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15 February 2002

Assistant Legal Advisor
Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road
Hong Kong
(Attn: Mr Stephen LAM)

Dear Mr Lam,

Dangerous Goods (Amendment) Bill 2000

Thank you for your letter of 31 January 2002. We have consulted the Department of Justice and would like to reply as follows –

Clause 4(a)

- (a) We would like to point out that the English text and the Chinese text are not translations to each other. They are equally authentic. We are of the view that the designations of paragraphs in the English version need not be amended as the current drafting conveys the same meaning and will amend the Bill in the same way as the Chinese version.
- (b) As regards the phrase “or a regulation” in the new paragraph (ma), we will delete it from the English version and delete “或根據本條例訂立的規例” from the Chinese version as the

definitions of “this Ordinance” and “本條例” under section 2 of the Ordinance include “regulations made under section 5”. We will update the list of proposed CSAs accordingly.

Clause 10(a)

The alleged discrepancies between the English and Chinese versions are only a result of the difference in the arrangement of the texts in these two different languages. As both the Chinese and the English versions of the CSAs can separately amend the respective versions of the Bill to achieve the same result, revision is not considered necessary.

Clause 11

In accordance with the drafting practice, we agree that the punctuations at both places of the English version should be semi-colons rather than full stops and we will update the list of proposed CSAs accordingly.

Clause 13(a)

- (a) As in our reply on clause 11 above, we will update the list of proposed CSAs to substitute the full stop with a semi-colon.
- (b) Accuracy in legal meaning and consistency in meaning between the Chinese and the English texts is the most important concern of draftsmen of Chinese texts. In most cases, draftsmen can achieve this by drafting provisions in two languages that are the same in terms of both the legal meaning and style and presentation. However, comprehensibility and grammatical correctness of the Chinese texts may occasionally require the draftsmen to draft Chinese provisions that are different from the English text in terms of presentation but not in terms of substantial meaning. While the English text is usually drafted first and forms the basis upon which the Chinese text is prepared, the Chinese text is not a translation. However, the Chinese text must convey the same idea to the readers of the Chinese text as the English text to its readers. Applying these principles to the new subparagraph (b) under

the proposed clause 13(a), we are of the view that the Chinese text as currently drafted adequately and correctly reflects the policy intent and carries the same meaning legally and literally as the English text. The short and concise nature of the current drafting makes the text more comprehensible. Thus, we consider that the current drafting needs not be amended.

I hope the above has addressed your concerns. In case you have further queries, please feel free to contact the undersigned.

Yours sincerely,

(David Wong)
for Secretary for Security

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