



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

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URGENT

By Fax (2527 0790)

6 April 2018

Ms CHEUNG Yi, Eureka
Prin AS for Financial Services & the Treasury
(Financial Services)5
Financial Services and the Treasury Bureau
24/F, Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Ms CHEUNG,

**International Organizations (Privileges and Immunities)
(New Development Bank) Order (L.N. 59 of 2018) ("the Order")**

We are scrutinizing the legal and drafting aspects of the subject Order and would be grateful if you could clarify the following matters.

It is noted that the International Organizations (Privileges and Immunities) (European Bank for Reconstruction and Development) Order (L.N. 41 of 2017 gazetted on 24 March 2017) ("L.N. 41") contains provisions which are similar to that of the Order. In the English text of section 2 of L.N. 41, it is stated that "Agreement (《協定》)" means "the Agreement Establishing the European Bank for Reconstruction and Development (which is translated into Chinese as "《歐洲復興開發銀行成立協定》" in this Order....." (the Chinese text of the definition is "《協定》(Agreement)指....."Agreement Establishing the European Bank for Reconstruction and Development" (在本命令中，其中文翻譯為"《歐洲復興開發銀行成立協定》)"). Similarly, it is noted that the Chinese translation of "Bank", "member" and "local nationals" appear in both the Chinese and English text of sections 2, 3(3) and (4) of L.N. 41.

On the other hand, it is noted that in the Order, the Chinese translation of the "Agreement", "Bank", "member" and "local nationals" do not appear in the English text of sections 2, 3(3) and (4) of the Order. It appears that the drafting approach of the Order is different from that of L.N. 41.

Please clarify whether there is in fact a change in the drafting approach of the Order and if so, please let us know the rationale for such change.

As the Order will be considered by the House Committee at its meeting on 13 April 2018, please let us have your reply in both English and Chinese **by noon of 10 April 2018**.

Yours sincerely,


(Vanessa CHENG)
Assistant Legal Adviser

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