



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

來函檔號 YOUR REF : CO/2/2C(2018)

本函檔號 OUR REF : LS/B/12/17-18

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By Fax (2869 4195)

18 September 2018

Miss Jeanne FUNG
AS for Financial Services & the Treasury (Financial
Services)(6)1
Financial Services and the Treasury Bureau
Financial Services Branch
15/F, Queensway Government Offices
66 Queensway
Hong Kong

Dear Miss FUNG,

Companies (Amendment) Bill 2018

We refer to our recent telephone conversations with you in relation to the Administration's response (LC Paper No. CB(1)1351/17-18(02)) to questions 2, 3, 4 and 7 set out in the Schedule to our letter dated 14 June 2018 (LC Paper No. CB(1)1128/17-18 (01)) ("the Letter").

We shall be grateful if you could provide the Administration's further elaboration or explanation on the following issues as discussed:

- (a) the reason(s) for proposing to replace, for the purposes of section 359(2)(c)(ii) of the Companies Ordinance (Cap. 622), the current three different sets of conditions prescribed in section 360(2)(a), (b) and (c) of Cap. 622 with only one set of conditions set out in the proposed section 360(2) of Cap. 622 pursuant to clause 34 of the Bill (i.e. question 2 of the Schedule to the Letter);
- (b) the reason(s) for not adding sections 116B and 116BC of the predecessor Ordinance (as defined in Cap. 622) in the proposed section 619(4)(b)(i) of Cap. 622 under clause 64 of the Bill (in relation to question 3 of the Schedule to the Letter);

- (c) that the records referred to in the existing section 619(4) of Cap. 622 and the minutes referred to in the proposed section 619(4)(b) of Cap. 622 refer to documents which came into existence before the commencement date of section 619 of Cap. 622 (in relation to question 3 of the Schedule to the Letter); and
- (d) that pursuant to the proposed section 805B(b) of Cap. 622, regulations to be made under the proposed section 805A of Cap. 622 may impose criminal liability on every agent of a non-Hong Kong company who authorizes or permits the contravention as in section 792 of Cap. 622 (i.e. question 5 of the Schedule to the Letter).

Please let us have your response in bilingual form as soon as possible.

Yours sincerely,



(Wendy KAN)
Assistant Legal Adviser

c.c. DoJ (Attn: Mr Alan CHONG and Mr Jonathan LUK) (By Fax: 3918 4613)
Clerk to Bills Committee
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