



立法會秘書處 法律事務部  
LEGAL SERVICE DIVISION  
LEGISLATIVE COUNCIL SECRETARIAT

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By Fax (2869 4195)

7 June 2013

Mr Arsene YIU  
PAS for Financial Services & the Treasury  
(Financial Services)  
Financial Services and the Treasury Bureau  
15th Floor, Queensway Government Offices  
66 Queensway  
Hong Kong

Dear Mr YIU,

**Companies Records (Inspection and Provision of Copies)  
Regulation (L.N. 78 of 2013)  
Companies (Non-Hong Kong Companies) Regulation (L.N. 79 of 2013)**

We are scrutinizing the legal and drafting aspects of the subject Regulations. We would be most grateful if you could clarify the following matters:-

L.N. 78 of 2013

Sections 7(3) and 11(4)

Please let members know the reason(s) for removing the daily default fine under the existing Companies Ordinance (Cap. 32).

L.N. 79 of 2013

Section 2

It is noted that there is a definition of **成立所在地** in the Chinese text of section 2, but there is no equivalent definition in the English text.

Please let members know why such a definition is needed in the Chinese text. Please also consider whether there should be a corresponding definition in the English text for the sake of consistency.

Sections 3(1)(e)(ii)(B) and (4)

It is noted that under section 650(4) of the new Companies Ordinance (28 of 2012) (the new CO), for the purposes of section 650(1)(a)(ii) of the new CO, a correspondence address must be a place in Hong Kong. Please clarify whether a correspondence address in sections 3(1)(e)(ii)(B) and (4) must be a place in Hong Kong.

Section 4(4)(a)

Please consider whether "在本條例第 776(4)條規定須交付申請的日期前" is an accurate Chinese rendition for "prior to the date of delivery of the application under section 776(4) of the Ordinance".

Section (9)(1)(h)(i)

Please clarify whether there are any specific requirements for the "address" of the authorized representative. For instance, can it be a post office box number? Is there any requirement that it must be a place in Hong Kong? What address of the representative, say the address of its registered or principal office, must be given?

Sections 11(2)(a) and (3)(a)

It is noted that under sections 3(4)(b) and (5)(b) of the Companies (Revision of Financial Statements and Reports) Regulation (L.N. 34 of 2013), there must be a statement that the original financial statements are taken as having been revised by the directors on the date of the original financial statements instead of on the date of revision, and accordingly do not deal with events between those 2 dates. Please let members know why there are no such similar provisions in L.N. 79 of 2013.

We should be most grateful if you would let us have the Administration's response as soon as possible.

Yours sincerely,



(Timothy TSO)  
Assistant Legal Adviser

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