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28 October 2008

Secretary for Food and Health
Attention: Ms. NIP Sai Lan, Olivia, JP
Dep Secy for Food & Health (Food)
Food and Health Bureau
20th floor,
Murray Building,
Garden Road,
Hong Kong

URGENT
BY FAX

Dear Ms. NIP,

Food Business (Amendment) Regulation 2008 (L.N. 185 of 2008)

We are scrutinizing the draft motion to amend the Food Business (Amendment) Regulation 2008 tabled at the meeting of the Subcommittee on 27 October 2008. We observed that there is a change in drafting approach in that, instead of directly amending the new section 30AA (in section 3 of the Amendment Regulation), a new section 6 is proposed to effect the amendment. It would be helpful if you would advise why a change in approach is preferred, and whether this new approach would be adopted in future.

You may also note that although section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) provides that subsidiary legislation shall be deemed to be amended as from the date of publication in the Gazette of the resolution (not later than 14 days after the passing thereof or within such further period as the Chief Executive may allow in any particular case under section 34(5)), the commencement date of the present amendment is not apparent in the proposed resolution. You may wish to consider whether it is necessary, and if so how, to inform Members and the public of the commencement date of the present amendment.

We understand that the deadline for the Secretary for Food and Health to give notice to move the motion is tomorrow. We shall be most grateful if you could let us have your reply at your earliest convenience.

Yours sincerely,

(Timothy TSO)
Assistant Legal Adviser

cc. Law Draftsman (Attn.: Ms. IP Wan Yok, Leonora) (By Fax: 2845 2215)
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