

**Application for a Permit under S4(17)
of Summary Offences Ordinance, Cap.228
for Non-Charitable Purposes**

This application should reach Division III of Home Affairs Department at 30/F, Southorn Centre, 130 Hennessy Road at least **FOUR WEEKS** before the date of the activity. This will enable the applicant to be notified of the result of his application about seven days before the event. Non-charitable fund-raising activities without permits for fund-raising for non-charitable purposes are subject to prosecution by the Police under S4(17) of Summary Offences Ordinance, Cap.228. For enquiries, please call 2835 1492.

1. Name of applicant: * Mr/Mrs/Miss/Ms _____

Name in Chinese (if any): _____

2. Hong Kong Identity Card Number: _____

(Please enclose a photocopy of your Hong Kong Identity Card)

3. Address: _____

4. Contact Telephone No.: _____ Fax No.: _____

Email Address: _____

5. If this application is made on behalf of an organisation, please complete the following details:

i) Name of organisation (English): _____

Name of organisation (Chinese): _____

ii) Position of applicant in organisation: _____

iii) Details of key officers in organisation:

<u>Post</u>	<u>Name</u>	<u>Address</u>
<u>President/Chairman</u>	_____	_____ _____ _____
<u>Secretary</u>	_____	_____ _____ _____
<u>Treasurer/Accountant</u>	_____	_____ _____ _____

iv) Date the organisation was formed: _____

v) Type of organisation: Society registered/exempt under the Societies Ordinance, or
Company incorporated in Hong Kong, or
Others (Please give details)

(Please enclose a copy of the certificate of registration/exemption of your organisation and also a copy of the memorandum and articles of association or the constitution or rules of your organisation whichever is applicable. If your organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

6. If the money raised is intended to benefit another organisation, please complete the following details:

i) Name of organisation (English): _____

Name of organisation (Chinese): _____

ii) Relationship between applicant and that organisation:

iii) Details of key officers in that organisation:

<u>Post</u>	<u>Name</u>	<u>Address</u>
<u>President/Chairman</u>	_____	_____

<u>Secretary</u>	_____	_____

<u>Treasurer/Accountant</u>	_____	_____

iv) Date the organisation was formed: _____

v) Type of organisation: Society registered/exempt under the Societies Ordinance, or
Company incorporated in Hong Kong, or
Others (Please give details)

(Please enclose a copy of the certificate of registration/exemption of the organisation and also a copy of the memorandum and articles of association or the constitution or rules of the organisation whichever is applicable. If the organisation is a company incorporated in Hong Kong, a copy each of a Certificate of Incorporation and Certificate of Existence issued by the Companies Registry should also be produced.)

vi) Has the organisation given consent to the activity being organised by you? * Yes / No

7. If the applicant is making this application as an individual, please complete the following details:

i) Date and place of birth: _____

ii) Length of residence in Hong Kong: _____

iii) Are you a permanent resident of Hong Kong? * Yes / No

8. ✦ Intended use of money to be collected: _____

9. ✦ Format of the activity: _____

10. ✦ Method for money collection (note): _____

11. ✦ Date and time of the activity listed in priority: _____

(Note: To ensure a fair distribution of venues, dates and frequency of fund-raising among all potential applicants, there could be a restriction on the number of days approved, depending on prevailing circumstances.)

12. ✦ Venue and address: _____

Has permission to use venue been secured? * Yes / No / Under application / Not applicable

(If the venues are in open public places, please give exact locations and enclose layout plan. Please also indicate where furniture (e.g. table) will be placed, if appropriate.)

✦ If approval is given to this application, the permit issued will specify the details given in these items. It will therefore be to the applicant's own advantage to plan the activity carefully, so as to avoid the need to seek fresh approval later on as a result of any changes to the above details.

13. Details of previous S4(17) application(s) to the Secretary for Home and Youth Affairs by the applicant, or the organisations named in 5(i) and 6(i) above, or any of the persons named in 5(iii) and 6(iii) above:

<u>Name of Applicant</u>	<u>Date of Application</u>	<u>Approved or Rejected</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

14. State here any additional information which the applicant wishes to provide in support of this application (e.g. reasons for requesting that the administrative guidelines or licensing conditions for the issue of permit be waived in whole or in part.)

I declare that to the best of my knowledge and belief, the information supplied by me in this form is true and correct.

Signed : _____
(Applicant)

(Chop of organisation, if applicable) Date : _____

* Delete where applicable

(If there is not enough space in this form for the filling in of the required information, the applicant may provide details on a separate sheet of paper and attach it to the form.)

Note: If the activities concerned involve hawking in public places, please seek advice from the Food and Environmental Hygiene Department (Tel: 2867 5935) as to whether a temporary hawker licence is required.

July 2024

Statement of Purpose

Purpose of Collection

The personal data provided by means of this form will be used by Home Affairs Department for the purpose of:

“to exercise functions on fund-raising activities for non-charitable purposes”

Classes of Transferees

2. The personal data you provided by means of this form may be disclosed to other Government bureaux, departments and relevant persons and bodies for the purposes mentioned in paragraph 1 above.

Access to personal data

3. You have a right of access and correction with respect to personal data as provided for in sections 18 and 22 and principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided by this form.

Enquiries

4. Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to:

Executive Officer
Home Affairs Department
Tel. No. : 2835 1492

Administrative Guidelines and Licensing Conditions
for the issue of Public Fund-raising Permits
for Non-Charitable Purposes

Applications for permission under Section 4(17) of the Summary Offences Ordinance (Cap.228) to raise funds by collection of money or sale or exchange for donations of badges, tokens or similar articles in a public place should, where the funds are to be used for a charitable purpose, be referred to the Director of Social Welfare. Where the funds are to be used for any other purpose, such applications should be referred to the Secretary for Home and Youth Affairs.

Non-charitable fund- raising activities without permits for fund- raising for non-charitable purposes are subject to prosecution by the Police under S4(17) of Summary Offences Ordinance, Cap.228.

A. Administrative Guidelines for Consideration

When considering an application for a public fund-raising permit under section 4(17) of the Summary Offences Ordinance, the Secretary for Home and Youth Affairs will normally wish to be satisfied that -

- (i) the organisation or group on behalf of which the permit is sought, and the organisation or group to benefit from the collection if different, are, where applicable, properly registered under the laws of Hong Kong;
- (ii) if the applicant is an individual, he should be aged 21 or above, and should either be a permanent resident of Hong Kong within the meaning of the Immigration Ordinance, or have been ordinarily resident in Hong Kong for a minimum of seven years;
- (iii) the funds collected will be used for purposes which would contribute directly or indirectly to the development of representative government in Hong Kong;
- (iv) the organisation or group on behalf of which the permit is sought must comply with all laws in the Hong Kong Special Administrative Region (“HKSAR”), including but without limitation to the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“National Security Law”) and other relevant laws of the HKSAR in relation to the safeguarding of national security (“relevant laws”). The fund-raising activity must not allegedly cause or constitute the occurrence of offence endangering national security or would be contrary to the interest of national security or contravene the Hong Kong National Security Law and other applicable laws, will not cause public order and public safety problems and will not cause nuisance or

harassment to the general public;

- (v) the fund-raising activity should not be held on a morning which is a “flag day” approved by the Director of Social Welfare unless it is to be held in a confined public place;
- (vi) the fund-raising activity should not be held at the same time and in the same venue or its vicinity as a charitable fund-raising activity;
- (vii) there will be no more than one non-charitable fund-raising activity in the same venue or its vicinity on the same day except where the activities are organised by the same applicant;
- (viii) there will be a fair distribution of venues, dates and frequency of fund-raising among all potential applicants. The number of non-charitable fund-raising activities by the same person or organisation will not be excessive so as to avoid undue inconvenience to the public. As a general rule, each approved activity should not last for more than five days in any two consecutive weeks and that each applicant (by an individual or an organisation) would not be allowed to conduct more than 20 fund-raising activities within a 12-month period. For an activity to be conducted in more than one location, a permit will be required for each location; and
- (ix) the permittee who had breached the conditions stipulated in the permit last granted would not be considered for a new permit unless explanations/justifications have been provided to the satisfaction of the Secretary for Home and Youth Affairs.

Each application will be considered on its own merits having regard to the above administrative guidelines. If the Secretary for Home and Youth Affairs has reasonable grounds to believe the organisation or group on behalf of which the permit is sought and any other person(s) who will be involved in the organisation or operation of the intended event has engaged in or otherwise been involved in, or will engage in or otherwise be involved in, any act or activity which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which may otherwise be contrary to the interests of national security, or the intended event and/or the use of funds so collected will involve any act or activity which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which may otherwise be contrary to the interests of national security, the application may be rejected.

B. Licensing Conditions

The following conditions will normally be imposed if an application is approved -

- (i) permission must have been obtained or is likely to be forthcoming from the relevant authorities, including the authority responsible for the management of

the venue(s), for the fund-raising activity to be held;

- (ii) the funds collected will not be used to finance any profit-making ventures or activities;
- (iii) the funds collected will be used only in Hong Kong;
- (iv) no person will benefit improperly from the collection;
- (v) the permission given for the fund-raising activity is only valid for the details specified in the permit. If there are any changes to such details, the approval of the Secretary for Home and Youth Affairs will be required;
- (vi) the permission given for the fund-raising activity will become null and void if the funds collected are used for purposes other than those specified in the permit;
- (vii) within 90 days after the conclusion of the fund-raising activity, the permittee will cause the money received from the public, less any reasonable expenses incurred, to be applied for the purpose for which the permission is given;
- (viii) if after applying the funds collected as described in (vii) above, there is still a balance left, the permittee will donate the unspent funds to a charitable institution which is exempt from tax under section 88 of the Inland Revenue Ordinance (Cap.112) for charitable purpose;
- (ix) the funds collected will be audited by a qualified accountant arranged by the permittee. A copy of the audited accounts will be submitted to the Secretary for Home and Youth Affairs within 90 days after the conclusion of the fund-raising activity. The audited accounts will also be made available to members of the public for inspection upon demand;
- (x) all donations are to be purely voluntary, and that the activity shall not create public order problems or cause nuisance, including excessive noise, or harassment to the general public, and that the manner in which the activity is conducted should not be such as to be likely to produce a reaction generally against public fund-raising activities.
- (xi) the organisers shall ensure observance by themselves and any other person(s) who will be involved in the organisation or operation of the intended event and/or use of the funds so collected of the laws of HKSAR, including but without limitation to the National Security Law and other relevant laws, and shall ensure that neither of them shall perform or engage in any act or activity which would or is likely to constitute or cause the occurrence of any offence endangering

national security or any act or activity which may otherwise be contrary to the interests of national security in the course of preparing, organising or conducting the intended event or performing any act in relation to the intended event and/or the use of funds so collected. Without limitation to the foregoing, the organisers shall not declare/display any messages, audio recordings, pictures, images, acts, notices, exhibits, texts, publications, etc. which would or is likely to constitute or cause the occurrence of any offence endangering national security or any act or activity which may otherwise be contrary to the interests of national security;

- (xii) during the course of the fund-raising activity, the name of the organisation and a copy of the permit/approval letter should be prominently displayed. Every participant of the activity should also wear a clear and legible badge identifying the name of the participant and the name of the organisation; and
- (xiii) children under the age of 14 must not be allowed to take part in the activity. Participation by young persons between the age of 14 - 18 must be entirely voluntary and the prior written consent of parents must be obtained.

The Secretary for Home and Youth Affairs may, if a particular application so warrants, impose additional conditions such as those required for the protection of the participants in the fund-raising event, for the preservation of law and order, for crowd control, or for public safety purposes. In specific circumstances, he may waive certain conditions where it appears reasonable for him to do so.

Upon approval of the application, the relevant details about the fund-raising activity including the name of the activity and the date, time and venue for conducting it will be uploaded on the GovHK website (<http://www.gov.hk/fundraising>) and Open Data Portal (<http://data.one.gov.hk>).

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