

立法會
Legislative Council

LC Paper No. LS 25/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 12 November 1999**

**Legal Service Division Report on
Order of Friars Minor in Hong Kong Incorporation Bill**

Object of the Bill

To provide for the incorporation of the representative in Hong Kong of the Order of Friars Minor as a corporation sole.

LegCo Brief Reference

2. No LegCo Brief has been issued.

Date of First Reading

3. 10 November 1999.

Comments

4. The Honourable Ambrose LAU Hon-chuen has given notice to present the Bill to the Legislative Council as a Member's Bill. The President has ruled that the Bill does not relate to public expenditure, political structure or the operation of the Government referred to in Rule 51(3) of the Rules of Procedure nor does it relate to Government policies referred to in Rule 51(4) of the Rules of Procedure.

5. The Bill incorporates the Minister in Hong Kong of the Order of Friars Minor as a corporation sole ("the Corporation"). The Bill sets out the powers of the Corporation and provides for the manner of execution of documents, the appointment

of Minister, the transfer of property on succession of the Minister and the registration of particulars with the Registrar of Companies. The solicitors responsible for drafting of the Bill has confirmed that the Minister is not holding any property on trust for the Order of Friars Minor, hence there is no need to provide for the vesting of property in the Corporation.

6. The Bill is drafted along the same lines as the Kowloon City Baptist Church Ordinance (Cap. 1093), the Hong Kong Council of the Church of Christ in China Incorporation Ordinance (Cap. 1095) and the Prior of the Order of Cistercians of the Strict Observance Incorporation Ordinance (Cap. 1107).

Public Consultation

7. No public consultation has been carried out.

Consultation with the LegCo Panel

8. No consultation with any LegCo Panel has been carried out.

Conclusion

9. The legal and drafting aspects of the Bill are in order. Subject to Members' views, the Bill is ready for resumption of the Second Reading debate.

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