

立法會
Legislative Council

LC Paper No. LS85/01-02

**Paper for the House Committee Meeting
on 26 April 2002**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 19 April 2002**

Date of Tabling in LegCo : 24 April 2002

Amendment to be made by : 22 May 2002 (or 29 May 2002 if extended by resolution)

PART I AMENDING SUBSIDIARY LEGISLATION

Prevention of Copyright Piracy Ordinance (Cap. 544)

Prevention of Copyright Piracy Ordinance (Amendment of Schedule 1) Order 2002 (L.N. 51)

This Order amends Schedule 1 to the Prevention of Copyright Piracy Ordinance (Cap. 544) by adding "Stamper" (used as a master disc) to the list of "Optical discs". The addition means manufacturers of stampers will be required to obtain a licence as from 19 July 2002 subject to the same licensing control as is imposed on the manufacture of other optical discs.

2. According to the LegCo Brief (Ref.: CIB 09/46/21) issued by the Commerce and Industry Bureau in April 2002, there are currently 10 licensed optical disc factories with stamper-production facilities in their premises, and an estimated 10 companies which are engaged solely in making stampers.

3. The Administration briefed the Panel on Commerce and Industry at its meeting held on 26 June 2001. Panel members generally supported the proposed extension of the licensing scheme to "stamper" but one of the members asked whether the proposed licence fees could be lowered. The Administration responded that it would examine the feasibility of reduction. However, it is noted that the Order does not make any specific provision on the relevant licence fees and so the existing licence

fees i.e. \$5,500 for a new licence and \$1,270 for renewal will apply equally in the case of "stampers". Members may refer to the paper submitted by the Administration (LC Paper No. CB(1)1588/00-01(04)) and the minutes of that meeting (LC Paper No. CB(1)2196/00-01) for details.

4. The legal and drafting aspects of this Order are in order.

PART II COMMENCEMENT NOTICES

Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)

**Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)
(Commencement) Notice 2002 (L.N. 52)**

**Fixed Penalty (Public Cleanliness Offences) Regulation (L.N. 44 of 2002)
(Commencement) Notice 2002 (L.N. 53)**

5. The Secretary for the Environment and Food has appointed 27 May 2002 as the day on which the Fixed Penalty (Public Cleanliness Offences) Ordinance (24 of 2001) (the Ordinance) and the Fixed Penalty (Public Cleanliness Offences) Regulation (L.N. 44 of 2002) (the Regulation) will come into operation.

6. The Ordinance was passed by the Legislative Council on 12 July 2001. The offences covered include littering, spitting, unauthorized display of bills or posters, and dog fouling in public places. Any person in breach of the provisions will be liable to a fixed penalty of \$600.

7. The Regulation, gazetted recently on 4 April 2002, specifies the forms of various notices under the Ordinance and specifies the manner of payment of a fixed penalty.

8. The Panel on Food Safety and Environmental Hygiene was briefed by the Administration in the form of a paper "Preparation for the Fixed Penalty System for Minor Public Cleanliness Offences" on 18 March 2002 (LC Paper No. CB(2)1326/01-02(05)). It was pointed out that the Administration planned to bring the fixed penalty system into force in May 2002. There would also be a grace period of two weeks when warnings instead of fixed penalty tickets will be given to offenders. The Panel was generally in support of the Administration's proposed implementation of the fixed penalty system.

Matrimonial Causes Ordinance (Cap. 179)
Matrimonial Causes (Amendment) Rules 2002 (L.N. 26 of 2002) (Commencement)
Notice 2002 (L.N. 54)

9. The Secretary for the Home Affairs has appointed 26 April 2002 as the day on which the Matrimonial Causes (Amendment) Rules 2002 (L.N. 26 of 2002) (the Rules) will come into operation. The Rules make it clear that the District Court Registrar has the requisite jurisdiction to tax bills of costs in matrimonial proceedings and introduce some other technical amendments to tidy up the Matrimonial Causes Rules.

Prepared by

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