

**Extract from the draft minutes of the House Committee Meeting
on 22 March 2002**

X X X X X X X X

IV. Legal Service Division report on subsidiary legislation to be tabled in Council on 10 April 2002

Legal Service Division report on subsidiary legislation gazetted on 15 March 2002

(LC Paper No. LS 70/01-02)

21. Acting Legal Adviser said that only one item of subsidiary legislation, the Resolution of the Board of Directors of the Po Leung Kuk, was gazetted on 15 March 2002. He explained that the Resolution, which would be tabled in Council on 10 April 2002, sought to amend paragraph 1 of Schedule 1 to the Po Leung Kuk Ordinance to enable it to undertake charitable work outside Hong Kong with the prior approval of the Secretary for Home Affairs (SHA).

22. Acting Legal Adviser further said that the Legal Service Division was seeking clarification from the Administration on certain legal and drafting points, and a further report would be provided. He added that the deadline for amending this item of subsidiary legislation was 8 May 2002, or 15 May 2002 if extended by resolution.

23. Mr HUI Cheung-ching said that he had attended the "Joint Meeting between the Po Leung Kuk Advisory Board and the Board of Directors 2001/02" on 21 March 2001. He was given to understand that LegCo had approved a similar amendment to the Tung Wah Group of Hospitals Ordinance (Cap. 1051) before 1997. Representatives of the Administration attending the meeting had also explained to him that prior approval of SHA would be required for the Po Leung Kuk to undertake charitable work outside Hong Kong. Moreover, separate accounts had to be maintained for the donations received and expenditure incurred in connection with the charitable work undertaken outside Hong Kong. Mr HUI said that he had requested the Administration and the Po Leung Kuk to provide a written response to the queries raised by the Legal Service Division.

24. Ms Emily LAU said that SHA should explain the policy of charitable organisations which received public funding/donations, such as the Po Leung Kuk, undertaking charitable work outside Hong Kong. She considered that there should be a mechanism for the public to be informed of how public

funds/donations were spent. She further said that SHA should also explain his role in the granting of approval for these organisations to undertake charitable work outside Hong Kong.

25. Ms Emily LAU also expressed concern whether the Po Leung Kuk would undertake charitable work outside Hong Kong before LegCo had completed scrutiny of the subsidiary legislation. Mr HUI Cheung-ching responded that there was no urgent need for the Po Leung Kuk to undertake charitable work outside Hong Kong for the time being.

26. Acting Legal Adviser advised that the Resolution had already taken effect from the date of its publication in the Gazette, i.e. 15 March 2002. While LegCo could make amendment to the Resolution within the scrutiny period, the amendment would only take effect from the date it was published in the Gazette. In response to Miss Margaret NG, Acting Legal Adviser said that LegCo had the power to repeal or amend the Resolution within the scrutiny period.

27. Ms Emily LAU suggested that the Chairman should relay Members' concern to the Po Leung Kuk or the Administration that pending the scrutiny of the Resolution by LegCo, the Po Leung Kuk would not undertake charitable work outside Hong Kong. She said that this was to avoid any unnecessary complication should LegCo decide to amend or repeal the Resolution.

28. The Chairman said that she would write to SHA to convey Members' concern about the matter. To allow more time for Members to discuss the related policy issues with the Administration, the Chairman proposed that a subcommittee be set up right away. Members agreed. The following Members agreed to join : Miss Margaret NG, Mr HUI Cheung-ching, Mr Andrew WONG, Ms Emily LAU, Mr LAW Chi-kwong (as advised by Mr Sin Chung-kai), Mr Henry WU, and Mr IP Kwok-him. Ms Emily LAU requested the Secretariat to provide information on the similar amendment to the Tung Wah Group of Hospitals Ordinance referred to in paragraph 23 above to the subcommittee.

X X X X X X X X