

**立法會**  
**Legislative Council**

LC Paper No. LS 70/01-02

**Paper for the House Committee Meeting  
of the Legislative Council  
on 22 March 2002**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 15 March 2002**

**Date of Tabling in LegCo** : 10 April 2002

**Amendment to be made by** : 8 May 2002 (or 15 May 2002 if extended by resolution)

**Po Leung Kuk Ordinance (Cap. 1040)**  
**Resolution of the Board of Directors of the Po Leung Kuk (L.N. 36)**

Paragraph 1 of the Schedule to the Po Leung Kuk Ordinance (Cap. 1040) ("the Ordinance") sets out the objects of the Po Leung Kuk. Section 9 of the Ordinance provides that the board of directors of the Po Leung Kuk may amend the Schedule by resolution with the prior approval of the advisory board of the Po Leung Kuk. Such a resolution is required to be published in the Gazette and shall come into operation on the day of publication unless otherwise provided. This Resolution amends paragraph 1 of the Schedule by adding a new sub-paragraph to enable the Po Leung Kuk to undertake charitable work outside Hong Kong with the prior approval of the Secretary for Home Affairs. The Resolution came into operation on the day of publication in the Gazette, i.e. 15 March 2002.

2. The Legal Service Division has written to the Administration to seek clarification of some legal and drafting points regarding the Resolution. The Administration is still in the course of preparing its reply. Copies of the correspondence are annexed to the Report for members' reference.

3. The Legal Service Division will further report on this item immediately upon receipt of the Administration's reply.

Encl

Prepared by

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Assistant Legal Adviser  
Legislative Council Secretariat  
20 March 2002  
LS/S/25/01-02

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Secretary for Home Affairs  
Home Affairs Bureau  
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15 March 2002

**BY FAX**

Fax No. : 2591 6002  
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(Attn : Miss Anges Kwan  
Assistant Secretary (4)2)

Dear Miss Kwan,

**Resolution of the Board of Directors of the Po Leung Kuk (L.N. 36 of 2002)**

We are scrutinising the legal and drafting aspects of the captioned Resolution. We should be grateful for your clarification of the following points:—

- (a) Will the accounting requirements under section 7 of the Principle Ordinance apply to charitable work undertaken outside Hong Kong under the new sub-paragraph (ea)?
- (b) Will the directors be indemnified, under section 8 of the Principle Ordinance, by the Corporation against liability for any charitable work undertaken outside Hong Kong under the new sub-paragraph (ea)?
- (c) Are the powers given to the Corporation under paragraph 2 to the Schedule of the Principle Ordinance wide enough to cover the scope of charitable work to be undertaken under the new sub-paragraph (ea)?
- (d) Under what circumstances will the Secretary for Home Affairs give or not give his approval of the charitable work proposed to be undertaken outside Hong Kong?

It is appreciated that your reply in both languages, could reach us by **Monday, 18 March 2002.**

Yours sincerely,

(Stephen Lam)  
Assistant Legal Adviser

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20 March 2002

Mr Stephen LAM  
Assistant Legal Advisor  
Legal Service Division  
Legislative Council Secretariat  
Fax : 2877 5029

Dear Mr LAM

**Resolution of the Board of Directors of the Po Leung Kuk  
(L. N. 36 of 2002)**

Thank you for your letter of 15 March 2002. We are awaiting the views of Po Leung Kuk on your enquiries and hence unable to provide you an urgent reply within your required time period. Please however be rest assured that we would let you have the clarifications soonest possible.

Best regards.

(Miss Agnes KWAN)  
for Secretary for Home Affairs