

C010-e

A BILL

To

Re-define the interest rates applicable to provisional payments, redemption money and compensation payable under various Ordinances.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Interest Rates (Miscellaneous Amendments) Ordinance 2001.

2. Amendment of Lands Resumption Ordinance---(Schedule 1)

The Lands Resumption Ordinance (Cap. 124) is amended as specified in Schedule 1.

3. Amendment of Foreshore and Sea-bed (Reclamations) Ordinance---(Schedule 2)

The Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) is amended as specified in Schedule 2.

4. Amendment of Land Acquisition (Possessory Title) Ordinance---(Schedule 3)

The Land Acquisition (Possessory Title) Ordinance (Cap. 130) is amended as specified in Schedule 3.

5. Amendment of Country Parks Ordinance--- (Schedule 4)

The Country Parks Ordinance (Cap. 208) is amended as specified in Schedule 4.

6. Amendment of Mass Transit Railway (Land Resumption and Related Provisions)

Ordinance and its subsidiary

legislation---(Schedule 5)

The Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276) and its subsidiary legislation are amended as specified in Schedule 5.

7. Amendment of Air Pollution Control Ordinance--- (Schedule 6)

The Air Pollution Control Ordinance (Cap. 311) is amended as specified in Schedule 6.

8. Amendment of Water Pollution Control Ordinance and its subsidiary

legislation---(Schedule 7)

The Water Pollution Control Ordinance (Cap. 358) and its subsidiary legislation are amended as specified in Schedule 7.

9. Amendment of Roads (Works, Use and Compensation) Ordinance---(Schedule 8)

The Roads (Works, Use and Compensation) Ordinance (Cap. 370) is amended as specified in Schedule 8.

10. Amendment of Land Drainage Ordinance--- (Schedule 9)

The Land Drainage Ordinance (Cap. 446) is amended as specified in Schedule 9.

11. Amendment of New Territories Land Exchange Entitlements (Redemption) Ordinance---
(Schedule 10)

The New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap. 495) is amended as specified in Schedule 10.

12. Amendment of Railways Ordinance---(Schedule 11)

The Railways Ordinance (Cap. 519) is amended as specified in Schedule 11.

13. Validation of interest payments and application

(1) Notwithstanding that interest payments on provisional payments, redemption money or compensation in respect of claims or proceedings under any enactments amended by this Ordinance made before the commencement of this Ordinance for any day of the period from 3 July 2000 to the day immediately before the date of the commencement of this Ordinance were not made in accordance with the provisions of the enactments amended by this Ordinance as they existed immediately before the commencement of this Ordinance ("the existing provisions"), those payments are deemed to have been validly made in accordance with the existing provisions.

(2) Where any interest payments on provisional payments, redemption money or compensation in respect of claims or proceedings under any enactments amended by this Ordinance may be or are required to be made on or after the date of the commencement of this Ordinance in respect of which the period or any day of the period to which those payments relate occurred before the date of the commencement of this Ordinance, the following provisions apply---

(a) if that period or any day of that period occurred before 3 July 2000, the existing provisions will apply to interest payments in relation to that period or any day of that period, as the case may require;

(b) if that period or any day of that period occurred on or after 3 July 2000 but before 3 October 2000, the rate of interest applicable in relation to that period or any day of that period, as the case may require, is the lowest interest rate paid by members of The Hong Kong Association of Banks on time deposits on 2 July 2000;

(c) if that period or any day of that period occurred on or after 3 October 2000 but before the date of the commencement of this Ordinance and such interest payments relate to the provisions of the enactments amended by Schedule 4, 5 or 6 or section 1 of Schedule 7 as they existed immediately before the commencement of this Ordinance, subsection (3) will apply to the interest payments in relation to that period or any

day of that period, as the case may require;

(d) if that period or any day of that period occurred on or after

3 October 2000 but before the date of the commencement of this Ordinance and such interest payments relate to the provisions of the enactments amended by Schedule 1, 2 or 3, section 2 of Schedule 7 or Schedule 8, 9 or 11 as they existed immediately before the commencement of this Ordinance, subsection (4) will apply to the interest payments in relation to that period or any day of that period, as the case may require;

(e) if that period or any day of that period occurred on or after

3 October 2000 but before the date of the commencement of this Ordinance and such interest payments relate to the provisions of the enactment amended by Schedule 10 as they existed immediately before the commencement of this Ordinance, subsection (5) will apply to the interest payments in relation to that period or any day of that period, as the case may require.

(3) For the purposes of subsection (2)(c), the rate of interest payable---

(a) in respect of a working day is the lowest of the interest rates paid on deposits at 24 hours' call at the close of business on that day by those members of The Hong Kong Association of Banks that provide the Government with the relevant interest rate; and

(b) in respect of a non-working day is the lowest of the interest rates paid on deposits at 24 hours' call at the close of business on the last working day before that day by those members of The Hong Kong Association of Banks that provide the Government with the relevant interest rate.

(4) For the purposes of subsection (2)(d), the rate of interest payable---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call at the close of business on that day by those members of The Hong Kong Association of Banks that provide the Government with the relevant interest rate; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call at the close of business on the last working day before that day by those members of The Hong Kong Association of Banks that provide the Government with the relevant interest rate.

(5) For the purposes of subsection (2)(e), the rate of interest payable---

(a) in respect of a working day is the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day is the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(6) In this section---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined

in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).

SCHEDULE 1 [s. 2]

Amendment of Lands Resumption Ordinance

1. Interpretation

Section 2 of the Lands Resumption Ordinance (Cap. 124) is amended by adding-

--

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行), for the purposes of sections 16A and 17, has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日), for the purposes of sections 16A and 17, means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1)."

2. Provisional payment pending determination of compensation

Section 16A is amended---

(a) in subsection (1)(b), by repealing everything after "calculated" and substituting

"on a daily basis according to subsection (1A).";

(b) by adding---

"(1A) For the purposes of subsection (1)(b), the rate of interest paid---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day."

3. Payment of compensation and interest

Section 17(3A) is repealed and the following substituted---

"(3A) Subject to subsection (3B), the rate of interest for the purposes of subsection (3) shall be such rate as the Lands Tribunal may fix.

- (3B) The rate of interest fixed under subsection (3A)---
- (a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and
 - (b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day."

SCHEDULE 2 [s. 3]

Amendment of Foreshore and Sea-bed (Reclamations) Ordinance

1. Interpretation

Section 2 of the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) is amended by adding---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行), for the purposes of sections 14 and 15, has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日), for the purposes of sections 14 and 15, means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1)."

2. Provisional payment pending determination of compensation

Section 14 is amended---

(a) in subsection (1)(b), by repealing everything after "calculated" and substituting "on a daily basis according to subsection (1A).";

(b) by adding---

"(1A) For the purposes of subsection (1)(b), the rate of interest paid---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day."

3. Payment of compensation and interest

Section 15(4) is repealed and the following substituted---

"(4) Subject to subsection (4A), the rate of interest for the purposes of subsection (3) shall be such rate as the Lands Tribunal may fix.

- (4A) The rate of interest fixed under subsection (4)---
- (a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and
 - (b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day."

SCHEDULE 3 [s. 4]

Amendment of Land Acquisition (Possessory Title) Ordinance

1. Interpretation

Section 2 of the Land Acquisition (Possessory Title) Ordinance (Cap. 130) is amended by adding---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行), for the purposes of sections 9 and 10, has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日), for the purposes of sections 9 and 10, means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1)."

2. Provisional payment pending determination of compensation

Section 9 is amended---

(a) in subsection (1)(b), by repealing everything after "calculated" and substituting

"on a daily basis according to subsection (1A).";

(b) by adding---

"(1A) For the purposes of subsection (1)(b), the rate of interest paid---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day."

3. Payment of compensation and interest

Section 10(4) is repealed and the following substituted---

"(4) Subject to subsection (4A), the rate of interest for the purposes of subsection (3) shall be such rate as the Lands Tribunal may fix.

(4A) The rate of interest fixed under subsection (4)---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day."

SCHEDULE 4 [s. 5]

Amendment of Country Parks Ordinance

1. Interest on compensation

Section 21 of the Country Parks Ordinance (Cap. 208) is amended---

(a) by renumbering it as section 21(1);

(b) in subsection (1), by repealing "lowest rate paid from time to time by members of The Hong Kong Association of Banks on time deposits" and substituting "rate specified in subsection (2)";

(c) by adding---

"(2) For the purposes of subsection (1), the rate of interest paid---

(a) in respect of a working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this section---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).".

SCHEDULE 5 [s. 6]

Amendment of Mass Transit Railway (Land Resumption and Related Provisions) Ordinance and Its Subsidiary Legislation

Mass Transit Railway (Land Resumption and Related Provisions) Ordinance

1. Interest on compensation

Section 26 of the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276) is amended---

(a) by renumbering it as section 26(1);

(b) in subsection (1), by repealing "paid from time to time by members of The Hong Kong Association of Banks on deposits at 7 days' call" and substituting "specified in subsection (2)";

(c) by adding---

"(2) For the purposes of subsection (1), the rate of interest paid---

(a) in respect of a working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this section---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined

in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1)".
Resolution of the Legislative Council

2. Repeal

The Resolution of the Legislative Council (L.N. 182 of 1977) (Cap. 276 sub. leg.) is repealed.

SCHEDULE 6 [s. 7]

Amendment of Air Pollution Control Ordinance

1. Determination of compensation

Schedule 4 to the Air Pollution Control Ordinance (Cap. 311) is amended---

(a) by renumbering paragraph 8 as paragraph 8(1);

(b) in paragraph 8(1), by repealing "lowest rate paid from time to time by members of The Hong Kong Association of Banks on time deposits" and substituting "rate specified in subparagraph (2)";

(c) in paragraph 8, by adding---

"(2) For the purposes of subparagraph (1), the rate of interest paid---

(a) in respect of a working day shall be the lowest of the interest rates paid on

deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this paragraph---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).".

SCHEDULE 7 [s. 8]

Amendment of Water Pollution Control Ordinance and Its Subsidiary Legislation

Water Pollution Control Ordinance

1. Determination of compensation

The Second Schedule to the Water Pollution Control Ordinance (Cap. 358) is amended---

(a) by renumbering paragraph 8 as paragraph 8(1);

(b) in paragraph 8(1), by repealing "lowest rate paid from time to time by members of The Hong Kong Association of Banks on time deposits" and substituting "rate specified in subparagraph (2)";

(c) in paragraph 8, by adding---

"(2) For the purposes of subparagraph (1), the rate of interest paid---

(a) in respect of a working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this paragraph---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).".

Water Pollution Control (Sewerage) Regulation

2. Interest

Section 22 of the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) is amended---

(a) by renumbering it as section 22(1);

(b) in subsection (1)(b), by repealing everything after "appropriate and" and substituting ", subject to subsection (2), at such rate as it may fix.";

(c) by adding---

"(2) The rate of interest fixed under subsection (1)(b)---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this section, "non-working day" (非工作日), "note-issuing bank" (發鈔銀行) and "working day" (工作日) have the meanings assigned to them respectively by paragraph 8(3) of the Second Schedule to the Ordinance."

SCHEDULE 8 [s. 9]

Amendment of Roads (Works, Use and Compensation) Ordinance

1. Interest

Section 33 of the Roads (Works, Use and Compensation) Ordinance (Cap. 370) is amended---

(a) by renumbering it as section 33(1);

(b) in subsection (1)(b), by repealing everything after "fit and" and substituting ", subject to subsection (2), at such rate as it may fix.";

(c) by adding---

"(2) The rate of interest fixed under subsection (1)(b)---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this section---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).".

SCHEDULE 9 [s. 10]

Amendment of Land Drainage Ordinance

1. Interest

Section 42 of the Land Drainage Ordinance (Cap. 446) is amended---

(a) by renumbering it as section 42(1);

(b) in subsection (1)(b), by repealing everything after "fit and" and substituting ", subject to subsection (2), at such rate as it may fix.";

(c) by adding---

"(2) The rate of interest fixed under subsection (1)(b)---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this section---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).".

SCHEDULE 10 [s. 11]

Amendment of New Territories Land Exchange

Entitlements (Redemption) Ordinance

1. Interpretation

Section 2 of the New Territories Land Exchange Entitlements (Redemption) Ordinance

(Cap. 495) is amended by repealing the definition of "note-issuing bank" and

substituting---

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the Legal Tender Notes Issue Ordinance (Cap. 65);".

2. Interest on redemption money

Section 6 is amended---

(a) by repealing subsection (2) and substituting---

"(2) The rate of interest payable under subsection (1)---

(a) in respect of a working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.";

(b) by adding---

"(4) In this section---

"non-working day" (非工作日) means a day that is not a working day;

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).".

SCHEDULE 11 [s. 12]

Amendment of Railways Ordinance

1. Interest

Section 38 of the Railways Ordinance (Cap. 519) is amended---

(a) by renumbering it as section 38(1);

(b) in subsection (1)(b), by repealing everything after "fit and" and substituting ", subject to subsection (2), at such rate as it may fix.";

(c) by adding---

"(2) The rate of interest fixed under subsection (1)(b)---

(a) in respect of a working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on that day; and

(b) in respect of a non-working day must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on the last working day before that day.

(3) In this section---

"non-working day" (非工作日) means a day that is not a working day;

"note-issuing bank" (發鈔銀行) has the meaning assigned to it by section 2 of the

Legal Tender Notes Issue Ordinance (Cap. 65);

"working day" (工作日) means any day other than---

(a) a public holiday; or

(b) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).".

Explanatory Memorandum

The purpose of this Bill is to introduce amendments to various Ordinances in order to re-define the interest rates applicable to provisional payments, redemption money and compensation payable under them.

2. Clauses 2 to 12 give effect to the Schedules to the proposed Ordinance.

3. Clause 13 is a validation and application clause. Before 3 July 2000, the maximum interest rates payable on time deposits with a maturity of less than 7 days by members of The Hong Kong Association of Banks ("members") were determined by the Association. Almost all of the enactments being amended by the proposed Ordinance that provided for payment of interest on provisional payments, redemption money or compensation made reference to the lowest interest rate payable on time deposits by the members. On 3 July 2000, the practice of determination of these interest rates by the Association was abandoned and members were free to determine their own rates of interest. Since the members were not obliged to inform the Government of the rates they offered, those enactments became practically impossible to administer. The Government therefore adopted the following practical administrative measures---

(a) if the period or any day of the period to which the interest payments related occurred before 3 July 2000, the provisions of the enactments amended by the proposed Ordinance, as they existed immediately before the commencement of the proposed Ordinance ("the existing provisions"), would apply to those payments in relation to that period or any day of that period;

(b) if the period or any day of the period to which the interest payments related occurred on or after 3 July 2000 but before 3 October 2000, the rate of interest applicable in relation to that period or any day of that period would be the lowest interest rate paid by the members on time deposits on 2 July 2000;

(c) if the period or any day of the period to which the interest payments related occurred on or after 3 October 2000 but before the date of the commencement of the proposed Ordinance and those payments related to the existing provisions of some enactments (the Country Parks Ordinance (Cap. 208), the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276), the Resolution of the Legislative Council (Cap. 276 sub. leg.), the Air Pollution Control Ordinance (Cap. 311) and the Water Pollution Control Ordinance (Cap. 358)), the rate of interest payable in relation to that period or any day of that period would be the lowest of

the interest rates paid on deposits at 24 hours' call at the close of business on each day by those members that provided the Government with the relevant interest rate;

(d) if the period or any day of the period to which the interest payments related occurred on or after 3 October 2000 but before the date of the commencement of the proposed Ordinance and those payments related to the existing provisions of some enactments (the Lands Resumption Ordinance (Cap. 124), the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127), the Land Acquisition (Possessory Title) Ordinance (Cap. 130), the Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.), the Roads (Works, Use and Compensation) Ordinance (Cap. 370), the Land Drainage Ordinance (Cap. 446) and the Railways Ordinance (Cap. 519)), the rate of interest payable in relation to that period or any day of that period must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call at the close of business on each day by those members that provided the Government with the relevant interest rate;

(e) if the period or any day of the period to which the interest payments related occurred on or after 3 October 2000 but before the date of the commencement of the proposed Ordinance and those payments related to the existing provisions of the New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap. 495), the rate of interest payable in relation to that period or any day of that period would be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on each day.

Clause 13 validates interest payments that were made in accordance with the administrative measures taken before the commencement of the proposed Ordinance and provides statutory authority for interest payments to be made similarly after the commencement of the proposed Ordinance in relation to periods that occurred before the commencement of the proposed Ordinance.

4. Schedule 1 amends the Lands Resumption Ordinance (Cap. 124) by re-defining the interest rate applicable to---

(a) the provisional payment of compensation pending the determination by the Lands Tribunal of disputed claims for compensation for the resumption of land by the Government (section 2 of Schedule 1);

(b) the sum payable as compensation by virtue of a determination of the Lands Tribunal or an agreement under that Ordinance (section 3 of Schedule 1).

5. The proposed amendment in paragraph 4(a) enables the Director of Lands to calculate interest applicable to the provisional payment on a daily basis and at a rate that must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on each day. The

proposed amendment in paragraph 4(b) provides that the rate of interest applicable to the sum payable as compensation, which may be fixed by the Lands Tribunal, must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on each day.

6. Schedule 2 amends the Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127) by re-defining the interest rate applicable to---

(a) the provisional payment of compensation (that is pending the determination by the Lands Tribunal) in respect of reclamations under that Ordinance (section 2 of Schedule 2);

(b) the sum payable as compensation by virtue of a determination of the Lands Tribunal or an agreement under that Ordinance (section 3 of Schedule 2).

The proposed amendments in subparagraphs (a) and (b) are similar in effect to the amendments described in paragraph 5.

7. Schedule 3 amends the Land Acquisition (Possessory Title) Ordinance (Cap. 130) by re-defining the interest rate applicable to---

(a) the provisional payment of compensation (that is pending the determination by the Lands Tribunal) in respect of the acquisition of any land under that Ordinance (section 2 of Schedule 3);

(b) the sum payable as compensation by virtue of a determination of the Lands Tribunal or an agreement under that Ordinance (section 3 of Schedule 3).

The proposed amendments in subparagraphs (a) and (b) are similar in effect to the amendments described in paragraph 5.

8. Schedule 4 amends the Country Parks Ordinance (Cap. 208) by re-defining the interest rate applicable to the compensation payable under that Ordinance. The proposed amendment would have the effect that the interest rates paid on compensation under that Ordinance will be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on each day.

9. Schedule 5 amends the Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276) and its subsidiary legislation. The Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276) is amended by re-defining the interest rate applicable to the compensation payable under that Ordinance (section 1 of Schedule 5). The proposed amendment is similar in effect to the amendment described in paragraph 8. The Resolution of the Legislative Council (Cap. 276 sub. leg.) is repealed (section 2 of Schedule 5).

10. Schedule 6 amends the Air Pollution Control Ordinance (Cap. 311) by re-defining the interest rate applicable to compensation in respect of the cancellation and variation of licences and exemptions under that Ordinance. The proposed amendment is similar in effect to the amendment described in paragraph 8.

11. Schedule 7 amends the Water Pollution Control Ordinance (Cap. 358) and its subsidiary legislation. The Water Pollution Control Ordinance (Cap. 358) is amended by re-defining the interest rate applicable to compensation in respect of the cancellation and variation of licences under that Ordinance (section 1 of Schedule 7). The proposed amendment is similar in effect to the amendment described in paragraph 8.

12. The Water Pollution Control (Sewerage) Regulation (Cap. 358 sub. leg.) is amended by re-defining the interest rate applicable to the compensation payable in certain cases under that Regulation (section 2 of Schedule 7). The proposed amendment provides that the rate of interest, which may be fixed by the Lands Tribunal, must not be lower than the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on each day.

13. Schedules 8, 9 and 11 amend the Roads (Works, Use and Compensation) Ordinance (Cap. 370), the Land Drainage Ordinance (Cap. 446) and the Railways Ordinance (Cap. 519) respectively. Those Ordinances are amended by re-defining the interest rate applicable to the compensation payable in certain cases under those Ordinances. The proposed amendments are similar in effect to the amendment described in paragraph 12.

14. Schedule 10 amends the New Territories Land Exchange Entitlements (Redemption) Ordinance (Cap. 495) by re-defining the interest rate applicable to any redemption money payable under that Ordinance. The proposed amendment provides that the rate of interest shall be the lowest of the interest rates paid on deposits at 24 hours' call by note-issuing banks at the close of business on each day.