

立法會
Legislative Council

LC Paper No. LS117/01-02

**Paper for the House Committee Meeting
on 14 June 2002**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 7 June 2002**

Date of Tabling in LegCo : 12 June 2002

Amendment to be made by : 10 July 2002 (or the 1st meeting of LegCo in the next session if extended by resolution)

Part I COMMENCEMENT NOTICE

**Road Traffic Legislation (Amendment) Ordinance 2002
Road Traffic Legislation (Amendment) Ordinance 2002 (3 of 2002)
(Commencement) Notice 2002 (L.N. 98)**

By this Notice given under section 1(2) of the Road Traffic Legislation (Amendment) Ordinance 2002 (3 of 2002) (the Ordinance), the Acting Secretary for Transport has appointed 1 July 2002 as the commencement date for sections 2, 5, 7, 8, 9, 10, 11, 12 and 13 of the Ordinance. He has also appointed 1 November 2002 as the commencement date for sections 4 and 6.

2. The Ordinance seeks, inter alia, to introduce a driver improvement scheme and to provide for deduction of 3 driving offence points upon a driver's satisfactory completion of a driving improvement course. The sections to come into effect on 1 July 2002 are provisions relating to the designation of driving improvement schools and the deduction of driving offence points. The provisions to be effective on 1 November 2002 give the courts power to order persons to attend driving improvement courses and specify the offences in respect of which such orders may be made. All other provisions in the Ordinance have come into operation on the respective dates specified in section 1 of the Ordinance.

3. The Ordinance was enacted after the related Bill was scrutinized by a Bills Committee. Members may refer to its report (LC Paper No. CB(1)949/01-02) for further information. During the scrutiny of the Bill, committee members commented on the draft Code of Practice for Driving Improvement Schools and

requested the Administration to revise the draft Code and consult the trade on the revised Code. The revised draft Code and the consultation results were brought to the attention of the Transport Panel by LC Paper No. CB(1)1787/01-02(1).

Part II MISCELLANEOUS AMENDMENTS

Magistrates Ordinance (Cap. 227)

Magistrates Ordinance (Amendment of Fourth Schedule) Order 2002 (L.N. 89)

4. By this Order made by the Chief Executive in Council under section 135 of the Magistrates Ordinance (Cap. 227) (the Ordinance), the Fourth Schedule to the Ordinance is amended in the following manner:-

in the first column under the heading "Leisure and Cultural Services Department"	against paragraph	by adding
	(a)	"(v) Leisure Service Manager"
	(b)	"(ix) Leisure Service Manager"
	(c)	"(vi) Leisure Service Manager"

Also in the Chinese text of the Fourth Schedule, "市容" is repealed whenever it appears and substituted by "事務".

5. The first mentioned amendments are occasioned by the creation of a new grade of Leisure Services Manager and the need to include them as authorized public officers for the scheduled offences in the Fourth Schedule of the Ordinance. The Fourth Schedule gives the list of public officers who may serve notice under section 8A of the Ordinance on any person reasonably suspected of having committed any relevant offence specified in that Schedule. A person served with the notice will have to attend before a magistrate at the time and place specified in it to be dealt with according to law. The Chinese amendment is for the rectification of the Chinese title of the Amenities Officer. Members may refer to the LegCo Brief issued by the Home Affairs Bureau in June 2002 in relation to this Order for further information.

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

Fixed Penalty (Public Cleanliness Offences) Ordinance (Amendment of Schedule 2) Order 2002 (L.N. 90)

6. By this Order made by the Chief Executive in Council under section 19 of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) (the Ordinance), the Schedule 2 to the Ordinance is amended by adding at the end of the entries in column 3 (against "Director of Leisure and Cultural Services" in column 2) "Leisure Services Manager".

7. This Order is occasioned by the matters referred to in paragraph 5 above and is consequential or corresponding to the amendment to the Fourth Schedule of the Magistrates Ordinance reported above. Members may refer to the LegCo Brief issued by the Home Affairs Bureau in June 2002 in relation to this Order for further information.

Employment Ordinance (Cap. 57)

Employment of Young Persons (Industry) (Amendment) Regulation 2002 (L.N. 91)

8. By this Amendment Regulation made by the Chief Executive in Council under section 73 of the Employment Ordinance (Cap. 57), Regulation 5(1) of the Employment of Young Persons (Industry) Regulations (Cap. 57 sub. leg.) is repealed and substituted by a prohibition of employing any young person in any dangerous trade.

9. According to the Administration, the amendment is necessary to ensure compliance with the Worst Forms of Child Labour Convention, 1999 (International Labour Convention No. 182). Existing trades will not be affected because no permission has been granted to employ any persons under 16 to engage in any dangerous trade. In concert with this Amendment Regulation, the Administration will also introduce a motion to amend Regulation 9(2) of the Factories and Industrial Undertaking (Woodworking Machinery) Regulations (Cap.59 sub. leg.) to remove the discretion by the Commissioner of Labour to permit the employment of persons under 16 years of age on any woodworking machine. The Panel for Manpower was consulted on the Amendment Regulation at its meeting on 16 May 2002. Members of the Panel were in general very supportive of the proposal. Members may refer to the LegCo Brief (Ref.: LD CR 62/711 Pt.2) issued by the Education and Manpower Bureau in June 2002 for background and further information.

Gambling Ordinance (Cap. 148)

Gambling (Amendment) Regulation 2002 (L.N. 92)

10. By this Amendment Regulation made by the Chief Executive in Council under section 28 of the Gambling Ordinance (Cap. 148), the First Schedule and the Second Schedule to the Gambling Regulations (Cap. 148 sub. leg.) are amended.

11. The amendment to the First Schedule is to rectify a typographical error in Form 1, namely, "a lottery" replacing "at lottery".

12. The amendments to the Second Schedule are in respect of Form 1A (lottery licence) Form 4A (trade promotion licence), and form 5A (Mahjong/Tin Kau licence). The substantive amendments are as follows:-

Summary of Amendments	Form 1A	Form 4A	Form 5A
Repealing the prohibition of referring to the approval by the Commissioner for Television and Entertainment Licensing and requiring the quoting of licence number	Not applicable	Condition 3	Not applicable
The date for publication of the results of the lottery draw or the drawing or judging of the competition is extended from 7 days from the date of such drawing or judging to 10 days.	Condition 5	Condition 4	Ditto
The results need only be published in one newspaper instead of two newspapers in each of the two official languages.	Ditto	Ditto	Ditto
Instead of providing a statement of moneys collected and received within 28 days of the draw of the lottery, the licensee is required to - (i) prepare a statement of income and expenditure (the statement); (ii) obtain a report by a certified public accountant or public accountant or a public accountant firm stating that the statement is properly prepared and no matter has come to his/her/its attention which indicates any inaccuracies in the statement; and (iii) forward a copy of the statement and the report to the Commissioner for Television and Entertainment Licensing, all within 90 days of the draw of the lottery.	Condition 6	Not applicable	Ditto
Repealing Condition 7 which requires the preparation of a monthly statement and forward to the Commissioner for Television and Entertainment Licensing a copy of the same at the end of each calendar month and substituting a new provision requiring the licensee to - (i) keep a statement of account in the attached form for every calendar month; and (ii) produce a copy of the statement to the Commissioner within 7 days of his request if he so requests in writing within 7 years after the end of the month to which the statement relates.	Not applicable	Ditto	Condition 7

Repealing Note 3 and substituting a new note 3 requiring the forward of the monthly report to the Commissioner within 7 days of his written request made within the 7 year period referred to in Condition 7.	Ditto	Ditto	Note 3
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13. The amendments are introduced to update the conditions of the relevant licences, so that some provisions are enhanced to ensure effective supervision and some restrictive provisions not conducive to effective supervision are relaxed. The Administration briefed the Panel on Home Affairs on the amendment Regulation at its meeting on 12 March 2002. Apart from seeking clarification on the proposals relating to lottery licence in respect of extending the time limit and reducing the required number of newspapers for publishing draw results, the Panel members indicated no objection to the proposed Regulation. Member may refer to the LegCo Brief (Ref.: HAB/V/32/15 V) issued by the Home Affairs Bureau on 6 June 2002 for further and background information.

14. This Regulation is to come into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette.

Commodities Trading Ordinance (Cap. 250)

Commodities Trading Ordinance (Amendment of Schedule 1) Order 2002 (L.N. 93)

15. By this Order made by the Chief Executive in Council under section 115 of the Commodities Trading Ordinance (Cap. 250) (the Ordinance), Part I of Schedule 1 to the Ordinance is amended by adding as item 13 "Fixed income instruments which generate fixed periodic interest payment until the return of the principal."

16. The amendment effected by this Order is necessary to enable the Securities and Futures Commission to impose statutory trading and position limits in respect of Exchange Fund Notes (EFN) futures contracts under section 59 of the Ordinance. The powers under the section do not affect the cash market. The fixed income instruments as described by the amending provision could include products other than EFN futures contracts. The Administration has advised that the EFN futures contracts are the only products traded on the Hong Kong Future Exchange (HKFE) that comes within the description of the amending provision. No other products now being traded on HKFE are affected. Members may refer to the LegCo Brief issued by the Financial Services Bureau on 5 June 2002 in relation to this Order for further information.

17. This Order will come into operation on 12 July 2002.

Clubs (Safety of Premises) Ordinance (Cap. 376)

Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2002 (L.N. 94)

18. By this Order made by the Secretary for Home Affairs under section 3 of the Clubs (Safety of Premises) Ordinance (Cap. 376), item 5 of the Schedule to the Club (Safety of Premise)(Exclusion) Order (Cap. 289 sub. leg.) (the Exclusion Order) is amended in the following manner:-

	paragraph no.	repealing	substituting/adding
in	(33)	Kwai Tsing Police Officers' Mess	Kwai Tsing District Officers' Mess
in	(36)	Lantau District Officers' Mess	Lantau District Police Officers' Mess
in	(44)	The	-
in	(44)	安甫里	安埔里
in	(57)	大埔區	大埔警區
in	(57)	安甫里 4 號 15 字樓	安埔里 4 號 15 樓
in	(64)	Yuen Long District Officers' Mess	Yuen Long Police Officers' Mess
in	(64)	246, Castle Peak Road	Ex-single Quarters, Yuen Long Police Station, 246 Castle Peak Road

19. The amendments are for the purpose of rectifying inaccuracies in the address or the name of the relevant clubs.

Public Health and Municipal Services Ordinance (Cap.132)

Public Health and Municipal Services Ordinance (Public Markets) (Designation and Amendment of Tenth Schedule) Order 2002 (L.N. 95)

20. By this Order made under section 79(3) and (5) of the Public Health and Municipal Services Ordinance (Cap. 132) ("the Ordinance"), the Director of Food and Environmental Hygiene has designated the Luen Wo Hui Market (the Market) as a public market. This Order simultaneously amends the Tenth Schedule to the Ordinance by adding a reference to the Market.

Public Health and Municipal Services Ordinance (Cap.132)

Declaration of Markets Notices (Amendment) Declaration 2002 (L.N. 96)

21. By this Declaration made under section 79(1) of the Public Health and Municipal Services Ordinance (Cap. 132) ("the Ordinance"), the Director of Food and Environmental Hygiene has declared the Luen Wo Hui Market (the Market) to be a

market to which the Ordinance applies. The Schedule to the Declaration of Markets Notice (Cap. 132 sub. leg.) is simultaneously amended by adding a reference to the Market.

**The Chinese University of Hong Kong Ordinance (Cap. 1109)
Statutes of The Chinese University of Hong Kong (Amendment) (No. 2) Statute
2002 (L.N. 97)**

22. This Amendment Statute is made by the Council of The Chinese University of Hong Kong under section 13 of the Chinese University of Hong Kong Ordinance (Cap. 1109) (the Ordinance) with the approval of the Chancellor. It amends paragraph 2(1)(b) of Statute 26 of the Statutes of the Chinese University of Hong Kong in Schedule 1 to the Ordinance by adding a reference to "Master of Professional Accountancy (M.P. Acc.)".

23. The amendment enables the University to confer a new master degree in professional accountancy.

24. No difficulties relating to the legal and drafting aspects of the above items has been identified.

Prepared by

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