

**HONG KONG SPORTS DEVELOPMENT BOARD
(REPEAL) ORDINANCE**

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 11 OF 2004

L.S.

TUNG Chee-hwa
Chief Executive
17 June 2004

An Ordinance to provide for—

- (a) the repeal of the Hong Kong Sports Development Board Ordinance (Cap. 1149);
- (b) the dissolution of the Hong Kong Sports Development Board;
- (c) the dissolution of the Hong Kong Sports Institute Trust Fund Committee of Trustees;
- (d) the closure of the Hong Kong Sports Institute Trust Fund;
- (e) the vesting of the assets, liabilities, rights and obligations of the Board and of the Committee and any balance of the Fund in the Government; and
- (f) related matters.

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Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title and commencement

(1) This Ordinance may be cited as the Hong Kong Sports Development Board (Repeal) Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette.

2. Interpretation

In this Ordinance, unless the context otherwise requires—
“Board” (發展局) means the Hong Kong Sports Development Board established under section 3 of the repealed Ordinance;

“commencement” (生效日期) means the commencement of this Ordinance;

“Committee” (委員會) means the Hong Kong Sports Institute Trust Fund Committee of Trustees established under section 5H of the repealed Ordinance;

“Fund” (基金) means the Hong Kong Sports Institute Trust Fund established under section 5G of the repealed Ordinance;

“repealed Ordinance” (被廢除條例) means the Hong Kong Sports Development Board Ordinance (Cap. 1149) repealed under section 3.

PART 2

REPEAL, DISSOLUTION, CLOSURE AND VESTING

3. Repeal

The Hong Kong Sports Development Board Ordinance (Cap. 1149) is repealed.

4. Dissolution of the Board

The Board is dissolved.

5. Dissolution of the Committee

The Committee is dissolved.

6. Closure of the Fund

The Fund is closed.

7. Vesting

(1) On the commencement, all assets, liabilities, rights and obligations vested in the Board or the Committee immediately before the commencement are vested in the Government.

(2) On the commencement, any balance of the Fund existing immediately before the commencement is vested in the Government.

(3) As from the commencement, a provision of the following description contained in any agreement, deed, bond or other instrument to which the Board or the Committee is a party is to be taken to have been waived—

- (a) a provision which prohibits or has the effect of prohibiting, or requires or has the effect of requiring any consent or approval for, the vesting effected under this section; or
- (b) a provision by which, as a result of the vesting, a default occurs or is deemed to occur, or any right or obligation arises or ceases.

(4) Any record of assets or liabilities held in the name of the Board, the Committee or the Fund which appears in the form of an entry in the books of a bank, company or other person is to be changed, on the request of the Government, by the bank, company or other person to be a record of assets or liabilities held in the name of the Government in those books.

(5) For the avoidance of doubt, the vesting effected under this section has effect without the need for any conveyance, assignment, surrender, transfer or other act.

PART 3

PROVISIONS INCIDENTAL AND SUPPLEMENTAL TO PART 2

8. Unexpired term of office

The term of office of the Chairman or any other member of the Board or the Committee that was current immediately before the commencement expires on the commencement.

9. Effects of agreements, etc.

Any agreement made or transaction effected or other thing done by, to or in relation to the Board or the Committee which was in force or effective immediately before the commencement has effect as from the commencement as if made, effected or done by, to or in relation to the Government to the extent that it is consistent with this Ordinance.

10. Continuous employment

(1) This section applies to any employment by the Government that was employment by the Board or the Committee immediately before the commencement and has become employment by the Government by virtue of this Ordinance.

(2) Notwithstanding section 66 of the Interpretation and General Clauses Ordinance (Cap. 1), the Employment Ordinance (Cap. 57) applies to any employment to which this section applies.

(3) For the purposes of the Employment Ordinance (Cap. 57), nothing in this Ordinance breaks the continuity of any employment to which this section applies.

(4) For the purposes of the Employment Ordinance (Cap. 57), any employment to which this section applies is to be taken as employment by the same employer.

11. Legal proceedings

(1) The Government may sue or be sued in its own name in respect of any asset, liability, right or obligation vested in it under section 7.

(2) Any legal proceedings by or against the Board or the Committee (including any appeal and arbitration) existing immediately before the commencement may be continued or enforced by or against the Government.

12. References to the Board or the Committee

As from the commencement, a reference to the Board or the Committee in a document of the following description is to be taken as a reference to the Government—

- (a) any instrument or other document (other than an enactment) relating to or affecting any asset, liability, right or obligation vested in the Government under section 7 (including any register kept by any public body); or
- (b) any process or other document issued, prepared or employed for the purpose of any legal proceedings before a court, tribunal or similar body.

13. Final statement of accounts and reports

(1) The former Chairman is to prepare, in respect of the specified period—

- (a) a statement of accounts of the Board;
- (b) a statement of accounts of the Fund;
- (c) a report on the activities of the Board; and
- (d) a report on the administration of the Fund.

(2) A statement of accounts prepared under subsection (1) is to include an income and expenditure account and a balance sheet and be signed by the former Chairman.

(3) A statement of accounts prepared under subsection (1) is to be audited by an auditor (being a certified public accountant within the meaning of section 2 of the Professional Accountants Ordinance (Cap. 50)) appointed by the former Chairman and be certified by the auditor.

(4) The auditor may at any reasonable time, if he considers it necessary for the purpose of carrying out his duties under this section—

- (a) have access to the books of account, vouchers and other financial records of the Board or of the Fund (which, by virtue of section 7, are vested in the Government on the commencement); and
- (b) require any information or explanation from the former Chairman.

(5) The auditor is to audit a statement of accounts prepared under subsection (1) and to deliver a report on the audit to the Secretary for Home Affairs as soon as is practicable.

(6) The former Chairman is to deliver the reports referred to in subsection (1)(c) and (d) to the Secretary for Home Affairs as soon as is practicable.

(7) The Secretary for Home Affairs is to lay on the table of the Legislative Council as soon as is practicable a copy of each of the reports delivered to him under subsections (5) and (6).

(8) Where the former Chairman is not available for the purposes of any subsection of this section due to sickness, absence from Hong Kong or any other reason, a reference to the former Chairman in that subsection shall be taken as a reference to the former Vice Chairman.

(9) In this section—

“former Chairman” (前主席) means the person who held the office of the Chairman of the Board by virtue of section 3 of the repealed Ordinance immediately before the commencement;

“former Vice Chairman” (前副主席) means the person who held the office of the Vice Chairman of the Board by virtue of section 3 of the repealed Ordinance immediately before the commencement;

“specified period” (指明期間) means the period starting on 1 April 2003 and ending immediately before the commencement.

14. Ordinance does not affect valid acts

Nothing in this Ordinance affects the validity of anything done by, to or in relation to the Board or the Committee before the commencement.

15. Ordinance to be construed as continuing only valid and lawful acts

Nothing in this Ordinance is to be construed as giving validity, continuing in force or giving effect to—

- (a) anything which could not have validly been done or given effect to under the repealed Ordinance; or
- (b) anything done otherwise than in the lawful exercise of a power or performance of a duty.

16. Provisions of Ordinance not to derogate from section 23 of Interpretation and General Clauses Ordinance

The provisions of this Ordinance relating to the repeal under section 3 are in addition to and not in derogation from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

PART 4

CONSEQUENTIAL AMENDMENTS

Prevention of Bribery Ordinance

17. Public bodies

Schedule 1 to the Prevention of Bribery Ordinance (Cap. 201) is amended by repealing item 54.

The Ombudsman Ordinance

18. Organizations to which this Ordinance applies

Schedule 1 to The Ombudsman Ordinance (Cap. 397) is amended, in Part I, by repealing “Hong Kong Sports Development Board.”.