

香港警務處支援部
香港灣仔軍器廠街一號
警察總部警政大樓四十一樓



Support Wing
Hong Kong Police Force
41/F, Arsenal House
Police Headquarters
1 Arsenal Street
Wanchai
Hong Kong

本署檔號 OUR REF. : LM (7) in CP SUP LIC CON 1-20/5 Pt.7
來函檔號 YOUR REF. : CB4/PAC/R68
電 話 TELEPHONE : 2860 2012
傳 真 FAX : 2200 4329

26 May 2017

Mr Anthony CHU
Clerk to Public Accounts Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Mr CHU,

Public Accounts Committee
Consideration of Chapter 1 of the Director of Audit's Report No. 68
Government's support and monitoring of charity

As requested in your letter of 22 May 2017, I append below the information required:-

- (a) The Societies Ordinance contains no definition of "charity" or "charity purposes". Should a society seek in the application form for society registration or exemption from registration that its establishment is solely or partly for charity purposes, the society would be categorised as charitable organisation or charity-related organisation.
- (b) Under section 5A(2) of the Societies Ordinance, a local society shall apply to the Societies Officer for exemption for registration if the society is established "solely" for religious, charitable, social or recreational purposes or as a rural committee or a federation or other

association of rural committee. If the Societies Officer exempts a society for registration, he will issue a certificate of exemption from registration.

Where a local society is established for purposes other than those set out in section 5A(2) of the Societies Ordinance, it shall register with the Societies Officer under section 5A(1) of the Societies Ordinance.

There is no difference in terms of the duties and powers of the Societies Officer vis-à-vis a registered society and an exempted society under the Societies Ordinance. Similarly, there is also no difference in terms of legal liabilities and other statutory requirements of a registered society and an exempted society under the Societies Ordinance. By way of example, both a registered society and an exempted society are required to inform the Societies Officer in writing any changes of the society's name, objects, office-bearers or principal place of business.

- (c) As required by section 14 of the Societies Ordinance, if a registered or an exempted society has subsequently dissolved itself, the office-bearers have the responsibilities to notify the Societies Officer of such dissolution in writing, not later than the expiration of one month after the dissolution takes effect. HKPF has reminded the office-bearers of this requirement in the acknowledgement letter issued to the office-bearers upon completion of society registration. A reminder message is also posted on the Police Public Page.

The Societies Office has issued internal orders to formalize the present practice of conducting regular reviews to identify inactive societies. The computer registration system of the Police Licensing Office will be upgraded by Q4 of 2018 whereby the identification of inactive societies and the management of the registered and exempted societies list will be further enhanced.

In addition, the Societies Office will modify the application form for societies registration or exemption for registration to offer an option to the society to provide an email address for electronic communication.

The HKPF will also study the feasibility of establishing an internal notification system to notify the Societies Office if a local society organizes any activity that requires an application to the HKPF, e.g. public order events; lion dances; etc., so that the Societies Office knows that the society is still active.

- (d) Paragraphs 4.17 (b) and (c) stated that the HKPF conducted no reviews of inactive societies in 2015 and 2016. Therefore, the HKPF had not requested 53 registered/exempted societies (which had not contacted the HKPF for 10 years or more at the time of the 2014 review) to furnish proof of their existence. That no review of inactive societies had been conducted in 2015 and 2016 was due to the fact that the Societies Office was fully occupied by other pressing operational priorities in those two years.

Paragraph 4.17 (d) stated that the registered/exempted societies list was not updated as 19 societies that had been marked cancelled were still included in the society list posted on the HKPF's website. The oversight was due to error in data migration during system upgrade and manual mistake during data input. The error was immediately rectified in January 2017 and the 19 societies were deleted from the registered/exempted societies list accordingly.

For improvement measures, please refer to part (c) above.

- (e) The Societies Office handles a yearly average of around 9,000 to 10,000 applications, including 2,000 new applications for societies registration/exemption for registration. It further receives a yearly average of around 100 notifications of dissolution of societies; a legal obligation which is placed on the office bearers pursuant to section 14 of the Societies Ordinance. For removal of societies from the registered/exempted societies list due to cessation of existence, the number of societies removed varies each year (ranged from 100 to 1,000).

In view of the increased workload, in 2011, one additional disciplined post was added to the Societies Office. The current manpower of 6 staff in the Societies Office is considered sufficient at this stage. The computer registration system of the Police Licensing Office will be upgraded by Q4 of 2018 whereby the efficiency and effectiveness of the Societies Office will be further enhanced.

Yours sincerely,



(P.D.G. Hodson)

for Commissioner of Police

c.c. Secretary for Financial Services and the Treasury (fax no. 2537 3210)
Commissioner of Inland Revenue (fax no. 2877 1082)
Director of Lands (fax no. 2525 4960)
Secretary of Home Affairs (fax no. 2591 5536)
Director of Social Welfare (fax no. 2891 7219)
Registrar of Companies (fax no. 2868 5384)
Secretary of Education (fax no. 2810 7235)
Director of Audit (fax no. 2583 9063)