



立法會主席

PRESIDENT OF THE LEGISLATIVE COUNCIL

曾鈺成 GBS, 太平紳士 Jasper Tsang Yok Sing GBS, JP

來函檔號 YOUR REF :
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11 January 2011

The Hon Henry Tang Ying Yen, GBM, GBS, JP
Chief Secretary for Administration
12/F, West Wing
Central Government Offices
Lower Albert Road
Central
Hong Kong

Dear Chief Secretary,

**Country Parks (Designation)
(Consolidation)(Amendment) Order 2010 (“the Order”)**

I refer to your letter dated 4 January 2011 which I have passed to the House Committee in connection with its consideration to appoint a subcommittee to study matters relating to the power of the Legislative Council to amend subsidiary legislation.

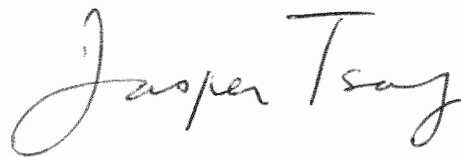
At the House Committee meeting held on 7 January 2011, Members considered it necessary that I should write to you and convey their grave concern over the manner in which the Administration questioned the legality of the resolution of this Council which repealed the Order.

I wish to stress that when I ruled on 11 October 2010 that the Honourable Tanya CHAN's proposed resolution to repeal the Order ("the Resolution") was in order under the Rules of Procedure of the Legislative Council, I had given very careful consideration to all the viewpoints placed before me, including those from the Administration. The Resolution was passed by the Council at its meeting on 13 October 2010 in accordance with the Rules of Procedure and the powers given under section 34(2) of the

Interpretation and General Clauses Ordinance (Cap. 1). It was then published in the Gazette on 15 October 2010 as Legal Notice No. 135 of 2010 pursuant to section 34(5) of Cap. 1. The Resolution has the full force of law.

I understand that the House Committee is taking proactive steps to study the concerns expressed over the interpretation of the various statutory formulations which define LegCo's power to amend subsidiary legislation. I am certain, with the support of the Administration, we should be able to come up with useful suggestions to remove any current doubts that may exist and, for the benefits of law drafters and law makers, to achieve a common understanding on the proper formulations to be adopted in future.

Yours sincerely,

A handwritten signature in cursive script that reads "Jasper Tsang". The signature is written in black ink and is positioned above the printed name and title.

(Jasper Tsang Yok Sing)
President