

## **Enhancing the Public Benefit Requirement for Charities: Experience from England and Wales**

In its Consultation Paper on Charities, published in 2011, the Law Reform Commission of Hong Kong, Charities Sub-Committee expressed a desire to modernise charity law in Hong Kong in order to provide greater clarity. One way in which this is to be done is by the provision of a clear statutory definition of what constitutes a charitable purpose. It was further recommended that, whichever head of charitable purpose the particular purpose falls under, it must also be for the public benefit. The aim is to provide a clearer focus in the law on the issue of public benefit. A similar goal was sought in England and Wales in the run-up to the passing of the Charities Act 2006 (now consolidated in the Charities Act 2011). By reference to the English experience of the long process towards statutory reform, the challenges that this has presented will be considered. It will be seen that the process has not been smooth and continues to cause difficulties, both for the regulator which has struggled to put the new legislation into practice and the charitable sector, which must abide by the reformed law.