

公 共 啟 事  
**PUBLIC NOTICES**

《**2006 年香港保護兒童會法團  
(修訂) 條例草案**》

**HONG KONG SOCIETY FOR THE  
PROTECTION OF CHILDREN  
INCORPORATION (AMENDMENT)  
BILL 2006**

# 本條例草案

## 旨在

修訂《香港保護兒童會法團條例》，以列明香港保護兒童會的宗旨；擴大保護兒童會的投資權力，並就保護兒童會向其執行委員會成員提供彌償訂定條文。

由立法會制定。

### 1. 簡稱

本條例可引稱為《2006 年香港保護兒童會法團 (修訂) 條例》。

### 2. 釋義

《香港保護兒童會法團條例》(第 1058 章) 第 2 條現予修訂，加入——  
““兒童”(child) 指未滿 18 歲的人；”。

### 3. 加入條文

現加入——

#### “3A. 保護兒童會的宗旨

(1) 保護兒童會為慈善目的而設立。

(2) 保護兒童會的目標及宗旨是單獨或與社群合作在香港或其他地方，提供或從事促進兒童及其家庭的照顧、教育及社交發展的服務或活動。該等宗旨包括(但不限於) 以下各項——

# A BILL

## To

Amend the Hong Kong Society for the Protection of Children Incorporation Ordinance to set out the objects of the Hong Kong Society for the Protection of Children; to widen the investment powers of the Society and to provide for indemnity given by the Society to the members of its Executive Committee.

Enacted by the Legislative Council.

### 1. Short title

This Ordinance may be cited as the Hong Kong Society for the Protection of Children Incorporation (Amendment) Ordinance 2006.

### 2. Interpretation

Section 2 of the Hong Kong Society for the Protection of Children Incorporation Ordinance (Cap. 1058) is amended by adding—  
““child” (兒童) means a person under the age of 18 years;”.

### 3. Section added

The following is added—

#### “3A. Objects of the Society

- (1) The Society is established for charitable purposes.
- (2) The aims and objects of the Society are to provide or engage, alone or in partnership with the community, in Hong Kong or elsewhere, services or activities which promote the care, education and social development of children and their families. The objects include, but are not limited to, the following—

- (a) 在香港及其他地方為照顧兒童及其家庭而提供和營辦日間托兒所、日間育嬰園、住宿育嬰園及其他中心，並提供保護兒童會認為合適的其他服務或設施，並就保護兒童會所提供的上述托兒所、育嬰園、中心、服務及設施徵收保護兒童會在有關情況下認為適當的收費或費用；
- (b) 就兒童及其家庭的照顧、教育及社交發展教育公眾；及
- (c) 在香港或香港以外地方設立、支援及協助設立任何宗旨與保護兒童會相類的慈善機構。”。

#### 4. 保護兒童會的權力

第 4(a) 條現予廢除，代以——

- “(a) 獲取、購買、取得、持有及享用屬任何性質或種類以及位於任何地點的任何土地、建築物、宅院或物業單位，以及接受該等土地、建築物、宅院或物業單位的租賃；
- (aa) 在任何國家或地區將款項作符合以下描述的投資——
  - (i) 存款於任何銀行，或投資於由任何銀行發行的其他存款票據；
  - (ii) 投資於任何法團或公司的債權證、股額、資金、股份或證券；
  - (iii) 投資於任何性質的債券；
  - (iv) 投資於任何商品；或
  - (v) 投資於保護兒童會認為合適的其他投資；
- (ab) 購買或以其他方式獲取和承擔任何宗旨與保護兒童會相類的慈善公司、機構、社團或協會的全部或部分財產、資產或法律責任；
- (ac) 按保護兒童會認為合適的條款，購買或以其他方式獲取屬任何性質或種類的貨品及實產；”。

#### 5. 加入條文

現加入——

##### “5A. 對執行委員會成員的彌償

保護兒童會須就執行委員會每名成員因履行或執行其職責或因與履行或執行其職責有關而引起並針對有關成員而提出的任何申索，對有關成員作出彌償，但關乎該成員嚴重疏忽、不誠實或欺詐行為的申索則除外。”。

- (a) to provide and operate day nurseries, day crèches, residential crèches and other centres in Hong Kong and elsewhere for the care of children and their families and to provide any other services or facilities as the Society may think fit, and to impose such charges or fees for such nurseries, crèches, centres, services and facilities provided by the Society as the Society may consider appropriate in the circumstances;
- (b) to educate the public regarding the care, education and social development of children and their families; and
- (c) to establish and support, and to aid in the establishment of, any charitable organizations, whether in or outside Hong Kong, having objects similar to those of the Society.”.

#### **4. Powers of the Society**

Section 4(a) is repealed and the following substituted—

- “(a) to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of whatsoever nature or kind and wheresoever situate;
- (aa) to invest moneys in any country or territory—
- (i) on deposits in, or other depositary instruments issued by, any bank;
  - (ii) in debentures, stocks, funds, shares or securities of any corporation or company;
  - (iii) in bonds of any nature;
  - (iv) in any commodities; or
  - (v) in such other investment as the Society may think fit;
- (ab) to purchase or otherwise acquire and undertake all or any part of the property, assets, or liabilities of any charitable company, institution, society or association having objects similar to those of the Society;
- (ac) to purchase or otherwise acquire goods and chattels of whatsoever nature or kind upon such terms as the Society may think fit;”.

#### **5. Section added**

The following is added—

##### **“5A. Members of Executive Committee to be indemnified**

The Society shall indemnify each member of the Executive Committee against any claim whatsoever against him arising out of, or in connection with, the performance or discharge of his duties except a claim in respect of his gross negligence, dishonesty, or fraud.”.

## 6. 保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過或藉著他們提出申索者除外。

### 摘要說明

本條例草案旨在修訂《香港保護兒童會法團條例》(第 1058 章)的某些條文——

- (a) 清楚列明香港保護兒童會的宗旨，尤其是擴大保護兒童會提供服務的範圍，以涵蓋向兒童及其家庭提供的服務，並考慮到將來保護兒童會的工作可能會伸延至香港以外地方(草案第 3 條中新的第 3A 條)；
- (b) 藉容許保護兒童會將其流動資金投資於國際金融市場進行多元化投資組合而擴大其投資權力(草案第 4 條)；
- (c) 就保護兒童會執行委員會成員因履行或執行其職責而引起並針對他們而提出的申索，對他們作出彌償，但關乎該等成員嚴重疏忽、不誠實或欺詐行為的申索則除外(草案第 5 條中新的第 5A 條)。

香港保護兒童會代表律師  
夏佳理 方和 吳正和 律師事務所

## 6. Saving

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 person except such as are mentioned in this Ordinance and those claiming by, from or under them.

### Explanatory Memorandum

The object of this Bill is to amend certain provisions in the Hong Kong Society for the Protection of Children Incorporation Ordinance (Cap. 1058)—

- (a) to set out clearly the objects of the Hong Kong Society for the Protection of Children, in particular to extend the scope of services provided by the Society to include services to children and their families and to take into account that in future, the work of the Society may possibly be extended outside Hong Kong (new section 3A in clause 3);
- (b) to widen the investment powers by allowing the Society to invest its liquid funds in a diversified portfolio in international financial markets (clause 4);
- (c) to indemnify members of the Executive Committee of the Society against claims arising out of the performance or discharge of their duties except the claims in respect of their gross negligence, dishonesty, or fraud (new section 5A in clause 5).

ARCULLI FONG & NG  
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Society for the Protection  
of Children