

香港特別行政區政府
保安局



The Government of the
Hong Kong Special Administrative Region
Security Bureau

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By Fax : 2543 9197
(Total : 4 pages)

29 May 2017

Mr Anthony Chu
Clerk, Public Accounts Committee
Legislative Council Secretariat
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 charities

Thank you for your letter to the Secretary for Security dated 22 May 2017.

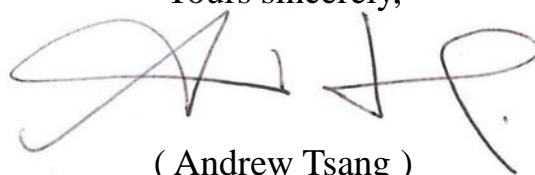
Section 15 of the Societies Ordinance (Cap 151) states that the Societies Officer may, at any time, by notice in writing served on any society require the society to furnish him in writing with such information as he may reasonably require for the performance of his functions under the Ordinance. Such information required may include the income, the source of the income and the expenditure of the society or its branch. According to Section 16, if any society fails to comply with the whole or part of any such notice, or if any information supplied to the Societies Officer in compliance with such notice is false, incorrect, or incomplete in any material particular, the person concerned shall be liable on summary conviction to a fine of \$20,000. The Societies Ordinance therefore does empower the Societies Officer to request a society to provide information on the income, source of income and expenditure of the society or its branch.

The HKSAR Government from time to time reviews the Societies Ordinance. Over the past ten years, the Ordinance has been amended twice, namely, in 2008 and 2012.

In 2008, the Societies Ordinance was amended via the Statute Law (Miscellaneous Provisions) Ordinance 2008 to give effect to the Hong Kong Court of Final Appeal's judgment in *Leung Kwok Hung v HKSAR [2005] 3 HKLRD 164* which held that 'public order (in the law and order sense)' should be severed from 'public order (*ordre public*)' in sections 14(1), 14(5) and 15(2) of the Public Order Ordinance (Cap 245). There were similar provisions in the Societies Ordinance which needed to be amended as a result of that decision. Details of the amendments to the Societies Ordinance can be found on the 12th page of the following link and the relevant page is attached at Annex I for reference: <http://www.legco.gov.hk/yr07-08/english/ord/ord010-08-e.pdf>

In 2012, the Societies Ordinance was amended as a result of consequential and related amendments to the Companies Ordinance. Details of the amendments to the Societies Ordinance can be found on the 138th page of the following link and the relevant page is attached at Annex II for reference: <http://www.legco.gov.hk/yr11-12/english/ord/ord028-12-e.pdf>

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Andrew Tsang', written in a cursive style.

(Andrew Tsang)
for Secretary for Security

c.c.
Hong Kong Police Force
(Attn: Assistant Commissioner (Support))

Fax : 2200 4328

PART 2

**AMENDMENTS TO REFERENCES TO “ORDRE PUBLIC” IN THE SOCIETIES
ORDINANCE AND THE PUBLIC ORDER ORDINANCE**

Societies Ordinance

3. Interpretation

Section 2(4) of the Societies Ordinance (Cap. 151) is amended by repealing “, “public order (*ordre public*)” ”.

4. Registration and exemption from registration

Section 5A(3)(a) is amended, in the English text, by repealing “(*ordre public*)”.

**5. Cancellation of registration or exemption
from registration**

Section 5D(1)(a) is amended, in the English text, by repealing “(*ordre public*)”.

6. Prohibition of operation of societies

Section 8(1)(a) is amended, in the English text, by repealing “(*ordre public*)”.

7. Power of entry in special cases

Section 32 is amended, in the English text, by repealing “(*ordre public*)”.

Public Order Ordinance

8. Interpretation

Section 2(2) of the Public Order Ordinance (Cap. 245) is amended by repealing “, “public order (*ordre public*)” ”.

Part 37

Amendments to Societies Ordinance (Cap. 151)

111. Schedule amended (Persons to which the Ordinance does not apply)

(1) The Schedule, item (1)—

Repeal

“(Cap. 32)”

Substitute

“(28 of 2012)”.

(2) The Schedule, after item (1)—

Add

“(1A) Any company registered under a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (28 of 2012).”.

Part 38

Amendments to Banking Ordinance (Cap. 155)

112. Section 2 amended (Interpretation)

(1) Section 2(1), definition of *authorized institution incorporated in Hong Kong*—

Repeal

“(Cap. 32)”

Substitute

“(28 of 2012), a former Companies Ordinance as defined by section 2(1) of the Companies Ordinance (28 of 2012)”.