

立法會
Legislative Council

LC Paper No. LS83/05-06

**Paper for the House Committee Meeting
on 16 June 2006**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 9 June 2006**

Date of Tabling in LegCo : 14 June 2006

Amendment to be made by : 12 July 2006 (or the 1st meeting of LegCo in the next session if extended by resolution)

PART I Marine Parks and Marine Reserves

Marine Parks Ordinance (Cap. 476)

**Marine Parks and Marine Reserves (Amendment) Regulation 2006
(L.N. 134)**

The object of this Regulation is to amend the Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A) (“the principal Regulation”).

2. Section 2 adds a new definition of “specified vessel” to the principal Regulation. It means a vessel which is so constructed or adapted as to allow passengers on board to view marine life through a submerged transparent part of the hull of the vessel.

3. Section 3 adds the new sections 15A and 15B to the principal Regulation. The new section 15A provides that no person shall, except under and in accordance with a permit granted by the Country and Marine Parks Authority (“the Authority”), navigate or cause to be navigated within a marine park any specified vessel.

4. The new section 15B provides for the control of collection of marine life and resources in or from a marine park or marine reserve, except that a person may, under and in accordance with a permit granted by the Authority, collect marine life and resources for the purpose of educational or scientific studies.

5. Section 4 makes some amendments to both the English and Chinese texts of section 16 (prohibition or restriction of entry into or movement within marine parks and marine reserves) of the principal Regulation to achieve consistency in drafting.

6. Section 4 also adds a new subsection (4A) to section 16 of the principal Regulation to provide that section 16(4) of the principal Regulation does not prohibit a person from bringing into, or navigating or causing to be navigated within, a marine park any specified vessel if there is in force in respect of the vessel a permit granted for the purpose of the new section 15A.

7. Section 4 further amends section 16(5) of the principal Regulation to provide that any permit relating to a marine park or marine reserve or part thereof will be suspended only if all persons, vehicles and vessels are prohibited from entering into, or moving within, the marine park or marine reserve or part thereof during certain specified period.

8. Sections 5 and 7 amend section 17(2) of and Schedule 4 to the principal Regulation to provide for an annual fee of \$510 for a permit granted under the new section 15A and nil fee for a permit granted under the new section 15B(2).

9. Section 6 amends section 21(1) of the principal Regulation to provide for penalties for contravention of the new sections 15A and 15B(1). Any person who contravenes the new section 15A or 15B(1) is liable on conviction to a fine at level 4 (\$25,000) and to imprisonment for 1 year and, where the offence is a continuing offence, to an additional fine of \$400 for each day.

10. The Panel on Environmental Affairs was briefed on the Regulation at its meeting on 25 April 2005. The minutes of the meeting were circulated vide LC Paper No. CB(1)1542/04-05. While members raised no objection to the proposed permit system to control glass-bottomed vessels, some of them considered the penalties for contravention of permit conditions, ranging from revocation of permit (as provided for in the permit) to fine of \$25,000 and imprisonment of 1 year to be decided by the court, too lenient as compared to other overseas countries. Others however expressed concern about the impact of revocation of permits on the relevant trades, including the fishing trade. To avoid pollution of marine parks and marine reserves, consideration might be given to imposing a daily entry quota for glass-bottomed vessels, and requiring the operators to use vessels run by electricity rather than petrol or diesel. Members also considered it necessary for the Administration to step up enforcement against unauthorized fishing in marine parks by Mainland fishermen.

11. Members may refer to the LegCo Brief (File Ref.: EP 86/21/28 (2002) Pt. 3) issued by the Environmental Protection Department on 7 June 2006 for background information.

12. The Regulation will come into operation on 18 October 2006.

PART II COMMENCEMENT NOTICES

Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (L.N. 75 of 2006)

Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (Commencement) Notice 2006 (L.N. 135)

Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2006 (L.N. 76 of 2006)

Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2006 (Commencement) Notice 2006 (L.N. 136)

13. L.N. 135 specifies 1 November 2006 as the day on which the Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (L.N. 75 of 2006) (“the Regulation”) (other than section 7 of the Regulation) will come into operation.

14. The Regulation amends the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A) (“the principal Regulations”) to implement certain new requirements introduced by the 2005-2006 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air. Section 7 of the Regulation adds a new regulation 7B to the principal Regulations providing for other training requirements for staff members of freight forwarders.

15. L.N. 136 specifies 1 November 2006 as the day on which the Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2006 (L.N. 76 of 2006) (“the Order”) (other than section 2(2) and (7) of the Order relating to new regulation 7B of the principal Regulations) will come into operation.

16. At the special meeting of the Panel on Economic Services held on 29 November 2005, in conjunction with the legislative amendments to implement relevant standards of the International Civil Aviation Organization regarding the carriage of dangerous goods by air, the Administration explained that in view that the number of personnel requiring training had now risen to some 20 000 staff, they believed that more qualified instructors would gradually become available in the market. With a progressive increase in the training capacity, it was envisaged that the training requirement for all personnel not directly dealing with dangerous goods would be completed in about two years’ time (see Paragraph 22 of the minutes of meeting circulated vide LC Paper No. CB(1)564/05-06).

Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2006 (L.N. 74 of 2006)

Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2006 (Commencement) Notice (L.N. 137)

17. This Order specifies 1 November 2006 as the day on which the Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2006 (L.N. 74 of 2006) (“the amendment Order”) will come into operation.

18. The amendment Order amends Schedule 16 to the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) to give effect to certain new requirements introduced by the 2005-2006 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation.

19. No difficulties relating to both legal and drafting aspects of the items gazetted on 9 June 2006 have been identified.

Prepared by

Lam Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
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