

立法會
Legislative Council

LC Paper No. LS15/01-02

**Paper for the House Committee Meeting
of the Legislative Council
on 2 November 2001**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 26 October 2001**

Date of Tabling in LegCo : 31 October 2001

Amendment to be made by : 28 November 2001 (or 5 December 2001 if extended by resolution)

Part I ***Public Health Regulations (Legal Notices No. 218 - 220)***

Public Health (Animals and Birds) Ordinance (Cap. 139)
Public Health (Animals and Birds) (Amendment) Regulation 2001 (L.N. 218)

This Regulation requires live quails imported for food be brought in by a carrier carrying no other birds, be taken forthwith to specified premises and be transported within Hong Kong exclusively from other birds.

2. The Regulation shall come into operation on a day to be appointed by the Secretary for the Environment and Food.

3. LegCo Brief EFB 5/6/1 issued by the Environment and Food Bureau/Agriculture, Fisheries and Conservation Department/Food and Environmental Hygiene Department in October 2001 is relevant.

Public Health (Animals and Birds) Ordinance (Cap. 139)
Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2001 (L.N. 219)

4. This Regulation prohibits possessing quails for sale together with other

birds at the same premises. The fine on a licensed animal trader who commits an offence as such a trader is also increased from \$1,000 to \$10,000.

5. The Regulation shall come into operation on a day to be appointed by the Secretary for the Environment and Food.

6. Members may refer to the same LegCo Brief issued for the above item.

**Public Health and Municipal Services Ordinance (Cap. 132)
Food Business (Amendment) Regulation 2001 (L.N. 220)**

7. This Regulation requires fresh, chilled and frozen carcasses and offal of water birds to have been properly processed where they are sold or when they are delivered to premises where they are sold.

8. The Regulation shall come into operation on a day to be appointed by the Director of Food and Environmental Hygiene.

9. Members may refer to the same LegCo Brief issued for the above items.

10. The legal and drafting aspects of these 3 related items are still being scrutinised and a further report will be made if necessary.

Part II Commencement of Merchant Shipping Regulations etc. (Legal Notices No. 222-227)

**Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2001
Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built Before 1 September 1984) (Amendment) (No. 2) Regulation 2001 (L.N. 153 of 2001) (Commencement) Notice 2001 (L.N. 222)**

**Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2001
Merchant Shipping (Safety) (Cargo Ship Construction and Survey) (Ships Built On or After 1 September 1984) (Amendment) (No. 2) Regulation 2001 (L.N. 154 of 2001) (Commencement) Notice 2001 (L.N. 223)**

**Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2001
Merchant Shipping (Safety) (Cargo Ship Safety Equipment Survey) (Amendment) Regulation 2001 (L.N. 155 of 2001) (Commencement) Notice 2001 (L.N. 224)**

Merchant Shipping (Safety) (GMDSS Radio Installations) (Amendment) Regulation 2001

Merchant Shipping (Safety) (GMDSS Radio Installations) (Amendment) Regulation 2001 (L.N. 156 of 2001) (Commencement) Notice 2001 (L.N. 225)

Merchant Shipping (Safety) (Life-Saving Appliances) Regulation

Merchant Shipping (Safety) (Life-Saving Appliances) Regulation (L.N. 157 of 2001) (Commencement) Notice 2001 (L.N. 226)

Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) (Amendment) Rules 2001

Merchant Shipping (Seafarers) (Certificates of Proficiency in Survival Craft, Rescue Boats and Fast Rescue Boats) (Amendment) Rules 2001 (L.N. 160 of 2001) (Commencement) Notice 2001 (L.N. 227)

11. These six Notices all appoint 26 October 2001 as the day on which the respective items of subsidiary legislation shall come into operation.

12. Members may remember that the respective items of subsidiary legislation, gazetted on 6 July 2001, are made to implement the International Convention for the Safety of Life at Sea ("SOLAS").

Part III Other (Legal Notice No. 221)

District Court Ordinance (Cap. 336)

Rules of the District Court (Amendment) Rules 2001 (L.N. 221)

13. These amending rules introduce amendments -

- (a) so that Rules of the District Court shall apply to matrimonial proceedings only for an appeal against a judgment;
- (b) to make clear that the Rules apply to proceedings for the recovery of employees' compensation except where rules are made under section 50 of the Employees' Compensation Ordinance (Cap. 282);
- (c) to enable a director of a corporation acting on its behalf in court proceedings to exhibit either the original or a certified copy of the resolution authorising him so to act;
- (d) to provide for fixed costs for judgment on failure to give notice of intention to defend on all applications under Order 83A, rule 4, substituted service and other matters; and

(d) to provide for fixed costs for garnishee orders and charging orders.

14. LegCo Brief issued on the amending rules in October 2001 is relevant.

15. The drafting of the amendments is still being scrutinised and a further report will be made if necessary.

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