

立法會
Legislative Council

LC Paper No. LS54/05-06

**Paper for the House Committee Meeting
on 31 March 2006**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 24 March 2006**

Date of Tabling in LegCo : 29 March 2006

Amendment to be made by : 26 April 2006 (or 17 May 2006 if extended by resolution)

PART I HOSPITALS

Hospital Authority Ordinance (Cap. 113)

Hospital Authority Ordinance (Amendment of Schedules 1 and 2) Order 2006 (L.N. 60)

By this Order, the Lai Chi Kok Hospital (“LCKH”) and the Nam Long Hospital (“NLH”) are deleted from the list of prescribed hospitals in Schedules 1 and 2 to the Hospital Authority Ordinance (Cap. 113). The 2 hospitals had ceased operation.

2. According to the Administration, LCKH which comprised of 20 single or two-storey buildings built before the Second World War ceased operation in December 2004. Prior to ceasing operation, LCKH had been engaged by Social Welfare Department to operate long stay care places for about 400 mental patients. The patients had been transferred to a new long stay care home. The buildings and the land where they are situated will be handed back to the Government.

3. NLH ceased operation in January 2005. Prior to ceasing operation, NLH had been used mainly as a centre for hospice services in the Hong Kong West hospital cluster with 57 inpatient beds. The Hospital Authority had relocated all the beds and services of NLH to Grantham Hospital and had handed the premises back to their owner, the Hong Kong Anti-cancer Society in January 2005.

Mental Health Ordinance (Cap. 136)

Mental Health (Declaration of Kowloon Psychiatric Observation Unit as Mental Hospital) and Declaration of Mental Hospital (Consolidation) (Amendment of Schedule) Order 2006 (L.N. 61)

4. Under section 3 of the Mental Health Ordinance (Cap. 136), the Chief Executive may by order declare any place to be a mental hospital for the detention, custody, treatment and care of mentally disordered persons. The mental hospitals are listed in the Schedule to the Declaration of Mental Hospital (Consolidation) Order (Cap. 136 sub. leg. B). This Order –

- (a) declares the Kowloon Psychiatric Observation Unit of the Kowloon Hospital as a mental hospital; and
- (b) excludes the entire Block B of the Castle Peak Hospital from the declaration of that hospital as a mental hospital, and includes a ward in Block D of that hospital.

5. This Order will come into operation on 1 April 2006. The Panel on Health Services has not been consulted on the above two Orders.

PART II MISCELLANEOUS

Trade Marks Ordinance (Cap. 559)

Trade Marks (Amendment) Rules 2006 (L.N. 62)

6. The purposes of the Amendment Rules are to -

- (a) simplify the signing requirements for applications for registration of two kinds of trade mark transactions, i.e. assignments and assents; and
- (b) introduce some technical amendments to clarify certain provisions in the Rules.

7. The Panel on Commerce and Industry was consulted on 21 February 2006. Members did not raise queries and indicated support for the proposed changes.

8. Members may refer to the LegCo Brief (File Ref.: CIB CR 06/18/12) issued by the Commerce and Industry Branch of the Commerce, Industry and Technology Bureau in March 2006 for background information. The relevant legal and intellectual property practitioners' associations, as well as the major chambers of commerce were consulted on the proposed amendments. The Hong Kong Institute of Trade Mark Practitioners, Hong Kong Law Society, Hong Kong Bar Association, Asian Patent Attorneys Association and British Chamber of Commerce in Hong Kong have indicated no objection to the above proposals.

9. These Rules will come into operation on 26 May 2006.

Banking Ordinance (Cap. 155)

Banking (Specification of Public Sector Entities in Hong Kong) (Hong Kong Trade Development Council and Ocean Park Corporation) Notice (L.N. 63)

10. This Notice specifies the Hong Kong Trade Development Council and the Ocean Park Corporation as public sector entities in Hong Kong for the purpose of calculating the risk weighted exposure of an authorized institution ("AI") under the Banking Ordinance (Cap. 155). Under the Third Schedule to the Ordinance, claims on public sector entities carry a relatively lower risk weight in calculating the lending AI's capital adequacy ratio, reflecting public sector entities' relatively higher credit worthiness than ordinary corporate borrowers. This also applies to bonds issued by public sector entities and held by AIs. This enables public sector entities to borrow funds at a lower cost in the market. Members may refer to the LegCo Brief (File Ref: G4/16/39C) issued by the Hong Kong Monetary Authority dated 24 March 2006 for details. The Panel on Financial Affairs has not been consulted on the Notice.

11. The Notice will come into operation on 20 May 2006.

12. No difficulties in relation to the legal and drafting aspects of the above pieces of subsidiary legislation have been identified.

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27 March 2006