

[附屬法例]

[Subsidiary]

## 賑災基金

## DISASTER RELIEF FUND

立法局決議

RESOLUTION OF THE LEGISLATIVE COUNCIL

立法局在 1993 年 12 月 1 日根據《公共財政條例》(第 2 章) 第 29 條作出及通過的決議。

Resolution made and passed by the Legislative Council under section 29 of the Public Finance Ordinance (Cap. 2) on 1 December 1993.

決議通過由 1993 年 12 月 1 日起按以下條款設立一賑災基金，對在香港以外發生的災難提供援助——

RESOLVED that, with effect from 1 December 1993, the Disaster Relief Fund is established to provide aid in relief of disasters that occur outside Hong Kong on the following terms—

- (a) 基金的管理人是財政司司長，但他可將管理權轉授其他公職人員；
- (b) 行政長官須委出賑災基金諮詢委員會，就基金發放款項事宜向財政司司長提出意見；(1999 年第 68 號第 3 條)
- (c) 財政司司長須就賑災基金諮詢委員會建議的每一用途，作一次過的現金撥款；
- (d) 超過 \$8 百萬的撥款，財政司司長須先徵得財務委員會的同意；
- (e) 財務委員會可將財政司司長須先徵得其同意的撥款限額修訂；
- (f) 財政司司長須將下列款項記入基金帳戶的貸項下——
  - (i) 經立法會核准從政府一般收入撥予基金的款項；(1999 年第 68 號第 3 條)
  - (ii) 為基金而收受的捐獻；及
  - (iii) 所有為基金而收受的其他款項，包括為基金而投資的款項所賺得的並已收受的利息或股息；
- (g) 財政司司長可按賑災基金諮詢委員會的建議，為賑災的目的而由基金支用款項；
- (h) 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力，由基金撥支款項以應付基金開支所需；

- (a) the Financial Secretary is the administrator of the Fund and he may delegate his power of administration to other public officers;
- (b) a Disaster Relief Fund Advisory Committee shall be appointed by the Chief Executive to advise the Financial Secretary on disbursements from the Fund; (68 of 1999 s. 3)
- (c) the Financial Secretary shall make a single grant of cash for each purpose advised by the Disaster Relief Fund Advisory Committee;
- (d) the Financial Secretary shall obtain the consent of the Finance Committee for a grant in excess of \$8 million;
- (e) the Finance Committee may amend the limit for which the Financial Secretary is required to obtain their consent;
- (f) the Financial Secretary shall credit to the Fund—
  - (i) appropriations from the general revenue approved by the Legislative Council for the purpose of the Fund;
  - (ii) donations received for the purpose of the Fund; and
  - (iii) other sums received for the purpose of the Fund including all moneys received as interest or dividends earned on moneys invested for the Fund;
- (g) the Financial Secretary may expend moneys from the Fund for the purpose of disaster relief as may be advised by the Disaster Relief Fund Advisory Committee;
- (h) 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;

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- (i) 財政司司長可行使其酌情決定權，授權將基金在任何時候未支用的結餘款項，以財政司司長決定的方式投資；及
  - (j) 財政司司長不得從基金轉撥款項至政府一般收入。
- (1997 年第 362 號法律公告)

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- (i) the Financial Secretary in his discretion may authorize the investment in the manner he may determine of any unexpended balance held in the Fund at any time; and
- (j) the Financial Secretary shall not transfer any moneys from the Fund to the general revenue.

## 土地基金

## 臨時立法會決議

臨時立法會於 1997 年 7 月 23 日根據《公共財政條例》(第 2 章)第 29 條提出和通過的決議。

議決通過由 1997 年 7 月 1 日香港特別行政區政府成立之日起——

1. 設立一基金，稱為土地基金；
2. 土地基金須接收和持有藉於 1986 年 8 月 13 日訂立的香港特別行政區政府土地基金信託的《信託聲明書》而設立的香港特別行政區政府土地基金在香港特別行政區政府成立時，按照本條例第 3 條及香港特別行政區政府土地基金信託的《信託聲明書》的條文，在扣除開支後移交予香港特別行政區政府，並已成為政府一般收入的一部分的所有資產，包括所有應收帳項；
3. 土地基金須由財政司司長管理和管控，而他可將其管理權和管控權轉授予其他公職人員；
4. 下列款項須記入土地基金的貸項下——
  - (a) 在扣除所有與香港特別行政區政府土地基金的管理和管控有關的開支後，所有與香港特別行政區政府土地基金的投資有關而賺得的利息、股息或其他投資收入的款項，及所有因出售或以其他方式處置

## LAND FUND

## RESOLUTION OF THE PROVISIONAL LEGISLATIVE COUNCIL

Resolution made and passed by the Provisional Legislative Council under section 29 of the Public Finance Ordinance (Cap. 2) on 23 July 1997.

RESOLVED that with effect from the establishment of the Government of the Hong Kong Special Administrative Region on 1 July 1997 —

1. there shall be established a fund called the Land Fund;
2. the Land Fund shall receive and hold all of the assets, including all accounts receivable, net of expenses, transferred, upon the establishment of the Government of the Hong Kong Special Administrative Region, from the Hong Kong Special Administrative Region Government Land Fund established by a Declaration of Trust of the Hong Kong Special Administrative Region Government Land Fund Trust made on 13 August 1986 to the Government of the Hong Kong Special Administrative Region and which have become part of the general revenue in accordance with section 3 of the Ordinance and the provisions of the Declaration of Trust of the Hong Kong Special Administrative Region Government Land Fund Trust;
3. the Land Fund shall be administered and managed by the Financial Secretary who may delegate his power of administration and management to other public officers;
4. there shall be credited to the Land Fund —
  - (a) all sums earned by way of interest, dividends or other investment revenue relating to the investment of the Hong Kong Special Administrative Region Government Land Fund and all sums earned from the sale or other disposal of all or part of any assets of the Hong Kong Special Administrative Region Government Land Fund, after the deduction of all of the expenses relating to the

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任何香港特別行政區政府土地基金的全部或部分資產而賺得的款項；及

(b) 在扣除所有與土地基金的管理和管轄有關的開支後，所有與土地基金的投資有關的應收帳項及賺得的利息、股息或其他投資收入的款項，及所有因出售或以其他方式處置任何土地基金的全部或部分資產而賺得的款項；

5. 所有與土地基金的管理和管轄有關的開支，包括管理層員工成本的開支及由香港特別行政區政府土地基金信託的受託人在依據香港特別行政區政府土地基金信託的《信託聲明書》第 29 款結束信託時招致的費用，及任何就香港特別行政區政府土地基金在 1997 年 6 月 30 日後須繳付的帳項，均須由土地基金支付；

6. 土地基金須——

(a) 承擔香港特別行政區政府土地基金信託的受託人在按照香港特別行政區政府土地基金信託的《信託聲明書》第 29 款結束信託前招致及在結束時尚未了結的所有法律責任；及

(b) 承擔財政司司長按照於 1997 年 7 月 1 日簽立的《香港特別行政區政府土地基金移交》契諾第 9 款，就所涉及的香港特別行政區政府土地基金信託的管理或由此而產生的所有訴訟、法律程序、申索及要求以及所有費用和開支而對各受託人及其各自的遺產代理人與遺產作出彌償的所有義務；

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administration and management of the Hong Kong Special Administrative Region Government Land Fund; and

(b) all accounts receivable and all sums earned by way of interest, dividends or other investment revenue relating to the investment of the Land Fund and all sums earned from the sale or other disposal of all or part of any assets of the Land Fund, after the deduction of all of the expenses relating to the administration and management of the Land Fund;

5. all expenses relating to the administration and management of the Land Fund, including expenses for meeting the management staff costs, and the costs incurred by the Trustees of the Hong Kong Special Administrative Region Government Land Fund Trust in the dissolution of the Trust in accordance with clause 29 of the Declaration of Trust of the Hong Kong Special Administrative Region Government Land Fund Trust, and any accounts payable in respect of the Hong Kong Special Administrative Region Government Land Fund after 30 June 1997, shall be met at the expense of the Land Fund;

6. the Land Fund shall assume—

(a) all the liabilities of the Trustees of the Hong Kong Special Administrative Region Government Land Fund Trust incurred before and outstanding upon the dissolution of the Trust, in accordance with clause 29 of the Declaration of Trust of the Hong Kong Special Administrative Region Government Land Fund Trust; and

(b) all the obligations of the Financial Secretary to indemnify the Trustees and each of them and each of their personal representatives and estates from and against all actions, proceedings, claims and demands and all costs and expenses in respect of or arising out of the administration of the Hong Kong Special Administrative Region Government Land Fund Trust, in accordance with the covenant clause 9 of a Vesting Deed executed on 1 July 1997;

7. 財政司司長可行使其酌情決定權，授權和指示將土地基金在任何時候所持有而無須立即用以支付土地基金開支的任何資產，以財政司司長決定的方式投資。

註：並請參閱 2003 年第 117 號法律公告及 2004 年第 126 號法律公告內的立法會決議。

2003 年第 117 號法律公告的內容載錄如下——

“立法會於 2003 年 5 月 7 日根據《公共財政條例》(第 2 章)第 29 條提出和通過的決議。

議決就臨時立法會於 1997 年 7 月 23 日提出和通過並在憲報以 1997 年第 398 號法律公告刊登的決議所設立的土地基金，通過將 \$120,000,000,000 從土地基金撥入政府一般收入內。”

2004 年第 126 號法律公告的內容載錄如下——

“立法會於 2004 年 6 月 16 日根據《公共財政條例》(第 2 章)第 29 條提出和通過的決議。

議決就臨時立法會於 1997 年 7 月 23 日提出和通過並在憲報以 1997 年第 398 號法律公告刊登的決議所設立的土地基金，通過將 \$40,000,000,000 從土地基金撥入政府一般收入內。”

7. the Financial Secretary may, in his discretion, authorize and direct the investment of any assets of the Land Fund which are not immediately required to meet expenses in respect of the Land Fund at any time in such manner as he may determine.

Note: Please also see the Resolutions of the Legislative Council in L.N. 117 of 2003 and L.N. 126 of 2004.

The text of L.N. 117 of 2003 is reproduced below—

“Resolution made and passed by the Legislative Council under section 29 of the Public Finance Ordinance (Cap. 2) on 7 May 2003.

RESOLVED with respect to the Land Fund established by resolution made and passed by the Provisional Legislative Council on 23 July 1997 and published in the Gazette as Legal Notice No. 398 of 1997, that a sum of \$120,000,000,000 be transferred from the Land Fund to the general revenue.”

The text of L.N. 126 of 2004 is reproduced below—

“Resolution made and passed by the Legislative Council under section 29 of the Public Finance Ordinance (Cap. 2) on 16 June 2004.

RESOLVED, with respect to the Land Fund established by resolution made and passed by the Provisional Legislative Council on 23 July 1997 and published in the Gazette as Legal Notice No. 398 of 1997, that a sum of \$40,000,000,000 be transferred from the Land Fund to the general revenue.”

## 創新及科技基金

## 立法會決議

立法會於 1999 年 6 月 30 日根據《公共財政條例》(第 2 章) 第 29 條作出及通過的決議。

議決通過自 1999 年 6 月 30 日起——

1. 成立一基金，稱為創新及科技基金；
2. 基金由財政司司長管理，但他可將管理權，包括發出基金支付令的權力及第 4 及 6 條所指明的權力，轉授其他公職人員；
3. 下列款項須記入基金帳戶的貸項下——
  - (a) 經立法會核准從政府一般收入撥予基金的款項；
  - (b) 所有從下列款項所得的收益，包括利息、股息或任何形式的分發——
    - (i) 根據第 4 條由基金貸出、墊付、投資或以任何形式支付的款項；
    - (ii) 根據第 6 條投資的任何款項；
  - (c) 用以償還由基金貸出或墊付的款項的還款；
  - (d) 基金所作投資的售賣得益；
  - (e) 為基金而收受的捐獻及其他款項；
4. 財政司司長可按照財務委員會指明的條款及條件將基金的款項用於以下用途——
  - (a) 提供資金予有助提高製造及服務業的創新及科技水平的項目；

## INNOVATION AND TECHNOLOGY FUND

## RESOLUTION OF THE LEGISLATIVE COUNCIL

Resolution made and passed by the Legislative Council under section 29 of the Public Finance Ordinance (Cap. 2) on 30 June 1999.

RESOLVED that with effect from 30 June 1999—

1. there shall be established a fund to be called the Innovation and Technology Fund;
2. the Fund shall be administered by the Financial Secretary who may delegate his power of administration, including the power to issue funds warrants and the power specified in paragraphs 4 and 6, to other public officers;
3. there shall be credited to the Fund—
  - (a) such appropriations from the general revenue as may be approved by the Legislative Council for the purposes of the Fund;
  - (b) all income received by way of interest, dividend or distribution in whatever form from
    - (i) any loan, advance, investment or payment in whatever form made from the Fund under paragraph 4;
    - (ii) any sum invested under paragraph 6;
  - (c) all sums received by way of repayment of any loan or advance made from the Fund;
  - (d) the proceeds of the sale of any investment made from the Fund;
  - (e) such donations and other moneys as may be received for the purposes of the Fund;
4. the Financial Secretary may apply moneys from the Fund for the purpose of—
  - (a) financing projects that contribute to innovation and technology upgrading in the manufacturing and service industries;

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(b) 提供資金予有助製造及服務業的升級及發展的項目；

5. 庫務署署長須根據財政司司長發出的基金支付令所授予的權限，由基金撥支款項以應付基金開支所需；
6. 財政司司長可行使酌情決定權，授權將基金在任何時間所持的款項，以財政司司長決定的方式投資。

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(b) financing projects that contribute to the upgrading and development of the manufacturing and service industries, in accordance with such terms and conditions as may be specified by the Finance Committee;

5. 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 expenditures from the Fund;
6. the Financial Secretary in his discretion may authorize the investment in such manner as he may determine of any moneys held in the Fund at any time.

## 貸款基金

立法局決議

立法局在 1990 年 3 月 14 日根據《公共財政條例》第 29 條作出及通過的決議。

決議通過由 1990 年 4 月 1 日起——

1. 成立一基金，稱為貸款基金；
2. 基金由財政司司長管理，但他可將管理權轉授其他公職人員；（1997 年第 362 號法律公告）
3. 下列款項須記入基金帳戶的貸項下——
  - (a) 學生貸款基金的一切資產，包括截至 1990 年 3 月 31 日的任何未清帳款；
  - (b) 截至 1990 年 3 月 31 日發展貸款基金因貸出或墊付附表第 I 部指明的款項而仍存有的未清帳款；
  - (c) 截至 1990 年 3 月 31 日政府一般收入因貸出或墊付附表第 II 部指明的款項而仍存有的未清帳款；
  - (d) 經立法會核准從政府一般收入撥予基金的款項；（1999 年第 68 號第 3 條）
  - (e) 因獲償還下列款項而收受的一切款項——
    - (i) 學生貸款基金貸出的任何款項；
    - (ii) 附表指明的任何貸款或墊款；
    - (iii) 根據第 6 條由基金貸出或墊付的任何款項；
  - (f) 所有從下列款項所收受的利息或股息——
    - (i) 學生貸款基金貸出的任何款項；
    - (ii) 附表指明的任何貸款或墊款；
    - (iii) 根據第 6 條由基金貸出或墊付的任何款項；
    - (iv) 根據第 8 條投資的任何款項；

## LOAN FUND

RESOLUTION OF THE LEGISLATIVE COUNCIL

Resolution made and passed by the Legislative Council under section 29 of the Public Finance Ordinance on 14 March 1990.

RESOLVED that with effect from 1 April 1990—

1. there shall be established a fund to be called the Loan Fund;
2. the Fund shall be administered by the Financial Secretary who may delegate his power of administration to other public officers;
3. there shall be credited to the Fund—
  - (a) all the assets of the Student Loan Fund including any outstanding balances as at 31 March 1990;
  - (b) all the outstanding balances as at 31 March 1990, in respect of the loans and advances made from the Development Loan Fund specified in Part I of the Schedule;
  - (c) all the outstanding balances as at 31 March 1990, in respect of the loans made from the general revenue specified in Part II of the Schedule;
  - (d) such appropriations from the general revenue as may be approved by the Legislative Council for the purpose of the Fund;
  - (e) all sums received by way of repayment of—
    - (i) any loan made from the Student Loan Fund;
    - (ii) any loan or advance specified in the Schedule;
    - (iii) any loan or advance made from the Fund under paragraph 6;
  - (f) all sums received by way of interest or dividend on—
    - (i) any loan made from the Student Loan Fund;
    - (ii) any loan or advance specified in the Schedule;
    - (iii) any loan or advance made from the Fund under paragraph 6;
    - (iv) any sum invested under paragraph 8;



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- (g) 因出售或以其他方式處置根據第 8 條所作的任何全部或部分投資而收受的所有款項；
- (h) 所有為基金而收受的其他款項；
4. 基金須接管——
- (a) 截至 1990 年 3 月 31 日學生貸款基金的所有存款；及
- (b) 截至 1990 年 3 月 31 日發展貸款基金的所有存款；
5. 基金須承擔——
- (a) 截至 1990 年 3 月 31 日學生貸款基金就財務委員會核准的計劃而從學生貸款基金批出貸款予學生所須承擔的一切法律責任；
- (b) 截至 1990 年 3 月 31 日發展貸款基金就財務委員會核准的計劃而從發展貸款基金提供貸款及墊款資金所須承擔的一切法律責任；及
- (c) 截至 1990 年 3 月 31 日政府一般收入就財務委員會核准的計劃而提供附表第 II 部指明的貸款所須承擔的一切法律責任；
6. 財政司司長可從基金支用款項—— (1997 年第 362 號法律公告)
- (a) 以應付根據第 4 條接管存款所須承擔的法律責任，及應付根據第 5 條在截至 1990 年 3 月 31 日已獲財務委員會核准的條款及條件下所須承擔的法律責任；及 (1997 年第 80 號第 102 條)
- (b) 以向財務委員會核准的人批出貸款及墊款，但須按照財務委員會指明的條款及條件行事；
7. 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力，由基金撥支款項以應付基金開支所需； (1997 年第 362 號法律公告)
8. 財政司司長可行使其酌情決定權，授權將基金在任何時候未支用的結餘款項，以財政司司長決定的方式，投資於有息證券； (1997 年第 362 號法律公告)
9. 財政司司長可不時將其認為不再為了基金的目的而合理地需要留在基金的結餘，轉撥入政府一般收入之內； (1997 年第 362 號法律公告)
10. 學生貸款基金須予結算。

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- (g) all sums received from the sale or other disposal of all or part of any investment made under paragraph 8;
- (h) all such other sums as may be received for the purpose of the Fund;
4. the Fund shall assume—
- (a) all the deposits of the Student Loan Fund as at 31 March 1990; and
- (b) all the deposits of the Development Loan Fund as at 31 March 1990;
5. the Fund shall assume—
- (a) all the liabilities of the Student Loan Fund in respect of schemes approved by the Finance Committee as at 31 March 1990 for the purpose of granting loans to students out of the Student Loan Fund;
- (b) all the liabilities of the Development Loan Fund in respect of schemes approved by the Finance Committee as at 31 March 1990 for the purpose of financing loans and advances out of the Development Loan Fund; and
- (c) all the liabilities of the general revenue in respect of schemes approved by the Finance Committee as at 31 March 1990 in respect of the loans specified in Part II of the Schedule;
6. the Financial Secretary may expend moneys from the Fund for the purpose of—
- (a) meeting the liabilities in respect of deposits assumed under paragraph 4 and the liabilities assumed under paragraph 5 under terms and conditions already approved by the Finance Committee as at 31 March 1990; and
- (b) granting loans and advances to such persons as may be approved by the Finance Committee, in accordance with such terms and conditions as may be specified by the Finance Committee;
7. 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;
8. the Financial Secretary may, in his discretion, authorize the investment of moneys forming the unexpended balance held in the Fund at any time in interest bearing securities in such manner as he may determine;
9. the Financial Secretary may from time to time transfer from the Fund to the general revenue any balance held in the Fund which is not in his opinion reasonably required for the purpose of the Fund;
10. the Student Loan Fund shall be closed.

## 資本投資基金

### 立法局決議

立法局在 1990 年 3 月 14 日根據《公共財政條例》第 29 條作出及通過的決議。

決議通過由 1990 年 4 月 1 日起——

1. 設立一基金，稱為資本投資基金；
2. 基金由財政司司長管理，但他可將管理權轉授予其他公職人員：  
(1997 年第 362 號法律公告)
3. 下列款項須記入基金帳戶的貸項下——
  - (a) 發行給財政司司長法團並由財政司司長法團代政府持有的香港鐵路有限公司股份； (2000 年第 13 號第 65 條； 2007 年第 11 號第 36 條)
  - (b) 截至 1990 年 3 月 31 日，附表第 I 部所指明的發展貸款基金的一切資產，包括動用發展貸款基金所作的投資，以及就此等投資而墊付的款項；
  - (c) 截至 1990 年 3 月 31 日，動用政府一般收入所作出的附表第 II 部指明的投資，以及就此等投資而墊付的款項；
  - (d) 截至 1990 年 3 月 31 日，政府以寬免地價、捐贈工程及其他非現金利益的方式所作出的附表第 III 部指明的投資，以及就此等投資而墊付的款項；
  - (e) 因獲償還下列款項而收受的一切款項——
    - (i) 附表所指明的任何墊款；
    - (ii) 根據第 5 條由基金貸出或墊付的任何款項；

## CAPITAL INVESTMENT FUND

### RESOLUTION OF THE LEGISLATIVE COUNCIL

Resolution made and passed by the Legislative Council under section 29 of the Public Finance Ordinance on 14 March 1990.

RESOLVED that with effect from 1 April 1990—

1. there shall be established a fund to be called the Capital Investment Fund;
2. the Fund shall be administered by the Financial Secretary who may delegate his power of administration to other public officers;
3. there shall be credited to the Fund—
  - (a) the shares in the MTR Corporation Limited issued to the Financial Secretary Incorporated and held by the Financial Secretary Incorporated on behalf of the Government; (13 of 2000 s. 65)
  - (b) the assets of, including the investments, and any advances in respect of such investments, made from, the Development Loan Fund as at 31 March 1990 specified in Part I of the Schedule;
  - (c) the investments, and any advances in respect of such investments, made from the general revenue as at 31 March 1990 specified in Part II of the Schedule;
  - (d) the investments by the Government by way of waived land premium, donated works and other benefits other than cash, and any advances in respect of such investments, as at 31 March 1990 specified in Part III of the Schedule;
  - (e) all sums received by way of repayment of—
    - (i) any advances specified in the Schedule;
    - (ii) any loan or advance made from the Fund under paragraph 5;

## [附屬法例]

- (f) 在符合《香港鐵路條例》(第 556 章)及《九廣鐵路公司條例》(第 372 章)的規定下，就附表所指明或根據第 5 條所作的投資、貸款或墊款而收受的所有利息或股息，或就此等投資、貸款或墊款而根據盈利攤分安排收受的所有款項；(2000 年第 13 號第 65 條；2007 年第 11 號第 36 條)
- (g) 經立法會核准從政府一般收入撥予基金的款項；(1999 年第 68 號第 3 條)
- (h) 因出售或以其他方式處置附表所指明或根據第 5 或 7 條所作的任何全部或部分投資而收受的所有款項；
- (i) 根據第 7 條所作的投資而已收受的所有利息或股息；
- (j) 所有為基金而收受的其他款項；
- (k) 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立法會決議所如此規定記入的；(1991 年第 400 號法律公告；1999 年第 68 號第 3 條)

## 4. 基金須承擔——

- (a) 截至 1990 年 3 月 31 日，地下鐵路基金由於為了地下鐵路系統或與該系統相關事宜而按照財務委員會所指明的條件、例外情況及限制，動用該基金作出投資所須承擔的一切法律責任；
- (b) 截至 1990 年 3 月 31 日，就動用發展貸款基金作出附表第 1 部指明的投資而致發展貸款基金所須承擔的一切法律責任；及
- (c) 截至 1990 年 3 月 31 日，為認購股份而由政府一般收入發出承付票予亞洲發展銀行而須承擔的法律責任；

## 5. 財政司司長可自基金支用款項——(1997 年第 362 號法律公告)

- (a) 以應付截至 1990 年 3 月 31 日，按照財務委員會已核准的條款及條件，根據第 4 條所須承擔的法律責任；(1997 年第 80 號第 102 條)

## [Subsidiary]

- (f) subject to the Mass Transit Railway Ordinance (Cap. 556) and the Kowloon-Canton Railway Corporation Ordinance (Cap. 372) all sums received by way of interest or dividend or under profit sharing arrangements on the investments, loans or advances specified in the Schedule or made under paragraph 5; (13 of 2000 s. 65)
- (g) such appropriations from the general revenue as may be approved by the Legislative Council for the purpose of the Fund;
- (h) all sums received from the sale or other disposal of all or part of any investment specified in the Schedule or made under paragraph 5 or 7;
- (i) all sums received by way of interest or dividend on money invested under paragraph 7;
- (j) all such other sums as may be received for the purpose of the Fund;
- (k) sums borrowed under section 3 of the Loans Ordinance (Cap. 61) where the resolution of the Legislative Council approving the borrowing so stipulates; (L.N. 400 of 1991)

## 4. the Fund shall assume—

- (a) all the liabilities of the Mass Transit Fund as at 31 March 1990 in respect of investments from the Mass Transit Fund for the purpose of or in connection with the mass transit railway system in accordance with such conditions, exceptions and limitations as have been specified by the Finance Committee;
- (b) all the liabilities of the Development Loan Fund as at 31 March 1990 in respect of the investments made from the Development Loan Fund specified in Part I of the Schedule; and
- (c) the liability of the general revenue as at 31 March 1990 in respect of promissory notes issued to the Asian Development Bank for share subscription;

## 5. the Financial Secretary may expend moneys from the Fund for the purpose of—

- (a) meeting the liabilities assumed under paragraph 4 under terms and conditions already approved by the Finance Committee as at 31 March 1990;

[附屬法例]

[Subsidiary]

- (b) 以向獲財務委員會核准的人提供資金、作為貸款、墊款及投資(包括以寬免地價、捐贈工程或其他非現金利益的形式作出的投資)之用，但須按照財務委員會指明的條款及條件行事；或
- (c) 以償還或(視情況而定)支付根據《借款條例》(第 61 章)第 3 條借入並已記入基金帳戶貸項下的款項的本金和利息，以及償還或支付借入該筆款項所招致的費用：(1991 年第 400 號法律公告)
6. 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力，由基金撥支款項以應付基金開支所需：(1997 年第 362 號法律公告)
7. 財政司司長可行使其酌情決定權，授權將基金在任何時候未支用的結餘款項，以財政司司長決定的方式投資於有息證券：(1997 年第 362 號法律公告)
8. 財政司司長可不時將其認為不再為了基金的目的而合理地需要留在基金的結餘，轉撥入政府一般收入內：(1997 年第 362 號法律公告)
9. 發展貸款基金及地下鐵路基金須予結算。
10. (已失時效而略去)

- (b) financing loans, advances and investments (including investments by way of waived land premium, donated works or other benefits (other than cash)) to or in such persons as may be approved by the Finance Committee, in accordance with such terms and conditions as may be specified by the Finance Committee; or
- (c) repaying or, where appropriate, paying the principal and interest of and expenses incurred in relation to sums borrowed under section 3 of the Loans Ordinance (Cap. 61) where the sums have been credited to the Fund; (L.N. 400 of 1991)
6. 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;
7. the Financial Secretary may, in his discretion, authorize the investment of moneys forming the unexpended balance held in the Fund at any time in interest bearing securities in such manner as he may determine;
8. the Financial Secretary may from time to time transfer from the Fund to the general revenue any balance held in the Fund which is not in his opinion reasonably required for the purpose of the Fund;
9. the Development Loan Fund and the Mass Transit Fund shall be closed.
10. (Omitted as spent)

附表

SCHEDULE

第 I 部

[第 3(b) 及 4(b) 條]

PART I

[paras. 3(b) & 4(b)]

記入基金帳戶貸項下的資產(包括發展貸款基金的投資及墊款)

ASSETS, INCLUDING INVESTMENTS AND ADVANCES OF THE DEVELOPMENT LOAN FUND, CREDITED TO THE FUND

1. 外匯基金債務證明書。
2. 短期通知及定期存款。
3. 現金及銀行結餘。
4. 就下列項目作出的投資——

1. Exchange Fund debt certificates.
2. Short notice and time deposits.
3. Cash and bank balances.
4. Investments in respect of——