

立法會
Legislative Council

LC Paper No. CB(3) 944/11-12

By fax

Ref. : CB(3)/M/OR

Tel : 3919 3302

Date : 19 June 2012

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 20 June 2012

**Amendments to the proposed resolution under
section 54A of the Interpretation and General Clauses Ordinance**

Further to LC Paper No. CB(3) 935/11-12 issued earlier today, Members are invited to note that the President has waived the required notice for the Chief Secretary for Administration (“CS”) to move, at the Council meeting of 20 June 2012, two amendments to the proposed resolution relating to the re-organisation of the Government Secretariat to be moved by the Secretary for Constitutional and Mainland Affairs under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1). The two amendments are provided in **Appendices I and II** for Members’ consideration.

2. Self-explanatory letters from CS to the President are provided in **Appendices III and IV** for Members’ information.



(Ms Dora WAI)
for Clerk to the Legislative Council

Encl.

Interpretation and General Clauses Ordinance

and

**Rule 29(6) of the Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region**

Amending Motion

Resolved that the motion to be moved by the Secretary for Constitutional and Mainland Affairs under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) at the Legislative Council meeting of 20 June 2012 be amended—

(a) by adding before paragraph (1)—

“(1A) in this Resolution—

commencement date (生效日期) means—

(a) if—

- (i) the recommendation of the Establishment Subcommittee of the Finance Committee of the Legislative Council set out in Enclosure 1 to the paper numbered FCR(2012-13)43; and
- (ii) the proposal set out in the paper numbered FCR(2012-13)44,

are approved by the Committee before 1 July 2012, 1 July 2012; or

(b) if—

(i) the recommendation specified in subparagraph (a)(i); and

(ii) the proposal specified in subparagraph (a)(ii),
are approved by the Committee on or after 1 July 2012,
the 5th day after the day on which the recommendation
and proposal are so approved;”;

(b) in paragraphs (1) and (2), by deleting “1 July 2012” (wherever appearing) and substituting “the commencement date”.

Interpretation and General Clauses Ordinance

and

**Rule 29(6) of the Rules of Procedure of the Legislative Council
of the Hong Kong Special Administrative Region**

Amending Motion

Resolved that the motion to be moved by the Secretary for Constitutional and Mainland Affairs under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1) at the Legislative Council meeting of 20 June 2012 be amended—

(a) in Schedule 1, Part 1, Division 1, by adding—

“18. Competition Ordinance Secretary for Commerce and
(14 of 2012) Industries”;

(b) in Schedule 1, Part 2, Division 1, section 1(1)(q), by deleting “section 2(2)—” and substituting “section 2(2);”;

(c) in Schedule 1, Part 2, Division 1, section 1(1), by adding—

“(r) Competition Ordinance (14 of 2012), sections 1(2) and 163(1)
and (2)—”.

中華人民共和國
香港特別行政區政府
政務司司長辦公室



CHIEF SECRETARY
FOR ADMINISTRATION'S OFFICE
Government of the Hong Kong
Special Administrative Region
of the People's Republic of China

19 June 2012

The Honourable Jasper TSANG Yok-sing, GBS, JP
President of the Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear President,

**Amendment to the Resolution under Section 54A of the
Interpretation and General Clauses Ordinance**

Further to my letter issued earlier today concerning the amendment to the proposed resolution made under section 54A of the Interpretation and General Clauses Ordinance (“the resolution”), I write to propose another amendment to the resolution relating to the commencement date of the resolution.

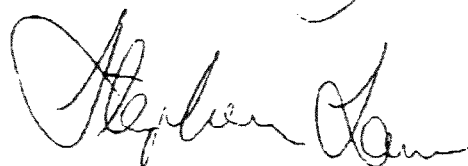
We propose to amend the resolution to the effect that if the Finance Committee (“FC”) approves the FC agenda items (FCais) for the re-organisation of the Government Secretariat for the fourth-term Government, i.e. FCR(2012-13)43 and FCR(2012-13)44 before 1 July 2012, the resolution will take effect from 1 July 2012; but if the FC approves the proposals in these two FCais on or after 1 July 2012, the resolution will come into effect on the fifth day after the approval by the FC.

We consider it necessary to move this amendment because, unfortunately, despite its hard work up to the close of the 11th session earlier today, the FC has yet to complete its consideration of the proposals in the FCais concerned. It remains the Administration's prime objective to secure the FC's approval for the proposals as soon as possible, so that the new Government structure can take effect on 1 July 2012. The Administration will continue to work hard with the FC to achieve this. However, as the resolution is scheduled to be moved tomorrow while the FC's deliberations are still ongoing, as a responsible Administration, we need to take the prudent step of moving the amendment in order to ensure that even if the pace of deliberation of the FCais concerned at the FC and that of the resolution at the Council are different, the re-organisation can be implemented in an orderly manner.

I would, therefore, wish to seek your approval to give leave to dispense with the notice of the amendment. As per the amendment relating to the reference of the Secretary for Commerce and Economic Development mentioned in paragraph 2 of my previous letter, subject to your approval to waive the notice requirement, I would move this other amendment at the Legislative Council sitting on 20 June 2012.

I should be most grateful if you would give the matter favourable consideration. I am grateful to you for your forbearance in having to consider two amendments to the resolution on the same day.

Yours sincerely,



(Stephen Lam)

Chief Secretary for Administration

c.c. Secretary for Constitutional and Mainland Affairs

中華人民共和國
香港特別行政區政府
政務司司長辦公室



CHIEF SECRETARY
FOR ADMINISTRATION'S OFFICE
Government of the Hong Kong
Special Administrative Region
of the People's Republic of China

19 June 2012

The Honourable Jasper TSANG Yok-sing, GBS, JP
President of the Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear President,

**Amendment to the Resolution under Section 54A of the
Interpretation and General Clauses Ordinance**

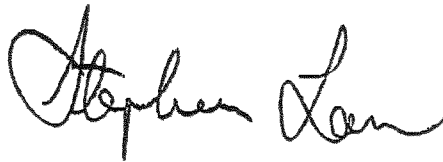
I refer to the letter of the Secretary for Constitutional and Mainland Affairs ("SCMA") on 15 June 2012 concerning the amendment to the proposed resolution made under section 54A of the Interpretation and General Clauses Ordinance ("the resolution").

As mentioned in the letter, following the passage of the Competition Bill on 14 June 2012, we need to move an amendment to the resolution to substitute the reference to the "Secretary for Commerce and Economic Development" in the Competition Ordinance with the "Secretary for Commerce and Industries". Subject to your approval of waiving the normal 5-day notice of the

amendment, I would move the above amendment to the resolution proposed by the SCMA at the Legislative Council sitting on 20 June 2012.

I should be most grateful if you would give the matter favourable consideration.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen Lam". The signature is written in a cursive, flowing style.

(Stephen Lam)
Chief Secretary for Administration

c.c. Secretary for Constitutional and Mainland Affairs
Secretary for Commerce and Economic Development