

立法會
Legislative Council

LC Paper No. LS61/04-05

**Paper for the House Committee Meeting
on 6 May 2005**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 April 2005**

Date of tabling in LegCo : 4 May 2005

Amendment to be made by : 1 June 2005 (or 22 June 2005 if extended by resolution)

**Road Traffic Ordinance (Cap. 374)
Road Traffic (Registration and Licensing of Vehicles) (Amendment)
Regulation 2005 (L.N. 58)**

This Regulation is made under section 6 of the Road Traffic Ordinance (Cap. 374) by the Secretary for the Environment, Transport and Works (SETW). It amends Schedule 7 to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) (the Regulations) to extend or modify the “permitted area” in the Sai Kung District, Tsuen Wan District, Islands District and Kwai Tsing District for taxis licensed to operate within the New Territories or Lantau only (NT or Lantau taxis). In addition, all references to the Declaration of Districts Order 1994 (Cap. 366 sub. leg.) in Schedule 7 are replaced by references to the District Councils Ordinance (Cap. 547).

2. Schedule 7 specifies the “permitted area” for the purposes of Regulation 29 of the Regulations, which restricts the operation of NT or Lantau taxis to the permitted area. The purpose of the amendments to Schedule 7 is to enable such taxis to access via specified routes Hang Hau MTR station in Tsung Kwan O, Hong Kong Disneyland or the new air passenger terminal at the Sky Plaza of the Airport. The repeal of references to the Declaration of Districts Order is necessary because it has ceased to be in force after the repeal of the Provisional District Boards Ordinance (Cap. 366) on 1 January 2000. This Regulation is to come into effect on a date to be appointed by SETW.

3. According to the Administration, the urban, NT and Lantau taxi trades were consulted on the proposal at the respective Taxi Conferences of Transport Department in November 2004. The NT taxi trade supported the

proposal whilst the other two taxi trades did not object.

4. The Transport Advisory Committee and the LegCo Transport Panel were consulted on 7 January and 2 February 2005 respectively. Both supported the proposed revision to the permitted area. Members may wish to refer to the LegCo Brief issued by the Environment, Transport and Works Bureau in April 2005 for background and further information.

Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)
Tax Reserve Certificates (Rate of Interest) (No. 3) Notice 2005 (L.N. 59)

5. By this Notice made under rule 7(2)(h) of the Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A), the Secretary for Financial Services and the Treasury has prescribed the rate of interest of tax certificates issued on or after 3 May 2005 to be 0.7500% per annum (the new rate). Accordingly, the Schedule to the Tax Reserve Certificates (Rate of Interest) (Consolidation) Notice (Cap. 289 sub. leg. B) is amended by adding “and before 3 May 2005” at the end of item 146 and the new rate as item 147.

Legal Practitioners Ordinance (Cap. 159)
Legal Practitioners (Amendment) Ordinance 1998 (Commencement) Notice 2005 (L.N. 60)

6. By this Notice made under section 1(2) of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998), the Secretary for Justice has appointed 30 June 2005 as the date on which the Amendment Ordinance shall come into operation (the commencement date). Sections 1 and 7 of the Amendment Ordinance are excepted because they have already come into operation in April 1998.

7. The Amendment Ordinance is to provide for the appointment in Hong Kong of Notaries Public after reunification. The Bill was scrutinized by a Bills Committee before being enacted on 7 April 1998. Six sets of subsidiary legislation have been made under the provisions of the Amendment Ordinance to complement its implementation. They are: Notaries Public (Disciplinary Tribunal Proceedings) Rules (L.N. 30 of 2005), Notaries Public (Grounds for Refusal to issue Practising Certificate) Rules (L.N. 31 of 2005), Notaries Public (Practising Certificate) Rules (L.N. 32 of 2005), Notaries Public (Examinations) Rules (L.N. 33 of 2005), Notaries Public (Practice) Rules (L.N. 34 of 2005) and Notaries Public (Qualifications for Appointment) Rules (L.N. 35 of 2005). Admission and Registration (Amendment) Rules 2005 (L.N. 28 of 2005) and Legal Practitioners (Fees) (amendment) Rules 2005 (L.N. 29 of 2005) are made under the Legal Practitioners Ordinance (Cap. 159) to accommodate the appointment and registration of notaries public. All of the subsidiary legislation except one will

also come into effect on the commencement date. L.N. 34 of 2005 will come into operation 91 days after the commencement date.

Concluding Observations

8. Apart from the consultations expressly mentioned, neither the public nor any Panel of the Legislative Council has been consulted in respect of the subsidiary legislation reported above. No difficulties have been identified in the legal and drafting aspects of the subsidiary legislation.

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