

立法會
Legislative Council

LC Paper No. LS54/01-02

**Paper for the House Committee Meeting
of the Legislative Council
on 22 February 2002**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 1 February 2002**

Date of Tabling in LegCo : 6 February 2002

Amendment to be made by : 6 March 2002* (or 13 March 2002 if extended
by resolution)

Part I Subsidiary legislation relating to fees

****Immigration Ordinance (Cap. 115)**

Immigration (Amendment) Regulation 2002 (L.N. 14)

This Amendment Regulation prescribes that the fee payable for an entry permit for 2 entries and valid for 2 months issued by electronic means shall be \$50.

2. The Administration briefed the LegCo Panel on Security on 1 November 2001. Members may refer to the paper from the Administration on "iPermit for Taiwan residents" (LC Paper No. CB(2)179/01-02(04)) and the minutes of that meeting (LC Paper No. CB(2)549/01-02) for details. Members were supportive of its implementation.

3. The Regulation will come into operation on 18 March 2002.

4. Members may refer to the LegCo Brief (no reference number indicated) issued by the Security Bureau dated 30 January 2002 for background information. The legal and drafting aspects of this Amendment Regulation are in order.

* Ordinary Council business will not normally be transacted on this day of First Budget meeting. Should there be any resolution to extend the negative vetting period of the following subsidiary legislation, it would be preferable to have the resolution moved on 27 February 2002.

** Imposing new fee.

Part II Subsidiary legislation of various ordinances

Air Pollution Control Ordinance (Cap. 311)

Air Pollution Control (Motor Vehicle fuel) (Amendment) Regulation 2002 (L.N. 15)

5. At present, the Regulation specifies that motor vehicle diesel shall not contain sulphur of not more than 0.035%. This Amendment Regulation mainly changes the specifications to those of ultra low sulphur diesel which has a lesser sulphur content of not more than 0.005%. It also improves the Regulation by making some minor drafting amendments.

6. The Administration has consulted the Advisory Council on the Environment, the Hong Kong Motor Traders Association and oil companies operating petrol filling stations in Hong Kong. They are supportive of the proposal. It has also advised the LegCo Panel on Environment Affairs of the proposal. The Panel has not expressed any adverse comment.

7. This Amendment Regulation will come into operation on 1 April 2002.

8. Members may refer to the LegCo Brief (Ref: EFB 9/55/01/123) issued by the Environment and Food Bureau in January 2002 for background information.

Leveraged Foreign Exchange Trading Ordinance (Cap. 451)

Leveraged Foreign Exchange Trading (Annual Returns) (Amendment) Rules 2002 (L.N. 16)

Securities and Futures Commission Ordinance (Cap. 24)

Securities and Futures Commission (Annual Returns) (Amendment) Rules 2002 (L.N. 17)

9. Under the Leveraged Foreign Exchange Trading (Annual Returns) Rules (Cap. 451 sub. leg.), a licensed leveraged foreign exchange trader or its representative (both are referred to as "licence holder") are required to submit annual returns to the Securities and Futures Commission ("the Commission") in specified form or in certain situations, in the form of a notice approved by the Commission.

10. Under the Securities and Futures Commission (Annual Returns) Rules (Cap. 24 sub. leg.), a "registered person" is also required to make annual returns to the Commission in specified form or, in certain situations, in the form of a notice approved by the Commission. (By a "registered person", it means a dealer, dealing partnership, dealer's representative, investment adviser, commodity trading adviser, investment advisers' partnership, securities margin financier, investment representative, commodity trading adviser's representative or securities margin financier's representative.)

11. The Commission is now amending the relevant Rules by extending the situations in which notice may be given in lieu of an annual return in the specified form. The Schedule is also amended by including new reporting requirements relating to licence holders' and registered persons' continuous professional training obligations.

12. Both Amendment Rules will come into operation on 15 March 2002.

13. Members may refer to the two LegCo Briefs (no reference number indicated) issued by the Commission dated 31 January 2002 for background information.

14. According to the Briefs, the Commission has sounded out industry bodies on the proposed amendments. No adverse feedback has been received.

15. The legal and drafting aspects of these two Amendment Rules are in order.

Legal Practitioners Ordinance (Cap. 159)
Solicitors' Accounts (Amendment) Rules 2002 (L.N. 18)

16. The Solicitors' Accounts (Amendment) Rules (Cap. 159 sub. leg.) are made by the Council of the Law Society of Hong Kong with the prior approval of the Chief Justice. The purposes of these Amendment Rules are to -

- (a) impose a duty on each principal of a firm of solicitors to be jointly and severally liable to remedy any breach of the Rules promptly upon discovery;
- (b) require a solicitor to keep clients' books and accounts, ledgers and records in Hong Kong; and
- (c) require a solicitor to prepare monthly reconciliation statements on balances of client accounts.

17. Items (a) and (c) have been the current practices of solicitors. The Council of the Law Society has already issued Practice Directions 1990 on these requirements. Only item (b) is a new requirement to be imposed on solicitors.

Tax Reserve Certificates Ordinance (Cap. 289)
Tax Reserve Certificates (Rate of Interest) (No. 2) Notice 2002 (L.N. 19)

18. This Notice fixes at 0.4500% per annum the rate of interest payable on tax reserve certificates issued on or after 4 February 2002.

Part III **Commencement Notice**

**Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing)
Ordinance (Cap. 566)**

**Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing)
Ordinance (10 of 2001) (Commencement) Notice 2002 (L.N. 20)**

19. The Secretary for Security has appointed 1 April 2002 as the day on which the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (10 of 2001) will come into operation. The Ordinance provides for the licensing, control and inspection of drug dependence treatment centres which provide residential accommodation for persons voluntarily undergoing treatment or rehabilitation after the treatment and for connected purposes.

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