

立法會
Legislative Council

LC Paper No. CB(2) 2632/01-02
(These minutes have been seen by
the Administration)

Ref : CB2/SS/9/01

**Subcommittee on
the Resolution of the Board of Directors of the Po Leung Kuk**

**Minutes of meeting
on Tuesday, 9 April 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon Margaret NG (Chairman)
Hon HUI Cheung-ching, JP
Hon Andrew WONG Wang-fat, JP
Hon Emily LAU Wai-hing, JP
Hon LAW Chi-kwong, JP
Dr Hon TANG Siu-tong, JP
Hon Henry WU King-cheong, BBS
Hon IP Kwok-him, JP

Public Officers Attending : Mr Stephen FISHER
Deputy Secretary for Home Affairs

Mr Kevin YEUNG
Principal Assistant Secretary for Home Affairs

Mr K K WONG
Chief Executive Officer
Po Leung Kuk

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in Attendance : Miss Kitty CHENG
Assistant Legal Adviser 5

Ms Joanne MAK
Senior Assistant Secretary (2)2

I. Election of Chairman

Ms Margaret NG was elected Chairman of the Subcommittee.

II. Meeting with the Administration and representative from the Po Leung Kuk

[The Resolution (L.N. 36 of 2002), LC Paper No. LS 70/01-02, CB(2) 1526/01-02 and CB(2) 1540/01-02]

2. The Subcommittee deliberated (Index of proceedings attached at **Annex**).
3. Members sought clarification on the following -
 - (a) the policy for the Secretary for Home Affairs (SHA) to grant approval to charitable organisations undertaking charitable work outside Hong Kong;
 - (b) the considerations for SHA to grant such approvals; and
 - (c) the funding of charitable work to be undertaken outside Hong Kong.
4. In response to members' concerns, the Chief Executive Officer of the Po Leung Kuk gave an undertaking at the meeting that the Kuk would not divert any existing public funds or donations received by the Kuk to finance its charitable work outside Hong Kong. Any charitable work undertaken by the Kuk outside Hong Kong would be financed by new money with the explicit consent of the donor(s) concerned.
5. The Subcommittee requested the Administration to provide information on the following -
 - (a) to confirm whether it was legally in order for a charitable organisation to transfer any of the general donations it received to finance its charitable work undertaken outside Hong Kong; and

- (b) to confirm whether the undertaking of charitable work by the Po Leung Kuk outside Hong Kong would affect the Kuk's status as a charitable institution under section 88 of the Inland Revenue Ordinance (Cap.112), and whether donations to charitable work outside Hong Kong would also be counted for tax-deduction purposes under Cap.112.

The Administration agreed to provide a written response within the next couple of days.

III. Any other business

6. The Subcommittee agreed that it would not be necessary to convene a further meeting, if members did not raise comments on the Administration's written response which would be circulated to members when received. The Subcommittee would report its deliberations to the House Committee on 26 April 2002.
7. The Chairman requested to put on record that the Administration should avoid putting into operation a piece of subsidiary legislation before the expiry of the scrutiny period by the Legislative Council.
8. There being no other business, the meeting ended at 5:40 pm.

Council Business Division 2
Legislative Council Secretariat
22 July 2002

**Proceedings of the meeting of the Subcommittee on
the Resolution of the Board of Directors of the Po Leung Kuk
on Tuesday, 9 April 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
0001-0301	Chairman	i. Election of Chairman ii. Introductory remarks	
0302-0508	ALA	i. The powers of the Po Leung Kuk as stipulated in the Po Leung Kuk Ordinance as to whether it can only undertake charitable work within Hong Kong ii. Similar provision in paragraph 1(i) of the First Schedule to the Tung Wah Group of Hospitals Ordinance (No. 4 of 1971) on undertaking charitable work outside Hong Kong	
0509-0522	Chairman	- Ditto -	
0523-0535	ALA	- Ditto -	
0536-0545	Chairman	- Ditto -	
0546-0553	ALA	- Ditto -	
0554-0615	Chairman	- Ditto -	
0616-1305	Admin	i. Purpose of the Resolution ii. Guiding principles adopted by the Secretary for Home Affairs (SHA) in granting approval to the Kuk to undertake charitable work outside Hong Kong iii. Po Leung Kuk's undertaking that it would not initiate charitable work outside Hong Kong before the Legislative Council concluded scrutiny of the Resolution iv. Paragraph 1(i) of the First Schedule to the Tung Wah Group of Hospitals Ordinance (No. 4 of 1971)	
1306-1314	Chairman	- Ditto -	
1315-1447	Hon Henry WU	Criteria for SHA's approval - i. Assessment of public support of the charitable work to be undertaken outside Hong Kong	

		ii. Nature and scope of such work iii. The need for a separate bank account for charitable work outside Hong Kong	
1448-1726	Admin	- Ditto -	
1727-1854	Chief Executive Officer of the Po Leung Kuk	- Ditto -	
1855-1954	Hon Henry WU	- Ditto -	
1955-1999	Chairman	- Ditto -	
2000-2151	Admin	- Ditto -	
2152-2233	Chief Executive Officer of the Po Leung Kuk	- Ditto -	
2234-2237	Chairman	- Ditto -	
2238-2416	Hon Andrew WONG	i. Use of existing funds/donations for financing charitable work outside Hong Kong ii. Arrangements for other charitable organisations iii. Whether or not the beneficiaries of the charitable work outside Hong Kong should be specified to be Chinese	
2417-2814	Admin	- Ditto -	
2815-2829	Hon Andrew WONG	- Ditto -	
2830-2839	Admin	- Ditto -	
2840-2847	Hon Andrew WONG	- Ditto -	
2848-3059	Chairman	- Ditto -	
3100-3206	Admin	- Ditto -	
3207-3218	Hon Andrew WONG	- Ditto -	
3219-3230	Chairman	- Ditto -	
3231-3242	Hon Andrew WONG	- Ditto -	
3243-3304	Chairman	- Ditto -	Adm to provide response (paragraph 5(a) of the minutes)
3305-3418	Hon HUI Cheung-ching	Clarification on paragraph 6(c) of the Administration's paper [LC Paper No. CB(2) 1526/01-02(04)]	

3419-3435	Admin	- Ditto -	
3436-3450	Hon HUI Cheung-ching Admin	- Ditto -	
3451-3459	Chairman Hon HUI Cheung-ching	- Ditto -	
3500-3525	Chairman	- Ditto -	
3526-3533	Admin	- Ditto -	
3534-3619	Chief Executive Officer of the Po Leung Kuk	Undertaking of the Po Leung Kuk that no existing funds/donations would be used to finance charitable work to be undertaken outside Hong Kong	
3620-3802	Hon Emily LAU	<ul style="list-style-type: none"> i. Whether the reference to "among Chinese" in paragraph 1(i) of the First Schedule to the Tung Wah Group of Hospitals Ordinance should be deleted ii. Breakdown on the recurrent expenditure of the Po Leung Kuk for the 2001/02 financial year iii. Policy on redeployment of resources of charitable organisations to support the charitable work outside Hong Kong 	
3803-3914	Admin	- Ditto -	
3915-4014	Chief Executive Officer of the Po Leung Kuk	- Ditto -	
4015-4035	Hon Emily LAU	- Ditto -	
4036-4122	Chief Executive Officer of the Po Leung Kuk	- Ditto -	
4123-4138	Hon Emily LAU Chief Executive Officer of the Po Leung Kuk	- Ditto -	
4139-4143	Chairman	- Ditto -	
4144-4249	Hon IP Kwok-him	Possibility for the Kuk to use existing funds to finance charitable work outside Hong Kong	
4250-4405	Chief Executive Officer of the Po Leung Kuk	- Ditto -	
4406-4449	Hon IP Kwok-him Chairman	- Ditto -	

4450-4525	Chief Executive Officer of the Po Leung Kuk	- Ditto -	
4526-4535	Hon IP Kwok-him	- Ditto -	
4536-4550	Chief Executive Officer of the Po Leung Kuk	- Ditto -	
4551-4808	Hon Henry WU	i. Nature and scope of the charitable work outside Hong Kong ii. Tax concessions for donors who donated funds for charitable work outside Hong Kong	
4809-4902	Admin	- Ditto -	
4903-4913	Hon Henry WU	- Ditto -	
4914-4948	Admin	- Ditto -	
4949-5029	Hon Henry WU	- Ditto -	
5030-5104	Admin	- Ditto -	
5105-5113	Hon Henry WU	- Ditto -	
5114-5134	Admin	- Ditto -	
5135-5202	Chairman	- Ditto -	
5203-5211	Hon Henry WU	- Ditto -	
5212-5240	Chairman	- Ditto -	
5241-5307	Hon LAW Chi-kwong	- Ditto -	
5308-5359	Chairman	- Ditto -	Adm to provide response (paragraph 5(b) of the minutes)
5400-5659	Hon LAW Chi-kwong Chairman	Policy on monitoring the use of manpower resources by charitable organisations to support charitable work outside Hong Kong	
5700-5824	Hon LAW Chi-kwong	- Ditto -	
5825-5847	Chairman	- Ditto -	
5848-5929	Admin	- Ditto -	
5930-5937	Chairman	- Ditto -	
5938-010044	Dr Hon TANG Siu-tong	Income source to meet management staff cost of the Po Leung Kuk	
010045-010131	Chief Executive Officer of the Po Leung Kuk	- Ditto -	

010132-010339	Chairman	Legislative timetable and supplementary information required to be provided by the Administration	
010340-010406	Admin	- Ditto -	
010407-010552	Chairman	Subsidiary legislation not to take effect before LegCo completed scrutiny	

Note : The audio records of the above proceedings are kept at the LegCo Library

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