

立法會
Legislative Council

LC Paper No. LS77/07-08

**Paper for the House Committee Meeting
on 2 May 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 25 April 2008**

Date of tabling in LegCo : 30 April 2008

Amendment to be made by : 28 May 2008 (or 18 June 2008 if extended by resolution)

PART I SAFETY OF CLUB PREMISES

Clubs (Safety of Premises) Ordinance (Cap. 376)
Clubs (Safety of Premises) (Exclusion) (Amendment: Club-houses in Government Premises) Order 2008 (L.N. 91)

By this Order made by the Secretary for Home Affairs (the Secretary) under section 3 of the Clubs (Safety of Premises) Ordinance (Cap. 376) (the Ordinance), item 5 of the Schedule to the Clubs (Safety of Premises) (Exclusion) Order (Cap. 376 sub. leg. C) is amended to—

- (a) update the location of 8 club-houses set out in the Schedule (paragraphs (4), (25), (56), (66), (67), (68), (72) and (77));
- (b) delete one club-house from the Schedule (paragraph (74)); and
- (c) add one club-house to the Schedule (as paragraph (93)).

2. Section 3 of the Ordinance empowers the Secretary to exclude by order published in the Gazette any club-house or any type or description of club-house from the application of the Ordinance. All the club-houses referred to in this Order are situated in government premises and are related to the respective staff clubs or messes of government services or public bodies. According to the Administration's response to our enquiry, this Order is the result of an annual updating of the locations of the staff clubs and messes of government services and public bodies in government premises.

PART II SECURITIES AND FUTURES

Securities and Futures Ordinance (Cap. 571)

Securities and Futures (Financial Resources) (Amendment) Rules 2008 (L.N. 92)

3. Licensed corporations are required to submit financial returns to the Securities and Futures Commission (SFC) under the Securities and Futures (Financial Resources) Rules (Cap. 571 sub. leg. N) (FRR). Such returns are currently submitted either in electronic form on a computer diskette or in paper form. The processing of such returns is time consuming and often experiences undue delay and data entry errors. It also involves considerable resources. It is therefore decided to mandate e-submission that supports straight through processing. The Amendment Rules are made by SFC under sections 145 and 397 of the Securities and Futures Ordinance (Cap. 571) to amend the relevant provisions in FRR to implement the requirement.

4. Section 56 of FRR is amended to require a licensed corporation to submit a financial return to SFC electronically by means of an online communication system approved by SFC, and to sign the return by way of attachment to the return of the digital signature or electronic signature of its responsible officer or of another officer approved by SFC for the purpose (section 2).

5. Section 58 of FRR is amended to require SFC to issue directions and instructions for the use of the online communication system approved by it (section 3).

6. According to the Administration, SFC has consulted the public by a consultation paper on the proposal to mandate e-submission of financial returns released on 9 November 2007. Eight submissions were received and only one objected to the proposal. Members may wish to refer to the LegCo Brief issued by the Securities and Futures Commission and dated 23 April 2008 for background and further information. The Amendment Rules are to come into operation on 1 November 2008.

PART III COMMENCEMENT NOTICES

Fugitive Offenders (Australia) (Amendment) Order 2007 (L.N. 212 of 2007)

Fugitive Offenders (Australia) (Amendment) Order 2007 (Commencement) Notice (L.N. 93)

7. By this Notice made under section 1 of the Fugitive Offenders (Australia) (Amendment) Order 2007 (L.N. 212 of 2007) (the Amendment Order), the Secretary for Security has appointed 7 May 2008 as the day on which the Amendment Order is to come into operation.

8. The Amendment Order amends the Fugitive Offender (Australia) Order (Cap. 503 sub. leg. C) to implement in Hong Kong the protocol entered into by the Government of HKSAR and the Government of Australia. Members may wish to

refer to the LegCo Brief (ref: SBCR 1/2716/89(98) Pt.23) dated 14 November 2007 and issued for the Amendment Order for further information.

**Merchant Shipping (Prevention of Air Pollution) Regulation (L.N. 149 of 2007)
Merchant Shipping (Prevention of Air Pollution) Regulation (Commencement)
Notice (L.N. 94)**

9. By this Notice made under section 1 of the Merchant Shipping (Prevention of Air Pollution) Regulation (L.N. 149 of 2007) (the Regulation), the Secretary for Transport and Housing has appointed 1 June 2008 as the day on which the Regulation is to come into operation.

10. The Regulation is to implement the requirements of Annex VI to the International Convention for the Prevention of Pollution from Ships (MARPOL). It has been scrutinized by a subcommittee of the House Committee. Members may wish to refer to the subcommittee report LC Paper No. CB(1)153/07-08 for further information.

**Merchant Shipping (Prevention and Control of Pollution) (Fees) (Amendment)
Regulation 2007 (L.N. 211 of 2007)
Merchant Shipping (Prevention and Control of Pollution) (Fees) (Amendment)
Regulation 2007 (Commencement) Notice (L.N. 95)**

11. By this Notice made under section 1 of the Merchant Shipping (Prevention and Control of Pollution) (Fees) (Amendment) Regulation 2007 (L.N. 211 of 2007) (the Amendment Regulation), the Secretary for Transport and Housing has appointed 1 June 2008 as the day on which the Amendment Regulation is to come into operation.

12. The Amendment Regulation provides for the fees for the services to be provided by the Government under the Merchant Shipping (Prevention of Air Pollution) Regulation (L.N. 149 of 2007). Members may wish to refer to the LegCo Brief (ref: MA 90/6/1) dated 14 November 2007 and issued by the Transport and Housing Bureau for the Amendment Regulation for further information.

Concluding observation

13. Save as above expressly stated in paragraph 6 (on L.N. 92), neither the public nor any of the LegCo Panels have been consulted on the subsidiary legislation reported. No difficulties have been identified in the legal or drafting aspects of the subsidiary legislation.

Prepared by
KAU Kin-wah
Assistant Legal Adviser
Legislative Council Secretariat
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