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4 November 2014

Ms Anita NG
Sr Govt Counsel
Department of Justice
Legal Policy Division
1st floor, High Block,
Queensway Government Offices,
66 Queensway, Hong Kong

Dear Ms NG,

Statute Law (Miscellaneous Provisions) Bill 2014 (the Bill)

I refer to your e-mail dated 3 November 2014 to the Clerk to the Bills Committee enclosing the latest version of the Administration's proposed Committee Stage amendments (CSAs).

Clause 1(3) of the Bill provides that Part 9 comes into operation on the expiry of one month after the day on which the Ordinance is published in the Gazette. It is noted that there is a new proposed CSA (which has not been discussed at previous Bills Committee's meetings) that the Chinese text of this clause be amended to read as "第 9 部於自本條例在憲報刊登翌日起計的一個月屆滿之時起實施". Please let us know whether this Chinese rendition (in particular the use of "翌日") is a new drafting formula in respect of commencement provision. If it is not new, please provide us with precedents with the use of "翌日" in the Chinese text in similar situation.

It is noted that the drafting formula used in the English text of clause 1(3) of the Bill is quite common. For instance, section 1(3) of the Food Safety Ordinance (Ord. No. 5 of 2011) states that Part 3 and Division 1 of Part 2 come into operation 6 months after the day on which section 7 comes into

operation. This is rendered in Chinese as "第 3 部及第 2 部第 1 分部於自第 7 條實施當日起計的 6 個月屆滿之時起實施" (which is similar in structure to the original Chinese text of clause 1(3) as used in the Bill). Please explain why this Chinese drafting formula is now considered as not appropriate.

It is also noted that there is another way of rendering the phrase of "on the expiry of after" in Chinese. Section 14(5)(b) of the Food Safety Ordinance (Cap. 612) provides that "revocation of registration takes effect on the expiry of 30 days after the day on which the decision to revoke the registration is made". This is rendered in Chinese as "登記的撤銷 自作出該撤銷登記決定的日期後的 30 天屆滿之時生效". Please let us know why this drafting formula in Chinese (by using "後" instead of "翌日") is not appropriate for clause 1(3) of the Bill.

Moreover, if it is considered that the original Chinese text as used in clause 1(3) of the Bill may not accurately reflect the English text, please consider whether the English text should also be amended to put the policy intent beyond doubt. It is noted that section 2 of the Revenue (Abolition of Estate Duty) Ordinance (Ord. No. 21 of 2005) provides that the Ordinance shall come into operation on the expiry of the period of 3 months commencing on the day on which the Ordinance is published in the Gazette. Also, in section 1 of Schedule 5 to the Lifts and Escalators Ordinance (Cap. 618), "a period of one month beginning on the date immediately after the date on which periodic maintenance works in respect of the lift concerned were last completed" is used. Please consider whether the English text of clause 1(3) should be amended along the lines of the drafting formulae as used in the sections mentioned above.

In respect of the Chinese text of the proposed CSA to clause 43, please consider whether it should be "刪去該條" instead of "刪去該款".

I should be grateful if you could let me have your reply as soon as possible, preferably on or before 6 November 2014.

Yours sincerely,



(Timothy TSO)

Assistant Legal Adviser

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Clerk to the Bills Committee