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Fax No. : 2869 1302

6 May 2009

Department of Justice
Law Drafting Division
(Attention: Mr Lawrence Peng,
Sr Asst Law Draftsman)
8th Floor,
High Block,
Queensway Government Offices,
66 Queensway,
Hong Kong

Dear Mr Peng,

Subsidiary Legislation on Consular Matters (L.N. 74, 77 and 80 of 2009)

I refer to our telephone conversation yesterday concerning the Administration of Estates by Consular Officers Ordinance (Variation of Schedule: India) Order (L.N. 74 of 2009).

L.N. 74 (also in the case of L.N. 77 and 80) was made under the hand of Chief Executive instead of that of the Chief Secretary for Administration as appears to be required in section 3 of the Administration of Estates by Consular Officers Ordinance (Cap. 191) (the Ordinance).

As the present form of the Legal Notice departs from the express provision of section 3 and the adopted practice in notifying similar orders under the Ordinance (e.g. L.N. 53 and 56 of 2005 in the last exercise), we are concerned over whether it may affect its validity.

I would be grateful for your elucidation of the change of practice and its legal effect to facilitate my reporting to the House Committee on 8 May 2009 (in both Chinese and English and with soft copy to Ms Christine LIU at ylliu@legco.gov.hk).

Yours sincerely,

(Clara TAM)
Assistant Legal Adviser

cc. Chief Secretary for Administration's Office
(Attn.: Ms Cyrena CHAN, EO/Protocol(2)) (By Fax: 2801 4642)
DoJ (Attn.: Ms Carmen CHU , SGC) (By Fax: 2845 2215) &
Ms Angie LI, GC (By Fax: 2869 1302))