

# 立法會

## Legislative Council

立法會CB(3) 1042/11-12號文件  
傳真文件

檔 號 : CB(3)/M/OR  
電 話 : 3919 3302  
日 期 : 2012年7月6日  
發文者 : 立法會秘書  
受文者 : 立法會全體議員

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### 根據《釋義及通則條例》第54A條 動議有關政府總部架構重組的擬議決議案

秘書處已於2012年6月19日發出立法會CB(3) 944/11-12號文件通知議員，政務司司長(“司長”)會就政制及內地事務局局長動議的上述擬議決議案動議兩項修正案。謹請議員注意，司長已**撤回**該兩項修正案，而立法會主席已**免卻**所須預告，讓司長就該項擬議決議案動議兩項新的修正案。該兩項新的修正案載於**附錄I及II**，供議員考慮。

2. 司長致立法會主席兩封就此事作出說明的函件載於**附錄III及IV**，供議員參閱。

立法會秘書



(衛碧瑤女士代行)

連附件

**立法會**  
**Legislative Council**

LC Paper No. CB(3) 1042/11-12

**By fax**

Ref. : CB(3)/M/OR

Tel : 3919 3302

Date : 6 July 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

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**Proposed resolution under section 54A of  
the Interpretation and General Clauses Ordinance  
relating to the re-organisation of the Government Secretariat**

Members were informed vide LC Paper No. CB(3) 944/11-12 issued on 19 June 2012 that the Chief Secretary for Administration (“CS”) will move two amendments to the above proposed resolution to be moved by the Secretary for Constitutional and Mainland Affairs. Members are invited to note that CS has **withdrawn** the two amendments and the President has **waived** the required notice for CS to move two new amendments to the proposed resolution. The two new amendments are provided in **Appendices I and II** for Members’ consideration.

2. Two self-explanatory letters from CS to the President are provided in **Appendices III and IV** for Members’ information.



(Ms Dora WAI)  
for Clerk to the Legislative Council

Encl.

《釋義及通則條例》

及

《香港特別行政區立法會議事規則》  
第 29(6)條

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修訂議案

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議決修訂政制及內地事務局局長於 2012 年 6 月 20 日立法會會議上根據《釋義及通則條例》(第 1 章)第 54A 條提出的議案 —

(a) 在第(1)段之前加入 —

“(1A) 在本決議中 —

**生效日期** (commencement date)在立法會財務委員會批准以下建議的情況下，指 2012 年 7 月 23 日 —

- (a) 編號為 FCR(2012-13)43 的文件的附件 1 所載列的該委員會的人事編制小組委員會的建議；及
- (b) 編號為 FCR(2012-13)44 的文件所載列的建議；”；

(b) 在第(1)及(2)段中，刪去所有“2012年7月1日”而代以“生效日期”；

(c) 在附表3，第2部中，刪去第4(1)條而代以 —

“(1) 《西九文化區管理局條例》(第601章)，在第21(13)條之後 —

#### 加入

“(14) 就於生效日期或之後擬備的發展圖則而言，第(3)、(4)及(5)款在猶如其內提述民政事務局局長之處已由提述文化局局長所取代的情況下具有效力。

(15) 在第(14)款中 —

**生效日期** (commencement date)指民政事務局局長在本條例下的職能移轉予文化局局長的日期。”。

Interpretation and General Clauses Ordinance

and

Rule 29(6) of the Rules of Procedure of the Legislative Council  
of the Hong Kong Special Administrative Region

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Amending Motion

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**Resolved** that the motion to be moved by the Secretary for Constitutional and Mainland Affairs under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) at the Legislative Council meeting of 20 June 2012 be amended—

(a) by adding before paragraph (1)—

“(1A) in this Resolution—

*commencement date* (生效日期) means 23 July 2012 if—

(a) the recommendation of the Establishment Subcommittee of the Finance Committee of the Legislative Council set out in Enclosure 1 to the paper numbered FCR(2012-13)43; and

(b) the proposal set out in the paper numbered FCR(2012-13)44,

are approved by the Committee;”;

(b) in paragraphs (1) and (2), by deleting “1 July 2012” (wherever appearing) and substituting “the commencement date”;

(c) in Schedule 3, Part 2, by deleting section 4(1) and substituting—

“(1) West Kowloon Cultural District Authority Ordinance (Cap. 601),  
after section 21(13)—

**Add**

“(14) In relation to a development plan prepared on or after the commencement date, subsections (3), (4) and (5) have effect as if any reference to the Secretary for Home Affairs in those subsections was substituted by a reference to the Secretary for Culture.

(15) In subsection (14)—

*commencement date* (生效日期) means the date on which the functions of the Secretary for Home Affairs under this Ordinance are transferred to the Secretary for Culture.”.



- (d) 在附表 4，第 1 部，第 1 分部中，加入 —
- “3. 《一手住宅物業銷售條例》(2012 年第 19 號) 房屋規劃地政局局長”；
- (e) 在附表 4，第 2 部，第 1 分部中，刪去第 1 條而代以 —
- “1. “房屋規劃地政局局長”取代“運輸及房屋局局長”
- (1) 以下條文 —
- (a) 《房屋條例》(第 283 章)，第 14(4)及 15(2)條；
- (b) 《地產代理條例》(第 511 章)，第 1(2)及 2(1)(局長)的定義)條；
- (c) 《一手住宅物業銷售條例》(2012 年第 19 號)，第 1(2)及 2(1)(局長)的定義)條 —

#### 廢除

所有“運輸及房屋局局長”

代以

“房屋規劃地政局局長”。



- (2) 《一手住宅物業銷售條例》(2012 年第 19 號), 第 90 條, 標題 —

廢除

“運輸及房屋局局長”

代以

“房屋規劃地政局局長”。

**Interpretation and General Clauses Ordinance**

**and**

**Rule 29(6) of the Rules of Procedure of the Legislative Council  
of the Hong Kong Special Administrative Region**

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**Amending Motion**

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**Resolved** that the motion to be moved by the Secretary for Constitutional and Mainland Affairs under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) at the Legislative Council meeting of 20 June 2012 be amended—

- (a) in Schedule 1, Part 1, Division 1, by adding—  
“18. Competition Ordinance Secretary for Commerce and  
(14 of 2012) Industries”;
- (b) in Schedule 1, Part 2, Division 1, section 1(1)(q), by deleting “section 2(2)—” and substituting “section 2(2);”;
- (c) in Schedule 1, Part 2, Division 1, section 1(1), by adding—  
“(r) Competition Ordinance (14 of 2012), sections 1(2) and 163(1)  
and (2)—”;
- (d) in Schedule 4, Part 1, Division 1, by adding—

“3. Residential Properties Secretary for Housing,  
 (First-hand Sales) Planning and Lands”;  
 Ordinance  
 (19 of 2012)

(e) in Schedule 4, Part 2, Division 1, by deleting section 1 and substituting—

“1. **“Secretary for Housing, Planning and Lands” substituted for “Secretary for Transport and Housing”**

(1) The following provisions—

(a) Housing Ordinance (Cap. 283), sections 14(4) and 15(2);

(b) Estate Agents Ordinance (Cap. 511), sections 1(2) and 2(1) (definition of *Secretary*);

(c) Residential Properties (First-hand Sales) Ordinance (19 of 2012), sections 1(2) and 2(1) (definition of *Secretary*)—

**Repeal**

“Secretary for Transport and Housing” (wherever appearing)

**Substitute**

“Secretary for Housing, Planning and Lands”.

(2) Residential Properties (First-hand Sales) Ordinance (19 of 2012), section 90, heading—

**Repeal**

**“Secretary for Transport and Housing”**

**Substitute**

**“Secretary for Housing, Planning and Lands”.”.**

中華人民共和國  
香港特別行政區政府  
政務司司長辦公室



CHIEF SECRETARY  
FOR ADMINISTRATION'S OFFICE  
Government of the Hong Kong  
Special Administrative Region  
of the People's Republic of China

香港中區  
立法會道 1 號  
立法會綜合大樓  
立法會主席  
曾鈺成議員，GBS，JP

主席：

**修訂根據《釋義及通則條例》第 54A 條動議的擬議決議案**

繼前任政務司司長於 2012 年 6 月 19 日發出有關修訂根據《釋義及通則條例》第 54A 條擬提出的決議（“決議”）的信函，我現撤回於早前提出有關決議生效日期的修訂，及提出一項新的修訂。

正如在 2012 年 6 月 19 日的信函所述，我們建議修訂決議的生效日期。有鑑於立法會及財務委員會（“財委會”）會議的討論進度，我們現撤回於 2012 年 6 月 19 日提出的修正案，並提出一項新的修訂，以訂明如財委會批准有關建議，決議將於 2012 年 7 月 23 日起生效。新的修正案見附件。


儘管我們已經盡力，然而，直至財委會於 2012 年 6 月 29 日的會議，財委會未能就兩項討論文件內（即 FCR(2012-13)43 及 FCR(2012-13)44）有關政府總部架構重組的建議（“建議”），完成審議。政府當局的主要目標仍是希望於 2012 年 7 月 18 日立法會休會前，獲得財委會批准有關建議及立法會通過決議。

因此，我們須動議修正案，以訂明如財委會批准有關建議，及當決議獲立法會通過後，該決議將於 2012 年 7 月 23 日起生效。

因此，我希望可得到你的批准，免卻就動議修正案作出預告。如獲得你的批准，我將會動議提出這個新的修訂，以及於我早前的信函所述，在決議內提出修訂，以更新在《競爭條例》及《一手住宅物業銷售條例》就公職人員的提述。

我懇請你考慮上述的事宜。就你須考慮兩個新的修正案，我表示非常感激。

政務司司長林鄭月娥



2012 年 7 月 5 日

副本送：

政制及內地事務局局長

中華人民共和國  
香港特別行政區政府  
政務司司長辦公室



CHIEF SECRETARY  
FOR ADMINISTRATION'S OFFICE  
Government of the Hong Kong  
Special Administrative Region  
of the People's Republic of China

5 July 2012

The Honourable Jasper TSANG Yok-sing, GBS, JP  
President of the Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear *President,*

**Amendment to the Proposed Resolution under Section 54A of the  
Interpretation and General Clauses Ordinance**

Further to my predecessor's letter dated 19 June 2012 concerning the amendment to the resolution proposed to be made under section 54A of the Interpretation and General Clauses Ordinance ("the resolution"), I write to withdraw the previous amendment and propose a new amendment to the resolution relating to the commencement date of the resolution.

As mentioned in the letter dated 19 June 2012, we proposed an amendment to the commencement date of the resolution. In view of the progress of discussion at the Legislative Council ("LegCo") and the Finance Committee ("FC"), we would like to withdraw the amendment proposed on 19 June 2012 and to propose a new amendment that the resolution will take effect on 23 July 2012 if the FC approves the concerned proposals. The new amendment is at **Annex**.

Despite the hard work up to 29 June 2012, the FC has yet to complete its consideration of the two FC agenda items ("FCais") (i.e. FCR(2012-13)43 and FCR(2012-13)44) relating to the re-organisation of the Government Secretariat. It remains the Administration's prime objective to secure the FC's approval of the concerned FCais and LegCo's passage of the resolution before the prorogation of the LegCo on 18 July 2012. As such, we need to move an amendment to the resolution to stipulate that the resolution will take effect on 23 July 2012 after its passage by the LegCo and FC's approval of the concerned FCais.

I would, therefore, wish to seek your approval to waive the notice requirement for moving the amendment. Subject to your agreement, I would move this new amendment together with my proposed new amendment relating to the reference of the public officers concerned in the Competition Ordinance and the Residential Properties (First-hand Sales) Ordinance mentioned in my previous letter.

I should be most grateful if you would give the matter favourable consideration. I am grateful to you for your forbearance in having to consider two new amendments to the resolution.

Yours sincerely,



( Mrs Carrie Lam )  
Chief Secretary for Administration

c.c. Secretary for Constitutional and Mainland Affairs



中華人民共和國  
香港特別行政區政府  
政務司司長辦公室



CHIEF SECRETARY  
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立法會道 1 號  
立法會綜合大樓  
立法會主席  
曾鈺成議員，GBS，JP

主席：


### 修訂根據《釋義及通則條例》第 54A 條動議的擬議決議案

繼前任政務司司長於 2012 年 6 月 19 日發出有關修訂根據《釋義及通則條例》第 54A 條擬提出的決議（“決議”）的信函，我現撤回於早前提出在有關條例下就公職人員的提述的修訂，及提出一項新的修訂。

正如在 2012 年 6 月 19 日的信函所述，隨着立法會於 2012 年 6 月 14 日通過《競爭條例草案》，我們須就決議提出修訂，把《競爭條例》內對“商務及經濟發展局局長”的提述，代以“工商及產業局局長”。《一手住宅物業銷售條例草案》已於 2012 年 6 月 29 日獲立法會通過。我們須就決議提出修訂，把《一手住宅物業銷售條例》內對“運輸及房屋局局長”的提述，代以將於架構重組建議實施後，從運輸及房屋局局長接掌房屋政策職能的“房屋規劃地政局局長”。

有鑑於《一手住宅物業銷售條例草案》獲通過，我們建議撤回於早前提出的有關“商務及經濟發展局局長”提述的修訂，並動議提出一項新的修正案，以同時更新“商務及經濟發展局局長”及“運輸及房屋局局長”的提述。新的修訂見附件。因此，我希望可得到你的批准，免卻新修正案須作出的預告。

我懇請你考慮上述的事宜。

政務司司長林鄭月娥 

2012年7月5日

副本送：

政制及內地事務局局長  
商務及經濟發展局局長  
運輸及房屋局局長

中華人民共和國  
香港特別行政區政府  
政務司司長辦公室



CHIEF SECRETARY  
FOR ADMINISTRATION'S OFFICE  
Government of the Hong Kong  
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5 July 2012

The Honourable Jasper TSANG Yok-sing, GBS, JP  
President of the Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear *President,*

**Amendment to the Proposed Resolution under Section 54A of the  
Interpretation and General Clauses Ordinance**

Further to my predecessor's letter dated 19 June 2012 concerning the amendment to the resolution proposed to be made under section 54A of the Interpretation and General Clauses Ordinance ("the resolution"), I write to withdraw the previous amendment and propose a new amendment to the resolution relating to the reference to public officers in the ordinances concerned.

As mentioned in the letter dated 19 June 2012, following the passage of the Competition Bill on 14 June 2012, we proposed to move an amendment to the resolution to substitute the reference to the "Secretary for Commerce and Economic Development" ("SCED") with the "Secretary for Commerce and Industries". As the Residential Properties (First-hand Sales) Bill was passed by the Legislative Council ("LegCo") on 29 June 2012, we also need to amend the resolution to substitute the reference to the "Secretary for Transport and Housing" ("STH") in the Residential Properties (First-hand Sales) Ordinance with the "Secretary for Housing, Planning and Lands" who will take over the policy portfolio on housing from STH pursuant to the re-organisation proposal.

In view of the passage of the Residential Properties (First-hand Sales) Bill, we would like to withdraw the previous proposed amendment to the resolution relating to the reference of SCED and move a new amendment which incorporates the changes in reference to both SCED and STH. The new amendment is at **Annex**. I would, therefore, like to seek your approval to give leave to dispense with the notice of the new amendment.

I should be most grateful if you would give the matter favourable consideration.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Carrie Lam".

( Mrs Carrie Lam )  
Chief Secretary for Administration

c.c. Secretary for Constitutional and Mainland Affairs  
Secretary for Commerce and Economic Development  
Secretary for Transport and Housing