

立法會
Legislative Council

LC Paper No. LS140/99-00

**Paper for the House Committee Meeting of the
Legislative Council
on 19 May 2000**

**Legal Service Division Report on
Resolution under section 100A of the Interpretation and
General Clauses Ordinance (Cap. 1)**

The Secretary for Education and Manpower has given notice to move the above resolution at the Legislative Council meeting on 31 May 2000. The object of this resolution is to increase certain fines under the Education Ordinance (Cap. 279) and the Education Regulations (Cap. 279 sub. leg.)

2. Under section 100A of the Interpretation and General Clauses Ordinance (Cap. 1), the Legislative Council may by resolution amend an Ordinance so as to increase the amount of a fine specified in the Ordinance, and the amount of a fine specified in the Ordinance as an amount that may be prescribed in subsidiary legislation made under the Ordinance. The increase may be expressed as an amount of money or as a level in Schedule 8 to the Criminal Procedure Ordinance (Cap. 221).

3. For background information on the proposed increases, Members may refer to the LegCo Brief issued by the Education and Manpower Bureau (File reference : EMB CR 2/2/3231/90 dated 15 May 2000). The Administration states in the LegCo Brief that, except for the proposed increase in penalty relating to over-enrollment, the other increases are proposed on the basis of inflation. Annex B to the Brief provides a summary of existing penalty provisions in the Education Ordinance and Education Regulations. Annex C to the Brief is a comparison of the existing level of penalty and the proposed increase.

4. The Administration has consulted the Legislative Council Panel on Education on 20 March 2000 and 17 April 2000. At the meetings Members of the Panel had indicated support of the proposed increase in penalty.

5. The drafting of the resolution is in order.

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