

Consequences of Non-compliances with Public Subscription Permit Conditions

In the event of non-compliance with conditions of a Public Subscription Permit (PSP) by the Permittee [e.g. when the original copy and PDF file of the income and expenditure account of the fund-raising activity concerned have not been submitted to the SWD by the prescribed deadline (i.e. **90 days** after Flag Day / the last event day of the General Charitable Fund-raising Activities / the validity period of the permit for Solicitation of Signed Authorisation Forms)], the Social Welfare Department (SWD) will issue written warning(s) to the organisation concerned until the organisation has taken appropriate action to rectify the non-compliance (e.g. by submitting the related income and expenditure accounts) to the satisfaction of the SWD. The examples below are intended to illustrate the details.

Level of non-compliance	Examples	Consequences
Relatively Serious Non-compliance	<ul style="list-style-type: none"> ➤ Cases involving relatively serious improper use or lack of proper custody of the funds raised. ➤ Failure to submit the original copy and PDF file of the income and expenditure account of the fund-raising activity concerned to the SWD within 30 days after the prescribed deadline (i.e. at least 120 days after Flag Day / the last event day of the General Charitable Fund-raising Activities / the validity period of the permit for Solicitation of Signed Authorisation Forms). 	<p>The non-compliant organisation will face the following consequences –</p> <ol style="list-style-type: none"> 1) the submitted and subsequent applications for a PSP for organising “General Charitable Fund-raising Activities”, if any, will be suspended until the organisation has taken appropriate action to rectify the non-compliance to the satisfaction of the SWD (e.g. until the submission of the related income and expenditure account); and 2) the organisation’s eligibility for “Flag Day” and/or “Solicitation of Signed Authorisation Forms” may be adversely affected, including the possibility of being disqualified.
Serious Non-compliance	<ul style="list-style-type: none"> ➤ Cases involving serious improper use or lack of proper custody of the funds raised. ➤ Failure to submit the original copy and PDF file of the income and expenditure account of the fund-raising activity concerned to the SWD within 60 days after the prescribed deadline (i.e. at 	<p>The non-compliant organisation will face the following consequences –</p> <ol style="list-style-type: none"> 1) name of the organisation concerned and the non-compliance incident will be published on the SWD’s website for at least 6 months or until the organisation has taken appropriate action to rectify the

	<p>least 150 days after Flag Day / the last event day of the General Charitable Fund-raising Activities / the validity period of the permit for Solicitation of Signed Authorisation Forms).</p> <p>➤ Committing an act of a relatively serious non-compliance twice within three years. For example, failure to submit the original copy and PDF file of the income and expenditure account of the fund-raising activity concerned to the SWD within 30 days after the prescribed deadline (i.e. at least 120 days after Flag Day / the last event day of the General Charitable Fund-raising Activities / the validity period of the permit for Solicitation of Signed Authorisation Forms) on two occasions within three years.</p>	<p>non-compliance to the satisfaction of the SWD (whichever is later), e.g. until the submission date of the related income and expenditure account;</p> <p>2) all applications for a PSP for organising “General Charitable Fund-raising Activities” from the organisation, if any, will be suspended from the date of publishing the non-compliance incident to 6 months after the organisation has taken appropriate action to rectify the non-compliance to the satisfaction of the SWD (e.g. submission of the related income and expenditure account);</p> <p>3) the organisation will be disqualified from applying for “Flag Day” and/or “Solicitation of Signed Authorisation Forms” from the date of publishing the non-compliance incident to 6 months after the organisation has taken appropriate action to rectify the non-compliance to the satisfaction of the SWD (e.g. submission of the related income and expenditure account);</p> <p>4) the organisation will be removed from the prevailing waiting list(s) of the “Flag Day” allocation exercise(s), if any; and</p> <p>5) the SWD may withdraw the PSP(s) that has/ have already been issued to the organisation, if any.</p>
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