

立法會
Legislative Council

LC Paper No. LS 53/01-02

**Paper for the House Committee Meeting
of the Legislative Council
on 1 February 2002**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 25 January 2002**

Date of Tabling in LegCo : 30 January 2002

Amendment to be made by : 27 February 2002 (or 6 March 2002 if extended by resolution)

Part I ***Commodities Trading Ordinance***

***Commodities Trading Ordinance (Cap. 250)**
Commodities Trading (Contract Levy) (Amendment) Rules 2002 **(L.N. 9)**

These Rules—

- (a) repeal the Commodities Trading (Contract Levy) (Amendment) (No. 3) Rules 2001 (L.N. 301 of 2001); and
- (b) amend the Commodities Trading (Contract Levy) Rules (Cap. 250 sub. leg.) to reduce the contract levy in relation to all options on stock futures contracts from \$0.50 to \$0.10 for every leviable transaction.

2. Members will recall that at the House Committee meeting on 18 January 2002, Members supported the proposal of the Securities and Futures Commission to gazette the Rules to repeal the Commodities Trading (Contract) (Levy) (Amendment) (No. 3) Rules 2001.

3. Members may refer to LegCo Brief (without file reference on it) of 25 January 2002 from the Securities and Futures Committee for background information.

* Levy reduction

4. The amendment to the Commodities Trading (Contract Levy) Rules (section 3 of the Rules) will come into operation on the day appointed for the commencement of the Securities and Futures Commission (Levy) (Futures Contracts) (Amendment) (No. 3) Order 2001 (L.N. 296 of 2001).

5. The legal and drafting aspects of the Rules are in order.

Part II **Commencement Notice**

**Mutual Legal Assistance in Criminal Matters (United Kingdom) Order (Cap. 525)
Mutual Legal Assistance in Criminal Matters (United Kingdom) Order (Cap. 525
sub. leg.) (Commencement) Notice 2002 (L.N. 10)**

6. This Notice appoints 9 February 2002 as the day on which the Mutual Legal Assistance in Criminal Matters (United Kingdom) Order (Cap. 525 sub. leg.) shall come into operation.

7. The Order directs that the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) shall apply as between Hong Kong and the United Kingdom. The Order is made in consequence of the Agreement entered into by the Governments of the Hong Kong Special Administrative Region and of the United Kingdom concerning arrangements for mutual legal assistance in criminal matters. The Ordinance shall apply subject to the modifications specified in the Order.

8. The Order was approved by the Legislative Council on 9 December 1998. According to the Administration, they received a notification from the British Consulate General on 10 January 2002 informing them that the requirements for the entry into force of the Agreement have been complied with. A copy of the Administration's explanation for the delay in commencement is at the **Annex**.

**Attachment of Income Orders (Amendment) Ordinance 2001 (20 of 2001)
Attachment of Income Orders (Amendment) Ordinance 2001 (20 of 2001)
(Commencement) Notice 2002 (L.N. 11)**

**Attachment of Income Orders (Amendment) Rules 2001 (L.N. 206 of 2001)
Attachment of Income Orders (Amendment) Rules 2001 (L.N. 206 of 2001)
(Commencement) Notice 2002 (L.N. 12)**

9. Legal Notices No. 11 and 12 respectively appoint 25 January 2002 as the day on which the Attachment of Income Orders (Amendment) Ordinance 2001 (20 of 2001) and the Attachment of Income Orders (Amendment) Rules 2001 (L.N. 206 of 2001) shall come into operation.

10. The Amendment Ordinance amends the Guardianship of Minors Ordinance (Cap. 13), the Separation and Maintenance Orders Ordinance (Cap. 16) and the Matrimonial Proceedings and Property Ordinance (Cap. 192) to add two more situations for the making of attachment of income orders. It also enables the court to relax procedure and time limit in relation to the application of such orders. The object of the Amendment Rules is to give effect to the Amendment Ordinance.

Matrimonial Causes (Amendment) Rules 2001 (L.N. 270 of 2001)

Matrimonial Causes (Amendment) Rules 2001 (L.N. 270 of 2001) (Commencement) Notice 2002 (L.N. 13)

11. This Notice appoints 25 January 2002 as the day on which the Matrimonial Causes (Amendment) Rules 2001 (L.N. 270 of 2001) shall come into operation.

12. The Amendment Rules amend the Matrimonial Causes Rules (Cap. 179 sub. leg.)—

- (a) to provide for all undefended cases begun by petitions for divorce and judicial separation to be entered in the special procedure list;
- (b) to revise existing forms of affidavits in support of petitions or applications for divorce and judicial separation and add a new form of affidavit;
- (c) to allow the District Court to grant an application for extension of time even though the time for making the application has expired.

Encl

Prepared by

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30 January 2002

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Ms. Bernice Wong
Assistant Legal Adviser
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central, Hong Kong

30 January 2002

Dear Ms. Wong,

**Mutual Legal Assistance in Criminal Matters (United Kingdom) Order
(Cap. 525 Sub. Leg.)(Commencement) Notice 2002 (L.N. 10 of 2002)**

I refer to your letter of 29 January 2002.

Article 22 (1) of the Agreement between the Government of the HKSAR and the British Government for the Mutual Legal Assistance (MLA) in Criminal Matters provides that the Agreement “shall enter into force thirty days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of the Agreement have been complied with. ”

The MLA (UK) Order was made in December 1998. We sent a notification to the British Consulate General that the HKSAR had complied with its requirements for entry into force of the Agreement on 11 January 1999. The notification from the British Consulate General was however only received on 10 January 2002. The MLA (UK) Order should accordingly come into operation on 9 February 2002.

The UK side has not provided us with information on relevant legislation giving effect to the Order.

Yours faithfully,

(Angelina KWAN)
for Secretary for Security

c.c. D of J (Attn.: Mr. John Hunter)

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