



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

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By Fax (2511 1458)

22 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)**

Thank you for your letter dated 22 May 2014.

Your letter has not clarified our question as to whether the matters mentioned in paragraph 3 of the proposed resolution are confined to the Electronic Transactions Ordinance (Cap. 553) (the Ordinance), and if so, the legal basis for proposing paragraph (3), in particular as it appears that there is neither any right of appeal against the decisions of the Secretary for Commerce and Economic Development (SCED) or Permanent Secretary for Commerce and Economic Development (Communications and Technology) (PSCT) nor any right 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).

You will recall that a similar incident occurred in 2009 in relation to the proposed resolution relating to the transfer of statutory functions of the

Commissioner for Television and Entertainment Licensing under the Entertainment Special Effects Ordinance (Cap. 560) to the Head of Create Hong Kong, where we identified certain rights mentioned in such proposed resolution to be transferred in fact did not exist. The matter was finally resolved by withdrawing the proposed resolution and re-submitting a revised resolution by the Commerce and Economic Development Bureau to the Legislative Council.

The certainty of whether the matters mentioned in paragraph 3 of the subject proposed resolution are confined to the Ordinance and whether the proposed transfer of statutory functions under the proposed resolution in fact exist is a matter of legal integrity and must be clarified. Section 54A(2) of the Interpretation and General Clauses Ordinance (Cap. 1) cannot cure such legal defect.

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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