

## Annex A

### Inquiry into the City Harvest Church

#### Frequently Asked Questions & Answers (FAQ)

##### COC's offer on Voluntary Extension of the Suspension

###### **1. Why did the COC ask the 9 individuals to voluntarily extend their Suspension Order?**

A Suspension Order issued by the COC under section 25 of the Charities Act is only valid for a period of 12 months. Before the lapse of the 12-month suspension, the COC intended to proceed to the next stage of the process, which was to consider the removal of these individuals from their positions in the charity based on the Inquiry's findings.

In view of the proximity of the criminal trial, the COC had on 28 December 2012 made a proposal to all 9 individuals that the COC would defer the next stage of any regulatory action should they collectively agree to a voluntary extension of their suspension orders. This is a goodwill gesture by COC which is not required by law. This proposal was to allow the affected parties time to focus on the criminal trial, and also to have sufficient time to make their case in relation to the proceedings under the Charity Act, should they wish to. With such a voluntary extension by all concerned parties, the property of CHC would remain duly protected, which is the primary concern of the COC.

###### **2. What happened during the process of seeking voluntary extension of the individuals' Suspension Orders?**

The deadline for the consent was extended twice, and by 7 February 2013, 8 out of the 9 suspended individuals, including Kong Hee and Ho Yeow Sun, had initially consented to this proposal. Even though one of the suspended individuals declined to give consent, the COC was at that time still prepared to defer regulatory action for the benefit of the 8 who had given consent, as the COC felt that any risk of the lapse of suspension order in relation to one individual could be managed.

The earlier consents were given on the understanding that the COC would only proceed to defer the next stage of regulatory action *if there were 9 consents*. As only 8 of the 9 had consented, to avoid any doubt, the COC asked the 8 individuals on 14 March 2013 to confirm in writing that they would still agree to voluntarily extend their suspension, notwithstanding the lack of consent by the remaining individual.

By the final deadline of 25 March 2013, only 5 of the 8 individuals provided their consents. Kong Hee was not amongst the 5 who consented.

**3. Since 5 individuals had consented to the voluntary suspension, why did the COC still proceed to commence proceedings to remove the concerned individuals?**

The COC could not accept the voluntary extension of the suspension of just these 5 individuals and initiate removal proceedings in relation to the others. This is because the cases are linked. Adverse findings (if any) as a result of representations made in relation to those involved in the removal process may affect those who are not part of the removal process.

The COC's approach to act concurrently in relation to all individuals is to ensure fair and consistent treatment.

Given that the suspension orders will lapse in June 2013, and the lack of collective agreement among the individuals to the voluntary extension of their suspension, the COC had no choice but to proceed with regulatory action to initiate their removal.

**COC's Proposal to Remove**

**4. What is the COC's basis for proposing to remove the individuals?**

The basis for the COC's proposal to remove the 8 individuals stems from the findings of the Inquiry that commenced on 31 May 2010. The Inquiry found mismanagement and misconduct in the administration of the Charity, i.e. the City Harvest Church. The regulatory actions by the COC have nothing to do with religion or religious practices.

A summary of the said findings is attached as Annex to the Press Statement that was issued on 9 April 2013.

**5. Why is the COC's office inviting public representation on the removal of 4 individuals, namely Kong Hee, Lam Leng Hung, Tan Ye Peng and Kelvin Teo Meng How? What should be provided in the representations?**

The Inquiry found mismanagement and misconduct in the administration of the Charity, i.e. the City Harvest Church. The removal proceedings are part of a regulatory process under the Charities Act which follows from the Inquiry's findings.

The COC's invitation for representations is to allow members of the public to provide representations on the COC's proposal to remove (on matters such as whether the COC should proceed to remove, the timing of such removal, and the impact of the proposed removal on the Charity and/or any persons), and to allow persons with additional or specific information which may affect the findings in the Annex to the Press Statement that was issued on 9 April 2013 to provide such information. The COC may require the person to provide a formal statement in addition to other terms and conditions which may be imposed.

The COC will consider every representation, fully and fairly, made within the time specified in the notice.

**6. Why is the COC taking action to remove the individuals now before the commencement of the criminal trial? Is the COC prejudging the case?**

The COC is not pre-judging the issues to be decided in the criminal trial. The objectives of the criminal trial are distinct and separate from the objectives of the COC's actions.

While the criminal trial would be concerned with whether criminal offences have been committed based on the investigations of the Criminal Affairs Department, the COC's actions, as provided for in the Charities Act, focus on:

- (a) Protecting charitable assets;
- (b) maintaining public trust and confidence in charitable institutions;
- (c) promoting the effective use of charitable resources; and
- (d) enhancing the accountability of charities to donors, beneficiaries and the general public.

The issues and considerations are not the same, and the threshold of proof is also different.

The basis for the COC's proposal to remove the 8 individuals stems from the findings of the Inquiry of mismanagement and misconduct in the administration of the Charity and the COC assessed that there was a need to act in protection of the property of the Charity. As a safeguard, the Attorney-General's consent must also be obtained before such removal may be effected.

A summary of the said findings is attached as Annex to the Press Statement that was issued on 9 April 2013.

**7. Can the individuals continue to preach if they are removed from their positions as governing board member, trustees and key officer?**

Yes. They may continue with their religious duties as Pastors of the church which are separate from the holding of any governance or management positions in the charity.