

立法會

Legislative Council

LC Paper No. LS20/09-10

Legal Service Division Further Report on Import and Export (Amendment) Bill 2009

Members may recall that this Bill is to amend the description of persons who may be appointed as authorized officers under section 4 of the Import and Export Ordinance (Cap. 60) (the Ordinance) and the description of vessels in section 14A(6)(b)(iv) of the Ordinance to which the rebuttable presumption as to smuggling purpose applies.

2. In the Legal Service Division (LSD) Report (LC Paper No. LS14/09-10) to the House Committee meeting on 20 November 2009, it was reported that LSD was seeking clarification from the Administration on whether it has conducted any consultation on the proposal to amend 4 of the Ordinance and whether a textual amendment would be made to section 4A of the Ordinance by replacing "和" with "以及" in order to achieve consistency with the proposed amendment to section 4 of the Ordinance.

3. The Administration has replied that it has consulted the Panel on Security on the proposed amendment to section 4 of the Ordinance. The Administration considers this legislative proposal to be of a technical nature to allow the Marine Police greater flexibility in manpower deployment in combating smuggling at sea.

4. The Administration also does not consider it necessary in this legislative exercise to amend the Chinese text of section 4A of the Ordinance as the Bill does not cover section 4A and a minor textual amendment to that section would not affect its legal effect.

5. No difficulties relating to the legal and drafting aspects of the Bill have been identified.

6. As Members decided at the House Committee meeting on 20 November 2009 that a Bills Committee was not necessary and did not raise any objection to the resumption of the Second Reading debate on the Bill, the Clerk to the House Committee has written to the Administration informing it of the House Committee's decision and the Administration has been notified to give notice of resumption of debate in accordance with Rule 54(5) of the Rules of Procedure.

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