

立法會
Legislative Council

LC Paper No. LS88/07-08

**Paper for the House Committee Meeting
on 30 May 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 23 May 2008**

Date of tabling in LegCo : 28 May 2008

Amendment to be made by : 25 June 2008 (or the 1st meeting of the next session if extended by resolution)

**Public Health and Municipal Services Ordinance (Cap. 132)
Designation of Libraries Order 2008 (L.N. 145)**

Under section 105K of the Public Health and Municipal Services Ordinance (Cap. 132), the Director of Leisure and Cultural Services may by order published in the Gazette designate any building, or part of a building as a library. The effect of such designation is that the management and control of the relevant library shall be vested in the Director of Leisure and Cultural Services.

2. L.N. 145 cancels the following designation -
 - (a) Level 5 of the building known as Urban Council Aberdeen Complex, Aberdeen Main Road, Aberdeen, Hong Kong as a library and designates the third floor of Aberdeen Municipal Services Building, 203 Aberdeen Main Road, Hong Kong as a library; and
 - (b) the Arts Library at the Hong Kong Cultural Centre, 10 Salisbury Road, Kowloon as a library.
3. This Order also deletes references of Urban Council and Regional Council in the addresses of the designated libraries listed in the Schedule to the Designation of Libraries Order (Cap. 132 sub. leg. O).
4. L.N. 145 shall come into operation on 12 July 2008.

Education Ordinance (Cap. 279)

Education Ordinance (Amendment of Schedule 3) Notice 2008 (L.N. 146)

5. The Education Ordinance (Cap. 279) requires all aided schools to set up an Incorporated Management Committee (IMC). Direct Subsidy Scheme Schools and the schools specified in Schedule 3 to Cap. 279 may decide whether to apply to the Secretary for Education to establish an IMC in accordance with sections 40BJ to 40BN of Cap. 279.

6. Under section 40AC of Cap. 279, the Secretary for Education may by notice in the gazette amend Schedule 3. The section also provides that a school shall not be specified in Schedule 3 to the Ordinance unless -

- (a) the school is a primary school or secondary school;
- (b) the school is neither an aided school nor a school which has joined the Direct Subsidy Scheme;
- (c) the school is a school without incorporated management committee;
- (d) the school is not operated for the purpose of making profit;
- (e) the sponsoring body of the school is not a profit-making organization;
- (f) the school receives any subsidy from the Government; and
- (g) the school is, in the opinion of the Permanent Secretary for Education, financially sound.

7. By this Notice, the Secretary for Education amends Schedule 3 to Cap. 279 to -

- (a) update the address of one school and revise the reference to its English name;
- (b) delete one school which has joined the Direct Subsidy Scheme;
- (c) update the addresses of 2 schools; and
- (d) add 2 new schools to that Schedule.

8. Members may refer to the LegCo Brief (File Ref: L/M (2) to EMB(SCR) 58/00 Pt.38) issued by the Education Bureau in May 2008 for the background of L.N. 146.

9. L.N. 146 shall come into operation on 27 June 2008.

10. Both L.N. 145 and L.N. 146 have not been referred to any LegCo Panel. The drafting of both subsidiary legislation does not present any difficulty.

Prepared by

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