

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 12 OF 2020



Carrie LAM
Chief Executive
24 June 2020

An Ordinance to amend the St. John's College Ordinance to give protection to members of the body corporate incorporated under the Ordinance and some other persons mentioned in the Ordinance; and to give the body corporate certain express powers.

[26 June 2020]

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the St. John's College (Amendment) Ordinance 2020.

2. St. John's College Ordinance amended

The St. John's College Ordinance (Cap. 1089) is amended as set out in sections 3 and 4.

3. Section 4 amended (powers)

After section 4(2)—

Add

“(3) Without limiting subsections (1) and (2), the College has the powers to—

- (a) borrow or otherwise raise moneys and may do so on the securities or terms (including, without limitation, the giving of guarantee, the issuance of letter of support to financial and non-financial institutions) that it thinks expedient; and
 - (b) invest any money belonging to the College in the manner and to the extent that it thinks expedient.
- (4) To avoid doubt, the powers contained in subsections (1) and (2) include the powers for the College to acquire, hold and dispose of interest in other corporate bodies and take part in forming corporate bodies.
- (5) In exercising any of its powers, the College may either exercise alone or in association with any other person or body corporate.”.

4. Sections 8A and 8B added

After section 8—

Add

“8A. Protection of members and other persons involved in performing functions or exercising powers

- (1) A person to whom this subsection applies, acting in good faith, is not personally liable for any liability or any claim in respect of any act done or default made—
- (a) in the exercise or purported exercise of the powers conferred by this Ordinance; or

- (b) in the performance or purported performance of the functions or duties imposed under this Ordinance.
- (2) The protection conferred on a person by subsection (1) in respect of any act or default does not affect any liability of the College for that act or default.
- (3) Subsection (1) applies to—
 - (a) any person who falls within the definition of *members* in section 2;
 - (b) any person who is a member of any committee established under section 8; and
 - (c) any person who is an officer of the College as referred to in section 3 of the Schedule.

8B. Protection of members generally

To avoid doubt, a person who is within the definition of *members* in section 2 is not personally liable for any liability of the College solely because he or she is one of the members of the College.”.

5. 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.