

Letterhead of Legislative Council Secretariat Legal Service Division

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Annex C

By Fax No. 28775650

7 May 1999

Mr. Nicholas Chan
Assistant Secretary
Trade & Industry Bureau
Level 29 One Pacific Place
88 Queensway
Hong Kong

Dear Mr. Chan,

Adaptation of Laws (No. 13) Bill 1999

I refer to the above Bill which has just been gazetted. On the legal and drafting aspects of the Bill, I note the following:

Schedule 2-Import and Export Ordinance (Cap. 60)

In the Heading of section 36B, the term "the Governor" has not been amended.

Schedule 2-Import and Export (Registration) Regulations (Cap. 60, sub. leg.)

In paragraph (c) of Regulation 3, the word "Crown" still appears.

Schedule 3-Consumer Council Ordinance (Cap. 216)

- (a) After adaptation, section 10(b) of the Ordinance reads "The Council shall obtain the prior approval of the Chief Executive to the suspension of or dismissal of the chief executive". Would the Administration consider adding words such as "of the Hong Kong Special Administrative Region" after the words "Chief Executive"? Has the Chief Executive of the Consumer Council agreed to his or her title in small letters or would he or she prefer to add the word "Officer" after "Chief Executive"?

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- (b) In item 8, the word "Crown" is substituted by "State". Why is the Consumer Council, a Hong Kong statutory body, referred to as not a servant of "the State" and not just "the Government"? How can the status of a Hong Kong statutory body protecting consumers' interest within Hong Kong jurisdiction be enhanced to being not a "State" servant?

I shall be grateful if you could let me have your reply on or before 14 May 1999 so that I can prepare a report to the House Committee.

Yours sincerely,

(Anita Ho)

Assistant Legal Adviser

c.c. D of J (Attn: Mr. Frederick Chung, SGC)

Mr. Jimmy MA, LA