

律政司
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28 November, 2006

Ms Connie Fung
Assistant Legal Adviser
Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road, Central
Hong Kong

By Fax No. 2877 5029

Dear Ms Fung,

Unsolicited Electronic Messages Bill

Thank you for your letter of 24 November 2006.

I appreciate your comments regarding section 18(3) of the Interpretation and General Clauses Ordinance (Cap. 1). Since the text which appears in parentheses after the cross-references in the Bill is not technically a "section heading", it is the view of this Division that it can only be amended by legislative means. If a section of the Bill is amended in the future which makes it necessary to change a section heading, then the text in parentheses should be amended in the normal way by means of a consequential amendment.

This Division will consider further whether section 18 of Cap. 1 should be amended to provide that a section heading incorporated to provide context does not have legislative effect. I do not think it is necessary to do so for the purposes of the Bill (since the section headings are relatively neutral in effect) but I agree that it might be worthwhile to add such a provision to Cap. 1 to cover other cases in the future.

Yours sincerely,

(Jeffrey Gunter)

Senior Assistant Law Draftsman

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c.c. Commerce, Industry and Technology Bureau (Attn: Mr Tony Li, PAS)
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