

立法會
Legislative Council

LC Paper No. LS63/07-08

**Paper for the House Committee Meeting
On 28 March 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 7 March 2008**

Date of tabling in LegCo : 12 March 2008

Amendment to be made by : 9 April 2008 (or 30 April 2008 if extended by resolution)

Interpretation and General Clauses Ordinance (Cap. 1)
Interpretation and General Clauses Ordinance (Amendment of Schedule 6)
Order 2008 (L.N. 49)

Section 62(1) of the Interpretation and General Clauses Ordinance (Cap. 1) (the Ordinance) provides, among other things, that where any Ordinance empowers or requires the Chief Executive to make any subsidiary legislation or to authorize any thing or matter to be done, the exercise of such power or the performance of such duty may be signified under the hand of any public officer specified in Schedule 6 to the Ordinance.

2. The Interpretation and General Clauses Ordinance (Amendment of Schedule 6) Order 2008 (the Amendment Order) is made by the Chief Executive in Council under section 62(3) of the Ordinance to amend Schedule 6 to the Ordinance by adding "Under Secretary" (副局長) to the list of public officers who are empowered to signify the exercise of statutory powers and the performance of statutory duties by the Chief Executive with effect from 1 April 2008.

3. Members may refer to the LegCo Brief (File Ref: CMAB F19/15) issued by the Constitutional and Mainland Affairs Bureau dated 5 March 2008 for background information.

4. The Report on Further Development of the Political Appointment System (the Report) sets out the Administration's proposal to create two additional layers of political appointment positions, namely Deputy Directors of Bureau (or Under Secretary) and Political Assistants to Directors of Bureau. The

Administration briefed the Panel on Constitutional Affairs (the Panel) on the Report at a special meeting on 23 October 2007. Panel members had divided views on the proposal.

5. Paragraph 10.06 of the Report indicates that legislative amendments are necessary to include the Under Secretaries of the various bureaux in the list of public officers specified in Schedule 6 to the Ordinance. Panel members have not raised any query on the proposal.

6. The proposal to create 24 non-civil service positions (11 Deputy Directors of Bureau and 13 Political Assistants to Directors of Bureau) under the Political Appointment System with effect from 1 April 2008 was endorsed by the Establishment Subcommittee on 28 November 2007, and approved by the Finance Committee on 14 December 2007.

7. No difficulties relating to the legal and drafting aspects of the Amendment Order have been identified.

Drug Addiction Treatment Centres Ordinance (Cap. 244)

Drug Addiction Treatment Centre (Lai King Correctional Institution) Order (L.N. 50)

Prisons Ordinance (Cap. 234)

Prisons (Amendment) Order 2008 (L.N. 51)

Rehabilitation Centres Ordinance (Cap. 567)

Rehabilitation Centres (Appointment) (Amendment) Order 2008 (L.N. 52)

Training Centres Ordinance (Cap. 280)

Training Centre (Consolidation) (Amendment) Declaration 2008 (L.N. 53)

8. The Secretary for Security has made the three Orders and the Declaration to -

- (a) appoint Dormitory 5B in the Lai King Correctional Institution as a drug addiction treatment centre under section 3 of the Drug Addiction Treatment Centres Ordinance (Cap. 244) (L.N. 50);
- (b) set aside the Lai King Correctional Institution (except Dormitories 5B, 7A, 7B, 10A and 10B) as a prison under section 4 of the Prisons Ordinance (Cap. 234) by amending the Schedule to the Prisons Order (Cap. 234 sub. Leg. B) (L.N. 51);

- (c) appoint Dormitories 10A and 10B in the Lai King Correctional Institution as the Chi Lan Rehabilitation Centre and to cease the appointment of the Chi Lan Rehabilitation Centre at Dormitories C2 and C3 in the Tai Tam Gap Correctional Institution as a rehabilitation centre under section 3 of the Rehabilitation Centres Ordinance (Cap. 567) by amending Schedule 1 to the Rehabilitation Centres (Appointment) Order (Cap. 567 sub. Leg. B) (L.N. 52); and
- (d) declare the Lai King Training Centre ceases to be a training centre under section 3 of the Training Centres Ordinance (Cap. 280) and to appoint Dormitories 7A and 7B in the Lai King Correctional Institution to be used as a training centre (L.N. 53).

9. L.N. 50, 51, and 53 shall come into operation on 16 May 2008. Regarding L.N. 52, the appointment of the Chi Lan Rehabilitation Centre at the Lai King Correctional Institution shall come into operation on 16 May 2008 and the cessation of the appointment at the Tai Tam Gap Correctional Institution shall come into operation on 4 July 2008.

10. The Panel on Security has not been consulted on the Orders and Declaration.

11. No difficulties relating to the legal and drafting aspects of L.N. 50 to L.N. 53 of 2008 have been identified.

Prepared by

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