

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1))

RESOLVED that with effect from 26 June 2009 –

- (1) the functions exercisable by the Commissioner for Television and Entertainment Licensing by virtue of the Entertainment Special Effects Ordinance (Cap. 560) be transferred to the Head of Create Hong Kong and, for the purpose of giving full effect to this transfer, that Ordinance be amended in section 3 by repealing “Commissioner for Television and Entertainment Licensing” and substituting “Head of Create Hong Kong”;
- (2) in addition to and without limiting section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) –
 - (a) anything lawfully done before 26 June 2009 by or in relation to the Commissioner for Television and Entertainment Licensing pursuant to or in connection with any function transferred under this Resolution is on and from that date to be regarded, in so far as is necessary for the purpose of or in consequence of

that transfer, as done by or in relation to the Head of Create Hong Kong;

- (b) anything that, immediately before 26 June 2009, may be done and is in the process of being done by or in relation to the Commissioner for Television and Entertainment Licensing pursuant to or in connection with any function transferred under this Resolution may on and from that date be continued by or in relation to the Head of Create Hong Kong;
- (c) anything that, immediately before 26 June 2009, is required to be done and is in the process of being done by or in relation to the Commissioner for Television and Entertainment Licensing pursuant to or in connection with any function transferred under this Resolution is on and from that date to be continued by or in relation to the Head of Create Hong Kong;
- (d) without limiting subparagraphs (a), (b) and (c) –
 - (i) any document, agreement or arrangement creating or giving rise to legal rights or obligations that –
 - (A) refers to the Commissioner for Television and Entertainment Licensing, or was prepared, made or entered into by the Commissioner for Television and Entertainment Licensing on behalf of the Government; and

(B) is in force immediately before, or is to come into force on or after, 26 June 2009,

is on and from that date to be construed, in so far as is necessary for the purpose of or in consequence of the transfer of functions under this Resolution, as if the references to the Commissioner for Television and Entertainment Licensing included the Head of Create Hong Kong;

(ii) in any legal proceedings –

(A) in which the Commissioner for Television and Entertainment Licensing is a party; and

(B) that are subsisting immediately before 26 June 2009,

the Head of Create Hong Kong is on and from that date substituted for the Commissioner for Television and Entertainment Licensing as that party, in so far as is necessary for the purpose of or in consequence of the transfer of functions under this Resolution;

(iii) any –

(A) right of appeal against a decision of the Commissioner for Television and Entertainment Licensing; or

(B) right to have a decision of the Commissioner for Television and Entertainment Licensing reviewed,

that is subsisting immediately before 26 June 2009 may on and from that date be exercised as if the decision were a decision of the Head of Create Hong Kong, in so far as is necessary for the purpose of or in consequence of the transfer of functions under this Resolution;

- (iv) any right of appeal to the Commissioner for Television and Entertainment Licensing that is subsisting immediately before 26 June 2009 is on and from that date to be treated as being a right of appeal to the Head of Create Hong Kong, in so far as is necessary for the purpose of or in consequence of the transfer of functions under this Resolution;
- (v) any right to have anything reviewed by the Commissioner for Television and Entertainment Licensing that is subsisting immediately before 26 June 2009 and is in connection with any function of the Commissioner for Television and Entertainment Licensing transferred under this Resolution is on and from that date to be treated as being a right to have that thing reviewed by the Head of Create Hong Kong;
- (vi) any form that is specified or prescribed before 26 June 2009 for use in connection with any function of the Commissioner for Television and Entertainment Licensing transferred under this Resolution may on and

from that date be used despite the fact that it contains references to the Commissioner for Television and Entertainment Licensing, and those references are to be construed as references to the Head of Create Hong Kong.