

**深圳市递爱福公益基金会
监事会制度**
**Rules for the Board of Supervisors of
the China DAF (Donor Advised Fund)
Charity**

(2018年9月20日经本基金会第一届理事会第二次会议批准通过)
**(Approved and adopted by the first Board of Directors at its
second Board Meeting on September 20th, 2018)**

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If you have any comments or suggestions on the content of this document, please send them to general-office@DAF-charity.org.cn. We value your feedback and help in improving this document. The English translation has been reviewed by native English speakers.

第一章 总 则

Chapter I: General Provisions

第一条 为确保监事会依法独立、有效行使监督权，提高监管工作效力，根据《中华人民共和国慈善法》《基金会管理条例》和本基金会章程，结合实际，制定本制度。

For the purposes of ensuring that the Board of Supervisors legally, independently and effectively exercises its right to supervise, enhancing the effectiveness of supervision, the Rules for the Board of Supervisors (hereinafter the ‘Rules’) are hereby formulated in accordance with the *Charity Law of the People's Republic of China, Regulation on Foundation Administration*, as well as the Articles of Organization of the China DAF (Donor Advised Fund) Charity (hereinafter the ‘Charity’), and in consideration of the Charity’s own situation and the prevailing practices in the industry.

第二条 监事会应当依法行使监督权。

The Board of Supervisors shall exercise the right to supervise in compliance with the law.

第二章 监事会

Chapter II: Board of Supervisors

第三条 本基金会设立监事会，监事数额不低于 3 名，基金会三方发起机构各推荐一名。监事会设监事长 1 名，从监事中选举产生。监事任期与理事任期相同，期满可以连任。

The Charity establishes the Board of Supervisors. The number

of Supervisors of the Charity shall be no less than three. Each of the Co-Founding Parties shall recommend one Supervisor. The Board of Supervisors has one Chairman who shall be elected from among the Supervisors. The term of the Supervisors is the same as that of the Directors. When their term of office ends, a Supervisor may be re-elected.

第四条 监事的资格:

The qualifications for Supervisors are as follows:

(一) 具有完全民事行为能力，拥护本基金会宗旨，遵守本基金会章程;

Have full capacity for civil acts, safeguard the objectives of the Charity, and comply with the Articles of Organization of the Charity;

(二) 热心本基金会所从事的公益事业;

Be passionate about the public welfare affairs that the Charity engages in;

(三) 坚持原则、公正廉洁;

Abide by principles and be impartial and honest; and

(四) 具有与担任监事相适应的工作阅历和经验。

Have work experience corresponding with the requirements of carrying out of the duties as Supervisors.

第五条 理事、理事的近亲属和基金会财务人员不得兼任监事。

The Directors, close relatives of Directors, and the financial personnel of the Charity shall not concurrently serve as Supervisors.

第六条 监事的产生和罢免:

Appointment and Removal of Supervisors:

(一) 监事由主要发起人选派;

Supervisors are appointed by the main Co-Founding Parties;

(二) 登记管理机关根据工作需要选派;

The registration authority can appoint Supervisors if needed; and

(三) 监事的变更依照其产生程序。

The change of Supervisors shall be in accordance with the prescribed procedures for their appointment.

第七条 监事的职权与义务:

Powers and Functions of Supervisors:

(一) 监事列席理事会会议, 有权向理事会提出质询和建议, 并有权向登记管理机关以及税务、会计主管部门反映情况;

Supervisors may attend the meetings of the Board of Directors and have the right to raise questions and provide suggestions. Supervisors have the right to report to the registration authority, as well as the tax and accounting authorities;

(二) 监事依照章程规定的程序检查基金会财务和会计资料, 监督理事会遵守法律和章程的情况;

In accordance with the Articles of Organization, Supervisors will examine financial and accounting

materials and supervise the compliance of the Board of Directors with laws and regulations;

(三) 监事应当遵守有关法律法规和基金会章程，忠实履行职责；

Supervisors shall observe the relevant laws, regulations, and Articles of Organization of the Charity and perform their duties with loyalty; and

(四) 监事不得从基金会获取报酬。

Supervisors shall not receive remuneration from the Charity.

第三章 监事会会议

Chapter III: Board of Supervisors Meetings

第八条 监事会会议依据工作需要随时召开，但每年不得少于2次。监事会议由监事长主持，必要时可邀请理事、管理人员、内部及外部审计人员、慈善专家顾问等列席参会。

Meetings of the Board of Supervisors shall be held at any time according to work demand, but no less than twice a year. The meetings shall be presided over by the Chairman of the Board of Supervisors. Directors, managers, internal and external auditors, philanthropic expert consultants, etc., of the Charity may be invited to the meetings if necessary.

第九条 监事会议要有专人作好记录。监事会形成决议前，可听取专业人员（例如慈善专家顾问）的意见。形成决议的，应当现场制作会议纪要，并由出席监事审阅、签名。必要时，

应将讨论和研究的问题向本会理事长或理事会及有关部门通报。

Specialists shall be engaged to record the minutes of the meetings of the Board of Supervisors. Before a resolution is passed, the Board of Supervisors shall take into consideration expert opinions (such as philanthropic expert consultants). When a resolution is passed by the Board, meeting minutes shall be taken at the meeting, and then be reviewed and signed by the Supervisors in attendance. When necessary, the matters discussed and studied shall be reported to the Chairman of the Board of Directors or the Board of Directors, as well as the relevant governmental departments.

第十条 决议违反法律、法规或章程规定，参与决议的监事应当承担 responsibility。但经证明在表决时反对并记载于会议记录的，该监事可免除责任。

If a resolution passed by the Board of Supervisors violates any law, regulation, or the Articles of Organization of the Charity, the Supervisors voting in favor of such resolution shall be held personally liable. However, if a Supervisor proves to have voted against such resolution, and their vote has been recorded in the meeting minutes, then the Supervisor shall be exempt from liability.

第四章 附 则

Chapter IV: Supplementary Provisions

第十一条 本制度未尽事宜或与有关规定不一致的，按有关规定执行。

Matters not specifically covered by the Rules or over which provisions of the Rules conflict with applicable laws or regulations, shall be governed by the applicable laws and regulations.

第十二条 本制度自 2018 年 9 月 20 日理事会审议通过，自公布之日起实施执行。

The Rules came into force following approval by the Board of Directors on September 20th, 2018.

第十三条 本制度解释权归基金会理事会执行委员会。

The Executive Committee of the Board of Directors is responsible for interpretation of the Rules.

第十四条 本文本用中英文书写，如有不一致之处，以中文为准。

The Rules are written in both Chinese and English. In case of any inconsistency, the Chinese version shall prevail.