

立法會
Legislative Council

LC Paper No. LS5/00-01

**Paper for the House Committee Meeting of the
Legislative Council
on 13 October 2000**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 October 2000**

Date of Tabling in LegCo : 11 October 2000

Amendment to be made by : 8 November 2000 (or 15 November 2000 if extended by resolution)

**Prisons Ordinance (Cap. 234)
Prison (Amendment) Rules 2000 (L.N. 270)**

**Immigration Ordinance (Cap. 115)
Immigration (Vietnamese Migrants) (Detention Centres) (Amendment) Rules 2000 (L.N. 271)**

**Probation of Offenders Ordinance (Cap. 298)
Probation of Offenders (Amendment) Rules 2000 (L.N. 272)**

According to the LegCo Brief issued by the Administration Wing, Chief Secretary for Administration's Office dated 4 October 2000, a review of the Justices of Peace (JP) system was conducted in early 1999. One of the proposals in the consultation paper to all Non-official JPs was to give JPs more flexibility on the choice of visiting partners by allowing Non-official JPs to choose either an Official JP or a Non-official JP as their visiting partner in JP visits. The result of the consultation with Non-official JPs was that there was considerable support both for and against the proposal.

In July 1999, the Administration briefed the LegCo Panel on Home Affairs. Members felt strongly that the Administration should allow Non-official JPs the choice (please see paragraph 12 of LC Paper No. CB(2)614/99-00). The Administration decided to implement the proposal and introduced these legislative amendments.

Rule 222(1) of the Prison Rules (Cap. 234 sub. leg.), Rule 6(1) of the Immigration (Vietnamese Migrants) (Detention Centres) Rules (Cap. 115 sub. leg.) and Rule 42(1) of the Probation of Offenders Rules (Cap. 298 sub. leg.) are amended to remove the restriction that the 2 JPs visiting prisons, hostels, detention centres, approved institutions must be of the combination of one Official JP and one Non-official JP. The Amendment Rules come into operation on the date of gazettal, i.e. 5 October 2000. For background information, Members may also refer to the 1999 Annual Report on JP visits on website: www.info.gov.hk/jp/.

Banking Ordinance (Cap. 155)

Banking Ordinance (Amendment of Third Schedule) Notice 2000 (L.N. 273)

Under section 135(3) of the Banking Ordinance (Cap. 155), the Financial Secretary may amend the Third Schedule (the Schedule) to the Ordinance. The Schedule is to provide for the calculation of an authorized institution's capital adequacy ratio.

The purpose of this Notice is to amend the Schedule so as to limit the minority interests arising on consolidation in the paid-up irredeemable non-cumulative preference shares of all subsidiaries of an authorized institution that are special purpose vehicles to 15% of the Core Capital of that institution. The excess amount over the 15% limit is to be included as minority interests in the Supplementary Capital of the institution.

Members may refer to the LegCo Brief (Ref. LM 17/2000 to G4/16C) issued by the Financial Services Bureau in October 2000 for background information. According to paragraph 19 of the Brief, the Hong Kong Association of Banks, the Deposit-taking Companies Association and industry participants have been consulted. The Notice comes into operation on the date of gazettal, i.e. 5 October 2000.

**Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)
Animals and Plants (Protection of Endangered Species) Ordinance (Replacement of Schedule 5) Order 2000 (L.N. 149 of 2000) (Commencement) Notice 2000 (L.N. 274)**

The Secretary for the Environment and Food has appointed 16 November 2000 as the day on which the Animals and Plants (Protection of Endangered Species) Ordinance (Replacement of Schedule 5) Order 2000 (L.N. 149 of 2000) is to come into operation. L.N. 149 of 2000 expands the list of specified animals in Schedule 5 for the purpose of the controls in the Ordinance on controlled medicine.

**Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)
Animals and Plants (Protection of Endangered Species) (Exemption)
(Amendment) Order 2000 (L.N. 163 of 2000) (Commencement) Notice 2000
(L.N. 275)**

By this Notice, the Secretary for the Environment and Food appoints 16 November 2000 as the day on which the Animals and Plants (Protection of Endangered Species) (Exemption) (Amendment) Order 2000 (L.N. 163 of 2000) is come into operation. L.N. 163 of 2000 widens the present exemptions in relation to the import, possession or control of artificially propagated plant species specified in Schedule 3 to the Ordinance.

**Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)
Animals and Plants (Protection of Endangered Species) Ordinance (Amendment
of Schedule 3) Notice 2000 (L.N. 164 of 2000) (Commencement) Notice 2000
(L.N. 276)**

This Notice appoints 16 November 2000 as the day on which the Animals and Plants (Protection of Endangered Species) Ordinance (Amendment of Schedule 3) Notice 2000 (L.N. 164 of 2000) shall come into operation. L.N. 164 of 2000 amends Schedule 3 to the Ordinance to include in the controls in the Ordinance artificially propagated plant species for the purposes of giving effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Prepared by

Ho Ying-chu, Anita
Assistant Legal Adviser
Legislative Council Secretariat
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