

LEGISLATIVE COUNCIL BRIEF

Alice Ho Miu Ling Nethersole Hospital Incorporation Ordinance
(Chapter 1072)

ALICE HO MIU LING NETHERSOLE CHARITY FOUNDATION BILL 2008

INTRODUCTION

At a meeting of the Executive Committee of the Alice Ho Miu Ling Nethersole Hospital (“the Executive Committee”) held on 12th September 2001, the Executive Committee approved the introduction of a Bill into the Legislative Council to –

- (a) provide for the repeal of the Alice Ho Miu Ling Nethersole Hospital Incorporation Ordinance (Chapter 1072) (“the Repealed Ordinance”);
- (b) continue the Executive Committee incorporated under the repealed Ordinance under the corporate name of The Alice Ho Miu Ling Nethersole Charity Foundation (“the Foundation”); and
- (c) provide for the wider powers of the Foundation as compared with the Executive Committee.

JUSTIFICATION

General Background

2. The “Alice Memorial Hospital” was established in 1887 at Hollywood Road, Hong Kong under the management of the former London Missionary Society (now known as the Council for World Mission). It was the first hospital in Hong Kong to serve the local Chinese population with western medicine.

3. In 1893, due to the shortage of beds at the Alice Memorial Hospital, the London Missionary Society set up another hospital at Bonham Road, Hong Kong in the name of “Nethersole Hospital”.

4. In 1906, a third hospital was built at Breezy Path, Hong Kong in the name of the “Ho Miu Ling Hospital” which was also managed by the London Missionary Society.
5. In 1954, the three hospitals were amalgamated in the name of the “Alice Ho Miu Ling Nethersole Hospital” and operated at Breezy Path, Hong Kong under the management of the Executive Committee which was incorporated in 1954 as a body corporate by the Repealed Ordinance.
6. In 1993, the Alice Ho Miu Ling Nethersole Hospital moved from Breezy Path, Hong Kong to open the new hospital in Chai Wan, Hong Kong, which has been known as the "Pamela Youde Nethersole Eastern Hospital”, under the management of the Hospital Authority.
7. In 1997, the Alice Ho Miu Ling Nethersole Hospital began to operate at Chuen On Road, Tai Po, New Territories in the completely new hospital premises under the Hospital Authority with the Hospital Governing Committee comprising members nominated by the Executive Committee and appointed by the Hospital Authority and other members appointed by the Hospital Authority.
8. The Executive Committee participates in the management of the Alice Ho Miu Ling Nethersole Hospital at Chuen On Road, Tai Po, New Territories through the nomination of members of the Hospital Governing Committee of the hospital.
9. In addition, the Executive Committee:
 - (a) manages homes for aged people;
 - (b) manages, in conjunction with the United Christian Medical Service, the United Christian Nethersole Community Service;
 - (c) established and manages the Nethersole Institute of Continuing Holistic Health Education and Nethersole Outreaching Rehabilitation Mission; and
 - (d) established and manages the Nethersole Chaplaincy Ministries which provides pastoral care to patients, residents and their family members and staff of the Alice Ho Miu Ling Nethersole Hospital and the Pamela Youde Nethersole Eastern Hospital as well as various elderly services, and provides Clinical Pastoral Education training programmes.

10. The functions of the Executive Committee are not only for the management of the Alice Ho Miu Ling Nethersole Hospital as its name might imply.

11. The object of the Bill is to provide for the repeal of the Repealed Ordinance and the continuance of the Executive Committee incorporated under the Repealed Ordinance under the corporate name of the Foundation, and to provide for the wider powers of the Foundation as compared with the Executive Committee.

THE BILL

12. The key provisions of the Bill are as follows –

- (a) **Clause 4** provides for the continuance of the Executive Committee under the corporate name of the Foundation.
- (b) **Clause 5** provides for the adoption and amendment of the constitution of the Foundation.
- (c) **Clause 6** provides for the membership of the Foundation and the admission of such membership.
- (d) **Clause 7** provides for the Board of Governors (including an Honorary Treasurer) of the Foundation as well as the first Governors (including the first Honorary Treasurer) of the Foundation.
- (e) **Clause 8** sets out the powers of the Foundation. These include the operation, management and supervision of the operation and management of non-profit-making hospitals, clinics, medical institutions, community health centres, social services centres and homes for aged people and dementia for –
 - (i) the care, treatment and comfort (whether physically, psychologically or spiritually) of those who are weak, sick or aged or are in need of assistance;
 - (ii) the promotion of, and the education of the community in, the awareness of health care and prevention of diseases;
 - (iii) the training of doctors, nurses, midwives and other allied health staff;
 - (iv) the promotion and the practice of the teachings of Jesus Christ in

- the service of people in need; and
- (v) the demonstration of the Christian belief in the wholeness of man, his body and spirit; and
- to operate, manage and supervise the operation and management of non-profit-making child care centres, play centres, nurseries and kindergartens for the care and education of young children.
- (f) **Clause 8** also continues the other powers of the Foundation as set out in Section 4 of the Repealed Ordinance and, amongst other things, further provides for the Foundation to accept grants, donations and subsidies as the Board of Governors may consider expedient and to make grants, donations and subsidies to such charities and charitable institutions or purposes on such terms and conditions as the Board of Governors may consider expedient and to conduct any businesses, matters or things for the furtherance of or incidental to the fulfilment of its objects as set out in the constitution.
- (g) **Clause 9** continues to provide for the use of the seal of the Foundation as set out in Section 5 of the repealed Ordinance save that the common seal of the Foundation shall be sealed and signed by two Governors instead of two members of the Executive Committee.
- (h) **Clause 10** continues to provide for the internal management of the Foundation as set out in Section 6 of the Repealed Ordinance.
- (i) **Clause 11** provides for all properties of and vested in the Executive Committee to be vested in the Foundation.
- (j) **Clause 12** provides for the repeal of the Repealed Ordinance.
- (k) **Clause 13** provides for the transitional provision for any vested or contingent gift or disposition by will, deed, testamentary disposition, or in any manner for the benefit of the Executive Committee.
- (l) **Clause 14** continues the saving provision as set out in Section 7 of the Repealed Ordinance.

LEGISLATIVE TIMETABLE

13. The legislative timetable is as follows –

Publication in the Gazette for the first time	1 February 2008
Publication in the Gazette for the second time	6 February 2008
First Reading and adjournment of Second Reading Debate	9 April 2008
Resumption of Second Reading Debate, Committee Stage Amendments and Third Reading	To be notified

PUBLICITY

14. The Bill was published in the Gazette on 1 February 2008 and 6 February 2008 and notice of the Bill was given by way of advertisements in the “Sing Tao Daily” Chinese language daily newspaper and “The Standard” English language daily newspaper on 13 February 2008 and 14 February 2008. In addition, a further press release will be issued by the Foundation upon completion of the legislative process.

ENQUIRIES

15. Any enquiries about this brief can be directed to the office of Messrs. Herbert Tsoi & Partners, Solicitors for the Executive Committee of the Alice Ho Miu Ling Nethersole Hospital at Room 602, Aon China Building, 29 Queen’s Road Central, Hong Kong, telephone number 2111 3311, facsimile number 2111 0077.

Dated this 20th day of March 2008.

Herbert Tsoi & Partners
Solicitors for the Executive
Committee of
the Alice Ho Miu Ling Nethersole
Hospital