

## 59. 地鐵公司證券作為特准投資項目

- (1) 就《受託人條例》(第29章)附表2第1(a)段而言，地鐵公司須當作在包括指定日期在內的公曆年中已如該條文所述般派發股息(不論實際上地鐵公司有否在該年派發該股息)和在緊接該年之前的5年內每年已如該條文所述般派發股息。
- (2) 就《受託人條例》(第29章)附表2第2段而言，以下的債務證券須當作符合該段規定的債務證券——
- (a) 在指定日期前由地下鐵路公司發行或保證支付本金及利息，並憑藉第1X部轉歸予地鐵公司的任何債務證券；或
- (b) 在政府實益擁有超過一半的地鐵公司已發行股本的面值的任何期間，由地鐵公司發行或保證支付本金及利息的任何債務證券。

## 60. 地鐵公司並非公共機構

除任何條例另有明文規定外，地鐵公司並非《釋義及通則條例》(第1章)所指的公共機構。

## 61. 有關局長諮詢地鐵公司的規定

為免生疑問，現宣布本條例中規定或訂定局長須就任何事項諮詢地鐵公司或任何其他人的條文，並不規定局長必須就有關事項取得地鐵公司或該其他人的同意。

## 62. 公告等是否附屬法例的問題

根據第1(2)條訂立的生效日期公告、根據第33條訂立的規例及根據第34條訂立的附例均為附屬法例；根據本條例發出的任何其他文書均非附屬法例。

## 63. 通知書的送達

- (1) 在本條例下向局長發出的通知書，可送遞至局長或以郵遞寄予局長。

## 59. Securities of Corporation as authorized investment

(1) For the purposes of paragraph 1(a) of the Second Schedule to the Trustee Ordinance (Cap. 29), the Corporation is deemed to have paid a dividend as there mentioned in the calendar year in which the appointed day falls (whether or not the Corporation does in fact pay such a dividend in that year) and in each of the 5 years immediately preceding that year.

(2) For the purposes of paragraph 2 of the Second Schedule to the Trustee Ordinance (Cap. 29)—

(a) any debt security which was issued by, or the payment of principal and interest on which was guaranteed by, MTR Corporation before the appointed day and which becomes vested in the Corporation by virtue of Part IX; or

(b) during any period for which the Government beneficially owns more than half in nominal value of the issued share capital of the Corporation, any debt security which is issued by, or the payment of principal and interest on which is guaranteed by, the Corporation,

is deemed to be a debt security which satisfies the requirements of this paragraph.

## 60. Corporation not a public body

Unless otherwise expressly provided for in any Ordinance, the Corporation is not a public body within the meaning of the Interpretation and General Clauses Ordinance (Cap. 1).

## 61. Requirement for Secretary to consult Corporation

For the avoidance of doubt, a provision of this Ordinance requiring the Secretary to consult with the Corporation or any other person in relation to any matter does not oblige the Secretary to obtain the agreement of the Corporation or that other person in relation to the matter.

## 62. Whether a notice, etc. is subsidiary legislation

A commencement notice issued under section 1(2), a regulation made under section 33 and a bylaw made under section 34 are all subsidiary legislation; any other instrument issued under this Ordinance is not subsidiary legislation.

## 63. Service of notices

- (1) A notice to be given to the Secretary under this Ordinance may be delivered to the Secretary or sent to him by post.

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