



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



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

來函檔號 YOUR REF : CTB/B480-20-6-6/3/C
本函檔號 OUR REF : LS/R/4/14-15
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URGENT BY FAX
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26 February 2015

Mr LAM Shing-fung, Billy
AS for Commerce & Economic Development
(Communications & Technology)B1
Commerce and Economic Development Bureau
21/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar, Hong Kong

Dear Mr LAM,

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

We are scrutinizing the proposed resolution under section 54A of Cap. 1 (the Proposed Resolution) to amend the resolution made and passed by the Legislative Council (LegCo) under the same section on 29 October 2014 and published in the Gazette as Legal Notice No. 132 of 2014 (the Original Resolution) with a view to advising Members on its legal and drafting aspects.

According to paragraph 2 of the LegCo Brief on the Proposed Resolution, the justification for amending the commencement clause of the Original Resolution is that while the Original Resolution was made and passed by LegCo on 29 October 2014, the 2014-15 funding proposal could not be approved by the Finance Committee (FC) in time for the relevant changes to be included into the Draft Estimates of Expenditure for 2015-16 which is scheduled for introduction into LegCo on 25 February 2015. As the Original Resolution could not commence, according to paragraphs 2 and 4 of the LegCo Brief, the Proposed Resolution is made to amend the commencement clause of the Original Resolution such that the Original Resolution will commence on the

14th day after the day on which FC approves the funding proposal to be submitted in the next financial year, or on the 14th day after the day on which the Proposed Resolution is made and passed, whichever is the later. In this regard, please explain the reason(s) why you consider the Original Resolution is still valid and subsists, despite the fact that it "could not commence" for reason stated in paragraph 2 of the LegCo Brief, and thus capable of being amended by the Proposed Resolution.

To enable the House Committee to decide how to proceed with the Proposed Resolution at its meeting on 27 February 2015, we would appreciate if you could let us have your reply in bilingual form before 5:00 pm today.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Wendy KAN', written in a cursive style.

(Wendy KAN)
Assistant Legal Adviser

cc. DoJ (Attn: Ms Angie LI, SGC (By Fax: 2869 1302))
LA
SALA2