

**Kwong-Wai-Shiu Hospital Ordinance
(CHAPTER 366)**

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KWONG-WAI-SHIU HOSPITAL ORDINANCE

(CHAPTER 366)

(Original Enactment: Ordinance 16 of 1910)

REVISED EDITION 1985

(30th March 1987)

An Ordinance to incorporate the Kwong-Wai-Shiu Free Hospital.

[10th June 1910^{*}]

^{*} But see preamble to Ordinance 40 of 1919.

Note: This private Ordinance is reproduced in the form it appears in the 1955 Revised Edition.

Short title

1. This Ordinance may be cited as the Kwong-Wai-Shiu Hospital Ordinance.

Society incorporated

2. The persons and firms whose names are inscribed in the Register of Members hereinafter mentioned shall be a body corporate under the name of “The Kwong-Wai-

Shiu Free Hospital”, hereinafter called the corporation, and by that name shall and may sue and be sued in any of the Courts of the Colony, and shall have perpetual succession and a common seal.

Powers

3. The corporation may acquire, purchase, lease, take, hold and enjoy movable and immovable property of every description, and may erect buildings on or otherwise develop or improve any immovable property vested in the corporation, and subject as hereinafter provided may sell, convey, assign, surrender, and yield up, mortgage, demise, reassign, transfer or otherwise dispose of any movable and immovable property vested in the corporation upon such terms as to the corporation seems fit.

General purposes

4.—(1) The objects and general purposes of the corporation are —

- (a) to establish and maintain a free public hospital for the treatment and maintenance of indigent persons connected with the Kwong-Chau, Wai-Chau and Shiu-heng prefectures of the Canton Province of China;
- (b) to establish and maintain maternity and midwifery wards for such indigent persons;
- (c) to provide medical and other assistance outside such hospital or wards for such indigent persons;
- (d) to erect buildings on or otherwise develop or improve any immovable property vested in the corporation,

and the funds of the corporation shall be used for no other purpose.

(2) Such hospital and wards shall be open to inspection at all times by the Secretary for Chinese Affairs and by the Director of Medical Services and by officers deputed by them respectively.

Management

5. The affairs of the Corporation shall be managed by seven trustees, of whom one shall be President, and by a committee of sixty members, of whom seven shall be the trustees.

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Property vested in corporation

6.—(1) All the moneys subscribed for the purpose of founding the said Kwong-Wai-Shiu Free Hospital, and all property movable or immovable purchased with such moneys

shall be vested in the corporation, and the same and all subscriptions and donations to the said hospital or to the corporation received, or to be received, shall be held by the trustees in trust for the purposes in this Ordinance declared.

May not sell or mortgage without leave of court

(2) The trustees shall not sell, exchange, mortgage, or otherwise alienate or encumber any immovable property without the leave of the High Court: Provided always that no application to the High Court shall be made without a resolution being first passed at a meeting of the committee held for such purpose.

Petition to court

(3) Such leave shall be applied for by petition addressed to the court, setting out the facts and reasons for which the said body corporate desires to sell, exchange or mortgage, or otherwise alienate or encumber the lands, and praying for a decree of the court as in a suit relating to charities.

Copy to Attorney-General

(4) A copy of every such petition shall be served on the Attorney-General a reasonable time before the hearing of the petition.

Decree by court

(5) The Attorney General may oppose the prayer of the petition, and if, after hearing him, the court is of opinion that it will be for the general advantage of the hospital, and the people for whose benefit the hospital is maintained, to grant the prayer of the petition, the court may make a decree to that effect.

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(6) The application to the court and the decree of the court shall be set out on the face of the assignment, mortgage, or other assurance of the lands to be given to the purchaser, mortgagee or other person.

(7) Any lands so sold, exchanged or otherwise alienated, except by way of mortgage, shall be held by the purchaser or person exchanging or otherwise taking the land free of the trusts imposed under this Ordinance.

Application of assets on discontinuance of hospital

(8) In the event of the discontinuance or closing of the hospital by reason of the want of sufficient funds or support, or for other reasons, all the funds and other property, movable or immovable, and assets of the corporation shall be liquidated, distributed or applied for the benefit of indigent persons connected with the Kwong-Chau, Wai-Chau and Shiu-heng prefectures of the Canton Province of China in such manner as is decided

by a resolution to be approved and passed by the majority of members present at a special general meeting to be convened for such purpose and to be confirmed by the Minister.

Control of capital funds

7.—(1) Subject to this Ordinance, the trustees shall have sole control of the capital funds of the corporation.

Deeds, etc., to be sealed

(2) All deeds, documents and other instruments requiring the seal of the corporation shall be sealed with the seal of the corporation in the presence of the President and of another trustee.

(3) The signature of the President and of another trustee shall be taken as sufficient evidence of the due sealing of such deeds, documents and other instruments.

Powers of committee

8. Subject to this Ordinance, the committee shall have full power to expend the income derived from the immovable property and capital funds of the corporation, and to govern, direct and decide all matters whatsoever connected with the appointment of officers and servants to be paid out of the funds of the corporation, and for the administration of the affairs of the corporation and the accomplishment of the objects and purposes thereof.

Register of Members

9.—(1) The committee shall cause to be kept a Register of Members of the corporation, in which shall be inscribed the names of all donors to the funds of the Kwong-Wai-Shiu Free Hospital of a sum of not less than ten dollars.

Voting by members

(2) At any meeting of the members of the corporation —

- (a) every member whose name is inscribed in the register shall be entitled to one vote; and
- (b) every firm whose name is inscribed in the register as a donor shall be entitled to be represented by one representative, who shall have one vote only.

Office to be held for one year