

立法會
Legislative Council

LC Paper No. LS 46/00-01

**Paper for the House Committee Meeting of the
Legislative Council
on 12 January 2001**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 January 2001**

Date of Tabling in LegCo : 10 January 2001

Amendment to be made by : 7 February 2001 (or 14 February 2001 if
extended by resolution)

Part I ***Revision of fees***

A. ***Legal Notices No. 1 to 6***

Public Health (Animals and Birds) Ordinance (Cap. 139)

Dairies (Amendment) Regulation 2001 (L.N. 1)

Plant (Importation and Pest Control) Ordinance (Cap. 207)

**Plant (Importation and Pest Control) (Fees) (Amendment) Regulation 2001
(L.N. 2)**

Pounds Ordinance (Cap. 168)

Pounds Fees (Amendment) Regulation 2001 (L.N. 3)

Veterinary Surgeons Registration Ordinance (Cap. 529)

**Veterinary Surgeons Registration (Fees) (Amendment) Regulation 2001
(L.N. 4)**

Dogs and Cats Ordinance (Cap. 167)

**Dangerous Dogs Regulation (Amendment of Schedule 3) Notice 2001
(L.N. 5)**

Rabies Ordinance (Cap. 421)

Rabies Regulation (Amendment of Schedule 1) Notice 2001 (L.N. 6)

The above 6 items of subsidiary legislation are made to revise the fees payable to the Director of Agriculture, Fisheries and Conservation ("the Director") relating to the control of animals and plants and the registration of veterinary surgeons. The revision is based on the results of a costing exercise conducted at 2000-01 prices.

2. L.N. 1 increases by 4% the fee payable for a licence to maintain a dairy granted or renewed by the Director. Under the Dairies Regulations (Cap. 139 sub. leg.), the existing fee for such licence is \$6,600 or \$165 for each cow or buffalo over

the age of 12 months kept in the dairy on the date the licence is first granted or renewed, whichever is the greater. L.N. 1 increases the relevant fees from \$6,600 to \$6,880 and \$165 to \$172 with a view to achieving full-cost recovery within one to three years. These fees were last revised in December 1997.

3. L.N. 2 increases by 2.9% to 5% the fees for the examination of plants and issue of a phytosanitary certificate, for visiting the applicants' premises to conduct such examination, for the maintenance of plants under quarantine and for the treatment of plants and soil. The proposed increases would achieve full-cost recovery within one to three years. These fees were last revised in December 1997.

4. L.N. 3 increases by 2.9% the pounds fees for stray animals on their release to their owners with a view to achieving full-cost recovery within one to three years. These fees were last revised in December 1997.

5. L.N. 4 increases by 6 % to 7% the fees payable for the application for registration as a registered veterinary surgeon, application for the issue of a practising certificate, application for renewal of such certificate, extension of time for renewal of such certificate, and for the issue of a certificate of registration under the Veterinary Surgeons Registration Ordinance (Cap. 529). The proposed fee increases would achieve full-cost recovery within one to three years. The existing fees, ranging from \$310 to \$725, were set in November 1998.

6. L.N. 5 reduces by 25% the detention fee payable in respect of the detention of a dog under the Dogs and Cats Ordinance (Cap. 167) or the Dangerous Dogs Regulation (Cap. 167 sub. leg.) from \$120 to \$90. The existing fee was set in June 2000.

7. L.N. 6 revises certain licence and permit fees and detention fees payable under the Rabies Regulation (Cap. 421 sub. leg.). A total of 12 fee items will be affected. It is proposed that 6 items of fees, which range from \$72 to \$140 and relate to the detention of animals in a quarantine centre, extension or variation of a permit to import animals and issue of a duplicate copy of a licence, certificate or permit, will be reduced by 10% to 42% to tally with the full costs at 2000-01 prices. As for the remaining 6 fee items, an increase by 15% is proposed with a view to achieving full-cost recovery within three to seven years. These items relate to issue of a licence in respect of vaccination of dogs, detention of animals in an observation centre and detention of stray dogs. These fees were last revised in June 1997.

8. Members may refer to the LegCo Brief (no reference number provided) dated 5 January 2001 issued by the Environment and Food Bureau for background information. Annexes G to L of the LegCo Brief contain the cost computations and Annexes M to R set out a comparison of the existing and proposed fees.

9. L.Ns. 1 to 6 will come into operation on 16 February 2001. The LegCo Panel on Health Services of the last term was consulted on the proposed revision of fees on 16 June 2000. Members of the Panel raised no objection to the proposed fee revision. According to the LegCo Brief, the trades concerned have been consulted

on the proposed increase and raised no objection. The legal and drafting aspects of the above items of subsidiary legislation are in order.

B. *Legal Notice No. 7*

Estate Agents Ordinance (Cap. 511)

Estate Agents (Registration of Determination and Appeal) (Amendment) Regulation (L.N. 7)

10. Under the Estate Agents Ordinance (Cap. 511), the Estate Agents Authority ("the Authority") has jurisdiction to determine commission disputes referred to it by estate agents and their clients and any determination of the Authority is subject to appeal to the District Court.

11. This Regulation increases by an average of 8.5% the fees payable for the registration of a determination with the District Court, the filing of notice of appeal in the District Court and the copying and certification of documents in the register of the District Court. The new fees, ranging from \$5.5 to \$685, will take effect on 1 March 2001. The existing fees were set in March 2000.

12. Members may refer to the LegCo Brief (Ref.: HB 9/7/43) issued by the Housing Bureau in January 2001 for background information. According to the Administration, the proposed fee increases would achieve full-cost recovery at 2000-01 prices.

13. The LegCo Panel on Housing of the last term was consulted on the proposed revision of fees on 5 June 2000. Members of the Panel raised no objection to the fee revision proposal. The legal and drafting aspects of the Regulation are in order.

Part II Securities and commodities trading

Commodities Trading Ordinance (Cap. 250)

Commodities Trading (Trading Limits and Position Limits) (Amendment) Rules 2000 (L.N. 8)

14. These Rules are made by the Securities and Futures Commission under section 59 of the Commodities Trading Ordinance (Cap. 250). They amend the Schedule to the Commodities Trading (Trading Limits and Position Limits) Rules (Cap. 250 sub. leg.) to fix the trading and position limits for certain stock futures contracts and stock index futures contracts. The effect of this is that trading or holding a position in those futures contracts in excess of the limits specified in the Schedule is an offence under the Ordinance and the maximum penalty for such offence is a fine of \$10,000 and imprisonment for 6 months.

15. Members may refer to the LegCo Brief (no reference number provided) dated 2 January 2001 issued by the Securities and Futures Commission for background information.

16. These Rules will come into operation on 14 February 2001. The proposed amendments are technical in nature and do not involve policy changes. The legal and drafting aspects of the Rules are in order.

Securities Ordinance (Cap. 333)

Securities (Exchange - Traded Stock Options) (Amendment) (No. 2) Rules 2000 (L.N. 9)

17. These Rules are made by the Securities and Futures Commission under section 146(1)(p) of the Securities Ordinance (Cap. 333). They amend the Schedule to the Securities (Exchange - Traded Stock Options) Rules (Cap. 333 sub. leg.) to prescribe limits on the number of four new stock options contracts that may be held or controlled by any person where those contracts are traded through the facilities of the Unified Exchange. Failure to comply with the limits specified in the Schedule is an offence under the Ordinance and the maximum penalty is a fine of \$2000 and imprisonment for 3 months.

18. Member may refer to the LegCo Brief (no reference number provided) dated 2 January 2001 issued by the Securities and Futures Commission for background information.

19. These Rules will come into operation on 14 February 2001. The proposed amendments are technical in nature and do not involve policy changes. The legal and drafting aspects of the Rules are in order.

Part III Others

Tax Reserve Certificates Ordinance (Cap. 289)

Tax Reserve Certificates (Rate of Interest) Notice 2001 (L.N. 10)

20. This Notice fixes at 4.8208% per annum the rate of interest payable on tax reserve certificates issued on or after 8 January 2001. The legal and drafting aspects of the Notice are in order.

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