

Customs and Excise Service Children's Education Trust Fund Ordinance

(Cap. 551)

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An Ordinance to provide for the establishment and administration of the Customs and Excise Service Children's Education Trust Fund and for connected matters.

[21 July 2000] *L.N. 241 of 2000*

(Enacting provision omitted—E.R. 1 of 2015)

(Format changes—E.R. 1 of 2015)

1. Short title

(Amended E.R. 5 of 2018)

(1) This Ordinance may be cited as the Customs and Excise Service Children's Education Trust Fund Ordinance.

(2) *(Omitted as spent—E.R. 1 of 2015)*

2. Interpretation

In this Ordinance, unless the context otherwise requires—

commencement date (生效日期) means the date of commencement of this Ordinance;

Commissioner (關長) means the Commissioner of Customs and Excise; *(Amended 18 of 2014 s. 138)*

committee (委員會) means the committee established by section 6;

customs officer (關員級人員) has the meaning assigned to it by section 2 of the Customs and Excise Service Ordinance (Cap. 342);

fund (基金) means the fund established by section 3;

higher education (高等教育) means post-primary education or any education of a professional, technological, academic or other nature not below the standard of post-primary education;

trustee (受託人) means the Commissioner as trustee of the fund.

3. Establishment of the fund

- (1) There is hereby established a fund to be known as the “Customs and Excise Service Children’s Education Trust Fund” (香港海關人員子女教育信託基金). (*Amended E.R. 5 of 2018*)
- (2) The trustee shall hold the fund upon trust and subject to the provisions of this Ordinance.
- (3) The fund shall consist of—
 - (a) all moneys donated to the Commissioner prior to the commencement date in anticipation of the establishment of the fund;
 - (b) such further moneys and assets as may, from time to time on or after the commencement date, be—
 - (i) donated, subscribed or bequeathed to, and accepted by, the trustee for the purposes of the fund; or
 - (ii) otherwise acquired by the trustee for the purposes of the fund; and
 - (c) any interest and income derived from the moneys and assets of the fund.

4. Incorporation of Commissioner as trustee

- (1) For the purposes of this Ordinance, the Commissioner shall be the trustee of the fund and shall be a corporation sole (in this section referred to as **the corporation**) and shall have the name of “The Trustee of the Customs and Excise Service Children’s Education Trust Fund” (香港海關人員子女教

育信託基金受託人), and in that name shall have perpetual succession and may sue and be sued in any court.

- (2) The corporation shall have a common seal and the affixing of the seal shall be authenticated by the signature of the trustee.
- (3) Any instrument purporting to be an instrument duly executed under the common seal of the corporation shall be admissible in evidence and shall, unless the contrary is proved, be deemed to be an instrument so executed.

5. Objects of the trust and application of the fund

The trustee shall apply the fund in such manner and to such extent as the committee may, in its absolute discretion, direct for the following objects—

- (a) to provide assistance in, and facilities for, the higher education of the children of customs officers;
- (b) to provide assistance in, and facilities for, the education and training of handicapped children of customs officers; and
- (c) such other objects ancillary or incidental to the objects referred to in paragraphs (a) and (b) as the committee may consider appropriate.

6. Establishment of committee

- (1) The fund shall be managed by a committee known as the “Customs and Excise Service Children's Education Trust Fund Committee” (香港海關人員子女教育信託基金委員會). (*Amended E.R. 5 of 2018*)
- (2) The committee shall consist of—
 - (a) a chairman, appointed by the Financial Secretary;
 - (b) the Commissioner, or a person appointed by the Commissioner to represent him;

- (c) the officer in charge of the Service Welfare Division of the Customs and Excise Service;
 - (d) a representative of the customs officers, appointed by the Financial Secretary; and
 - (e) not more than 2 other members appointed by the Financial Secretary.
- (3) A member appointed by the Financial Secretary under this section—
- (a) shall hold office for such period as is specified in the member's letter of appointment;
 - (b) may be reappointed or removed by the Financial Secretary; and
 - (c) may resign by giving notice in writing to the Financial Secretary.
- (4) Unless otherwise provided by standing orders made under section 7, the quorum necessary for the transaction of business by the committee shall be the chairman and 2 members.

7. Standing orders

- (1) The committee may make standing orders—
- (a) governing its procedure in the transaction of business;
 - (b) for the maintenance of good order at its meetings; and
 - (c) generally, for matters relating to the administration and management of the fund and the discharge of the duties of the committee.
- (2) A copy of every standing order shall be furnished to the Chief Secretary for Administration and every such order shall be subject to amendment by the Chief Executive.

- (3) All questions arising at any meeting of the committee shall be decided by a majority of votes of members present, and, in case of an equality of votes, the chairman shall have a casting vote in addition to his original vote.
- (4) No standing order made under this section shall be inconsistent with any of the provisions of this Ordinance.

8. Appointment of officers

The committee may appoint an honorary secretary, an honorary treasurer and such other honorary officers as it may deem necessary and it may fix the terms and conditions of their appointments.

9. Investment of moneys of the fund

Subject to the prior approval of the committee, the trustee may invest any money of the fund in any investment—

- (a) authorized under the Trustee Ordinance (Cap. 29); or
- (b) otherwise recommended by the Investment Advisory Board appointed under section 10.

10. Investment Advisory Board

- (1) For the purposes of making recommendations to the trustee on the investment of fund moneys in investments other than those authorized under the Trustee Ordinance (Cap. 29), there shall be established an Investment Advisory Board, which shall consist of at least 3 but not more than 5 persons appointed by the Financial Secretary.
- (2) A member appointed under this section—
 - (a) shall hold office for such period as is specified in the member's letter of appointment;
 - (b) may be reappointed or removed by the Financial Secretary; and

- (c) may resign by giving notice in writing to the Financial Secretary.
- (3) The Financial Secretary shall appoint a chairman from among the members of the Investment Advisory Board.
- (4) The procedure for convening meetings of the Investment Advisory Board and for transacting business at those meetings is, subject to this section, to be as determined by the Investment Advisory Board.

11. Accounts

- (1) The trustee shall cause proper accounts and records to be kept of all financial transactions of the fund and shall cause to be prepared, for each financial year, a statement of the accounts of the fund.
- (2) The statement of accounts shall include an income and expenditure account for the financial year to which it relates and a balance sheet made up to the last day of that financial year.
- (3) The statement of accounts shall be signed by the trustee and the chairman of the committee within 3 months after the end of the financial year to which it relates.
- (4) The accounts of the fund and the signed statement of accounts shall be audited by the Director of Audit who shall certify the statement subject to such report, if any, as he may think fit.
- (5) The trustee shall within 3 months after his receipt of the audited statement of accounts of a particular financial year from the Director of Audit, or such longer period as the Financial Secretary may allow, cause to be laid on the table of the Legislative Council, copies of the following documents in respect of that financial year—
 - (a) the trustee's report on the administration of the fund;

- (b) the audited statement of accounts;
 - (c) the Director of Audit's report, if any; and
 - (d) any other report as the trustee may think fit to lodge.
- (6) In this section, *financial year* (財政年度) means—
- (a) the period beginning with the commencement date and ending with 31 March next following; and
 - (b) the period of 12 months ending 31 March in each subsequent year.

12. Cost of administration of the fund

The cost of the administration of the fund shall be a charge on the general revenue.