

# **Secretary for Home and Youth Affairs Incorporation Ordinance**

**(Cap. 1044)**

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To provide for the incorporation of the Secretary for Home and Youth Affairs.

*(Amended L.N. 22 of 1969; L.N. 67 of 1985; L.N. 262 of 1989; L.N. 144 of 2022)*

[10 April 1928]

*(Format changes—E.R. 6 of 2022)*

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Editorial Note:

Please see paragraph (3) of the Resolution of the Legislative Council (L.N. 144 of 2022) for the saving and transitional provisions relating to the amendment of “The Secretary for Home Affairs Incorporated” to “The Secretary for Home and Youth Affairs Incorporated”.

**1. Short title**

This Ordinance may be cited as the Secretary for Home and Youth Affairs Incorporation Ordinance.

*(Amended L.N. 22 of 1969; L.N. 67 of 1985; L.N. 262 of 1989; L.N. 144 of 2022)*

**2. Secretary for Home and Youth Affairs constituted a corporation sole**

*(Replaced L.N. 144 of 2022)*

The person for the time being performing the duties of the office of Secretary for Home and Youth Affairs shall be a corporation sole, hereinafter called *the corporation*, and shall have the name of “The Secretary for Home and Youth Affairs Incorporated” and shall and may have and use a common seal.

*(Amended 18 of 1957 Third Schedule; L.N. 22 of 1969; L.N. 15 of 1970; L.N. 67 of 1985; L.N. 68 of 1985; L.N. 262 of 1989; L.N. 263 of 1989; L.N. 144 of 2022)*

### **3. Powers of corporation**

- (1) The corporation shall have power to acquire, accept leases of, purchase, take, hold and enjoy any lands, buildings, messuages or tenements of what nature or kind soever and wheresoever situate, and also to invest moneys upon mortgage of any lands, buildings, messuages or tenements or upon the mortgages, debentures, stocks, funds, shares or securities of any government, municipality, corporation or company, and also to purchase, acquire and possess goods and chattels of what nature and kind soever.
- (2) The corporation shall further have power to grant, sell, convey, assign, surrender, exchange, partition, yield up, mortgage, demise, reassign, transfer or otherwise dispose of any lands, buildings, messuages, tenements, mortgages, debentures, stocks, funds, shares or securities, or other goods and chattels whatsoever, which are for the time being vested in or belonging to the corporation, upon such terms as to the corporation may seem fit. *(Amended 4 of 1955 s. 2)*

### **4. Property and rights transferred to corporation to vest or remain vested in corporation and not to pass to personal representatives of occupant**

Notwithstanding any change in the occupant of the corporation, whether on account of death, departure on leave, return from leave, temporary employment elsewhere, resumption of duties, new appointment or other cause whatsoever, and notwithstanding the nature of the property or rights, all property and rights whatsoever, transferred to the corporation or to any occupant of the corporation as such, in any manner whatsoever, shall vest or remain vested in the corporation so as to be capable of being dealt with by the

occupant of the corporation for the time being and shall not vest in any occupant in his natural capacity.

**5. Evidence as to the identity of the occupant of the corporation**

If any question arises as to who is or was at any time the occupant of the corporation for the time being, a certificate under the hand of the Chief Secretary for Administration shall be conclusive evidence for all purposes whatsoever as to the person who is or was the occupant.

*(Amended L.N. 226 of 1976; L.N. 362 of 1997)*

**6. Execution of documents**

All deeds and other instruments requiring the seal of the corporation shall be sealed in the presence of the occupant of the corporation for the time being, and such deeds and instruments, and all other documents, instruments and writings requiring the signature of the corporation, shall be signed by such occupant.

**7. Vesting of property**

The corporation will continue to hold the pieces or parcels of ground which were vested in it on 10 April 1928, except such of the same as have been or may at any time be disposed of under section 3(2), together with all rights, easements and appurtenances belonging or appertaining thereto, or therewith usually held, occupied and enjoyed—

- (a) in the case of premises held under Government lease, for the term granted thereby and subject to the payment of the rent and the performance of the covenants and conditions reserved thereby and contained therein; and
- (b) in the case of there being no Government lease, for the term and subject to the payment of the rent and

performance of the covenants and conditions to be implied in all the circumstances of the case, and in every case whatsoever subject to the trusts on which the respective pieces or parcels of ground were held immediately before 10 April 1928.

*(Replaced 24 of 1950 Schedule. Amended 13 of 1966 Schedule; 18 of 1999 s. 3)*

## **8. Power to accept other trusts, to invest and deposit trust funds**

- (1) For the avoidance of doubt, it is hereby declared that it shall be lawful for the corporation to accept trusts other than those mentioned in section 7 if the corporation first obtains the approval of the Chief Executive. *(Added 4 of 1955 s. 3)*
- (2) It is also hereby declared that—
  - (a) the corporation may invest, in accordance with the provisions of the Trustee Ordinance (Cap. 29), such trust funds in the hands of the corporation whether at the time in a state of investment or not; and
  - (b) notwithstanding such provisions, the corporation shall also have power and shall be deemed always to have had power, in cases where the occupant of the corporation for the time being considers it impracticable for any reason whatsoever for such trust funds to be so invested, to deposit such trust funds in the Hong Kong Savings Bank or such other savings bank as the Chief Executive may approve generally or in any particular case. *(Added 15 of 1958 s. 2)*

*(Amended 15 of 1958 s. 2; 18 of 1999 s. 3)*

## **9. 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 persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

*(Amended 18 of 1999 s. 3)*

## **10. Accounts, audit and annual report**

- (1) The corporation shall keep accounts and records of all transactions in respect of any trust funds it administers.
- (2) The Director of Accounting Services may give such directions in writing to the corporation as he thinks fit with respect to the keeping of accounts and records referred to in subsection (1) and the corporation shall comply with any such direction.
- (3) The corporation shall prepare in relation to the trust funds it administers a statement of accounts of the funds for each period of 12 months ending on 31 March in any year, in such form as the Director of Accounting Services may require in writing.
- (4) A statement of accounts required by subsection (3) shall be signed by the person for the time being performing the duties of the office of the Secretary for Home and Youth Affairs and shall, unless the accounts of the trust funds the corporation administers have been audited by an independent accountant under section 24(4) of the Trustee Ordinance (Cap. 29), be submitted by the corporation to the Director of Audit not later than 30 September following the end of the period to which it relates, or such later date as the Chief Executive may allow.  
*(Amended L.N. 262 of 1989; 18 of 1999 s. 3; L.N. 144 of 2022)*
- (5) Where the statement of accounts is submitted to the Director of Audit under subsection (4), such statement of accounts and the accounts of the funds referred to in subsection (1) shall

be audited by the Director of Audit, who shall certify the statement of accounts together with such report, if any, as he may think fit and submit the audited statement of accounts and the report thereon, if any, to the corporation.

- (6) A copy of the corporation's audited statement of accounts, together with the Director of Audit's report, if any, and a report, if any, by the corporation on the administration of the fund during the period covered by the audited statement of accounts shall be laid upon the table of the Legislative Council not later than 3 months after the audited statement of accounts and the report thereon, if any, are received by the corporation from the Director of Audit.

*(Added 19 of 1989 s. 2)*