

LEGISLATIVE COUNCIL BRIEF

Interpretation and General Clauses Ordinance (Chapter 1)

Specification of Public Office

INTRODUCTION

At the meeting of the Executive Council on 15 September 1998, the Council ADVISED and the Chief Executive ORDERED that the Specification of Public Office at the Annex should be made under 43 of the Interpretation and General Clauses Ordinance to specify the public office of the Secretary for Security for the purposes of section 35(2) of the Immigration Ordinance, to enable the Secretary for Security to delegate the power to direct the transfer of immigration detainees to other public officers.

BACKGROUND AND ARGUMENT

2. Section 35 of the Immigration Ordinance (Cap.115) provides for, among other things,:
 - (a) persons required or authorized to be detained by or under that Ordinance to be detained in such places as the Secretary for Security may by order direct **[section 35(1)]**; and
 - (b) the Secretary for Security to direct that such persons be detained in such other place as he may specify **[section 35(2)]**.

FINANCIAL AND STAFFING IMPLICATIONS

9. There will not be any financial or staffing implications.

LEGISLATIVE TIMETABLE

10. The Legislative timetable approved by the Chief Executive in Council is

Publication in the Gazette	25 September 1998
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Tabling in the Legislative Council	30 September 1998
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ENQUIRIES

11. For any enquiries on the Specification of Public Office Notice, please contact Miss Cathy Chu, Principal Assistant Secretary (Security) at 2810 2330.

Security Bureau
22 September 1998

SPECIFICATION OF PUBLIC OFFICE

(Made by the Chief Executive in Council under section 43 of the Interpretation and General Clauses Ordinance (Cap. 1))

1. The public office mentioned in column 1 of the Schedule is specified for the purposes of the Ordinance mentioned in column 2 of the Schedule.

SCHEDULE

[s. 1]

Public Office	Ordinance for which specified
Secretary for Security	Immigration Ordinance (Chapter 115), section 35(2).

Clerk to the Executive Council

COUNCIL, CHAMBER

1998

Explanatory Note

The effect of this Notice is to enable the Secretary for Security to delegate his powers and duties under section 35(2) of the Immigration Ordinance (Cap. 115) to other public officers.