

立法會
Legislative Council

LC Paper No. LS140/02-03

**Paper for the House Committee Meeting
on 27 June 2003**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 20 June 2003**

Date of Tabling in LegCo : 25 June 2003

Amendment to be made by : The second meeting of LegCo in the next session (or the first meeting of LegCo not earlier than the twenty-first day after the day of the second meeting in the next session if extended by resolution)

Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)
Fixed Penalty (Public Cleanliness Offences) (Amendment) Regulation 2003
(L.N. 155)

This Regulation amends the forms in the Schedule to the Fixed Penalty (Public Cleanliness Offences) Regulation (Cap. 570 sub. leg. A). The amendments are consequential to the increase in fixed penalty from \$600 to \$1,500 for offences set out in Schedule 1 to the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570). The relevant increase in fixed penalty was passed by the Legislative Council on 18 June 2003.

2. This Regulation shall come into operation on 26 June 2003, the same day that the increase in fixed penalty takes effect.

Prisons Ordinance (Cap. 234)
Prisons (Hostel) (Amendment) Order 2003 (L.N. 156)

3. This Order discontinues the use of the New Life House at Flat 16B of Senior Staff Quarters in Block F of the Pamela Youde Nethersole Eastern Hospital as a hostel for the purposes of the Prisons Ordinance (Cap. 234).

High Court Ordinance (Cap. 4)

Rules of the High Court (Amendment) Rules 2003 (L.N. 157)

4. These Rules are made by the Rules Committee of the High Court under section 54 of the High Court Ordinance (Cap. 4).

5. These Rules add a new rule 11B to Order 24 of the Rules of the High Court (Cap. 4 sub. leg. A). The new Order 24, rule 11B has the following effect:-

- (a) If a party to any proceedings before the High Court has a record of the proceedings or a transcript of that record prepared for his own use, the party shall not be required to make discovery of or to produce that record or transcript (or a copy of that record or transcript) to the other parties to the proceedings.
- (b) The record of transcript, or a copy of the record or transcript, may be produced to and for the use of the High Court if all the parties to the proceedings agree.
- (c) If the record or transcript, or a copy of the record or transcript, is produced to the High Court, the High Court shall order such record or transcript, or a copy of such record or transcript, to be also supplied to all the other parties to the proceedings subject to the payment of reasonable charges which include the costs of procuring or commissioning the production of such record or transcript or a fair and reasonable proportion of such costs.

6. Other rules of the High Court are correspondingly amended so as to be made compatible with the new rule Order 24, rule 11B. The following rules are amended to the effect that they do not apply to a record or transcript, or a copy of the record of transcript, referred to in the new rule 11B:-

- (a) Order 24, rule 2(1) (which requires the parties to an action to make, within 14 days after the pleadings in the action are deemed to be closed, discovery of documents and lists of such documents relating to a matter in question in the action which are or have been in the possession, custody or power of the parties);
- (b) Order 24, rule 3(1) (which enables the High Court to, amongst other things, order the making of a list of the documents relating to a cause or matter, which are or have been in the possession, custody or power of a party to the proceedings);
- (c) Order 24, rule 7(1) (which empowers the High Court to order the making of an affidavit stating whether any document or class of

document specified or described in the application is, or has at any time been, in the possession, custody or power of a party to the proceedings);

- (d) Order 24, rule 12 (which enables the High Court to order the production of any document relating to a cause or matter in the possession, custody or power of a party to the proceedings).

7. These Rules have not been referred to the Panel on Administration of Justice and Legal Services for consultation. They have come into effect on the day on which they were published in the Gazette, that is, 20 June 2003.

Prepared by

Kitty Cheng
Assistant Legal Adviser
Legislative Council Secretariat
23 June 2003