

商務及經濟發展局
通訊及科技科

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22 May 2014

Miss Winnie Lo
Assistant Legal Advisor
Legal Service Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Miss Lo,

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

Thank you for your letter dated 21 May 2014.

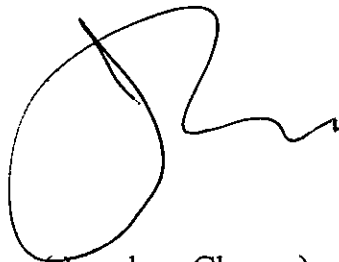
For the purpose of establishing a new Innovation and Technology Bureau in the Government Secretariat, the statutory functions of the Secretary for Commerce and Economic Development and the Permanent Secretary for Commerce and Economic Development (Communications and Technology) under the Electronic Transactions Ordinance (Cap. 553) (the Ordinance) need to be transferred to the new Secretary for Innovation and Technology and Permanent Secretary for Innovation and Technology. This transfer of statutory functions is to be effected by way of a resolution made under section 54A of the Interpretation and General Clauses Ordinance (Cap. 1), which provides that the

Legislative Council may by resolution provide for the transfer to any public officer of any functions exercisable by virtue of any Ordinance by another public officer.

Under section 54A(2) of Cap. 1, the resolution may contain such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to the resolution. In this regard, paragraph (3) of the proposed resolution, which contains all the necessary savings and transitional provisions, serves this purpose.

We wish to emphasise that the savings and transitional provisions contained therein aim to ensure a smooth transfer of functions in relation to the Ordinance, and hence, there is a need to provide for all the contingencies. We are of the view that the provisions provide the necessary legal **certainty** to the transfer of functions and **put it beyond doubt** that the administration of the Ordinance will not be affected by the transfer of functions. We wish to assure that the proposed resolution, together with the savings and transitional provisions contained therein, **will not create any new powers, functions, rights or obligations.**

Please let us know if you need any further information.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a series of smaller, connected strokes that trail off to the right.

(Ivanhoe Chang)

for Secretary for Commerce and Economic Development