

**立法會**  
**Legislative Council**

LC Paper No. LS1/05-06

**Paper for the House Committee Meeting  
on 14 October 2005**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 7 October 2005**

**Date of tabling in LegCo** : 12 October 2005

**Amendment to be made by** : 9 November 2005 (or 30 November 2005 if extended by resolution)

**PART I TRANSPORT**

**Shipping and Port Control Ordinance (Cap. 313)  
Shipping and Port Control (Ferry Terminals) (Amendment) Regulation 2005  
(L.N. 157)**

The Shipping and Port Control (Ferry Terminals) Regulations (Cap. 313 sub. leg. H) provide that a passenger embarkation fee (“PEF”) shall be paid by the owner of a ferry vessel in respect of each passenger embarking on the ferry vessel at a terminal. Part 3 of the Schedule to the Regulations prescribes such PEF.

2. The existing PEF payable for a passenger paying an amount exceeding \$12 for a single journey or travelling free of charge on a complimentary ticket is \$18. This Regulation reduces PEF from \$18 to \$15 with effect from 2 December 2005.

3. The proposed reduction was referred to the Panel on Transport for consultation on 24 June 2005. The Panel generally supported the proposal to reduce PEF from \$18 to \$15. The Panel noted that under the existing legislation, the Administration did not have power to require cross-boundary ferry operators to fully transfer the benefit of reduction of PEF to passengers by a corresponding reduction in the fare. After the meeting, the Panel has written to the 7 ferry operators to seek their assurance that the proposed reduction in PEF would be transferred to the travelling public. In response to the Panel’s letter, 6 ferry operators provided a joint reply which indicated that they would reduce the ferry fares by \$3. The remaining one ferry operator informed the Panel that it all along had not included PEF in its ferry fares (ref: LC Papers No. CB(1) 2093/04-05 and CB(1) 2119/04-05).

4. Members may refer to the LegCo Brief (ref: ETWB(T)CR 8/581/87) issued by the Environment, Transport and Works Bureau on 5 October 2005 for background

information about the amendment Regulation.

5. The amendment Regulation shall come into operation on 2 December 2005.

**Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237)**

**Fixed Penalty (Traffic Contraventions) (Amendment) Regulation 2005 (L.N. 158)**

**Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)**

**Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2005 (L.N. 159)**

6. These Regulations were made consequential to the 2 motions passed at the Legislative Council meeting of 6 July 2005, namely, a motion under section 4(3) of the Road Traffic (Driving-offence Points) Ordinance (Cap. 375) and a motion under section 12 of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) (L.N. 116 and L.N. 117 of 2005) to introduce measures to improve road safety. The Finance Committee approved at its meeting on 8 July 2005 the funding proposal for the procurement of 68 digital red light camera units and installation of camera housings at 20 new locations to combat red light jumping.

7. L.N. 158 amends Form 1 and Form 2 of the Schedule to the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A) (Notice of particulars of alleged fixed penalty traffic contravention and Notice demanding payment of fixed penalty respectively) to update the information included in the Forms.

8. L.N. 159 amends Form 1 and Form 2 of the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) to reflect the amendments made by the said resolutions and to similarly update the information included in the Forms.

9. Members may refer to the LegCo Brief (ref: ETWB(T) 3/9/28 Pt.9) issued by the Environment, Transport and Works Bureau in October 2005 for background information about these amendment Regulations.

10. Both amendment Regulations shall come into operation on 1 January 2006, the same date as the commencement of the said resolution.

**PART II CLOSED AREA (HONG KONG MINISTERIAL CONFERENCE OF WTO)**

**Public Order Ordinance (Cap. 245)**

**Closed Area (Hong Kong Ministerial Conference of World Trade Organization) Order (L.N. 160)**

11. The Order declares certain areas in Wanchai and Admiralty as delineated as “Land Closure” and “Sea Closure” on the map set out in the Schedule to L.N. 160 to

be closed areas under the Public Order Ordinance (Cap. 245) during the period from 6 p.m. on 12 December 2005 to 5 a.m. on 19 December 2005. Entry into these closed areas will only be allowed with permission from the Commissioner of Police.

12. At its meeting on 19 July 2005, the Panel on Commerce and Industry was briefed on the Administration's proposed arrangements to ensure that lawful demonstrations during the Sixth Ministerial Conference ("MC6") would be carried out peacefully and safely. The proposals included the setting up of restricted access zone ("RAZ") and designated public activity areas ("DPAA") in the vicinity of the Hong Kong Exhibition and Convention Centre and traffic management measures. The detailed proposed area to be closed was not provided to the Panel. Certain concerns were raised at the meeting including -

- (a) the need to ensure the secure and smooth conduct of MC6 and to minimize the disruption caused to the normal activities of the community whilst taking appropriate action against unlawful demonstrations;
- (b) the need to make timely announcements to local residents and visitors particularly to shop-owners nearby to make them aware of the security and traffic arrangements; and
- (c) the reasons for designating the Tamar Site as part of the proposed RAZ and not as DPAA.

13. Members may refer to the LegCo Brief (ref: SBCR 2/1096/04) issued by the Security Bureau on 7 October 2005 for background information about the Order.

### **PART III OTHERS**

#### **Public Health and Municipal Services Ordinance (Cap. 132)**

#### **Designation of Museum (Hong Kong Heritage Discovery Centre) Order (L.N. 161)**

14. The Order designates the Hong Kong Heritage Discovery Centre at Kowloon Park, Haiphong Road, Tsim Sha Tsui as a museum for the purposes of the Public Health and Municipal Services Ordinance (Cap.132).

15. The Order has not been referred to the Panel on Home Affairs.

#### **Legal Practitioners Ordinance (Cap. 159)**

#### **Practising Certificate (Solicitors) (Reduction of Fee for Practising Certificate) Rules 2005 (L.N. 162)**

16. These Rules amend the Practising Certificate (Solicitors) Rules (Cap. 159 sub. leg L) by reducing the fee payable for an application for a solicitor's practising certificate from \$7,400 to \$6,800.

17. The Rules as approved by the Chief Justice was provided by the Law Society to the Panel on Administration of Justice and Legal Services on 4 October 2005 and it was circulated to the Panel vide LC Paper No. CB(2)2681/04-05.

#### **PART IV COMMENCEMENT NOTICES**

##### **Companies Ordinance (Cap. 32)**

##### **Companies (Amendment) Ordinance 2005 (Commencement) Notice (L.N. 163)**

18. The Notice appoints 1 December 2005 as the day on which the Companies (Amendment) Ordinance 2005 (12 of 2005), which relates to the preparation of group accounts, shall come into operation.

##### **Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)**

##### **Mutual Legal Assistance in Criminal Matters (Denmark) Order (Commencement) Notice (L.N. 164)**

19. The Notice appoints 21 October 2005 as the day on which the Mutual Legal Assistance in Criminal Matters (Denmark) Order (L.N. 121 of 2005) shall come into operation.

20. The Panel on Security has not been consulted on the above Notice. The Subcommittee on Mutual Legal Assistance in Criminal Matters (Belgium) Order and Mutual Legal Assistance in Criminal Matters (Denmark) Order has not expressed any view on the commencement date of the Order relating to Denmark.

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