

立法會
Legislative Council

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Date : 26 February 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 18 March 2015

**Proposed resolution under section 54A of the
Interpretation and General Clauses Ordinance (Cap. 1)**

The Secretary for Commerce and Economic Development will move, at the Council meeting of 18 March 2015, the captioned proposed resolution, which is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that the Resolution made and passed by the Legislative Council on 29 October 2014 and published in the Gazette as Legal Notice No. 132 of 2014 be amended as set out in the Schedule.

Schedule

Amendments to Resolution of the Legislative Council

1. Resolution amended

(1) The Resolution, paragraph (1)—

Repeal the definition of *commencement date*

Substitute

“*commencement date* (生效日期)—

- (a) subject to subparagraph (b), means the 14th day after the day on which the Finance Committee of the Legislative Council (*the Committee*) approves, under section 8 of the Public Finance Ordinance (Cap. 2), the proposal to make changes to the Estimates of Expenditure 2015–16 to provide for the following matters arising from the establishment of the Innovation and Technology Bureau—
- (i) the creation of a new head of expenditure and new subheads in that head of expenditure;
 - (ii) supplementary provision in those subheads;
 - (iii) variations in the establishment of posts; or
- (b) if the amending Resolution is made and passed after the day on which the Committee approves the proposal mentioned in subparagraph (a), means the 14th day after the day on which the amending Resolution is made and passed;”.

(2) The Resolution, paragraph (1)—

Add in alphabetical order

“***amending Resolution*** (《修訂決議》) means the Resolution made and passed by the Legislative Council under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) to amend the definition of ***commencement date*** in paragraph (1) of the Resolution made and passed by the Legislative Council on 29 October 2014 and published in the Gazette as Legal Notice No. 132 of 2014;”.

[DRAFT]
[TRANSLATION]

Legislative Council Sitting of 18 March 2015
Resolution to be made under the
Interpretation and General Clauses Ordinance

Speech of the
Secretary for Commerce and Economic Development

President,

I move that the resolution to be made under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1), as set out on the Agenda, be passed.

2. In preparation for the establishment of the Innovation and Technology Bureau, the Legislative Council (LegCo) passed the resolution to effect the transfer of statutory functions under the Electronic Transactions Ordinance (Cap. 553) from the Secretary for Commerce and Economic Development and Permanent Secretary for Commerce and Economic Development (Communications and Technology) to the Secretary for Innovation and Technology and Permanent Secretary for Innovation and Technology on 29 October 2014. The commencement clause of the resolution provides that the resolution will commence on the 14th day after the day on which the Finance Committee (FC) approves the funding proposal to make changes to the Estimates of Expenditure for 2014-15 for the establishment of the Innovation and Technology Bureau, or the 14th day after the day on which the resolution is made and passed, whichever is the later.

3. Since the relevant funding proposal could not be approved by the FC in time for the relevant changes to be included into the Draft Estimates of Expenditure for 2015-16 which was introduced into the LegCo on 25 February, the funding proposal has been temporarily withdrawn. It follows that the resolution of 29 October 2014 could not

commence. Another funding proposal to make changes to the Estimates of Expenditure for 2015-16 will be submitted to the FC after the passage of the Appropriation Bill 2015.

4. The objective of this resolution is to amend the commencement clause of the original resolution of 29 October 2014, such that the original resolution will commence on the 14th day after the day on which the FC approves the funding proposal to be submitted in the next financial year, or the 14th day after the day on which this resolution is made and passed, whichever is the later. This resolution is solely a technical amendment and does not involve any substantive amendments to the original resolution. I appeal to Members for supporting the resolution.

5. Thank you, President.