

商務及經濟發展局
通訊及科技科

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1 April 2015

Miss Wendy Kan
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Miss Kan,

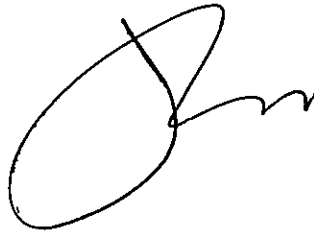
**Proposed resolution under section 54A of
the Interpretation and General Clauses Ordinance (Cap. 1)**

Thank you for your letter of 30 March 2015.

In our previous correspondence, we have already shared our views on the issues mentioned in the first, second and third paragraphs of your letter of 30 March 2015. For record, we would like to set out our views to address the points that you made in the fourth paragraph of that letter.

As expressed at the meeting of the Subcommittee on Proposed Resolution Relating to the Establishment of the Innovation and Technology Bureau on 24 March 2015, we consider that paragraph (1) of the Original Resolution is merely a commencement provision. It is a technical provision that does not go to the substance of the Original Resolution, i.e. the transfer of relevant statutory functions. The drafting of paragraph (1) and the location of it in the Original Resolution, similar to those of the commencement provision of other legislation, also clearly indicate that paragraph (1) is a commencement provision. Therefore, paragraph (1) of the Original Resolution is capable of being amended by the Amending Resolution, similar to the case of the 1993 Amendment Ordinance.

For future references, we would like to make clear that we maintain our position.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a few horizontal strokes.

(Ivanhoe Chang)

for Secretary for Commerce and Economic Development

c.c. DoJ (Attn: Ms Angie Li, SGC (By Fax: 2869 1302))
Clerk to Subcommittee (Attn: Ms Yue Tin-po (By Fax: 2840 0269))