

律政司
法律草擬科

香港金鐘道 66 號
金鐘道政府合署高座 8 樓至 9 樓
圖文傳真: 852-2869 1302 (8 樓)
852-2845 2215 (9 樓)



DEPARTMENT OF JUSTICE
Law Drafting Division

8/F - 9/F., High Block
Queensway Government Offices
66 Queensway, Hong Kong
Fax: 852-2869 1302 (8/F)
852-2845 2215 (9/F)

本司檔號 Our Ref.: LDT 79/04/0C'A' VI
來函檔號 Your Ref.: LS/S/28/08-09
電話號碼 Tel. No.: 2867 4483

Urgent By Post & By Fax: 2877 5029

Total: 2+3 pages

7 May 2009

Ms Clara Tam
Assistant Legal Adviser
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Ms Tam,

Subsidiary Legislation on Consular Matters (LN 74, 77 and 80 of 2009)

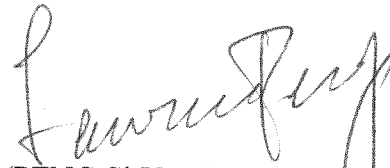
Thank you for your letter dated 6 May 2009.

LN 74, 77 and 80 of 2009 were made under section 3 of the Administration of Estates by Consular Officers Ordinance (Cap. 191). Under that section, the Chief Executive (CE) may by order notified in the Gazette under the hand of the Chief Secretary for Administration (CS) vary the Schedule to Cap. 191. That empowering mechanism involves two steps: an order to be made by the CE and a notice by the CS of the order.

You refer to LNs 53 and 56 of 2005. We have reviewed them when we prepared the drafts for LNs 74, 77 and 80 of 2009. In LNs 53 and 56 of 2005, the two-step mechanism was completed in one instrument. While LNs 53 and 56 are sufficient for substantial compliance with section 3 of Cap. 191, we feel there is room for drafting improvement. For example, LN 53 of 2005 was expressed, in the enacting formula, to be an order made by the CE. However, according to section 2 and the signature, it was expressed to be a notice by the CS.

It would be a drafting improvement if there are two instruments (i.e. an order by the CE and a notice by the CS of the order) to carry out the empowering mechanism under section 3 of Cap. 191. LNs 74, 77 and 80 of 2009 are orders made by the CE to vary the Schedule to Cap. 191. Notices of those orders were given by the CS under GN 2595, 2596 and 2597. I attach a copy of each of those notices by the CS.

Yours sincerely,



(PENG Si Yun Lawrence)
Senior Assistant Law Draftsman

c.c. Chief Secretary for Administration's Office
(Attn: Ms Cyrena Chan, EO/Protocol (2)) 2801 4642

Internal:

Ms Carmen Chu, SGC
Ms Angie Li, GC

w/encls. (3 pages)

G.N. 2595

**NOTICE OF VARIATION OF THE SCHEDULE TO THE ADMINISTRATION OF
ESTATES BY CONSULAR OFFICERS ORDINANCE (Chapter 191)**

Notice is given that the Chief Executive has ordered the variation of the Schedule to the Administration of Estates by Consular Officers Ordinance (Chapter 191) by the Administration of Estates by Consular Officers Ordinance (Variation of Schedule: India) Order (L.N. 74 of 2009).

28 April 2009

Henry TANG Chief Secretary for Administration

G.N. 2596

**NOTICE OF VARIATION OF THE SCHEDULE TO THE ADMINISTRATION OF
ESTATES BY CONSULAR OFFICERS ORDINANCE (Chapter 191)**

Notice is given that the Chief Executive has ordered the variation of the Schedule to the Administration of Estates by Consular Officers Ordinance (Chapter 191) by the Administration of Estates by Consular Officers Ordinance (Variation of Schedule: New Zealand) Order (L.N. 77 of 2009).

28 April 2009

Henry TANG Chief Secretary for Administration

G.N. 2597

**NOTICE OF VARIATION OF THE SCHEDULE TO THE ADMINISTRATION OF
ESTATES BY CONSULAR OFFICERS ORDINANCE (Chapter 191)**

Notice is given that the Chief Executive has ordered the variation of the Schedule to the Administration of Estates by Consular Officers Ordinance (Chapter 191) by the Administration of Estates by Consular Officers Ordinance (Variation of Schedule: Russia) Order (L.N. 80 of 2009).

28 April 2009

Henry TANG *Chief Secretary for Administration*