

**立法會**  
**Legislative Council**

LC Paper No. LS23/05-06

**Paper for the House Committee Meeting  
on 3 February 2006**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 13 January 2006**

**Date of tabling in LegCo** : 18 January 2006

**Amendment to be made by** : 15 February 2006 (or 8 March 2006 if extended by resolution)

**PART I      MERCHANT SHIPPING – INCREASE OF CHARGES FOR  
DISCHARGE OF POLLUTING WASTE**

**Merchant Shipping (Prevention and Control of Pollution) Ordinance (Cap. 413)  
Merchant Shipping (Prevention and Control of Pollution) (Charges for  
Discharge of Polluting Waste) (Charges Revision) Regulation 2006      (L.N. 8)**

This Regulation increases the charges payable to the Director of Marine for the use of reception facilities provided by the Chemical Waste Treatment Centre for the purpose of discharging polluting waste from a sea-going ship with regard to -

- (a) collection charge for sludge and all other types of polluting waste; and
- (b) disposal charge for liquid oil waste or any other mixtures which contain oil, sludge and noxious liquid substance or any other mixtures which contain residue of any noxious liquid substance.

2. The Panel on Environmental Affairs was consulted on the Administration's proposals to revise fees and charges for environment and conservation related services including the above increases on 21 December 2004. Members of the Panel generally supported the principle of cost recovery in waste management. According to the LegCo Brief, the recovery rates of unit cost at 100% of variable operating cost will be at the range of 48 – 68% after the current fee revision exercise and the Government will still have to continue to bear the full fixed operating cost and capital cost (para. 4 of LegCo Brief).

3. Members may refer to the LegCo Brief (ref: EP(CR)10/3/3 (VII)) issued by the Environmental Protection Department in January 2006 for more information about this Regulation. The Port Operations Committee of the Marine Department was consulted on the proposed revision and 90% of its members raised no objection. The Advisory Council on the Environment was also consulted and its members supported the fee revision proposals which are in line with the user pays principle (para. 8 of LegCo Brief).

4. The Regulation shall come into operation on 31 March 2006.

## **PART II CIVIL CELEBRANT OF MARRIAGES**

### **Marriage Ordinance (Cap. 181)**

### **Civil Celebrant of Marriages Appointment Appeal Board Regulation (L.N. 9)**

5. The Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance (No. 23 of 2005) (“the Amendment Ordinance”) was passed on 16 November 2005.

6. Under the Amendment Ordinance, the Registrar of Marriages (“the Registrar”) has power to appoint persons who meet certain criteria as civil celebrants of marriages. The Registrar also has power to suspend or cancel the appointment of a civil celebrant of marriages, or to prohibit a person whose appointment is cancelled from applying for appointment again within a certain period of time. Persons who are aggrieved by a decision of the Registrar may lodge an appeal to the Civil Celebrant of Marriages Appointment Appeal Board (“Appeal Board”).

7. Part 2 of the Regulation contains general provisions relating to the Appeal Board including the composition of the Appeal Board for the purposes of hearing and determining an appeal, the situation where the Chairperson of the Appeal Board is precluded from exercising his functions, the appointment of a Board Secretary, the procedure of the Appeal Board and service of notices.

8. Part 3 sets out the provisions relating to the commencement of an appeal such as the time for serving a notice of appeal, the form of the notice of appeal and the duties of the Board Secretary and the Registrar on receiving a notice of appeal.

9. Part 4 provides for the hearing and determination of an appeal. The Board Secretary is required to fix a date, time and place for hearing the appeal and to give not less than 28 days’ notice to the Registrar and the appellant. Provisions are made for various aspects of the hearing of the appeal, such as the nature of the hearing, representation at the hearing, the language to be used, witness, evidence, and abandonment of an appeal or any part of it at any time. Provisions are also made to deal with situations where the appellant fails to attend the hearing. The Appeal Board is required to keep a record of proceedings and to give reasons for its decisions.

10. Members may refer to the LegCo Brief (ref: SBCR 1/1/581/05) issued by the Security Bureau on 11 January 2006 for more information about this Regulation. The Administration has in the course of examining the relevant amendment Bill kept the LegCo, the Law Society of Hong Kong and the Hong Kong Society of Notaries informed of the relevant implementation details including the setting up of a mechanism to deal with appeals against decisions of the Registrar to refuse, cancel or suspend the appointment of civil celebrants (para. 9 of LegCo Brief).

11. The Regulation shall come into operation on 14 March 2006.

**Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance (23 of 2005)**

**Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance (Commencement) Notice (L.N. 10)**

12. This Notice appoints 13 March 2006 as the date on which the Marriage (Introduction of Civil Celebrants of Marriages and General Amendments) Ordinance (No. 23 of 2005) which was passed on 16 November 2005 shall come into operation.

13. Both L.N. 9 and 10 have not been referred to the LegCo Panel on Security.

**PART III OTHERS**

**Registration of Persons Ordinance (Cap. 177)**

**Application for New Identity Cards (Persons Born in or before 1942, in 1990 to 1992 or 1997 to 2003) Order (L.N. 11)**

14. This amendment Order amends Schedule 2 to the Registration of Persons (Application for New Identity Cards) Order (Cap. 177 sub. leg. E) to the effect that holders of valid identity cards who were born in the specified years (in or before 1942, 1990 to 1992 and 1997 to 2003) shall apply for new identity cards with embodied chips during the periods specified in the amendment Order.

15. Members may refer to the LegCo Brief (ref: SBCR 1/1486/81) issued by the Security Bureau on 11 January 2006 for more information about the amendment Order. The amendment Order provides for the 6th, which is the last, cycle of the new identity card replacement exercise.

16. The amendment Order shall come into operation on 16 March 2006.

**Prisons Ordinance (Cap. 234)**  
**Prisons (Amendment) Order 2006 (L.N. 12)**

17. This Order discontinues the use of the Victoria Prison as a prison under the Prison Ordinance (Cap. 234).

18. The Order shall come into operation on 10 March 2006.

**Official Languages Ordinance (Cap. 5)**  
**Official Languages (Alteration of Text under section 4D) (Reference to “Sufficient Proof” in the Probate and Administration Ordinance) Order (L.N. 13)**

19. Under section 4D of the Official Languages Ordinance (Cap. 5), the Secretary for Justice may make formal alterations to the text of an Ordinance in one official language to achieve consistency between a word, expression or phrase with another word, expression or phrase where both such words, expressions or phrases purport to be the equivalent of the same word, expression or phrase in the other official language in the same context. This Order was made by the Law Draftsman as authorized by the Secretary for Justice under section 7 of the Legal Officers Ordinance (Cap. 87).

20. The Order makes a formal alteration to the Chinese text of the Probate and Administration Ordinance (Cap. 10) by repealing “足夠” in section 60B(4)(b)(ii) and substituting “充分” so as to achieve consistency between the Chinese equivalent of “sufficient proof” in the Chinese text of that section and that in the Chinese text of sections 60D(1)(b)(ii) and 60E(4)(b)(ii) of the Ordinance.

21. The Order shall come into operation on 17 March 2006.

**Revenue (Personalized Vehicle Registration Marks) Ordinance 2005 (25 of 2005)**  
**Revenue (Personalized Vehicle Registration Marks) Ordinance 2005 (Commencement) Notice (L.N. 14)**

22. The Notice appoints 10 March 2006 as the date on which the Revenue (Personalized Vehicle Registration Marks) Ordinance 2005 (No. 25 of 2005) which was passed on 22 December 2005, shall come into operation.

Prepared by

Kitty Cheng  
Assistant Legal Adviser  
Legislative Council Secretariat  
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