

立法會
Legislative Council

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Date : 2 April 2015

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting on 15 and 16 April 2015

**Proposed resolution under the
Interpretation and General Clauses Ordinance**

The Secretary for Commerce and Economic Development will move, at the above Council meeting, a proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Competition (Turnover) Regulation, published in the Gazette as Legal Notice No. 38 of 2015. The proposed resolution 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 34(2) of the Interpretation and General Clauses Ordinance
(Cap. 1))

Competition (Turnover) Regulation

Resolved that the Competition (Turnover) Regulation, published in the Gazette as Legal Notice No. 38 of 2015 and laid on the table of the Legislative Council on 25 February 2015, be amended as set out in the Schedule.

Schedule

Amendments to Competition (Turnover) Regulation

1. **Section 2 amended (determination of turnover of undertaking)**
 - (1) Section 2(3)(a)—
Repeal
“any sum from a public body by way of grant, subsidy or similar financial assistance in return for a contractual obligation to supply goods or services to a third party, the sum”
Substitute
“from a public body any grant, subsidy or similar financial assistance in return for a contractual obligation to supply goods or services to a third party, the grant, subsidy or financial assistance”.
 - (2) After section 2(3)—
Add
“(4) Subject to this section, the total gross revenues of an undertaking are to be calculated in accordance with generally accepted accounting principles.”.

**Speech by the Secretary for Commerce and Economic Development
in Moving a Motion to Amend
the Competition (Turnover) Regulation
at the Meeting of the Legislative Council on 15 April 2015**

President,

I move that the motion as set out on the Agenda regarding an amendment to the Competition (Turnover) Regulation (“the Regulation”) be passed. The Regulation was published in the Gazette on 18 February 2015 to provide for the determination of the turnover of an undertaking and specify the turnover period for the purposes of the Competition Ordinance (Cap. 619). I would like to express my gratitude for the scrutiny of the Regulation and the valuable advice tendered by the Subcommittee chaired by the Hon Andrew LEUNG Kwan-yuen.

As a result of deliberations with Members of the Subcommittee, I will propose today certain amendments to the Regulation in order to increase clarity of the wording and to set out that under section 2 of the Regulation (determination of turnover of undertakings), total gross revenues of an undertaking are to be calculated in accordance with generally accepted accounting principles. These amendments have obtained Members’ support.

With these remarks, President, I hereby move the motion under my name printed on the agenda to amend the Competition (Turnover) Regulation.