

立法會
Legislative Council

LC Paper No. LS20/04-05

**Paper for the House Committee Meeting
on 10 December 2004**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 3 December 2004**

Date of Tabling in LegCo : 8 December 2004

Amendment to be made by : 5 January 2005 (or 26 January 2005 if extended
by resolution)

**PART I SUBSIDIARY LEGISLATION RELATING TO LAND
REGISTRATION**

Land Registration (Amendment) Ordinance 2002 (20 of 2002)
Land Registration (Amendment) Ordinance 2002 (20 of 2002) (Commencement)
Notice 2004 (L.N. 197)

This Notice appoints 12 February 2005 as the day on which those provisions of the Land Registration (Amendment) Ordinance 2002 (20 of 2002) that have not come into operation will come into operation. These provisions provide the legal basis for the reorganization of the Land Registry from its current structure of nine separate registries into a single registry serving the whole territory, i.e. introduction of a “Central Registration System” under which all registration of property transactions will be carried out in the central office of the Land Registry. According to an information paper provided by the Administration to the Panel on Planning, Lands and Works in November 2004 (LC Paper CB(1)243/04-05(01)), these provisions have not been brought into operation as time is needed for the completion of the development of the computer system that will support the Central Registration System.

Land Registration Ordinance (Cap. 128)
Land Registration Fees (Amendment) Regulation 2004 (L.N. 193)

2. This Regulation amends the Schedule to the Land Registration Fees Regulations (Cap. 128 sub. leg. B) to reduce the fees payable to the Land Registry for the supply of information relating to the particulars of a property, and of a copy of any memorial and any instrument annexed to it, or of a copy of any Government lease.

The details of the fee reduction are set out below:

Item	Existing Fee \$	Revised Fee \$
(a) Supplying information in the form of a computer printout or any other form indicating- (i) current particulars of a property; and (ii) historical and current particulars of a property.	15 30	10 25
(b) Supplying a copy, imaged copy, or a hard copy from a microfilm, or in any form by any method, of the whole document of any instrument, memorial or Government lease- (i) for each memorial and any instrument annexed thereto supplied (ii) for each Government lease supplied.	120 190	100 120

3. The reduction of fees will come into operation on 12 February 2005 to tie in with the commencement of the provisions of the Land Registration (Amendment) Ordinance 2002 (20 of 2002) relating to the introduction of a Central Registration System for property transactions.

4. The Administration has provided an information paper on the subject to the Panel on Planning, Land and Works (LC Paper No. CB(1)243/04-05(01)). The paper was circulated to members of the Panel on 15 November 2004. No member has raised any query so far. According to the information paper, the introduction of a Central Registration System for property transactions has made it possible for the relevant fees to be reduced due to the adoption of internet service delivery and reduced need for counter staff in providing the relevant services under the Central Registration System.

PART II SUBSIDIARY LEGISLATION RELATING TO CONSTRUCTION WORKERS REGISTRATION

Construction Workers Registration Ordinance (18 of 2004)

Construction Workers Registration (Levy) Notice (L.N. 195)

Construction Workers Registration Ordinance (Commencement) (No. 2) Notice 2004 (L.N. 196)

5. L.N. 196 appoints 24 February 2005 as the day on which certain provisions of the Construction Workers Registration Ordinance (18 of 2004) (“the Ordinance”) will come into operation. These provisions relate to the imposition of a levy on the value of all construction operations undertaken or carried out in Hong Kong and the payment of the levy by contractors of these operations. The remaining provisions of the Ordinance that have not been brought into operation relate to the registration of construction workers, prohibition of unregistered workers from working on construction sites and requiring contractors to submit records of registered workers.

6. Under section 23(1) of the Ordinance, a levy at the prescribed rate is to be imposed on the value of all construction operations undertaken or carried out in Hong Kong. Section 23(2) of the Ordinance provides that construction operations will not be liable to the levy if their total value does not exceed the prescribed amount.

7. L.N. 195 prescribes the rate of levy and the amount for the purposes of section 23(1) and (2) of the Ordinance to be 0.03% and \$1,000,000 respectively. It will come into operation on 24 February 2005 to tie in with the commencement of the provisions of the Ordinance relating to the imposition and payment of levy.

8. At the meetings of the Bills Committee on Construction Workers Registration Bill, the Administration informed members of the proposed rate of levy and explained that the levy collected will become the funds of the Construction Workers Registration Authority to meet the operation costs of the construction workers registration system and to alleviate the burden of the construction workers in paying the registration/renewal fees. The Administration undertook to consult the major trade associations and other relevant parties if there was a need to change the rate of levy in future.

PART III TAX RESERVE CERTIFICATES

Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)

Tax Reserve Certificates (Rate of Interest) (No. 7) Notice 2004 (L.N. 194)

9. This Notice fixes the rate of interest payable on tax reserve certificates issued on or after 6 December 2004 at 0.1250% per annum.

10. No difficulties relating to the legal and drafting aspects of the above items of subsidiary legislation have been identified.

PART IV LEGAL NOTICE NOT REQUIRED TO BE TABLED

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Liberia) Regulation 2004 (L.N. 198)

11. The United Nations Sanctions (Liberia) Regulation 2004 (“the 2004 Regulation”) is made under the United Nations Sanctions Ordinance (Cap. 537) by the Chief Executive on the instruction of the Ministry of Foreign Affairs of the People’s Republic of China (“MFA”) after consultation with the Executive Council. As the application of sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) is expressly excluded, the 2004 Regulation is not required to be laid before the Legislative Council and is not subject to amendment by the Council.

12. Members may recall that the United Nations Sanctions (Liberia) Regulation 2003 (“the 2003 Regulation”) was made to implement Resolution 1478 adopted by the Security Council of the United Nations (“the Security Council”) on 6 May 2003 to extend certain sanctions imposed by Resolution 1343 (2001) and to impose certain other sanctions on Liberia. On 22 December 2003, a new resolution, Resolution 1521, was adopted by the Security Council, having regard to the changed circumstances in Liberia, in particular the departure of its former President Charles Taylor and the formation of the National Transitional Government of Liberia. The 2004 Regulation was made to give effect to this new resolution to terminate certain prohibitions imposed by the Security Council in Resolution 1343 and Resolution 1478 and to impose certain prohibitions on Liberia for a period of 12 months from 22 December 2003. The types of sanctions imposed by Resolution 1521 (implemented by the 2004 Regulation) are similar to those imposed by Resolution 1478 (implemented by the 2003 Regulation), but appropriate changes have been made in the 2004 Regulation to reflect the changed circumstances in Liberia. The sanctions imposed by Resolution 1521 are as follows:

- (a) prohibitions against supply of arms and related materials to Liberia;
- (b) prohibitions against provision of certain technical advice, assistance or training to Liberia;
- (c) prohibitions against importation of rough diamonds from Liberia;
- (d) prohibitions against importation of round logs and timber products originating in Liberia; and

- (e) prohibitions against entry to or transit through Hong Kong of senior members of former President Charles Taylor's Government, and members of Liberia's former armed forces, who retain link with the former President, persons who supply or deliver arms and related materials, or who provide related technical advice, assistance or training to Liberia, and certain other persons.

13. It is noted that although section 1 of the 2003 Regulation provides that the Regulation ceases to have effect after 6 May 2004, the 2003 Regulation implementing Resolution 1478 has in fact ceased to have effect on 22 December 2003 following the adoption of Resolution 1521 on the same date. The 2004 Regulation implementing Resolution 1521 takes effect from the date of gazettal (i.e. from 3 December 2004) and will expire at midnight on 21 December 2004. In response to our enquiry, the Administration has stated that as far as they are aware, none of the activities prohibited under Resolution 1521 arose in Hong Kong between the adoption of that Resolution and the making of the 2004 Regulation.

14. Members may recall that at the meetings of the Subcommittee on United Nations Sanctions (Liberia) Regulation 2003 formed to examine the 2003 Regulation, the Administration undertook to provide to the Legislative Council a formal document issued by the Chief Secretary for Administration to confirm MFA's instruction on the implementation of the Security Council resolutions with respect to all regulations to be made under Cap. 537 in future (paragraph 20 of LC Paper No. CB(2)2892/03-04). In response to our request, the Administration has provided the aforesaid formal document which is attached for Members' reference (Annex A).

15. For Members' information, a subcommittee has been formed to examine the implementation in Hong Kong of resolutions of the United Nations Security Council in relation to sanctions. The subcommittee is currently examining the United Nations Sanctions (Iraq) (Amendment) Regulation 2004 (L.N. 132 of 2004). Members may wish to consider the appropriate way to deal with the 2004 Regulation.

Prepared by

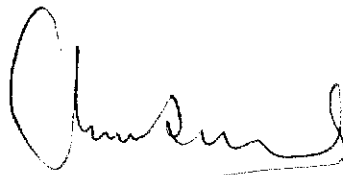
Fung Sau-kuen, Connie
Assistant Legal Adviser
Legislative Council Secretariat
9 December 2004

United Nations Sanctions Ordinance (Cap. 537)

United Nations Sanctions (Liberia) Regulation 2004

This is to confirm that the Chief Executive received specific instruction from the Ministry of Foreign Affairs of the People's Republic of China in July 2004 which requested the Government of the Hong Kong Special Administrative Region to fully implement Resolution No. 1521 of the Security Council of the United Nations, and that the United Nations Sanctions (Liberia) Regulation 2004 was made in pursuance of that instruction.

Dated this 8th day of December 2004

A handwritten signature in black ink, appearing to read 'Donald Tsang', written in a cursive style.

(Donald Tsang)
Chief Secretary for Administration