

立法會
Legislative Council

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**Paper for the House Committee Meeting
on 23 June 2006**

**Legal Service Division Report on
Hong Kong Society for the Protection of
Children Incorporation (Amendment) Bill 2006**

(Private Member's Bill introduced by Hon Bernard CHAN, JP)

I. SUMMARY

1. Objects of the Bill

- (a) To introduce an objects clause to provide that the aims and objects of the Hong Kong Society for the Protection of Children ("the Society") are, amongst other things, to provide or engage alone or in partnership with the community, in Hong Kong or elsewhere, services which promote the care, education and social development of children and their families;
- (b) to widen the investment powers of the Executive Committee of the Society; and
- (c) to indemnify members of the Executive Committee of the Society against claims arising out of the performance of their duties except claims in respect of gross negligence, dishonesty, or fraud.

2. Comments

The Bill seeks to introduce an objects clause and to expressly state that the Society is established for charitable purposes. It also seeks to widen the investment powers by permitting the Society to invest moneys in any country or territory on deposits in any bank, in debentures, stocks, funds, shares or securities of any corporation or company, in bonds of any nature, in any commodities or in such other investment as the Society may think fit. A new section 5A is sought to be added to indemnify each member of the Executive Committee of the Society against any claim whatsoever against him arising out of, or in connection with, the performance or discharge of his duties except a claim in respect of his gross negligence, dishonesty, or fraud.

3. Public Consultation

No public consultation on the Bill has been conducted.

**4. Consultation with
LegCo Panel**

The Bill has not been referred to any LegCo Panel.

5. Conclusion

This is a private Bill which does not seem to raise any matter of public policy. The Legal Service Division is looking at the technical aspects of the Bill and clarifications on the Bill are being sought from the solicitors responsible for the drafting of the Bill and will further report to the House Committee.

II. REPORT

Objects of the Bill

To amend the Hong Kong Society for the Protection of Children Incorporation Ordinance (Cap. 1058) –

- (a) to introduce an objects clause to provide that the aims and objects of the Hong Kong Society for the Protection of Children (“the Society”) are, amongst other things, to provide or engage alone or in partnership with the community, in Hong Kong or elsewhere, services which promote the care, education and social development of children and their families;
- (b) to widen the investment powers of the Executive Committee of the Society; and
- (c) to indemnify members of the Executive Committee of the Society against claims arising out of the performance of their duties except claims in respect of gross negligence, dishonesty, or fraud.

LegCo Brief Reference

- 2. No LegCo Brief on the Bill has been provided.

Date of First Reading

- 3. 21 June 2006.

Comments

- 4. This is a Member’s Bill introduced by Hon Bernard CHAN, JP.
- 5. Cap. 1058 was passed in 1969 to provide that the Society shall be a body corporate and in that name shall have perpetual succession and may sue and be sued in all courts in Hong Kong and shall have a common seal. Various powers are provided in section 4 for the Society to carry out its functions.
- 6. The Bill seeks to introduce an express provision to state that the Society is established for charitable purposes (clause 3). It further seeks to, amongst other things, provide that the aims and objects of the Society are to provide or engage, alone or in partnership with the community, in Hong Kong or elsewhere, services or

activities which promote the care, education and social development of children and their families.

7. The Society is empowered under section 4(a) of the Ordinance to, amongst other things, invest moneys on deposit in any banks or upon debentures, stock, funds, shares or securities of any corporation or company carrying on business or having an office in Hong Kong. Clause 4 of the Bill seeks to widen the investment powers by permitting the Society to invest moneys in any country or territory on deposits in any bank, in debentures, stocks, funds, shares or securities of any corporation or company, in bonds of any nature, in any commodities or in such other investment as the Society may think fit.

8. Clause 5 of the Bill seeks to add a new section 5A in that the Society shall indemnify each member of the Executive Committee against any claim whatsoever against him arising out of, or in connection with, the performance or discharge of his duties except a claim in respect of his gross negligence, dishonesty, or fraud.

Public Consultation

9. No public consultation on the Bill has been conducted.

Consultation with LegCo Panel

10. The Bill has not been referred to any LegCo Panel.

Conclusion

11. This is a private Bill which does not seem to raise any matter of public policy. The Legal Service Division is looking at the technical aspects of the Bill and clarifications on the Bill are being sought from the solicitors responsible for the drafting of the Bill and will report to the House Committee in due course.

Prepared by

Kitty Cheng
Assistant Legal Adviser
Legislative Council Secretariat
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