

LS/B/3/04-05

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Mr Gary Au
AS (MPT) 1
Education and Manpower Bureau
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By Fax (2801 6314) and By Post

15 December 2004

Dear Mr Au,

Vocational Training Council (Amendment) Bill 2004

I refer to the Administration's proposed Committee Stage Amendments to the proposed section 6(4) of the Vocational Training Council (Amendment) Bill 2004 which reads as follows-

“(4) If the Council performs any of its functions outside Hong Kong for the training or education of persons other than Hong Kong persons, no subsidy shall be made available by the Government towards the performance of such functions and *no subsidy provided by the Government for the Council* shall be used to subsidize such functions.”

I also refer to your explanation on the above clause contained in your letter dated 4 November 2004 (LC Paper No. CB(2)163/04-05(01), at p. 2).

I agree that in terms of law drafting, it may not be necessary to define a particular word or phrase if its meaning is plain and clear or if its meaning can be ascertained by reference to other provisions in the same piece of legislation or other aids to construction (e.g. Interpretation and General Clauses Ordinance, Cap. 1).

Under section 12 of the Vocational Training Council Ordinance (Cap.

1130) (“VTCO”), the funds and property of the Council consist of *only* the following-

- (a) all moneys appropriated by the Legislative Council for the purposes of the Council;
- (b) all moneys lawfully received by the Council by way of grants, loans, funds, donations, fees, rent or interest;
- (c) all moneys derived from the sale of any property held by or on behalf of the Council; and
- (d) all property and assets lawfully acquired by the Council.

With a view to avoiding doubts, may I ask the Administration to explain the following-

- (i) Is “subsidy provided by the Government for the Council” in the proposed section 6(4) same as “moneys appropriated by the Legislative Council for the purposes of the Council” in section 12(a) of VTCO?
- (ii) Which portion of the funds or property of VTC as stated in section 12 of VTCO can be used for the provision of skills training programmes outside to non-Hong Kong persons?

I would be grateful if you could let me have a reply in bilingual form on or before 23 December 2004.

Yours sincerely,

Kitty Cheng
Assistant Legal Adviser

c.c. LA
CCS(2)1