

**General Guidelines
on the Scope of
Public Subscription Permits
issued under Section 4(17)(i) of
the Summary Offences Ordinance
(Cap. 228 of Laws of Hong Kong)**

**Social Welfare Department
June 2021**

1 Purpose

- 1.1 This set of general guidelines aims to shed light on the scope of public subscription permits (“PSPs”) issued by the Social Welfare Department (“SWD”) in accordance with section 4(17)(i) of the Summary Offences Ordinance (Cap. 228 of Laws of Hong Kong) (“the SOO”).

2 Circumstances that require application for a PSP from the SWD

- 2.1 In accordance with section 4(17)(i) of the SOO, an organisation is required to apply for a PSP from the Director of Social Welfare if it organises, provides equipment for, or participates in an activity that meets **all** the following conditions:

- there is **(i) collection of money or (ii) sale or exchange for donations of badges, tokens or similar articles;**
- the activity is held **for charitable purposes;** and
- the activity is **held in a public place.**

2.2 Examples of **collection of money** –

- Receiving donations in cash/by cheque.
- Receiving donations via Octopus cards/credit cards/mobile payment services.
- Receiving donations via solicitation of signed authorisation forms.

2.3 Examples of **sale or exchange for donations of badges, tokens or similar articles** –

- Souvenir items mostly bearing the logo or name of the fund-raising organisation or the fund-raising activity (e.g. pins bearing the logo of the charitable organisation).
- If the proposed fund-raising activities also involve the hawking of any goods on public streets, advice should be sought from the Food and Environmental Hygiene Department on whether an application for a Temporary Hawker Licence is required.
- Whether a PSP issued under section 4(17)(i) of the SOO is required for a charity sale depends on the circumstances of the proposed

activity. If the charity sale involves collection of money in a public place, a PSP issued under the above Ordinance would be necessary.

2.4 Definition of “**public place**” under the SOO

- It includes all piers, thoroughfares, streets, roads, lanes, alleys, courts, squares, archways, waterways, passages, paths, ways and places to which the public have access either continuously or periodically, whether the same are the property of the Government or of private persons¹.
- In the light of the above definition of “public place”, some private properties and indoor venues may also be considered as public places depending on the circumstances of individual cases. Examples include –
 - corridors and podiums of private housing estates;
 - lobbies and public open areas/spaces (such as piazzas) of shopping malls, or footbridges/passages connecting different shopping malls; and
 - foyers of exhibition/performance arenas.
- In addition, certain locations specified in other ordinances of Hong Kong shall be deemed as public places under the SOO. Examples include –
 - [libraries](#) prescribed in the Schedule to the Designation of Libraries Order (Cap. 132O)²,
 - [civic centres](#) prescribed in Schedule 13 to the Public Health and Municipal Services Ordinance (Cap. 132)³,
 - [stadia](#) prescribed in Schedule 12 to the Public Health and Municipal Services Ordinance (Cap. 132)⁴,
 - [museums](#) prescribed in the Schedule to the Designation of Museums Order (Cap. 132P)⁵,
 - areas in [public housing estates](#) vested in or under the control and management of the Housing Authority, other than land leased or sold or otherwise disposed of under the Housing Ordinance (Cap. 283)⁶,

¹ Please refer to section 2 of the SOO.

² Please refer to section 137A of the Public Health and Municipal Services Ordinance (Cap. 132).

³ Please refer to section 137A of the Public Health and Municipal Services Ordinance (Cap. 132).

⁴ Please refer to section 137A of the Public Health and Municipal Services Ordinance (Cap. 132).

⁵ Please refer to section 137A of the Public Health and Municipal Services Ordinance (Cap. 132).

⁶ Please refer to section 32 of the Housing Ordinance (Cap. 283).

- [public hospitals](#) prescribed in Schedule 1 or Schedule 2 to the Hospital Authority Ordinance (Cap. 113) and the management and control of which have been vested in the Hospital Authority under an agreement referred to in section 5(a) of Cap. 113⁷,
- common parts of the [Hong Kong Science Park](#) prescribed in Schedule 1 to the Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565)⁸,
- areas in the [Hong Kong International Airport](#) prescribed in section 37 of the Airport Authority Ordinance (Cap. 483)⁹, and
- [public cargo working areas](#) prescribed in the Port Control (Public Cargo Working Area) (Consolidation) Order (Cap. 81B)¹⁰.

Note:

The above information is for general reference only. The organiser of the fund-raising activities should contact the SWD's Charitable Fund-raising Control Team in case of any doubts regarding whether the proposed method of fund-raising, the proposed charity sale items and/or the locations for the proposed fund-raising events are covered under section 4(17)(i) of the SOO.

3 Types of PSP issued by the SWD

- 3.1 PSPs are issued by the SWD for charitable fund-raising activities held in public places, including **flag days, general charitable fund-raising activities and solicitation of signed authorisation forms.**
- 3.2 For flag days, there are territory-wide flag days and regional flag days. For general charitable fund-raising activities, notable examples include the **setting up of donation boxes in stationed counters, moving around solicitation with money collection boxes/bags, door-to-door solicitation** (especially in public housing estates), **charity sale of badges, tokens or similar articles, charity ride**, etc.
- 3.3 Applicant organisations may visit the SWD's website for details of the PSP application procedures, eligibility criteria, permit conditions and other points to observe.

⁷ Please refer to section 22(1) of the Hospital Authority Ordinance (Cap. 113).

⁸ Please refer to section 30(a) of the Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565).

⁹ Please refer to section 44(1) of the Airport Authority Ordinance (Cap. 483).

¹⁰ Please refer to section 4 of the Port Control (Cargo Working Areas) Ordinance (Cap. 81).

4 Other Reference Materials

The Government has promulgated a [“Good Practice Guide on Charitable Fund-raising”](#) and a [“Guidance Note on Internal Financial Controls for Charitable Fund-raising Activities”](#) for voluntary adoption by charitable organisations and for reference by the general public. Members of the public may read or download the two documents on the SWD’s website.

5 Enquiries

Enquiries relating to application for PSP may be directed to the SWD’s Charitable Fund-raising Control Team:

Telephone: 2832 4311

Email: pspenq@swd.gov.hk
