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Secretary for Education and Manpower
Education and Manpower Bureau
9/F Central Government Offices
West Wing, Ice House Street
Central
Hong Kong

21 November 2002

BY FAX
Fax No. : 2147 9448

(Attention : Mr John Leung, PAS(E&M)9)

Dear Mr Leung,

Education Reorganization (Miscellaneous Amendments) Bill 2002

I am scrutinizing the above Bill with a view to advising Members on the legal and drafting aspects.

I note that under clause 43(5) of the Bill, the Education and Manpower Bureau (EMB) may sue on, recover or enforce any property or right vested in it under clause 42(5) and may be sued for any liability to which it is subject under section 42(5). Similarly, under clause 43(6), EMB may sue on, recover or enforce a chose of action vested in it under clause 42(5) without having to give a notice of transfer to the person bound by the chose of action.

Please explain the need for clause 43(5) and (6) and clarify whether it would be inconsistent with section 13 of the Crown Proceedings Ordinance (Cap. 300) which provides that civil proceedings by or against the Crown instituted under the provisions of that Ordinance shall be instituted by or against the Secretary for Justice.

Yours sincerely,

(Bernice Wong)
Assistant Legal Adviser

c.c. D of J (Attn. Miss Grace Leung, GC)
LA