

立法會
Legislative Council

LC Paper No. LS87/06-07

**Paper for the House Committee Meeting
on 15 June 2007**

**Legal Service Division Report on
Proposed Resolution under section 54A of the
Interpretation and General Clauses Ordinance (Cap. 1)**

The Secretary for Commerce, Industry and Technology has given notice to move a motion at the Council meeting of 27 June 2007 to effect a transfer, with effect from 1 July 2007, of the statutory functions of the Secretary for Commerce, Industry and Technology (the former Secretary) under the Import and Export (Amendment) Ordinance (8 of 2007) and the Unsolicited Electronic Messages Ordinance (9 of 2007) to the Secretary for Commerce and Economic Development (the new Secretary).

2. Members may note that the Secretary for Constitutional Affairs has already given notice to move a motion at the Council meeting of 13 June 2007 to effect a transfer, with effect from 1 July 2007, of the statutory functions of eight of the Directors of Bureaux to the Directors of nine re-organised Bureaux and between some of the affected Permanent Secretaries. However, the Import and Export (Amendment) Ordinance and the Unsolicited Electronic Messages Ordinance were passed by the LegCo on the day when the Secretary for Constitutional Affairs gave notice to move the motion relating to the re-organization of Bureaux. As a result, another motion is sought to be moved to transfer the statutory functions of the former Secretary to the new Secretary so that these transfers could take place on the same day, i.e. 1 July 2007.

3. The motion will be moved under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1). The section provides that the Legislative Council may by resolution provide for the transfer to any public officer of any functions exercisable by virtue of any Ordinance by another public officer. The resolution also contains such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the resolution.

4. The Panel on Constitutional Affairs and the Subcommittee on Legislative Amendments Relating to the Proposed Re-organisation of Policy Bureaux of the Government Secretariat have not discussed the proposed resolution in detail.

5. No difficulties in the legal aspect of the proposed resolution have been observed.

Prepared by

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