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來函檔號 Your Ref.:
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29 October 2008

Mr Timothy Tso
Assistant Legal Adviser
Legislative Council Secretariat
Legal Service Division
Legislative Council Building
8 Jackson Road, Central
Hong Kong

By Fax No. 2877 5029

Dear Mr Tso,

Food Business (Amendment) Regulation 2008
(L.N. 185 of 2008)

Thank you for your letter of 28 October 2008.

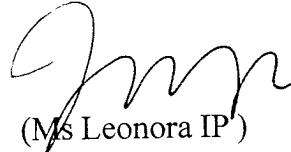
The Food Business (Amendment) Regulation 2008 (L.N. 185 of 2008) (“the Amendment Regulation”) came into operation on 2 July 2008. Section 3 of the Amendment Regulation has done its work by inserting the new section 30AA in the Food Business Regulation (Cap. 132 sub. leg. X) (“the principal Regulation”) and is now spent. We are of the view that, in these circumstances, the appropriate way of amending the new section 30AA is by means of a direct amendment to that section to be effected by the proposed new section 6 rather than by amending the spent section 3. We intend to adopt this new drafting approach in all future exercises.

As you have pointed out, section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) provides that “... if any such resolution is so passed the subsidiary legislation shall, without prejudice to anything done thereunder, *be deemed to be amended as from the date of publication in the Gazette of such resolution*”. There is no need to specify a commencement date unless it is intended that the policy is to be implemented on a later date.

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In the Bilingual Laws Information System ("BLIS"), the amendments made to section 30AA of the principal Regulation by the LegCo resolution will be incorporated in a new version of the section, with the date of publication of the resolution stated as the version date. There will be no ambiguity about the commencement date of the amendments made by the LegCo resolution. You may also wish to note that when the amendments are incorporated into the BLIS and Loose-Leaf Edition, the source instrument of the amendments (i.e. the L.N. in which the resolution was published) will be stated in section 30AA of the principal Regulation in the BLIS and the Edition. Members of the public could always refer to the L.N. if they wish to check the details of the amendments.

Yours sincerely,



(Ms Leonora IP)

Senior Government Counsel

c.c. Food and Health Bureau (Attn: Ms Olivia NIP, DS/Mr Owin FUNG, PAS) (by fax: 2136 3282)

LegCo Secretariat

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