

2835 1423
2834 5605

28 February 2003

Mr Stephen Lam
Assistant Legal Adviser,
Legislative Council Secretariat,
Legal Service Division,
Legislative Council Building,
8 Jackson Road, Central,
Hong Kong

Dear Mr Lam,

Thank you for your letter of 27 February. Our response to the points you raised are as follows:

S.4(4) and 5(4)(a) and (b)

These sections provide for the situation where a person completes the application form in one language but he/she has a name in the other language. Writing the name in a different language does not amount to completing the form in two languages.

Section 15

The equivalent of sections 5(5) & (6) of the EAC(RE)(LCGC)(DCC)R is in s. 11(2), (3) and (4) of the Regulation under study. Considering the structure of the Regulation, this is a more logical flow.

Section 16

This section sets out the timeframe for public authority and government departments to provide required information to the ERO. The provision of 14 days is a recommendation from the EAC, on the basis of enhanced efficiency and the tight schedule of the VR elections. Where there are genuine difficulties, the ERO may, under section 16(4), extend the deadline.

Section 17(1)

This is a drafting convention. Where items are enumerated (e.g. a cumulative list that follows “the following”), a conjunction is unnecessary.

Sections 20(1) & 27(1)

Both “of” & “to” are grammatically correct in the context.

Section 27(1)

Under this section, the requesting person can supply information with the request. It is not necessary to statutorily empower that person to furnish supporting information to the ERO. The ERO will make the correction only if satisfied the alteration should be made. The ERO will record the particulars corrected as appropriate. The legal effect of section 27(1) is clear and unambiguous.

Section 32Sub-section 2(b)

Both “on” & “in” can be used legally and grammatically.

Sub-sections (7) & (8)

Agreed.

For the Chinese version :

s.1 – Definition of “preceeding year”

The Chinese version of the definition of “preceeding year” of this regulation under study follows closely the English version and accurately reflects its effect.

ss.4(3)(b), 4(4)(b), 53(b), 5(4)(a), 5(4)(b)

The expression specified in the right column of the table below accurately reflect the meaning of the provision:

Section	Expression
4(3)(b)	上述申請表格上的主要住址
4(4)(b)	該表格上的主要住址
5(3)(b)	上述申請表格上的主要住址
5(4)(a)	該表格上
5(4)(b)	該表格上

ss.4(4)(a) & (b), 5(4)(b) & (c), 23(3)(a) & (b), 25(4)(a) & (b), 25(6)(a) & (b), 27(10)(a) & (b), 30(2)(a) & (b) – conjunctions

In the above provisions, the conjunction “and” or “or” is needed in the English text because the paragraphs linked by the conjunction are not complete clauses by themselves. Instead, they are merely phrases that run on from the chapeau, through the preceding paragraphs, until the end of the regulation concerned. On the other hand, in the Chinese version, each paragraph forms a complete clause and can be read independently. They are properly co-ordinated by a semi-colon. A conjunction is not necessary and does not add anything.

s.12(1)(b)

“上述” has been used as rendition of “such” and accurately reflects its meaning.

Yours sincerely,

(Miss Monica CHEN)
for Director of Home Affairs

c.c. DSHA
PLO(1)2
DO(K&T)
DoJ (Attn: Mr Sunny Chan) Fax No. 2845 2215
DoJ (Attn: Ms Betty Y W Cheung) Fax No. 2845 2215