

1997 年第 398 號法律公告

## 公共財政條例

## 臨時立法會決議

## 土地基金

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

L.N. 398 of 1997

## PUBLIC FINANCE ORDINANCE

## RESOLUTION OF THE PROVISIONAL LEGISLATIVE COUNCIL

## LAND FUND

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

- (b) 在扣除所有與土地基金的管理和管控有關的開支後，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控有關的開支，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；
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。

臨時立法會秘書  
馮載祥

1997 年 7 月 23 日

- (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. 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.

Ricky FUNG Choi-cheung  
Clerk to the Provisional  
Legislative Council

23 July 1997