

立法會
Legislative Council

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Tel : 2869 9205

Date : 8 June 2007

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 27 June 2007

**Proposed resolution under section 54A of the
Interpretation and General Clauses Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Commerce, Industry and Technology will move at the Council meeting of 27 June 2007 under section 54A of the Interpretation and General Clauses Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The Chinese version of the draft speech, which the Secretary for Commerce, Industry and Technology will deliver when moving the proposed resolution, is also attached. The English version of the speech will be issued as soon as it is available.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

INTERPRETATION AND GENERAL CLAUSES ORDINANCE

RESOLUTION

(Under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1))

RESOLVED that with effect from 1 July 2007 –

- (1) the functions exercisable by the Secretary for Commerce, Industry and Technology by virtue of –
 - (a) the Import and Export (Amendment) Ordinance 2007 (8 of 2007) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in section 2 by repealing “Secretary for Commerce, Industry and Technology” and substituting “Secretary for Commerce and Economic Development”;
 - (b) the Unsolicited Electronic Messages Ordinance (9 of 2007) be transferred to the Secretary for Commerce and Economic Development and, for the purpose of giving full effect to such transfer, that Ordinance be amended in the following provisions by repealing “Secretary for Commerce, Industry and Technology” wherever

it appears and substituting “Secretary for
Commerce and Economic Development” –

- (i) section 1(3);
 - (ii) the definition of “Secretary” in section 2(1);
- (2) in addition to and without derogating from section 23 of the Interpretation and General Clauses Ordinance (Cap. 1) –
- (a) anything lawfully done before 1 July 2007 by or in relation to the Secretary for Commerce, Industry and Technology (“former Secretary”) pursuant to or in connection with any function transferred under this Resolution shall on and from that date be regarded, in so far as necessary for the purpose or in consequence of that transfer, as done by or in relation to, as the case may be, the Secretary for Commerce and Economic Development (“new Secretary”);
 - (b) anything that, immediately before 1 July 2007, may be done and is in the process of being done by or in relation to the former Secretary pursuant to or in connection with any function transferred under this Resolution may on and from that date be continued by or in relation to, as the case may be, the new Secretary;
 - (c) anything that, immediately before 1 July 2007, is required to be done and is in the process of being done by or in relation to the former Secretary pursuant to or in connection with any function

transferred under this Resolution shall on and from that date be continued by or in relation to, as the case may be, the new Secretary;

- (d) without limiting subparagraphs (a), (b) and (c) –
 - (i) any document, agreement or arrangement creating or giving rise to legal rights or obligations that –
 - (A) refers to the former Secretary, or was prepared, made or entered into by the former Secretary on behalf of the Government; and
 - (B) is in force immediately before, or is to come into force on or after, 1 July 2007,shall on and from that date be construed, in so far as necessary for the purpose or in consequence of the transfer of functions under this Resolution from the former Secretary to the new Secretary, as if the references to the former Secretary included references to the new Secretary;
 - (ii) any form that is specified or prescribed before 1 July 2007 for use in connection with any function of the former Secretary that is transferred under this Resolution may on and from that date be used despite the fact that it contains references to the former Secretary, and

those references shall be construed as references to the new Secretary.

草擬本

2007年6月27日立法會會議

根據《釋義及通則條例》動議的決議案

工商及科技局局長發言全文

主席女士：

我謹動議通過政府根據《釋義及通則條例》（第1章）第54A條提出的決議案，內容已載於議程內。

立法會在本年五月二十三日的會議上，分別通過《進出口（修訂）條例》及《非應邀電子訊息條例》兩項法案。兩條條例中分別載有條文，授權工商及科技局局長藉憲報公告條例的生效日期。《非應邀電子訊息條例》亦賦予工商及科技局局長其他職能，包括可為施行該條例訂立規例。

根據政府總部決策局的重組計劃，原來工商及科技局的工作，將由二零零七年七月一日起交由新成立的商務及經濟發展局負責。政制事務局局長已預告將會動議一項決議案，把本來由原有政策局局長行使的相關法定職能，自七月一日起轉移至新政策局局長。然而，由於政制事務局局長向立法會預告動議有關決議案時，上述兩條條例仍未刊憲，所以條例中的相關條文並沒有納入政制事務局局長動議的決

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議案中。

爲此，我現根據《釋義及通則條例》（第 1 章）第 54A 條動議一項決議案，把上述兩條條例中「工商及科技局局長」的職稱，由二零零七年七月一日起改爲「商務及經濟發展局局長」，以便新的商務及經濟發展局局長可以在七月一日之後，行使這兩條條例所賦予的權力和執行條例中訂明的職責。是項決議案純屬技術性質，不會對有關條例所訂明的法定職能作任何實質改動。

謝謝主席女士。

工商及科技局

二零零七年六月