二零零四年五月十三日 <u>葵青區議會第二十九次會議</u> (議題:討論街頭募捐的申請及監管程序)

社會福利署荃灣及葵青區福利辦事處的回覆如下:

現臚列本署有關公開慈善籌款活動申請手續、準則、發許可証條件等資料如下:

公開籌款許可證

根據香港法例第228章(簡易程序治罪條例)第4(17)(i)條,任何人士或機構爲慈善用途在公眾地方組織、參與或提供設備以進行任何籌款活動,或售賣徽章、紀念品或類似物件的活動,須向社會福利署署長申請許可證。

上述許可證現稱公開籌款許可證,主要爲兩類慈善籌款活動而簽發,包括實旗日及一般慈善籌款活動。

贾 旗 日

賣旗日的申請每年舉辦一次,有意申請的機構可約於每年五月申請下年度的賣旗日。申請機構必須附合以下準則:

- 申請機構必須是非牟利機構並根據(稅務條例)(香港法例第 112章)第88條獲豁免繳稅的慈善機構或信託團體。
- 任何與商業機構有聯繫的慈善團體,其申請將不會被考慮。
- □ 申請機構的信譽、管理能力及過往所提供服務的質素必須達 到社會福利署滿意的標準。
- 申請機構須同意讓社會福利署區辦事處職員巡察申請機構的會址、屬下中心及舉辦的活動。

- 申請機構或其成員機構所提供的服務的性質、價值和標準,以及籌得款項所用以資助的必須是合乎成本效益的慈善性質的服務,並以受惠人數及對社區改善程度作爲衡量準則。
- 申請機構須有賣旗籌款需要。
- 申請機構必須具備籌辦賣旗日的能力。
- 申請機構於過去違反公開籌款許可證(更旗日或其他籌款活動)的條件,其申請可能不予受理。
- 如申請機構在過去的賣旗日管理不善,其申請可能不予受理。

有關賣旗日的申請評估約於該年十月提交獎券基金諮詢委員會考慮及通過,符合資格的申請機構約於該年十一月依抽籤决定的優先次序選擇賣旗日子。

一般慈善籌款活動

- 一般慈善籌款活動的活動範圍包括:
- 徽章、紀念品或類似物件的慈善售賣;
- 逐戶捐款,特別是在公共屋邨或居屋;
- · 在指定地點設置捐款收集箱;
- 慈善養載;
- 傳奉獻袋

此類慈善寡款活動的許可證,全年皆可申請,需時約為三個星期。

申請人必須符合下列準則才可獲公開籌款許可證於公眾地方作

慈養籌款活動:-

- 擬舉辦之籌款活動必須爲慈善性質,並於公眾地方收取捐款或售賣或透過交換徽章、紀念品或類似物件而獲取捐款。
- 申請機構須持有根據《公司條例》(香港法例第32章)、(社 團條例》(香港法例第151章)等條例或《稅務條例》第88條 獲豁免繳稅的慈善機構或信託團體(香港法例第112章)的有 效註冊。個別人仕的申請,不會考慮。
- 社會福利署署長必須滿意申請機構爲合適團體舉辦所擬申請的籌款活動。
- 申請機構已獲所擬舉辦慈善籌款活動場地的管理機構的批准通知書。
- 申請機構如於過去曾經違反公開籌款許可證(賣旗日或其他 籌款活動)的條件,其申請可能不予受理。

獲發許可證團體須在籌款場地當眼處出示該公開籌款許可證;而許可證持有人須在籌款活動後九十天內提交經執業會計師審計的帳目,在某些情況下可能要在報章刊登經審計的帳目或提交受益機構發出的收據副本。

你可使用公共服務電子化計劃查詢過去八個月及未來兩年將會舉行而已獲本署批准之一般慈善籌款活動及本財政年度內的賣旗日活動資料。所有捐款必須出於自願,即使主辦機構已獲發出公開籌款許可證,公眾人士仍可拒絕任何不合理的捐款要求。

可在此下載"一般慈善籌款活動申請表"

Acrobat 文件

申請可送:

香港灣仔皇后大道東213號

胡忠大廈30樓

社會福利署獎券基金計劃組

或經電子簽署電郵至:

afc@swd.gov.hk

查 詢

辦事處地址: 社會福利署獎券基金計劃組

香港灣仔皇后大道東213號

胡忠大廈30樓3001室

查詢熱線:

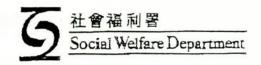
2832 4311

傳真:

2838 0441

電子郵遞:

eoiifc@swd.gov.hk



公開等款許可證申請須知

Explanatory Notes for the Application of Public Subscription Permit

A. 申請手續

Application Procedure

(1) 公開審款許可證申請書可於互聯網上社會福利署網站(http://www.info.gov.hk/swd)下載。本申請表格亦可在社會福利署總部總務組索取,地址是香港灣仔皇后大道東 213 號胡忠大廈 9 楼 920 室。
Application form for Public Subscription Permit can be downloaded from the SWD website at http://www.info.gov.hk/swd. It is also obtainable from Social Welfare Department Headquarters, General

Registry at Room 920, 9/F, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong.

(2) 申請機構須在舉行有關活動的最少三個星期或之前,將申請表填妥,連同所需要的文件。包括 a) 由稅務局局長發出證明申請機構為根據 (稅務條例) 第 88 條獲豁免繳稅的慈善機構或信託團體的認可信副本或根據 (公司條例)(香港法例第 32 章)或(社團條例)(香港法例第 151 章)的有效註冊及 b)活動舉辦地點的管理機構所發出的許可證明書副本,一併交回社會福利署總部 [經辦人: 二級行政主任(慈善等款監管)],地址是香港灣仔皇后大道東 213 號胡忠大厦 30 樓 3001 室(傳真機號碼:2838 0441)。(註:申請書可利用圖文傳真傳達,之後無須再用郵遞寄上。)

The completed application form together with required documents, including a) a copy of approval letter issued by the Commissioner of Inland Revenue to prove that applicant is a charitable institution or trust exempt from tax under Section 88 of the Inland Revenue Ordinance or a valid registration under Companies Ordinance, Cap.32 or Societies Ordinance, Cap. 151 and b) copy of written approval from the management authority of the venue, should reach the Social Welfare Department Headquarters [Attn: Executive Officer II (Charitable Fund-raising Control)] at Room 3001, 30/F, Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong (Fax No.: 2838 0441) not less than 3 weeks before the proposed event taken place. (Note: Application by fax is acceptable and needs not be duplicated by post).

(3) 按日常程序。本署需要三星期處理已經提供所有必需資料的申請。貴機構如欲於活動前某指定日期獲 通知申請結果,請在申請書 D 部份列明,並提供理由,亦請在指定日期前不少於三星期將申請及所需 文件送交本署。

We normally require three weeks to process an application with all the requisite information. If the applicant organization wishes to learn the result of application before a specified date, it should indicate this (with the reasons) in Part D of the application form and forward the completed application together with the required documents to SWD not less than three weeks before the specified date.

B. 書核申請資格的準則

Eligibility Criteria

- (1) 申請人必須符合下列準則才可獲公開籌款許可證於公眾地方作慈善籌款活動:-
 - To be eligible for a PSP for organizing charitable fundraising event(s) in public places, the applicant must satisfy the following criteria:-
 - a) 擬舉辦之籌款活動必須為慈善性質,並於公眾地方收取捐款或售賣或透過交換徽章、紀念品或 類似物件而獲取捐款

The proposed fundraising activities/events for collection of money or sale or exchange for donations of badges, tokens or similar articles in public places should be in support of charitable purposes.

b) 申請機構須持有根據《公司條例》(香港法例第32章)、《社團條例》(香港法例第151章) 等條例 或《稅務條例》第88條獲豁免繳稅的慈善機構或信託團體(香港法例第112章)的有效註冊。個別 人仕的申請。不會考慮。

The applicant organization must possess a valid registration such as under Companies Ordinance, Cap.32 or Societies Ordinance, Cap. 151 or is a charitable organization exempt from tax under Section 88 of Inland Revenue Ordinance, Cap.112. A PSP application from an individual will not be entertained.

- c) 社會福利署署長必須滿意申請機構為合適團體舉辦所擬申請的等款活動。 The applicant organization should satisfy the Director of Social Welfare that it is suitable to organize the activities under application.
- d) 申請機構已獲所擬舉辦总善等款活動場地的管理機構的批准通知書。 The applicant has obtained approval from the management authority of the venues concerned.
- e) 申請機構如於過去曾經違反公開等款許可證 (賣族日或其他等款活動) 的條件,其申請可能不 子受理。

The application from organizations which have breached the conditions of a public subscription permit (for flag day or otherwise) in the past may not be considered.

C. 發給公開籌款許可疑的條件

Conditions of Public Subscription Permit

根據香港法例第 228 章 《簡易程序治罪僚例》第 4(17)(i)保發出的許可證有以下條件:

A permit under Section 4(17)(i) of the Summary Offences Ordinance, Cap 228 is issued on the following conditions :-

- 所有捐款必須出於自願;不得強迫任何人捐款、收集捐款,或以任何其他方式捐助; All subscriptions are to be purely voluntary and no pressure should be brought on any person either to subscribe or to collect subscription or to contribute in any other way.
- (2) 除指定的善款受惠機構外,其他人仕不得在是大籌款活動中獲取利益: No person will benefit improperly from the proceeds of the activity.
- (3) 所等得的款項,必須用於申請書內述明的計劃/服務;獲發許可證的機構更需在提交社會福利署的經 書計帳目內公布是次等款活動所等得款項的總額及用途; The funds raised must be used for the specified purpose and the permittee should inform the Department the net proceeds of the collection, where the proceeds will go and for what purpose in the audited account for the fund-raising activities.
- (4) 等符的款項在扣除任何開支(包括印刷及文具費用)後所得餘款,必須在90日內,用於許可證上列明 的目的或存入有關的銀行帳戶內; Within ninety days of the last date specified in the permit, the permittee shall cause the money received from the public subscription, less any expenses incurred, including expenses in printing and stationery, to be applied or to be credited to the bank account, for the purpose for which this permit is issued.
- (5) 獲發許可證的機構必須就有關的等款活動編製一份收支結算表,並由會計師或會計師行審計,而該會 计師或會計師行的名字/名稱必須列於專業會計師名單或執業會計師行名單內。這兩份名單都由香港 會計師公會的註冊三任按香港法例第 50 章(專業會計師條例)第 32(1)條的規定、在香港特別行政區 政府憲報刊登。

whose name appears in the List of Professional Accountants or in the list of firms of Certified Public Accountants published in the Gazette of the Government of Hong Kong Special Administrative Region by the Registrar of the Hong Kong Society of Accountants under Section 32(1) of the Professional Accountants Ordinance, Cap. 50.

- (6) 獲發許可證的機構並須將經審計帳目的核證副本連同審計師的意見/報告書一份。在許可證上訂明的 最後日期起計 90 日內,遞交社會福利署署長。 A certified copy of the audited account with auditor's opinion thereon shall be forwarded to the Director of Social Welfare within ninety days of the last day specified in the permit.
- (7) 若等得的款項捐贈予任何機構作慈善用途,則獲發許可證的機構須附同該接收款項機構發出的收據副本一份:
 If the money raised is donated to any organization or institution solely for charitable purposes, copy of a receipt from the latter organization is required.
- (8) 若所等得款項會在本港以外地區使用。則獲發許可證的機構亦須在許可證上訂明的最後日期起計 90 日內。將經審計帳目的核證副本連同審計師的意見/報告書一份刊登在本港至少一份中文報章及一份英文報章內,該剪報並需同時遞交社會福利署;
 Where the monies donated are to be spent outside Hong Kong, the audited account together with auditor's opinion shall be published in at least one local Chinese Language newspaper and one local English Language newspaper within ninety days of the last day specified in the permit and copies of the said newspaper cuttings shall be forwarded to the Director of Social Welfare at the same time.
- (9) 獲發許可證的機構須在舉辦籌款活動的地點當眼之處出示本許可證,以便讓市民得知有關籌款活動已 依法獲社會福利署署長簽發許可證。假如籌款活動並非在一個固定地點舉行,義務工作人員須在籌募 款項時攜同本許可證的副本,並將其向任何要求查看許可證的人士出示。 The Permittee shall display prominently this Permit at the place where the fund-raising event is held so as to inform members of the public that a Permit has been obtained from the Director of Social Welfare in accordance with the law. If the fund-raising activities are not carried out in a fixed place, volunteers are required to carry and produce copies of this Permit for inspection upon request by any person in the course of solicitation of funds.

D. 查詢

Enquiries

有關公開等款許可證申請的查詢,可致電 2832 4311 或 2832 4318 與慈善等款監管小組聯絡。 Enquiries relating to applications for public subscription permit may be directed to the Charitable Fund-raising Control Team at 2832 4311 or 2832 4318.

E. 個人資料收集學明

Notes about Personal Data

個人資料用途

Usage of Personal Data

申請書所提供的個人資料,會供社會福利署根據(簡易程序治罪條例)(香港法例第 228 章)第 4(17)(i)條的規定,用以審核你的公開籌款許可證申請,以及供研究和調查之用。填寫申請書提供個人資料,鈍屬自願。如你未能提供足夠資料,本署可能無法處理你的申請。

The personal data provided by means of the application form will be used by the Social Weifare Department for assessing your application for a Public Subscription Permit under the jurisdiction of Section 4(17)(i) of Summary Offences Ordinance, Cap.228 and conducting of research and surveys. The provision of personal data by means of this form is voluntary. If you do not provide sufficient information, we may not be able to process your

application.

向其轉介資料的人士的類別

Classes of Transferees

你在申請書所填報的個人資料,可能會供政府其他各局、署及部門作上文"個人資料用途"所述的用途。 The personal data you provide by means of the application form may be disclosed to other Government bureaux, commissions and departments for the purposes mentioned in "Usage of Personal Data" above.

查閱個人資料

Access to Personal Data

你有權根據《個人資料(私應)條例》(香港注例第 486 章) 第 18 條 第 22 條及附表 1 第 6 原則的規定,就有關你的個人資料提出查閱及改正要求。你的查閱權利包括取得申請書所填報關於你個人資料的複本一份。

You have a right of access and correction with respect to personal data as provided for in Section 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance, Cap. 486. Your right of access includes the right to obtain a copy of your personal data provided by this form.

查詢

Enquiries

有關申請書所收集的個人資料的查詢,包括提出查閱及改正要求,應向下述人士提出:
Enquiries concerning the personal data collected by means of this form, including the making of access and corrections, should be addressed to:

社會福利署署長

[經辦人:二級行政主任(慈善宴款監管)]

香港灣子

皇后大道東213號

胡忠大厦 30 楼 3001 室

电话: 2832 4311

傳真: 2838 0441

Director of Social Welfare

[Attn: Executive Officer II(Charitable Fund-raising

Control)]

Room 3001, 30/F, Wu Chung House

213 Queen's Road East

Wanchai

Tel: 2832 4311

Fax: 2838 0441

社會福利署 津贴及服務表現監察科 二本本二年七月 Subventions and Performance Monitoring Branch Social Welfare Department July 2002