

Bills Committee on Shenzhen Bay Port Hong Kong Port Area Bill

Examples of exercise of statutory powers under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1)

Purpose

Pursuant to the discussion at the meeting on 12 March 2007, this paper provides examples of exercise of statutory powers under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1).

Background

2. Clause 15 is a clause to facilitate preparatory work for the commissioning of the Hong Kong Port Area (“HKPA”). An enactment that is applied in the HKPA by virtue of clause 5 takes effect in relation to the HKPA on the day on which clause 5 comes into operation (i.e. the day on which the HKPA comes into being). Under clause 15(1), a power to do anything under the enactment may be exercised in relation to the HKPA before the said day. In effect, clause 15(1) enables such powers to be exercised in preparation for the commissioning of the HKPA before the HKPA comes into being. Clause 15(2) provides that while such powers may be exercised before the HKPA comes into being, such an exercise of power is not effective before the HKPA comes into being. In the paper entitled “Legislative and other preparatory work” [CB(2)1250/06-07(02)], we have briefed Members on the statutory powers that we plan to exercise in accordance with clause 15.

3. Clause 15 draws reference from section 32 of the Interpretation and General Clauses Ordinance (Cap. 1) (see copy at Annex).

Examples of exercise of statutory powers under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1)

4. We provide below some examples of exercise of statutory powers under section 32 of the Interpretation and General Clauses Ordinance (Cap. 1).

Mandatory Provident Fund Schemes (Exemption) Regulation (L.N.203 of 1998, published in the Laws of Hong Kong as Cap. 485 sub.leg.B)

5. The Regulation was *made under sections 5 and 46* of the Mandatory Provident Fund Schemes Ordinance (Cap. 485). It went through the positive vetting procedure of the Legislative Council (“LegCo”) and was published in the Gazette on 9 April 1998 with LegCo's approval *before the commencement date of those sections*. Section 46 commenced operation on 12 March 1999 and both section 5 and the Regulation commenced operation on 3 January 2000.

Construction Workers Registration Ordinance (Amendment of Schedule 1) Notice 2007 (L.N.3 of 2007)

6. The Notice was *made under section 64* of the Construction Workers Registration Ordinance (Cap. 583). It was published in the Gazette on 5 January 2007 *before the commencement date of that section* and went through LegCo's negative vetting procedure, which took place following its publication in the Gazette. Both section 64 and the Notice commenced operation on 28 February 2007.

Security Bureau
21 March 2007



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Chapter:	1	Title:	INTERPRETATION AND GENERAL CLAUSES ORDINANCE	Gazette Number:	
Section:	32	Heading:	Exercise of statutory powers between enactment and commencement of Ordinance	Version Date:	30/06/1997

(1) Where an Ordinance is to come into operation on a day other than the day of its publication in the Gazette, a power to do anything under the Ordinance may be exercised at any time after its publication in the Gazette.

(2) An exercise of a power under subsection (1) is not effective until the provision in the Ordinance to which it relates comes into operation unless the exercise of the power is necessary to bring the Ordinance into operation.

(Replaced 89 of 1993 s. 15)

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