

**HOW TO APPLY FOR
REGISTRATION OR EXEMPTION FROM REGISTRATION
OF A SOCIETY UNDER
THE SOCIETIES ORDINANCE (CAP. 151)**

The Societies Ordinance

The Societies Ordinance (referred to as ‘the Ordinance’ hereafter) provides for the registration of societies, for the prohibition of operation of certain societies and for matter related thereto.

Appointment of Societies Officer

The Chief Executive, HKSAR, has appointed the Commissioner of Police as the Societies Officer and a number of specific police officers as Assistant Societies Officers.

Definition of ‘Society’

‘society’ means - “any clubs, company, partnership or association of persons, whatever the nature or objects, to which the provisions of the Ordinance apply”

Applicability of the Societies Ordinance

The Ordinance applies to all organisations except those listed in the Schedule to the Ordinance as shown below. Included in the Schedule are companies, trade unions, credit unions and others; their essential characteristic is that they are all organisations which must be approved and registered by some other authority under another Ordinance.

Schedule to the Societies Ordinance

The Ordinance does not apply to the following persons -

- (1) Any company registered under the Companies Ordinance (Cap. 32).
- (2) Any co-operative society registered under the Co-operative Societies Ordinance (Cap. 33).
- (3) Any trade union or any trade union federation registered under the Trade Unions Ordinance (Cap. 332).
- (4) (a) An association the affairs of which are conducted wholly or partly in any school premises and which consists wholly or mainly of persons under the age of 21 years who are undergoing primary education or secondary education in any school.

(b) For the purposes of this item, "primary education" (小學教育), "school" (學校), "school premises" (校舍) and "secondary education" (中學教育) have the meanings assigned to them by section 3 of the Education Ordinance (Cap 279). (Replaced 8 of 2001 s. 30)
- (4A) Any incorporated management committee as defined in section 3(1) of the Education Ordinance (Cap 279). (Added 27 of 2004 s. 73)
- (5) Any company or association constituted pursuant to or under any Ordinance or other legislation applicable to Hong Kong.
- (5A) Any company or association which was, immediately before the commencement of the Adaptation of Laws (No. 3) Ordinance 1999 (13 of 1999) a company or association constituted under Royal Charter, Royal Letters Patent or any Imperial Act and was, immediately before the commencement, a local society.
- (6) Any company, association or partnership formed for the sole purpose of carrying on any lawful business and registered under any other Ordinance.
- (7) Any Chinese temple registered under the Chinese Temples Ordinance (Cap. 153).

- (8) Any credit union registered under the Credit Unions Ordinance (Cap. 119).
- (9) Any corporation registered under the Building Management Ordinance (Cap. 344).
- (10) Any association of owners or occupiers of premises which is approved for the purposes of this Ordinance by the Secretary for Home Affairs by notice in writing.
- (11) Any association or group of persons which -
 - (a) is formed for the sole purpose of recreation or training;
 - (b) conducts its activities wholly or largely in a Community or Youth Centre; and
 - (c) was formed with and continues to have the approval of the Director of Social Welfare.
- (12) Any association of which -
 - (a) one or more of the directors, trustees or other office holders; or
 - (b) the committee or board or other body having the management of the association, is or are incorporated by any Ordinance.
- (13) The operator of, and participants in, any chit fund, as defined in section 2 of the Chit-Fund Businesses (Prohibition) Ordinance (Cap. 262), which complies with section 5(2) of that Ordinance.
- (14) An unincorporated trust -
 - (a) of a public character established solely for charitable purposes; or
 - (b) established solely for the purpose of engaging in a retirement scheme approved under section 87A of the Inland Revenue Ordinance (Cap. 112).

Societies deemed to be established in Hong Kong

A society shall be deemed to be established in Hong Kong, although it is organized and has its headquarters or chief place of business outside Hong Kong, if any of its office-bearers or members resides in Hong Kong or is present therein, or if any persons in Hong Kong manages or assists in the management of such society or solicits or collects money or subscription in its behalf:

Provided that no society shall be deemed to be so established, if and so long as -

- (a) it is organized and is operating wholly outside Hong Kong; and
- (b) no office, place of business or place of meeting is maintained or used in Hong Kong by such society or by any person in its behalf; and
- (c) no register of members of such society is kept in Hong Kong; and
- (d) no subscriptions are collected or solicited in Hong Kong by the society or by any person in its behalf.

Application for registration or exemption from registration

A local society shall apply in the specified form to the Societies Officer for registration or exemption from registration within 1 month of its establishment or deemed establishment under section 2(2B) or 4 of the Ordinance. The application must be signed by 3 office-bearers and include details of -

- (a) the name of the society;
- (b) the objects of the society;

- (c) the particulars of the office-bearers of the society; and
- (d) the address of the principal place of business of the society and of every place or premises owned or occupied by the society.

According to section 5A(2) of the Ordinance, the Societies Officer may exempt a society or a branch from registration if it is established **solely** for any of the following purposes -

- (a) religious;
- (b) charitable;
- (c) social;
- (d) recreational;
- (e) as a rural committee; or
- (f) as a federation or other association of rural committees.

If your society falls into one of the above categories, you still need to apply for a certificate of exemption from registration for your society.

Restriction on names of societies

No local society shall use a name for itself or its branch which -

- (a) is identical with that by which a society already in existence is known or so closely resembles that name;
- (b) is likely to mislead the public as to the true character or purpose of the society;
- (c) suggests that the society belongs to a class of persons specified in the Schedule when in fact it does not so belong; or
- (d) contains the words “rural committee” or any other words which, in the opinion of the Societies Officer, suggest or are calculated to suggest that the society is a rural committee or a federation or other association of rural committees unless such society is a rural committee or a federation or other association of rural committees acknowledged as such by the Secretary for Home Affairs.

Fees

No fees are payable on application for registration or exemption from registration of a society.

How to Apply

Application forms can be obtained in person from the Societies Office, Hong Kong Police Force, or by facsimile on 2860 2973.

The address of the Societies Office is:

12/F, Arsenal House,
Police Headquarters,
1 Arsenal Street,
Wan Chai,
Hong Kong.

The Ordinance is available on Internet <http://www.legislation.gov.hk/eng/index.htm>.

The completed application form should be returned in person or by post to the Societies Office. For procedural

enquiries, please contact the Societies Office at 2860 3573.

The information given in this pamphlet is for guidance purpose only and does not purport to provide a detailed analysis of the licensing procedure