



中華人民共和國香港特別行政區
Hong Kong Special Administrative Region of the People's Republic of China

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

來函檔號 YOUR REF :
本函檔號 OUR REF : LS/S/9/12-13
電話 TELEPHONE : 3919 3513

傳真 FAX : 2877 5029
電郵 E-MAIL : elee@legco.gov.hk

By Fax (2845 2215)

17 December 2012

Mr Manuel NG
Government Counsel
English Drafting Unit
Law Drafting Division
Department of Justice
9/F, High Block
Queensway Government Offices
66 Queensway
Hong Kong

Dear Mr NG,

**Minimum Wage Ordinance (Amendment of Schedule 3) Notice 2012
(L.N. 186 of 2012)**

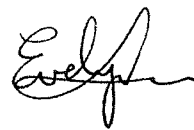
I am scrutinizing the above Notice with a view to advising Members on its legal and drafting aspects.

It would appear that section 2 of the Notice is an Enactments Amended Clause (EAC). According to paragraph 15.2.1 of the "Drafting Legislation in Hong Kong — A Guide to Styles and Practices" published by the Law Drafting Division of the Department of Justice (the Guide), an EAC is explained as simply "a legislative statement that the legislation is being amended as set out in the individual amending provisions." There are examples in the Guide as well as precedents of these EAC in legislation since the introduction of EAC.

It is noted that the EAC in the said section as drafted seems to depart from the Guide and as practised in legislation since its introduction in that it also includes an explanation of the effect of the amending provisions. Furthermore, the explanation only covers the effect of section 3(2) but not that of section 3(1).

As the House Committee will consider the above Notice at its meeting on 4 January 2013, I look forward to receiving your clarification in both Chinese and English by **21 December 2012**.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Evelyn', with a stylized flourish at the end.

(Evelyn LEE)
Assistant Legal Adviser