or a retirement benefit scheme for the benefit of all or any of the officers or servants of the Council or of any specified class of officer or servant of the Council, and if so required by the rules governing such scheme may make contributions thereto in accordance with such rules.

(Amended 71 of 1977 s. 2; 66 of 2000 s. 3)

7. Delegation

- (1) Subject to subsection (2), the Council may, by instrument in writing, delegate to the Executive Director or to any committee of the Council, with or without restrictions or conditions, as the Council thinks fit, such of its powers and functions as it deems expedient for the efficient discharge of the functions of the Council:

Provided that no delegation made hereunder shall preclude the Council from exercising or performing at any time any of the powers or functions so delegated.

- (2) Subsection (1) shall not permit the delegation of the power—
- (a) to approve the annual programme or estimates of income or expenditure of the Council; or
 - (b) to authorize the annual report or statements of income or expenditure and of assets and liabilities of the Council; or
 - (c) to appoint any officer or servant above the post of senior manager or a posted equivalent thereto; or (Replaced 71 of 1977 s. 3. Amended 2 of 1986 s. 2)
 - (d) to approve general terms and conditions of service of officers or servants of the Council; or
 - (e) to establish or enter into any arrangement for the establishment of a provident fund scheme under section 6; or

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8. 对日后财务承担的限制

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)

凡任何合约本身或连同所有其他以往订立的合约，相当可能会使发展局在其后的任何财政年度，在第 22(2) 条所指明的任何主要开支项目下的开支款额或总额，超逾行政长官在该合约订立的年度就同一主要开支项目所批准的开支预算款项（并未由发展局转拨入任何其他主要项目者）加上发展局在该年度转拨入该项目的任何款项（从该年度的预算中所显示的未分配结余或盈余转拨入该项目的款项除外）的总和，则发展局如未经行政长官批准，不得在行使本条例赋予发展局的任何权力时订立该合约。

(由 2000 年第 66 号第 3 条修订)

9. 发展局印章

- (1) 发展局须备有一个法团印章，加盖印章须——
 - (a) 由发展局藉决议授权或追认；及
 - (b) 由任何 2 名获发展局藉决议一般授权或特别授权作签署认证的发展局成员签署认证。

8. Restriction as to future financial commitments

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)

Without the approval of the Chief Executive, no contract shall be entered into in the exercise of any of the powers conferred upon the Council by this Ordinance that itself is likely, or together with all other contracts previously entered into are likely, to involve expenditure by the Council in any subsequent financial year under any of the major heads of expenditure specified in section 22(2) of an amount or aggregate amount exceeding the sum in the estimate of expenditure approved by the Chief Executive for the same major head of expenditure in respect of the year in which such contract is entered into (and not transferred to any other major head by the Council) together with any sum transferred to that head by the Council during that year (other than a sum transferred thereto from any unallocated balance or surplus shown in the estimates for that year).

(Amended 66 of 2000 s. 3)

9. Seal of the Council

- (1) The Council shall have a common seal, and the fixing of the seal shall—
 - (a) be authorized or ratified by resolution of the Council; and

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第 10 条

- (2) 任何文件看来是经盖上发展局印章而妥为签立的文件，须获收取为证据，而且除非相反证明成立，否则须推定为一份如此签立的文件。

10. 某些无须盖章的合约及文书

任何合约或文书，如由并非法人团体的人订立或签立是不须盖章的，则可由任何获发展局为代表发展局订立或签立合约或文书的目的而予以一般授权或特别授权的人，代表发展局订立或签立。

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- (b) be authenticated by the signatures of any 2 members of the Council, authorized by resolution of the Council either generally or specially to act for that purpose.
- (2) Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be a document so executed.

10. Certain contracts and instruments not required to be under seal

Any 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 Council by any person generally or specially authorized by the Council for that purpose.

第 III 部

发展局的成员及程序

11. 发展局的成员

(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) 发展局由以下成员组成——
- (a) 由行政长官委任为主席的主席；
 - (b) 当然成员 8 名如下——
 - (i) 香港总商会主席，
 - (ii) 香港工业总会主席，
 - (iii) 香港中华厂商联合会会长，
 - (iv) 香港旅游发展局主席，(由 2001 年第 3 号第 49 条代替)
 - (v) 《香港银行公会条例》(第 364 章)所指的香港银行公会委员会主席，(由 1986 年第 2 号第 3 条代替)
 - (va) 香港中华总商会会长，(由 1986 年第 2 号第 3 条增补)
 - (vi) 商务及经济发展局局长，及 (由 1977 年第 206 号法律公告修订；由 1982 年第 294 号法律公告修订；由 1997 年第 362 号法律公告修订；由 2002 年第 106 号法律公告修订；由 2007 年第 130 号法律公告修订)
 - (vii) 新闻处处长：

但如任何人以前述任何一个机构的主席或会长身分作为发展局成员，而又成为其他 5 个上述

PART III

MEMBERSHIP AND PROCEDURE OF THE COUNCIL

11. Membership of the Council

(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 Council shall consist of the following members—
- (a) the Chairman who shall be appointed, as such, by the Chief Executive;
 - (b) 8 ex officio members, as follows—
 - (i) the Chairman of the Hong Kong General Chamber of Commerce,
 - (ii) the Chairman of the Federation of Hong Kong Industries,
 - (iii) the President of the Chinese Manufacturers' Association,
 - (iv) the Chairman of the Hong Kong Tourism Board, (Replaced 3 of 2001 s. 49. Amended L.N. 29 of 2004)
 - (v) the Chairman of the Committee of The Hong Kong Association of Banks within the meaning of The Hong Kong Association of Banks Ordinance (Cap. 364), (Replaced 2 of 1986 s. 3)
 - (va) the Chairman of the Chinese General Chamber of Commerce, Hong Kong, (Added 2 of 1986 s. 3)
 - (vi) the Secretary for Commerce and Economic Development, and (Amended L.N. 206 of 1977;

机构之一的主席或会长(视属何情况而定),则行政长官须从后述机构的成员中委任一人,在首述的人保持作为上述两个机构的主席或会长(视属何情况而定)期间,出任发展局成员;(由 1986 年第 2 号第 3 条修订)

- (c) 提名成员 4 名,其中——
- (i) 1 人须由香港总商会提名,
 - (ii) 1 人须由香港工业总会提名,
 - (iii) 1 人须由香港中华厂商联合会提名,及
 - (iv) 1 人须由香港中华总商会提名,(由 1986 年第 2 号第 3 条增补)

上述每一人均须从其提名机构的理事会或相类组织的成员中提名;及(由 1986 年第 2 号第 3 条修订)

- (d) 由行政长官指名委任的成员 6 名。(由 1978 年第 52 号第 2 条修订)
- (2) 凡在任何期间,第(1)款(b)段第(i)至(va)节(首尾两节包括在内)所指明的成员中的任何人,或根据该款(b)段的但书或根据该款(c)或(d)段获提名或委任的发展局成员中的任何人,因不在香港或患病而不能行使发展局成员职位的权力或执行发展局成员职位的职责,则——(由 1986 年第 2 号第 3 条修订)
- (a) 就前述条文所指明的成员而言,该成员可委任一名发展局批准的人为发展局的临时成员,在上述期间代替该成员;
 - (b) 就根据第(1)款(c)段获提名的成员而言,其提名机构可提名发展局批准的另一人为发展局的临时成员,在上述期间代替该成员;
 - (c) 就根据该款(b)段的但书或该款(d)段获委任的成员而言,行政长官可委任另一人为发展局的临时成员,在上述期间代替该成员。

L.N. 294 of 1982; L.N. 173 of 2000; L.N. 106 of 2002; L.N. 130 of 2007)

- (vii) the Director of Information Services:

Provided that if any person, who as the Chairman or President of any one of the aforesaid associations is a member of the Council, becomes the Chairman or President, as the case may be, of any of the other 5 such associations, the Chief Executive shall, from amongst the members of the latter association, appoint a person to be a member of the Council for so long as the first-mentioned person remains the Chairman or President, as the case may be, of both such associations; (*Amended 2 of 1986 s. 3*)

- (c) 4 nominated members of whom—
- (i) one shall be nominated by the Hong Kong General Chamber of Commerce,
 - (ii) one shall be nominated by the Federation of Hong Kong Industries,
 - (iii) one shall be nominated by the Chinese Manufacturers' Association, and
 - (iv) one shall be nominated by the Chinese General Chamber of Commerce, Hong Kong, (*Added 2 of 1986 s. 3*)

each such person being nominated from among the members of the general committee or similar body of the association nominating him; and (*Amended 2 of 1986 s. 3*)

- (d) 6 members appointed by name by the Chief Executive. (*Amended 52 of 1978 s. 2*)

- (2) Where, for any period, any of the members of the Council specified in sub-paragraphs (i) to (va) (inclusive) of paragraph

- (3) 在不损害《释义及通则条例》(第 1 章)第 42 条的原则下——
- (a) 主席的任期为行政长官作出委任时凭其酌情决定权订定的期间，而主席可不时再获委任；
- (b) 依据第 (1) 款 (c) 段获提名为发展局成员者，任期为一年，由获提名当天起计，除非该成员提早终止作为其提名机构的理事会或相类组织的成员，而在此情况下，他亦须终止作为发展局成员；而任何该等成员可按照上述 (c) 段不时再获提名；
- (c) 依据第 (1)(d) 款获委任为发展局成员者，任期为 2 年或行政长官作出委任时就任何个别情况所订定的较短任期，而任何该等成员可不时再获委任。
- (4) 主席及根据第 (1)(b) 款的但书获委任或根据第 (1)(c) 款获提名或根据第 (1)(d) 款获委任的发展局任何成员，可随时藉发给行政长官的书面通知而辞去发展局的职务。
- (5) 凡主席或任何第 (4) 款所提述的发展局成员辞去发展局的职务或去世，由此产生的空缺须藉委任或提名方式（视乎情况所需而定）填补，而第 (3) 款内关于任期的条文适用于填补该空缺的成员。
- (6) 如主席不在香港，或因任何其他理由而不能以主席身分行事，则行政长官可凭其绝对酌情决定权委任一人（不论该人是否已是发展局成员），在主席不在或无行为能力期间署理发展局主席职位。

(由 2000 年第 66 号第 3 条修订)

(b) of subsection (1) or nominated or appointed under the proviso to paragraph (b) or under paragraph (c) or (d) of that subsection is, by reason of absence from Hong Kong or illness, unable to exercise the powers or perform the duties of his office as a member of the Council, then— (*Amended 2 of 1986 s. 3*)

- (a) in the case of a member specified as aforesaid, that member may appoint such person as the Council approves to be a temporary member of the Council in his place during such period;
- (b) in the case of a member nominated under paragraph (c) of subsection (1), the association which nominated him may nominate such other person as the Council approves to be a temporary member of the Council in place of that member during such period;
- (c) in the case of a member appointed under the proviso to paragraph (b) or under paragraph (d) of that subsection, the Chief Executive may appoint another person to be a temporary member of the Council in place of that member during such period.
- (3) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1)—
- (a) the term of office of the Chairman shall be such period as the Chief Executive in his discretion shall on the appointment of the Chairman fix, and the Chairman may from time to time be re-appointed;
- (b) the term of office, as members of the Council, of the members nominated pursuant to paragraph (c) of subsection (1) shall be one year from the date of nomination unless, in respect of any such member, he earlier ceases to be a member of the general committee or similar body of the association which nominated him,

in which case he shall also cease to be a member of the Council, and any such member may from time to time be re-nominated in accordance with the said paragraph (c);

- (c) the term of office, as members of the Council, of the members appointed pursuant to subsection (1)(d) shall be 2 years, or such lesser period as in any particular case the Chief Executive may on appointment fix, and any such member may from time to time be re-appointed.
- (4) The Chairman and any member of the Council appointed under the proviso to subsection (1)(b) or nominated under subsection (1)(c) or appointed under subsection (1)(d) may at any time by notice in writing to the Chief Executive resign from the Council.
- (5) Where the Chairman or any member of the Council referred to in subsection (4) resigns from the Council or dies, the vacancy thereby created shall be filled by appointment or nomination, as the case may require, and the provisions of subsection (3) as to terms of office shall apply in relation to the member filling such vacancy.
- (6) If the Chairman is absent from Hong Kong or is, for any other reason unable to act as Chairman, the Chief Executive may, in his absolute discretion, appoint a person (whether or not such person is already a member of the Council) to act as Chairman of the Council during the absence or incapacity of the Chairman.

(Amended 66 of 2000 s. 3)

12. 副主席

发展局可从根据第 11(1)(d) 条获委任的发展局成员中，委任一名发展局副局长，而除非发展局订定较短任期，否则该副主

12. Vice-chairman

The Council may, from amongst the members of the Council appointed under section 11 (1)(d), appoint a vice-chairman of the Council, and the vice-chairman shall, unless some lesser period is

席须担任此职位，直至他作为发展局成员的任期届满或他提早终止作为发展局成员为止。

fixed by the Council, hold office as such until his term of office as a member of the Council expires or he earlier ceases to be a member of the Council.

13. 会议的主席及对投票的限制

- (1) 主席须主持发展局的每次会议，如主席在任何会议上缺席，则根据第 12 条获委任的副主席须主持会议，又如主席及副主席在任何会议上均缺席，则根据第 (2) 款获委任的人须主持会议；主持会议的人不得在会议上投票，但如出现票数均等，则主持会议的人有权投决定票。
- (2) 如在任何一次发展局会议上主席及副主席均缺席，则出席该次会议的成员须在会议上处理任何其他事务之前，从出席会议的成员中委任一人主持会议。

13. Chairman at meeting, and restriction on voting

- (1) The Chairman or, in his absence from any meeting, the vice-chairman appointed under section 12 or, in the absence from any meeting of both the Chairman and the vice-chairman, the person appointed under subsection (2) shall preside at every meeting of the Council but the person presiding at a meeting shall not vote thereat except in the case of an equality of votes when he shall have a casting vote.
- (2) In the absence from any meeting of the Council of both the Chairman and the vice-chairman, the members present at the meeting shall, before any other business is transacted at that meeting, appoint a person from among the members present to preside thereat.

14. 发展局的会议

- (1) 发展局的会议须在主席不时指定的时间及地点举行。
- (2) 如由不少于 5 名发展局成员签署书面通知而提出要求，主席须于该通知的 14 天内召开发展局会议。(由 1986 年第 2 号第 4 条修订)
- (3) 在发展局的会议上，除非有最少 9 名发展局成员出席，否则不得处理任何事务。(由 1986 年第 2 号第 4 条修订)
- (4) 在发展局任何会议上提出的每个问题，均须由出席会议并就该问题投票的成员以过半数票决定，而每名上述成员可就该问题投不多于一票。
- (5) 任何成员如与任何合约或拟订合约或其他事宜有直接或间接的金钱上的利害关系，而又出席考虑该合约或其他事宜的发展局会议，则须在会议开始后在切实可行的范围内尽快向发展局披露其利害关系的事实及性质。

14. Meetings of the Council

- (1) Meetings of the Council shall be held at such times and places as the Chairman may from time to time appoint.
- (2) The Chairman shall, if requested by notice in writing signed by not fewer than 5 members of the Council, convene a meeting of the Council within 14 days of that notice. (Amended 2 of 1986 s. 4)
- (3) No business shall be transacted at a meeting of the Council unless at least 9 members of the Council are present thereat. (Amended 2 of 1986 s. 4)
- (4) Every question arising at any meeting of the Council shall be decided by a majority of votes of the members present and voting thereon, each such person having not more than one vote thereon.

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- (6) 在符合本条例的规定下，发展局可藉决议为其会议的程
序、会议的进行，以及出席成员不足会议法定人数的任
何会议的押后订立规则。

15. 以传阅文件方式处理事务

发展局如认为适合，可以传阅文件方式处理任何事务，而获
过半数发展局成员以书面批准的书面决议，其效力及作用犹
如该决议是获如此批准该决议的成员在发展局会议上表决通
过的一样。

16. 议事程序的有效性

发展局任何议事程序的有效性，不得因在委任或提名任何成
员方面有任何欠妥之处，或因发展局有任何成员席位悬空而
受到影响。

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- (5) If a member has any pecuniary interest, direct or indirect,
in any contract or proposed contract or other matter, and is
present at a meeting of the Council at which the contract
or other matter is the subject of consideration, he shall, as
soon as practicable after the commencement of the meeting,
disclose to the Council the fact and the nature of his interest.
- (6) Subject to this Ordinance, the Council may by resolution
make rules for the procedure at and conduct of its meetings
and the adjournment of any meeting at which a quorum of
members is not present.

15. Transaction of business by circulation of papers

The Council may, if it thinks fit, transact any of the business by
the circulation of papers, and a resolution in writing approved in
writing by a majority of the members thereof shall be as valid and
effectual as if it had been passed at a meeting of the Council by
the votes of the members so approving the resolution.

16. Validity of proceedings

The validity of any proceeding of the Council shall not be affected
by any defect in the appointment or nomination of any member or
by any vacancy among members of the Council.

第 IV 部 委员会

17. 委员会的会议

在符合发展局根据第 5(2) 条订立的规则下，发展局委员会的会议法定人数、议事程序及会议地点须如委员会所决定者。

18. 议事程序的有效性

发展局委员会任何议事程序的有效性，不得因在委任任何委员会成员方面有任何欠妥之处，或因委员会有任何成员席位悬空而受到影响。

PART IV COMMITTEES

17. Meetings of committees

Subject to any rules made by the Council under section 5(2), the quorum, proceedings and place of meeting of a committee of the Council shall be such as the committee may determine.

18. Validity of proceedings

The validity of any proceeding of a committee of the Council shall not be affected by any defect in the appointment of any member of the committee or by any vacancy among the members of the committee.

第 V 部 职员

19. 总裁的资格及服务条款和条件

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)
发展局不得委任任何人为总裁，除非——

- (a) 获行政长官事先同意；及
- (b) 根据行政长官所批准的服务条款和条件。

(由 2000 年第 66 号第 3 条修订)

20. 藉通知终止服务合约

发展局每名人员及受雇人的服务合约须载有一项条文，规定任何一方藉给予经发展局及该人员或该受雇人双方同意的通知期而终止该合约，但该通知期在任何情况下均不得超逾 3 个月或财政司司长就任何个别情况所准许的较长时间。

(由 1997 年第 362 号法律公告修订)

PART V STAFF

19. Qualifications, terms and conditions of service of Executive Director

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)

No person shall be appointed by the Council to the office of Executive Director—

- (a) without the prior consent of the Chief Executive; and
- (b) except upon such terms and conditions of service as are approved by the Chief Executive.

(Amended 66 of 2000 s. 3)

20. Termination of contracts of service by notice

The contract of service of every officer and servant of the Council shall contain a provision whereby the contract may be terminated by either party by the giving of such period of notice, in no case exceeding three months or such longer period as the Financial Secretary may in any particular case approve, as may be agreed between the Council and the officer or servant.

第 VI 部

财务条文及报告

21. 拨款

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)
在每个财政年度，须从立法会拨款中向发展局支付行政长官批准作协助发展局行使其职能之用的款项。

(由 2000 年第 66 号第 3 条修订)

22. 预算

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)
(1) 发展局每年须在财政司司长指定的日期前，向财政司司长递送下一财政年度的建议活动计划书，并连同或收纳同一年度的收支预算，以供行政长官批准：(由 1997 年第 362 号法律公告修订)

但发展局首个财政年度的计划书及预算，须在本条例生效的日期后在切实可行范围内尽快提交。

- (2) 发展局的预算须列出所有收入来源，并须显示在以下各主要项目下的开支的分配——
- (a) 员工薪酬(包括公积金福利、医疗费用及其他附带的金钱福利的预留款项)；
 - (b) 超逾 \$25,000 的任何一个细目的资本开支；
 - (c) 经常开支(前述项目(a)所显示的开支除外)及资本开支(前述项目(b)所显示的开支除外)；
 - (d) 活动方面的其他非经常开支，

而预算亦须显示可在预算所关乎的年度内运用的所有未分配结余及盈余。

PART VI

FINANCIAL PROVISIONS AND REPORTS

21. Grants

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)
Each financial year there shall be paid to the Council out of moneys provided by the Legislative Council such sum as the Chief Executive may approve for the purpose of assisting the Council to exercise its functions.

(Amended 66 of 2000 s. 3)

22. Estimates

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)
(1) Each year, before a date to be appointed by the Financial Secretary, the Council shall forward to the Financial Secretary, for the approval of the Chief Executive, a programme of its proposed activities for the next financial year together with or incorporating estimates of its income and expenditure for the same year:

Provided that the programme and estimates for the first financial year of the Council shall be forwarded as soon as is practicable after the commencement of this Ordinance.

- (2) The estimates of the Council shall set out the source of all income, and shall show the distribution of expenditure under the following major heads—
- (a) staff emoluments (including provision for provident fund benefits, medical expenses and other ancillary pecuniary benefits);
 - (b) capital expenditure exceeding \$25,000 on any one item;

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- (3) 每个主要开支项目须清楚显示所有款项的去处，而凡在一个项目下处理数项事宜，则每项该等事宜均须分条列明，并在关乎相类开支细目的独立分目内显示，亦须载有行政长官规定的详情及资料。
- (4) 即使发展局的预算已由行政长官批准，发展局仍可随时或不时——
- (a) 从预算中所显示的未分配结余或盈余（如有的话）转拨款项入任何主要开支项目，或从任何一个或多于一个主要开支项目转拨款项入任何其他主要开支项目，但转拨的款项或合计款项不得超逾获转拨上述款项或合计款项的主要项目所获批准款额的百分之二十；及
- (b) 在同一开支项目内从任何分目转拨一笔或多于一笔款项入任何其他分目，而不受限制，
但除 (a) 段所准许的情况外，任何款项不得未经行政长官批准而转拨入任何主要开支项目。
- (5) 发展局只可支用任何主要开支项目或其分目内经行政长官批准的款项（并未转拨入其他主要项目或分目者）以及根据第 (4) 款转拨入该主要开支项目或其分目内的款项。

(由 2000 年第 66 号第 3 条修订)

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- (c) recurrent expenditure other than expenditure shown under head (a) aforesaid and capital expenditure other than expenditure shown under head (b) aforesaid;
- (d) other non-recurrent expenditure on activities,
and the estimates shall also show all unallocated balances and surpluses available for use during the year to which the estimates relate.
- (3) Each major head of expenditure shall show clearly the destination of all moneys and where several matters are dealt with under the one head each such matter shall be itemized and be shown in a separate sub-head relating to similar items of expenditure, and shall contain such particulars and information as may be required by the Chief Executive.
- (4) Notwithstanding the approval of the Chief Executive of the estimates of the Council, the Council may at any time or from time to time—
- (a) transfer from its unallocated balances or surpluses (if any) shown in its estimates to any major head of expenditure or from any major head or heads of expenditure to any other major head of expenditure a sum not exceeding or sums in the aggregate not exceeding 20 per cent of the amount approved for the major head to which such sum is or sums are transferred; and
- (b) transfer any sum or sums, without restriction, from any sub-head to any other sub-head within the same head of expenditure,
but save as permitted by paragraph (a) no sum shall be transferred to any major head of expenditure without the approval of the Chief Executive.
- (5) The Council may expend on any major head of expenditure or on any sub-head thereof only such sums as have been

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23. 帐目

- (1) 发展局须就所有收入及开支备存妥善帐目，并须就该等帐目保存妥善及充分的纪录。
- (2) 在每个财政年度终结后，发展局须在适宜的情况下尽快安排拟备该财政年度的发展局收支结算表，以及在该财政年度最后一日的发展局资产负债表。

24. 审计

- (1) 发展局须委任核数师，核数师有权随时取用发展局的所有帐簿、付款凭单及其他财务纪录，并有权随时要求取得他们认为适合的关于上述帐簿、付款凭单和财务纪录的资料及解释。
- (2) 核数师须尽快审计根据第 23(2) 条拟备的各报表，并须就该等报表向发展局作出报告。

25. 报告等须呈交立法会会议席上省览和公布

(具追溯力的适应化修订——见 2000 年第 66 号第 3 条)

- (1) 发展局须在每个财政年度终结后，尽快(但不得迟于每个财政年度终结后 6 个月或行政长官就个别年度所容许的较长期间)向行政长官作出发展局的活动报告，并须连同该报告向行政长官传送根据第 23(2) 条拟备的各报表一份及根据第 24(2) 条作出的报告，并公布各报告及各报表。

approved therefor by the Chief Executive (and not transferred to any other major head or sub-head) and such sum as have been transferred thereto under subsection (4).

(Amended 66 of 2000 s. 3)

23. Accounts

- (1) The Council shall keep proper accounts of all income and expenditure and shall maintain proper and adequate records thereof.
- (2) As soon as may be convenient after the end of each financial year the Council shall cause to be drawn up a statement of income and expenditure during such financial year and a statement of the assets and liabilities of the Council on the last day thereof.

24. Audit

- (1) The Council shall appoint auditors who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the Council and to require such information and explanations thereon as they think fit.
- (2) The auditors shall audit the statements drawn up under section 23(2) as soon as possible and shall make a report thereon to the Council.

25. Report, etc. to be laid on the table of the Legislative Council, and published

(Adaptation amendments retroactively made - see 66 of 2000 s. 3)

- (1) The Council shall as soon as possible after the end of each financial year, but not later than 6 months after the end of each financial year or such longer period as the Chief Executive may as to any particular year allow, make to the Chief Executive a report on its activities and shall transmit to the Chief Executive therewith a copy of the statements drawn

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- (2) 行政长官须安排将他根据第 (1) 款收到的各报告及各报表呈交立法会会议席上省览。

(由 2000 年第 66 号第 3 条修订)

26. 盈余资金的投资

发展局所有并非即时需用的资金，须以定期存款方式存入财政司司长为此目的而一般地或在任何个别情况下指定的任何银行或储蓄银行，或在财政司司长事先批准下投资在发展局认为适合的投资项目。

(由 1997 年第 362 号法律公告修订)

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up under section 23(2) and the report made under section 24(2) and shall publish reports and statements.

- (2) The Chief Executive shall cause to be laid on the table of the Legislative Council the reports and statements received by him under subsection (1).

(Amended 66 of 2000 s. 3)

26. Investment of surplus funds

All funds of the Council that are not immediately required shall be deposited on fixed deposit in any bank or savings bank nominated by the Financial Secretary, either generally or in any particular case, for that purpose, or, subject to the prior approval of the Financial Secretary, shall be invested in such investments as the Council thinks fit.