

民政事務總署
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19 March 2014

Mr. Timothy TSO,
Assistant Legal Adviser
Legislative Council Secretariat
Legal Service Division
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Mr. Tso,

**Resolution of the Board of Directors of the Po Leung Kuk
(L.N. 24 of 2014)**

Thank you for your letter of 17 March 2014. We have consulted Po Leung Kuk (PLK) on the matters and our response is as follows:

Paragraph 3 of the LegCo Brief

2. It is one of the objects of PLK, under paragraph 1(g) of the Schedule to the Po Leung Kuk Ordinance (Cap. 1040) (PLK Ordinance), to provide all kinds of social services for the Hong Kong community. According to paragraph 2(o) of that Schedule, PLK has the power to do all such other lawful things as are incidental or conducive to the attainment of the above objects. The term “social services” is not defined in the PLK Ordinance and the ordinary dictionary meaning should apply to it which, in context, shall receive such fair and liberal

construction and interpretation as will best ensure the attainment of the objects of the PLK Ordinance according to its true intent, meaning and spirit. PLK has advised that the medical and health services currently provided to the users of PLK's social service units are ancillary and supportive in nature so as to enable PLK to better provide comprehensive social services to the needy, which falls under the objects stipulated in paragraph 1(g).

Paragraph 5 of the LegCo Brief

3. PLK replies that the Resolution of the Board of Directors of PLK is drafted in a way consistent with the existing formulation of the PLK Ordinance.

4. Currently, only the objects and hence PLK's scope of services are stipulated by the PLK Ordinance. There is no provision in the PLK Ordinance which provides for the details of how each of the individual services is to be provided by PLK, including the charging of fees or otherwise. According to paragraph 2(o) of the Schedule to the PLK Ordinance, PLK shall have the power to do all such other lawful things as are incidental or conducive to the attainment of the above objects.

5. PLK is one of the charitable institutions which are exempt from tax under section 88 of the Inland Revenue Ordinance. While the details of the charging of fees are not stipulated in the PLK Ordinance, PLK has undertaken in its detailed plan (i.e. Annex B of the Legislative Council Brief) that PLK will provide medical and health services at low costs to the general public and for free to the underprivileged.

Yours sincerely,



(Miss Victoria TSE)
for Director of Home Affairs