

立法會
Legislative Council

LC Paper No. LS117/00-01

**Paper for the House Committee Meeting
of the Legislative Council
on 15 June 2001**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 8 June 2001**

Date of Tabling in LegCo : 13 June 2001

Amendment to be made by : 11 July 2001 (or the next sitting, in the next session, if extended by resolution)

Part I ***Witnesses' Allowances (Legal Notices No. 129 and 133)***

Municipal Services Appeals Board Ordinance (Cap. 220)
Municipal Services Appeals Board (Witnesses' Allowances) Regulation (L.N. 129)

This Regulation provides for the payment of allowances to witnesses summoned to appear before the Municipal Services Appeals Board to give evidence or to produce documents.

2. The allowances payable are not to exceed the daily rates payable under the Criminal Procedure (Witnesses' Allowances) Rules (Cap. 221 sub. leg.), currently set at \$1,690 for professional witness and expert witness allowances and \$280 for loss allowance. No allowance will however be payable for public officers acting in the course of his duties.

3. The Regulation will commence on a day to be appointed by the Director of Administration. LegCo Brief CSO/ADM/CR 5/21/581/89(00) issued by the Administration Wing, Chief Secretary for Administration's Office and dated 7 June 2001 is relevant.

Administrative Appeals Board Ordinance (Cap. 442)
Administrative Appeals Board (Witnesses' Allowances) Rules (L.N. 133)

4. These Rules provide for the payment of allowances to witnesses summoned to appear before the Administrative Appeals Board to give evidence or to produce documents, in similar terms to the Municipal Services Appeals Board (Witnesses' Allowances) Regulation (L.N. 129).

5. However, a transitional provision is made to allow the Board to make a payment to a witness where the Board has agreed to do so before the commencement of the Rules, also to be appointed by the Director of Administration.

6. LegCo Brief CSO/ADM/CR 5/21/581/89(00) issued by the Administration Wing, Chief Secretary for Administration's Office and dated 7 June 2001 is relevant.

Part II Banking (Legal Notices No. 130 and 137)

Banking Ordinance (Cap. 155)
Banking Ordinance (Amendment of Seventh Schedule) Notice 2001 (L.N. 130)

7. This Notice requires the Monetary Authority to take into account the share premium, not just its paid-up capital, of an applicant company when assessing whether the company satisfies the stated capital requirements for authorisation to carry on banking business or deposit-taking business.

8. LegCo Brief G4/16/25C issued by the Financial Services Bureau and dated 8 June 2001 is relevant.

Banking Ordinance (Cap. 155)
Banking Ordinance (Amendment of Eleventh Schedule) Notice 2001 (L.N. 137)

9. This Notice makes the same amendments as those made to the Seventh Schedule (L.N. 137) but in respect of a company applying for authorisation to carry on business as a money broker.

10. LegCo Brief G4/16/25C issued by the Financial Services Bureau and dated 8 June 2001.

Part III Chiropractors (Legal Notices No. 134 and 135)

Chiropractors Registration Ordinance (Cap. 428)

Chiropractors (Registration and Disciplinary Procedure) Rules (L.N. 134)

11. In relation to the registration of chiropractors, the Rules prescribe the information and documents to be provided in the application process, and the functions and powers of the Registration Committee of the Chiropractors Council ("the Council").

12. In relation to disciplinary proceedings of chiropractors, the Rules prescribe the procedure and details of such proceedings. Under the Rules, a complaint of misconduct or neglect in a professional respect will first be considered by the Preliminary Investigation Committee ("PIC") of the Council. The PIC will then make a recommendation to the Council whether the complaint should be referred to an Inquiry Committee. Under the Chiropractors Registration Ordinance (Cap. 428) ("the Ordinance"), an Inquiry Committee consists of not less than 3 members of the Council, one of them must be a lay member. In addition, the Rules also prescribe the procedure of the inquiries. Disciplinary orders that the Council may make are specified in the Ordinance. The disciplinary procedure of chiropractors is substantially similar to that of medical practitioners.

13. The Legal Service Division has asked the Administration to clarify certain points. A further report would be issued in due course.

14. Members may wish to refer to the LegCo Brief issued by the Health and Welfare Bureau (file reference : HWB/M/22/16) for details of L.N. 134 and L.N. 135.

Chiropractors Registration (Fees) Regulation (L.N.79 of 2001)

Chiropractors Registration (Fees) Regulation (L.N. 79 of 2001) (Commencement) Notice 2001 (L.N. 135)

15. The Chiropractors Registration (Fees) Regulation (L.N. 79 of 2001) ("the Regulation") prescribes the fees for an application for registration, an application for the issue or renewal of a practising certificate, the issue of a certificate of registration, and certain other matters relating to the registration and discipline of chiropractors. Section 1 of the Regulation provides that it shall come into operation on a day to be appointed by the Secretary for Health and Welfare.

16. By this commencement notice, the Secretary for Health and Welfare appoints 1 September 2001 as the day on which the Regulation shall come into operation.

Part IV Others (Legal Notices No. 128, 131 and 136)

**Import and Export Ordinance (Cap. 60)
Import and Export (Fees) (Amendment) Regulation 2001 (L.N. 128)**

17. The Regulation will allow applications for textiles-related licences and certificates of origin and lodgements of production notification, where they are made on paper, to be paid for in cash or through the Easy Pay System, in addition to the existing method of payment in the form of postage stamps only.

18. It will also enable the Director-General of Trade and Industry to collect the annual fees for registration under the Textiles Controls Registration, Factory Registration and Textiles Trade Registration schemes on a monthly pro rata basis if this will enable the synchronisation of the expiry dates of the registration of any person under more than one of those schemes.

19. The Regulation shall commence on a day to be appointed by the Director-General of Trade and Industry. LegCo Brief CIB CR13/39/3 issued by the Commerce and Industry Bureau and dated 8 June 2001 is relevant.

**Midwives Registration Ordinance (Cap. 162)
Midwives (Registration and Disciplinary Procedure) (Amendment) Regulation 2001 (L.N. 131)**

20. This Regulation revises the duration of training courses for student midwives who are registered nurses and for student midwives who are not registered nurses from 1 year and 2 years to not less than 1 year and not less than 2 years respectively. It also removes the requirement to include courses in elementary anatomy, physiology, elementary principles of general nursing and hygiene in a 2 year training course. The amendments are intended to allow more flexibility in the design of training courses.

21. LegCo Brief HW CR/1/W3261/92(99) Pt.7 issued by the Health and Welfare Bureau and dated 6 June 2001 is relevant.

**Fugitive Offenders (Malaysia) Order (Cap. 503 sub. leg.)
Fugitive Offenders (Malaysia) Order (Cap. 503 sub. leg.) (Commencement)
Notice 2001 (L.N. 136)**

22. This Notice appoints 16 June 2001 as the day on which the principal order shall come into operation.

23. The principal order was made and gazetted in 1997. Upon query with the Administration, we were informed that Malaysia had only not long ago completed their domestic procedures for the relevant bilateral agreement to enter into force.

24. The legal and drafting aspects of the legal notices covered by this report are in order except L.N.134.

Prepared by

LEE Yu-sung (L.N. 134 to 135)
Senior Assistant Legal Adviser
CHEUNG Ping-kam (L.N. 128 to 131, 133, 136 and 137)
Assistant Legal Adviser
Legislative Council Secretariat
11 June 2001