



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

**URGENT**

來函檔號 YOUR REF :  
本函檔號 OUR REF : LS/R/9/13-14  
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By Fax (2511 1458)

21 May 2014

Mr Ivanhoe CHANG  
Prin AS for Commerce & Econ Dev  
(Communications & Technology)B  
21/F, West Wing  
Central Government Offices  
2 Tim Mei Avenue  
Tamar  
Hong Kong

Dear Mr CHANG,

**Proposed Resolution under section 54A of the  
Interpretation and General Clauses Ordinance (Cap. 1)**

I am scrutinizing the legal and drafting aspects of the subject resolution.

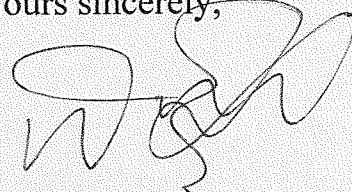
It is noted that paragraph 2 of the proposed resolution relates to the transfer of functions currently exercisable by the Secretary for Commerce and Economic Development (SCED) and Permanent Secretary for Commerce and Economic Development (Communications and Technology) (PSCT) under the Electronic Transactions Ordinance (Cap. 553) (the Ordinance) to the proposed new Secretary for Innovation and Technology and Permanent Secretary for Innovation and Technology respectively.

However, it is not clear whether the matters mentioned in paragraph 3 of the proposed resolution are confined to the Ordinance e.g. paragraph (3)(d)(ii) and (3)(d)(iii). Please clarify.

If the matters mentioned in paragraph 3 of the proposed resolution are confined to the Ordinance, I should be grateful if you could explain the legal basis for proposing paragraph (3), in particular as it appears that there is no right of appeal against the decisions of SCED or PSCT nor to have such decisions reviewed under the Ordinance (paragraph (3)(d)(iii) of the proposed resolution), and there is no right to have anything reviewed by SCED or PSCT under the Ordinance (paragraph (3)(d)(v) of the proposed resolution).

To enable the House Committee to decide how to proceed with the proposed resolution at the meeting on 23 May 2014, I would appreciate if you could let me have the said information (in both Chinese and English with soft copy to Miss Kathy Ng at [pcng@legco.gov.hk](mailto:pcng@legco.gov.hk)) by noon on 22 May 2014.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Winnie LO', written in a cursive style.

(Winnie LO)  
Assistant Legal Adviser

c.c. LA  
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