

《2003 年基督教靈糧世界佈道會  
法團 (修訂) 條例草案》

LING LIANG WORLD-WIDE  
EVANGELISTIC MISSION  
INCORPORATION  
(AMENDMENT)  
BILL 2003

## 《2003年基督教靈糧世界佈道會法團(修訂)條例草案》

## 目錄

條次		頁次
	<b>第 1 部</b>	
	<b>導言</b>	
1.	簡稱及生效日期 .....	6
	<b>第 2 部</b>	
	對《基督教靈糧世界佈道會法團條例》的修訂	
2.	修訂詳題 .....	6
3.	修訂簡稱 .....	8
4.	取代條文	
	2. 釋義 .....	8
	3. 成立為法團 .....	8
	4. 堂委會的權力 .....	8
	5. 堂委會 .....	10
	6. 會友大會 .....	12
	7. 會友名冊 .....	12
	8. 堂委會的會章 .....	12
	9. 登記 .....	14
	10. 法團印章的使用 .....	14
	11. 保留條文 .....	16
	<b>第 3 部</b>	
	保留及過渡性條文	
5.	釋義 .....	16
6.	權利、責任、資產及負債的歸屬 .....	16
7.	土地權益 .....	18
8.	僱用的延續 .....	18
9.	已開始的作為的完成 .....	20
10.	訴訟權利 .....	20
11.	待決的法律程序的延續 .....	20
12.	證據：簿冊及文件 .....	20
13.	現有協議等的效力 .....	20

LING LIANG WORLD-WIDE EVANGELISTIC MISSION  
INCORPORATION (AMENDMENT) BILL 2003

## CONTENTS

Clause		Page
	<b>PART 1</b>	
	PRELIMINARY	
1.	Short title and commencement .....	7
	<b>PART 2</b>	
	AMENDMENT OF LING LIANG WORLD-WIDE EVANGELISTIC MISSION INCORPORATION ORDINANCE	
2.	Long title amended .....	7
3.	Short title amended .....	9
4.	Sections substituted	
	2. Interpretation .....	9
	3. Incorporation .....	9
	4. Power of the Council .....	9
	5. The Council .....	11
	6. General meetings of members of the Church .....	13
	7. Register of members of the Church .....	13
	8. Constitution of the Council .....	13
	9. Registration .....	15
	10. Use of common seal .....	15
	11. Saving .....	17
	<b>PART 3</b>	
	SAVINGS AND TRANSITIONAL PROVISIONS	
5.	Interpretation .....	17
6.	Vesting of rights, obligations, assets and liabilities .....	17
7.	Interests in land .....	19
8.	Continuance of employment .....	19
9.	Completion of acts already commenced .....	21
10.	Right of action .....	21
11.	Continuance of pending legal proceedings .....	21
12.	Evidence: books and documents .....	21
13.	Effect of existing agreements, etc. ....	21

條次		頁次
14.	對單一法團的提述 .....	22
15.	財產紀錄 .....	22
16.	簿冊等的交付 .....	22
17.	保留條文 .....	22

Clause		Page
14.	References to the corporation sole .....	23
15.	Record of property .....	23
16.	Delivery of books, etc. ....	23
17.	Saving .....	23

# 本條例草案

## 旨在

修訂《基督教靈糧世界佈道會法團條例》。

由立法會制定。

### 第 1 部

#### 導言

#### 1. 簡稱及生效日期

- (1) 本條例可引稱為《2003年基督教靈糧世界佈道會法團(修訂)條例》。
- (2) 本條例自2004年4月1日起實施。

### 第 2 部

對《基督教靈糧世界佈道會法團條例》的修訂

#### 2. 修訂詳題

《基督教靈糧世界佈道會法團條例》(第1079章)的詳題現予修訂，廢除“會長”而代以“堂務委員會”。

# A BILL

## To

Amend the Ling Liang World-Wide Evangelistic Mission Incorporation Ordinance.

Enacted by the Legislative Council.

### PART I

#### PRELIMINARY

#### 1. Short title and commencement

- (1) This Ordinance may be cited as the Ling Liang World-Wide Evangelistic Mission Incorporation (Amendment) Ordinance 2003.
- (2) This Ordinance shall come into operation on 1 April 2004.

### PART 2

AMENDMENT OF LING LIANG WORLD-WIDE EVANGELISTIC MISSION  
INCORPORATION ORDINANCE

#### 2. Long title amended

The long title to the Ling Liang World-Wide Evangelistic Mission Incorporation Ordinance (Cap. 1079) is amended by repealing “the President in Hong Kong of the Ling Liang World-Wide Evangelistic Mission” and substituting “The Council of Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church”.

### 3. 修訂簡稱

第1條現予修訂，在“會”之後加入“香港靈糧堂堂務委員會”。

### 4. 取代條文

第2、3、4、5、6及7條現予廢除，代以——

#### “2. 釋義

在本條例中，除文意另有所指外——

- “堂委會”(Council)指基督教靈糧世界佈道會香港靈糧堂堂務委員會；
- “堂委會成員”(Council Member)指根據第5(1)條委任的堂委會的成員；
- “會友”(member of the Church)指名列於第7條所提述的名冊內的人；
- “會章”(Constitution)指第8條所指的堂委會會章；
- “靈糧堂”(Church)指基督教靈糧世界佈道會香港靈糧堂(亦稱為香港靈糧堂)整體，包括當其時它的所有教堂、學校及其他機構。

### 3. 成立為法團

堂委會——

- (a) 是一個法人團體；
- (b) 須以“The Council of Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church”的英文名稱及“基督教靈糧世界佈道會香港靈糧堂堂務委員會”的中文名稱命名；
- (c) 永久延續，並可在香港所有的法院及審裁處起訴和被起訴；及
- (d) 須備有和可以使用法團印章。

### 4. 堂委會的權力

堂委會有全面的權力——

- (a) 管理、管治和經辦靈糧堂；

### 3. Short title amended

Section 1 is amended by repealing “the Ling Liang World-Wide Evangelistic Mission” and substituting “The Council of Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church”.

### 4. Sections substituted

Sections 2, 3, 4, 5, 6 and 7 are repealed and the following substituted—

#### “2. Interpretation

In this Ordinance, unless the context otherwise requires—

- “Church” (靈糧堂) means the Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church (also known as Hong Kong Ling Liang Church) taken as a whole which shall include all its churches, schools and other establishments for the time being;
- “Constitution” (會章) means the Constitution of the Council under section 8;
- “Council” (堂委會) means The Council of Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church;
- “Council Member” (堂委會成員) means a member of the Council appointed under section 5(1);
- “member of the Church” (會友) means a person whose name appears in the register referred to in section 7.

### 3. Incorporation

The Council—

- (a) shall be a body corporate;
- (b) shall have the English name of “The Council of Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church” and the Chinese name of “基督教靈糧世界佈道會香港靈糧堂堂務委員會”;
- (c) shall have perpetual succession and may sue and be sued in all courts and tribunals in Hong Kong; and
- (d) shall have and may use a common seal.

### 4. Power of the Council

The Council shall have full power—

- (a) to manage, administer and operate the Church;

- (b) 設立、管理、管治和經辦堂委會認為合適的任何教堂、學校或教育或慈善機構；
- (c) 獲取、購買、取得或以其他方式持有和享用任何土地、建築物或構築物，以及接受該土地、建築物或構築物的租賃；
- (d) 獲取、購買和管有任何貨品或實產；
- (e) 將款項以存款於任何銀行的方式投資，或投資於任何政府債券，或投資於任何土地或建築物的按揭，或投資於任何法團或公司的債權證、債權股證、股額、資金、股份或證券；
- (f) 按堂委會認為合適的條款，將當其時歸屬或屬於堂委會的任何土地、建築物、按揭、債權證、債權股證、股額、資金、股份、證券、船隻、貨品或實產批出、出售、轉易、轉讓、退回、交換、分割、交出、按揭、批租、出租、再轉讓、移轉或以其他方式處置；
- (g) 為任何慈善目的而作為任何財產或款項的保管人、受託人或管理人；
- (h) 接受饋贈、捐款及捐贈；
- (i) 向任何慈善組織或為教育、弘揚宗教、濟貧或其他對社會有益的屬慈善性質的目的而捐助和批給捐款；
- (j) 為將堂委會所獲取或堂委會具有權益的任何土地單獨或與其他入或其他人等共同發展與利用的目的而按堂委會認為合適的方式或條款及條件，與任何人訂立合約和作出各種安排；
- (k) 按堂委會認為合適的條款借入款項，以及以公開或私人募集款項的方式籌集款項；及
- (l) 概括而言，作出看來是為達致會章所訂定的堂委會目標及宗旨而附帶需要作出的其他事情，或作出看來是有助於達致該等目標及宗旨的其他事情。

## 5. 堂委會

- (1) 堂委會由會章所訂定的成員組成，該等成員須按照會章委任及免任。

- (b) to establish, manage, administer and operate any church, school or educational or charitable institution as it thinks fit;
- (c) to acquire, accept leases of, purchase, take or otherwise hold and enjoy any land, building or structure;
- (d) to acquire, purchase and possess any goods or chattels;
- (e) to invest moneys on deposit in any bank or in any government bonds or on mortgage of any land or building or in or on debentures, debenture-stocks, stocks, funds, shares or securities of any corporation or company;
- (f) to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, let, reassign, transfer or otherwise dispose of, any land, building, mortgages, debentures, debenture-stocks, stocks, funds, shares, securities, vessels, goods or chattels for the time being vested in or belonging to the Council, upon such terms as it thinks fit;
- (g) to act as custodian, trustee or manager of any property or fund for any charitable purpose;
- (h) to accept gifts, donations and endowments;
- (i) to subscribe to and to grant donations for any charities or for education, advancement of religion, relief of poverty or other purposes of a charitable nature beneficial to the community;
- (j) to develop either alone or jointly with other or others and turn to account any land acquired by the Council or in which it is interested, by entering into contracts and arrangements of all kinds with any person for that purpose in such manner or on such terms and conditions as it thinks fit;
- (k) to borrow money upon such terms as the Council shall think fit, and to raise money by public or private subscription; and
- (l) generally to do such other things as may appear to be incidental or conducive to the aims and objects of the Council as provided by the Constitution.

## 5. The Council

- (1) The Council shall consist of such members as shall be provided by the Constitution and shall be appointed and removed in accordance with the Constitution.

- (2) 堂委會的主席及副主席須按照會章由會友在會友大會上選出。

## 6. 會友大會

- (1) 會友的周年大會須每年於堂委會決定的時間及地點舉行；而任何2屆周年大會之間相隔的期間不得超過15個月。
- (2) 在周年大會上，堂委會須按照會章將其收支結算表連同堂委會報告及核數師報告向大會呈交，以供會友審議及(如認為合適的話)通過。
- (3) 會友可考慮妥為列於周年大會的會議通知內的所有其他事務，而如認為合適的話，可就該等事務通過適當的決議。
- (4) 會友的特別大會可於年中任何時間按照會章召開。

## 7. 會友名冊

堂委會須——

- (a) 備存一份會友名冊；及
- (b) 按照會章將所有堂委會認為宜於接納為會友的人的姓名記入名冊內，以及按照會章將會友的姓名從名冊中刪除。

## 8. 堂委會的會章

- (1) 靈糧堂的原有會章即為堂委會的會章。
- (2) 在收到由最少三分之一的堂委會成員簽署的申請，建議對會章作出任何增補、更改或修訂(下稱“建議修訂”)時，堂委會須考慮該申請，而如建議修訂獲得四分之三的堂委會成員支持，則須召開會友大會考慮建議修訂；如提出建議修訂的決議獲得過半數出席會議的會友通過，建議修訂即屬有效。

- (2) The Chairman and Vice-Chairman of the Council shall be elected by the members of the Church at its general meeting in accordance with the Constitution.

## 6. General meetings of members of the Church

- (1) There shall be an annual general meeting of the members of the Church to be held in each year at such time and place as the Council may decide and the intervening period between any 2 annual general meetings shall not exceed 15 months.
- (2) At the annual general meeting, the Council shall in accordance with the Constitution submit to the meeting its income and expenditure accounts together with the reports of the Council and auditors for consideration and passing by the members of the Church, if thought fit.
- (3) The members of the Church can consider and pass appropriate resolutions if they think fit on all other businesses duly set out in the notice of meeting of the annual general meeting.
- (4) Extraordinary general meetings of the members of the Church may be convened at any time of the year in accordance with the Constitution.

## 7. Register of members of the Church

The Council shall—

- (a) keep a register of members of the Church; and
- (b) enter in such register the names of all such persons as are in the opinion of the Council proper persons to be admitted as members of the Church and remove the names of members from the register in accordance with the Constitution.

## 8. Constitution of the Council

- (1) The existing constitution of the Church shall be the Constitution of the Council.
- (2) Upon receiving an application signed by at least one-third of the Council Members proposing any addition, alteration or amendment to the Constitution (the “Proposed Amendments”), the Council shall consider such application and if the Proposed Amendments receive the support of three-fourths of the Council Members, a meeting of the members of the Church shall be convened to consider the Proposed Amendments which shall become effective if the resolution to adopt the Proposed Amendments is passed by a majority of the members present at the meeting.

## 9. 登記

(1) 堂委會須將下列文件遞送公司註冊處處長以辦理登記——

- (a) 堂委會主要辦事處的地址及任何更改該地址的通知；
- (b) 經堂委會的主席或副主席核證為正確的會章一份，以及經如此核證的任何對會章的修訂；
- (c) 經堂委會的主席或副主席核證為正確的當其時的堂委會成員的姓名和地址的列表，以及經如此核證的任何對該等姓名和地址的更改；
- (d) 經堂委會主席或副主席核證為正確的任何根據第 10 條獲授權簽署契據、文件及其他文書的人的姓名和地址，以及經如此核證的任何對該姓名和地址的更改。

(2) 按照第 (1) 款辦理的登記，須於自《2003年基督教靈糧世界佈道會法團(修訂)條例》(2003年第 號)生效日期起計的 28 天內辦理，或於自作出任何修訂、更改或獲授權人的委任(視屬何情況而定)起計的 28 天內辦理。

(3) 為使任何擬與堂委會有往來的公眾人士能確定會章的內容及堂委會成員的身分，任何人在繳付根據《公司條例》(第 32 章)第 304 條就根據該條例第 305 條查閱文件而訂明的費用後，可查閱任何根據本條登記的文件的副本，而該副本須以公司註冊處處長認為適當的形式供查閱。

(4) 堂委會於公司註冊處登記任何文件，須繳付根據《公司條例》(第 32 章)第 304 條就向公司註冊處處長登記文件而訂明的費用。

(5) 每份根據本條例遞送公司註冊處處長的文件，均須符合公司註冊處處長為使他能將該文件複印或為該文件製作影像紀錄的目的而指明的規定。

## 10. 法團印章的使用

須蓋上堂委會的印章的所有契據、文件及其他文書，均須蓋上堂委會的法團印章及由最少 4 名獲堂委會為此而授權的堂委會成員簽署。

## 9. Registration

(1) The Council shall forward to the Registrar of Companies for registration the following—

- (a) notice of the address of the principal office of the Council and any change thereto;
- (b) a copy of the Constitution and of any amendment thereto, certified as correct by the Chairman or Vice-Chairman of the Council;
- (c) a list of the names and addresses of the Council Members for the time being and any change therein, certified as correct by the Chairman or Vice-Chairman of the Council;
- (d) the name and address of any person authorized under section 10 to sign deeds, documents and other instruments and any change therein, certified as correct by the Chairman or Vice-Chairman of the Council.

(2) Registration in accordance with subsection (1) shall be made within 28 days of the commencement of the Ling Liang World-Wide Evangelistic Mission Incorporation (Amendment) Ordinance 2003 ( of 2003) or within 28 days of any amendment, change or appointment of authorized person (as the case may be).

(3) For the purpose of enabling any member of the public who intends to deal with the Council to ascertain the contents of the Constitution and the identities of the Council Members, any person may inspect a copy, in such form as the Registrar of Companies considers appropriate, of any of the documents registered under this section upon payment of such fees as may be prescribed under section 304 of the Companies Ordinance (Cap. 32) for the inspection of a document under section 305 of that Ordinance.

(4) The Council shall pay such fees for registering any document with the Companies Registry as may be prescribed under section 304 of the Companies Ordinance (Cap. 32) for the registration of a document with the Registrar of Companies.

(5) Every document forwarded to the Registrar of Companies under this Ordinance shall comply with such requirements as the Registrar of Companies may specify for the purpose of enabling him to make copies or image records of the document.

## 10. Use of common seal

All deeds, documents and other instruments requiring the seal of the Council shall be sealed with the common seal of the Council and signed by at least 4 Council Members authorized by the Council in that behalf.



**11. 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。”。

**第3部****保留及過渡性條文****5. 釋義**

在本部中——

- “生效日期”(commencement date)指本條例開始實施的日期；  
 “堂委會”(Council)指基督教靈糧世界佈道會香港靈糧堂堂務委員會；  
 “《基督教靈糧世界佈道會法團條例》(Ling Liang World-Wide Evangelistic Mission Incorporation Ordinance)指在緊接生效日期前有效的名為《基督教靈糧世界佈道會法團條例》(第1079章)的條例；  
 “單一法團”(the corporation sole)指根據《基督教靈糧世界佈道會法團條例》成立為單一法團的基督教靈糧世界佈道會當其時在香港的會長。

**6. 權利、責任、資產及負債的歸屬**

- (1) 單一法團的所有權利、責任、資產及負債，憑藉本條自生效日期當日起歸屬於堂委會而無需任何轉易、轉讓或移轉文書。  
 (2) 凡出示本條例的政府印務局文本，或出示經律師核證為該文本的真實副本的文件，就所有目的而言，即為任何藉本條達成的歸屬的不可推翻的證據。  
 (3) 在不影響第(2)款的一般性的原則下，如有任何在生效日期當日或之後由堂委會發出或代堂委會發出的證明書，證明該證明書上所指明的任何權利、責任、資產或負債(該權利、責任、資產或負債在緊接生效日期之前是屬於單一法團的)根據本條

**11. 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.”.

**PART 3****SAVINGS AND TRANSITIONAL PROVISIONS****5. Interpretation**

In this Part—

- “commencement date”(生效日期) means the date on which this Ordinance comes into operation;  
 “the corporation sole”(單一法團) means the President for the time being in Hong Kong of the Ling Liang World-Wide Evangelistic Mission incorporated as a corporation sole under the Ling Liang World-Wide Evangelistic Mission Incorporation Ordinance;  
 “Council”(堂委會) means The Council of Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church;  
 “Ling Liang World-Wide Evangelistic Mission Incorporation Ordinance”(《基督教靈糧世界佈道會法團條例》) means the Ordinance known as the Ling Liang World-Wide Evangelistic Mission Incorporation Ordinance (Cap. 1079) that was in force immediately before the commencement date.

**6. Vesting of rights, obligations, assets and liabilities**

- (1) All rights, obligations, assets and liabilities of the corporation sole shall be vested in the Council as from the commencement date by virtue of this section without any conveyance, assignment or instrument of transfer whatever.  
 (2) The production of a Government Printer's copy, or a document certified by a solicitor to be a true copy of a Government Printer's copy, of this Ordinance shall be conclusive evidence for all purposes of any vesting effected by this section.  
 (3) Without affecting the generality of subsection (2), a certificate given by or on behalf of the Council on or after the commencement date that any right, obligation, asset or liability specified in the certificate (being any right,

歸屬於堂委會，則該證明書在沒有錯誤的情況下，就所有目的而言，即為經如此證明的事實的不可推翻的證據。

(4) 任何權利、責任、資產或負債根據本條歸屬於堂委會，就任何關於或影響該等權利、責任、資產或負債的文書所載的任何條文而言，並不構成出售或以其他方式處置該等權利、責任、資產或負債。

## 7. 土地權益

(1) 土地權益藉第 6 條歸屬於堂委會一事——

- (a) 不屬違反禁止讓與的契諾或條件；
- (b) 並不引致任何優先購買權利、沒收租賃權、重收權、認購權、損害賠償或其他影響土地的訴訟權利的產生；
- (c) 並不使任何合約或抵押失效或獲得解除；
- (d) 並不使任何租賃權益併入其預期的復歸權內；或
- (e) 並不終絕、影響、更改、縮減或延遲該項權益的優先權，不論該優先權是根據《土地註冊條例》(第 128 章)、普通法或衡平法而存在的。

(2) 堂委會須於生效日期後就任何受第 6 條影響的土地權益，將本條例的政府印務局文本或第 6(3) 條所指的證明書在土地註冊處登記，或安排將該文本或證明書在土地註冊處登記。

(3) 為免生疑問，任何延誤或遺漏將本條例的政府印務局文本或第 6(3) 條所指的證明書登記，並不影響憑藉第 6 條達成的歸屬。

## 8. 僱用的延續

(1) 除第 (2) 款另有規定外——

- (a) 任何人如在緊接生效日期之前受僱於單一法團，則該人繼續按在緊接該日期之前適用於該人的相同條款及條件(包括須支付的薪酬)受僱於堂委會；及
- (b) 該人的受僱不會僅因第 2 部生效而中斷或間斷。

obligation, asset or liability which immediately before the commencement date was that of the corporation sole) is vested in the Council under this section shall, in the absence of error, be conclusive evidence for all purposes of the fact so certified.

(4) The vesting in the Council of any rights, obligations, assets or liabilities under this section does not constitute a sale or other disposal of those rights, obligations, assets or liabilities for the purposes of any provisions contained in any instrument concerning or affecting such rights, obligations, assets or liabilities.

## 7. Interests in land

(1) The vesting in the Council of an interest in land effected by section 6 does not—

- (a) operate as a breach of covenant or condition against alienation;
- (b) give rise to any right of pre-emption, right of forfeiture, right of re-entry, option, damages or other right of action affecting land;
- (c) invalidate or discharge any contract or security;
- (d) operate so as to merge any leasehold interest in the reversion expectant on it; or
- (e) extinguish, affect, vary, diminish or postpone any priority of that interest, whether under the Land Registration Ordinance (Cap. 128), at law or in equity.

(2) The Council shall, after the commencement date, register or cause to be registered in the Land Registry a Government Printer's copy of this Ordinance or a certificate under section 6(3) in relation to any interest in land affected by section 6.

(3) For the avoidance of doubt, any delay or omission to register a Government Printer's copy of this Ordinance or a certificate under section 6(3) shall not affect the vesting by virtue of section 6.

## 8. Continuance of employment

(1) Subject to subsection (2)—

- (a) a person who immediately before the commencement date was employed by the corporation sole continues to be employed by the Council on the same terms and conditions, including the remuneration payable, as applied to that person immediately before that date; and
- (b) there is no break or interruption in the employment of such person only because of the commencement of Part 2.

(2) 堂委會可於生效日期後終止第(1)款所提述的人的僱用或更改該僱用條款及條件，而終止或更改的方式和程度，與緊接該日期之前的相同。

#### 9. 已開始的作為的完成

任何在緊接生效日期之前正由單一法團作出的事情，或正代表單一法團或就單一法團作出的事情，可由堂委會繼續進行或完成，或代表堂委會或就堂委會繼續進行或完成(視屬何情況而定)。

#### 10. 訴訟權利

(1) 堂委會可就它根據第6條承擔的責任及負債而被起訴。

(2) 堂委會可就根據第6條歸屬於堂委會的據法權產而提起訴訟、進行追討或採取強制執行行動，而無需就該項歸屬向受該據法權產約束的人發出通知。

#### 11. 待決的法律程序的延續

如在緊接生效日期之前有任何以單一法團作為一方當事人的法律程序仍然待決，則須以堂委會的名稱取代單一法團的名稱，而該等法律程序不得僅因該項取代而中止。

#### 12. 證據：簿冊及文件

(1) 在生效日期之前本會就任何事宜屬對單一法團有利或不利的證據的簿冊及任何其他文件，可就同一事宜而言獲接納為對堂委會有利或不利(視屬何情況而定)的證據。

(2) 在本條中，“文件”(document)一詞的涵義，與《證據條例》(第8章)第46條中該詞的涵義相同。

#### 13. 現有協議等的效力

任何由單一法團、向單一法團或就單一法團作出或訂立的協議、安排或合約、達成的交易或作出的其他事情，如在緊接生效日期之前是有效的，或是在該日期當日或之後生效的，則該協議、安排、合約、交易或事情自該日期起猶如它是由堂委會、向堂委會或就堂委會而訂立、達成或作出(視屬何情況而定)一樣而具有效力。

(2) The employment of a person referred to in subsection (1) may be terminated, or the terms and conditions of such employment varied, after the commencement date by the Council in the same manner and to the same extent as immediately before that date.

#### 9. Completion of acts already commenced

Anything which immediately before the commencement date is being done by, on behalf of or in relation to the corporation sole may be carried on or completed by, on behalf of or in relation to the Council (as the case may be).

#### 10. Right of action

(1) The Council may be sued for the obligations and liabilities to which it is subject under section 6.

(2) The Council may sue on, recover or enforce a chose in action vested in it under section 6 without having to give notice of the vesting to a person bound by the chose in action.

#### 11. Continuance of pending legal proceedings

Where, immediately before the commencement date, any legal proceedings to which the corporation sole is a party are pending, the name of the Council shall be substituted for that of the corporation sole and the proceedings shall not abate by reason only of such substitution.

#### 12. Evidence: books and documents

(1) Books and any other document which would, before the commencement date, have been evidence in respect of any matter for or against the corporation sole are admissible in evidence in respect of the same matter for or against the Council (as the case may be).

(2) In this section “document” (文件) has the same meaning as in section 46 of the Evidence Ordinance (Cap. 8).

#### 13. Effect of existing agreements, etc.

Any agreement, arrangement or contract made or entered into or transaction effected or other thing done by, to or in relation to the corporation sole which is in force or effective immediately before the commencement date or which is to take effect on or after that date shall have effect as from that date as if made, entered into, effected or done by, to or in relation to the Council (as the case may be).

**14. 對單一法團的提述**

自生效日期起，在以下文件中對單一法團的提述須視為對堂委會的提述——

- (a) 任何協議、安排、合約、擔保書或文書；
- (b) 為任何法律程序而發出或擬備的任何法律程序文件或其他文件；及
- (c) 關於或影響單一法團根據第6條歸屬於堂委會的任何權利、責任、資產或負債的任何其他文件(成文法則除外)。

**15. 財產紀錄**

單一法團在緊接生效日期之前的財產紀錄，如是以記項形式載於任何銀行、公司或其他法團的簿冊內的，則該銀行、公司或法團須應堂委會的要求，將該等簿冊內的財產紀錄移轉至堂委會名下。

**16. 簿冊等的交付**

所有與單一法團有關並在緊接生效日期之前由單一法團看管和保管的簿冊、文據、會議紀錄、收據、帳目或其他文件，均須由在生效日期開始之時看管和保管該等文件的人在生效日期當日交付予堂委會。

**17. 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《基督教靈糧世界佈道會法團條例》(第1079章)，將基督教靈糧世界佈道會香港靈糧堂堂務委員會(“堂委會”)成立為法團以管治和經辦香港靈糧堂(“靈糧堂”)，取代將基督教靈糧世界佈道會的香港會長成立為單一法團(“單一法團”)的做法。

**14. References to the corporation sole**

References to the corporation sole—

- (a) in any agreement, arrangement, contract, bond or instrument;
  - (b) in any process or other document issued or prepared for the purpose of any legal proceedings; and
  - (c) in any other document (other than an enactment) relating to or affecting any right, obligation, asset or liability of the corporation sole which vests in the Council under section 6,
- shall be taken as from the commencement date as referring to the Council.

**15. Record of property**

The record of property of the corporation sole immediately before the commencement date that is in the form of an entry in the books of a bank, company or other corporation is to be transferred in those books to the Council upon the request of the Council made to the bank, company or corporation.

**16. Delivery of books, etc.**

All books, papers, minutes, receipts, accounts or other document relating to the corporation sole that were under the care and custody of the corporation sole immediately before the commencement date shall be delivered to the Council on that date by the person who has the care and custody of those documents on the commencement of that date.

**17. 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 purpose of this Bill is to amend the Ling Liang World-Wide Evangelistic Mission Incorporation Ordinance (Cap. 1079) so that instead of incorporation of the President in Hong Kong of the Ling Liang World-Wide Evangelistic Mission as a corporation sole (“Corporation Sole”), The Council of Ling Liang World-Wide Evangelistic Mission Hong Kong Ling Liang Church (“Council”) is to be incorporated to manage and operate the Hong Kong Ling Liang Church (“Church”).

2. 本條例草案的主要條文如下——
- (a) 新的第3條就將堂委會成立為法團訂定條文，並說明堂委會的主要特徵；
  - (b) 新的第4條列出堂委會的權力；
  - (c) 新的第5、6及7條就以下各項訂定條文——
    - (i) 按照堂委會的會章(“會章”)委任或選出堂委會的成員及其主席及副主席(視屬何情況而定)；
    - (ii) 召開靈糧堂會友的周年大會及特別大會；及
    - (iii) 由堂委會備存最新的靈糧堂會友名冊；
  - (d) 新的第8條說明修訂會章的程序；
  - (e) 新的第9條除就其他事宜作出規定外，亦規定須將會章的文本、堂委會成員及獲授權以堂委會印章簽署文件的人的姓名和地址的列表，送交公司註冊處處長以辦理登記；
  - (f) 新的第10條指明堂委會的法團印章的使用方式。
3. 本條例草案並進一步就自草案第1(2)條指明的生效日期起，將單一法團的所有權利、責任、資產及負債移轉至及歸屬於堂委會一事，訂定條文。

何耀棟律師事務所  
基督教靈糧世界佈道會法團代表律師

2. The main provisions of the Bill are as follows—
- (a) new section 3 provides for the incorporation of the Council and describes its main features;
  - (b) new section 4 sets out the powers of the Council;
  - (c) new sections 5, 6 and 7 provide for—
    - (i) appointment or election of the Council members and its Chairman and Vice-Chairman (as the case may be) in accordance with the Constitution of the Council (“Constitution”);
    - (ii) holding of annual general meetings and extraordinary general meetings of the members of the Church; and
    - (iii) keeping of an updated register of the members of the Church by the Council;
  - (d) new section 8 describes the procedures for amending the Constitution;
  - (e) new section 9 requires, inter alia, the registration with the Registrar of Companies of a copy of the Constitution, list of the names and addresses of the Council members and persons authorized to sign documents under seal;
  - (f) new section 10 specifies how the common seal of the Council is to be used.
3. The Bill further provides for the transferring and vesting of all rights, obligations, assets and liabilities of the Corporation Sole to the Council from the commencement date specified in clause 1(2) of the Bill.

GALLANT Y. T. HO & CO.  
Solicitors for Ling Liang  
World-Wide Evangelistic  
Mission Incorporation