

立法會
Legislative Council

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**Paper for the House Committee Meeting
On 12 October 2007**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 October 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

PART I HAZARDOUS CHEMICALS CONTROL

Hazardous Chemicals Control Ordinance (19 of 2007)

Hazardous Chemicals Control (General) Regulation (L.N. 180)

Hazardous Chemicals Control (Fees) Regulation (L.N. 181)

The Hazardous Chemicals Control Bill was passed by the Legislative Council on 11 July 2007, and the Hazardous Chemicals Control Ordinance (19 of 2007) (the Ordinance) was gazetted on 20 July 2007. The Ordinance provides for the regulation of the import, export, manufacture and use of non-pesticide hazardous chemicals through an activity-based permit system. The Environmental Protection Department (the Department) will be responsible for processing applications for the issue or renewal of such permits and other related matters. The Administration needs to make regulations under the Ordinance, inter alia, to set out the requirements relating to applications made under the Ordinance and the fees payable in respect of these applications.

2. The Hazardous Chemicals Control (General) Regulation (the General Regulation) and the Hazardous Chemicals Control (Fees) Regulation (the Fees Regulation) are made by the Secretary for the Environment (the Secretary) respectively under sections 45 and 46 of the Ordinance.

3. The General Regulation provides for—

(a) the applications for—

(i) the issue or renewal of permits for the manufacture, export, import or use of scheduled chemicals as defined in section 2 of the Ordinance;

- (ii) the variation of permit conditions;
 - (iii) the variation of the directions of the Director of Environmental Protection (the Director) regarding the disposal of scheduled chemicals; and
 - (iv) the issue of duplicates of permits.
- (b) the imposition of requirements by the Director in relation to such applications, and the duration of permits issued or renewed under the Ordinance.
4. The Fees Regulation prescribes the fees payable under the Ordinance in respect of applications for the issue or renewal of permits, applications for the variation of permit conditions and applications for the issue of duplicates of permits.
5. Members may wish to refer to the LegCo Brief on the Hazardous Chemicals Control (General) Regulation and the Hazardous Chemicals Control (Fees) Regulation (File Ref: EPD CR 9/30/18 V) issued by the Department in October 2007 for background information.
6. The Panel on Environmental Affairs has not been consulted on the General Regulation and the Fees Regulation.
7. Both Regulations shall come into operation on a day to be appointed by the Secretary by notice published in the Gazette.

PART II THE HONG KONG AIRPORT — CONTROL OF OBSTRUCTIONS

Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) Hong Kong Airport (Control of Obstructions) (Exemption) (Amendment) Order 2007 (L.N. 182)

8. Under section 3(1AA) of the Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301) (the Ordinance), the Secretary for Development (the Secretary) may, on the advice of the Director-General of Civil Aviation (the Director-General), by order prescribe the areas within which no building shall exceed the height specified in the order. Section 3(3A) of the Ordinance provides that the Secretary may, on the advice of the Director-General, by order grant an exemption from the operation of an order made pursuant to section 3(1AA) subject to such terms and conditions required for or related to the safety of aircraft as he may impose. The Hong Kong Airport (Control of Obstructions) (Exemption) Order (Cap. 301 sub. leg. E) ("the Exemption Order") exempts certain portions of land from that restriction.

9. The Hong Kong Airport (Control of Obstructions) (Exemption) (Amendment) Order 2007 (the Amendment Order) is made by the Secretary under section 3(3A) of the Ordinance on the advice of the Director-General to amend the Exemption Order to exempt a portion of land near Tai Lam Chung Reservoir and another portion of land at Temple Hill from that restriction. However, any building to be erected on the portion of land near Tai Lam Chung Reservoir is not to exceed the height above 147.9mPD while any building to be erected on the portion of land at Temple Hill is not to exceed the height above 531mPD.

10. The exemptions are made to facilitate respectively the erection of a mobile phone base station at a height of about 147.9mPD near Tai Lam Chung Reservoir by Hong Kong CSL Limited and the construction of new infrastructures at Temple Hill with a height of 531mPD for the implementation of digital terrestrial TV by Television Broadcasts Limited.

11. Members may refer to the two LegCo Briefs on the Amendment Order issued by the Development Bureau in October 2007 for background information.

12. The Panel on Planning, Lands and Works has not been consulted on the Amendment Order.

13. The Amendment Order shall come into operation on 28 November 2007.

PART III COMMENCEMENT NOTICE

Construction Industry Council Ordinance (Cap. 587) Construction Industry Council Ordinance (Commencement) Notice 2007 (L.N. 183)

14. The Construction Industry Council Ordinance (Cap. 587) (the Ordinance) provides for the establishment of the Construction Industry Council (CIC) with the functions of, inter alia, eventually taking over the functions of the Construction Industry Training Authority (CITA).

15. The Construction Industry Council Ordinance (Commencement) Notice 2006 (L.N. 264 of 2006) appointed 1 February 2007 as the day on which certain provisions of the Ordinance relating to the establishment, financial provisions and operation of CIC came into operation.

16. The Construction Industry Council Ordinance (Commencement) Notice 2007 is made by the Secretary for Development under section 1(2) of the Ordinance to appoint 1 January 2008 as the day on which those provisions of the Ordinance that have not come into operation, relating mainly to the establishment of the Industry Training Board, the levy to be imposed on construction operations carried out in Hong Kong and transitional arrangements, shall come into operation.

17. At the meeting of the Panel on Planning, Lands and Works on 24 July 2007, the Administration briefed the Panel on the progress made by the CIC since its formation on 1 February 2007 and the preparatory work for amalgamation of CIC and the CITA scheduled for 1 January 2008. The Panel noted that to achieve the target of implementing the amalgamation of CIC and CITA on 1 January 2008, a commencement notice would be published in the Gazette in October 2007 to bring into operation the provisions of the Ordinance which were not yet in effect.

Waste Disposal (Amendment) Ordinance 2006 (6 of 2006)

Waste Disposal (Amendment) Ordinance 2006 (Commencement) Notice 2007 (L.N. 184)

18. The Waste Disposal (Amendment) Ordinance 2006 (6 of 2006) (the Amendment Ordinance) amends the Waste Disposal Ordinance (Cap. 354) (the Ordinance) to provide for, inter alia, strengthening of the control of disposal of imported non-hazardous waste and introduction of miscellaneous amendments relating to granting of licences under the Ordinance.

19. By the Waste Disposal (Amendment) Ordinance 2006 (Commencement) Notice 2007 made by the Secretary for Environment under section 1(2) of the Amendment Ordinance—

- (a) 1 December 2007 is appointed as the day on which the provisions of the Amendment Ordinance relating to disposal of imported non-hazardous waste shall come into operation;
- (b) 1 April 2008 is appointed as the day on which provisions of the Amendment Ordinance relating to granting of licences under the Ordinance shall come into operation.

20. The Panel on Environmental Affairs has not been consulted.

Concluding Remarks

21. No difficulties relating to the legal and drafting aspects of L.N. 180 to L.N. 184 of 2007 have been identified.

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