

立法會
Legislative Council

LC Paper No. LS19/07-08

**Paper for the House Committee Meeting
on 30 November 2007**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 23 November 2007**

Date of tabling in LegCo : 28 November 2007

Amendment to be made by : 19 December 2007 (or 16 January 2008 if extended by resolution)

Rating Ordinance (Cap. 116)
Rating (Exemption) (No. 2) Order 2007 (L.N. 221)

By this Order made by the Chief Executive in Council under section 36(2) of the Rating Ordinance (Cap. 116), all tenements included in the prevailing valuation list are exempted from the payment of rates for the period from 1 January to 31 March 2008 (“the concession period”) to the extent of an amount equal to the rates payable for that period or HK\$5,000, whichever is less. Rates payable for only a part of the concession period will be reduced on a pro rata basis. This Order shall come into operation on 1 January 2008.

2. The Order implements the rates exemption announced by the Chief Executive in the 2007 Policy Address. The rates exemption would, according to the Administration, cost \$2,601 million in 2007-08 and lower the Composite Consumer Price Index in 2008 by 0.3 percentage point. Members may wish to refer to the LegCo Brief (File Ref.: FIN CR 2/7/2201/06) dated 15 November 2007 and issued by the Financial Services and the Treasury Bureau for background and further information.

Tsing Sha Control Area Ordinance (16 of 2007)
Tsing Sha Control Area (General) Regulation (L.N. 222)

3. Route 8 will provide a direct road link between Chep Lak Kok and the Northeastern New Territories. The section of Route 8 between Sha Tin and Cheung Sha Wan is scheduled to open in early 2008. For effective and efficient traffic control and incident management, the section of Route 8 between Tsing Yi and Sha Tin will form one single control area known as the Tsing Sha Control Area (“TSCA”).

The management, operation and maintenance of TSCA will be outsourced to an operator through tender. TSCA is to be governed by the Tsing Sha Control Area Ordinance (No. 16 of 2007) (“TSCAO”), which is enacted on 27 June 2007 and has not yet come into operation. Section 26(2) of TSCAO empowered the Secretary for Transport and Housing (“the Secretary”) to make regulations to provide for matters relating to the management, operation and maintenance of TSCA and the regulation of traffic in TSCA.

4. This Regulation is made by the Secretary under section 26(2) of TSCAO to provide for—

- (a) control and regulation of traffic in TSCA, including provisions relating to traffic signs, light signals and road markings, temporary speed limits, the closure of roads or traffic lanes that lead to a toll booth, general restrictions and prohibitions, the carriage of dangerous goods and the manner of driving in tunnels;
- (b) the carrying out of road works in TSCA;
- (c) provisions relating to the methods of collection of tolls for the use of the toll area in TSCA and connected matters;
- (d) provisions relating to large vehicles that require permits for passage through TSCA, approvals for driving on closed roads in TSCA, escort of vehicles in TSCA and exemptions from this Regulation or certain provisions of the Road Traffic Ordinance (Cap. 374) under certain circumstances; and
- (e) prohibition of miscellaneous acts in TSCA, such as the painting or affixing of posters, etc., tampering with installation, etc. and trespass.

5. This Regulation shall come into operation on a day to be appointed by the Secretary by notice published in the Gazette. Members may wish to refer to the LegCo Brief (File Ref: THB(T) CR 1/981/00) issued by the Transport and Housing Bureau in November 2007 for background and further information.

6. The Panel on Transport was consulted on 26 January 2007 on the major provisions of the Tsing Sha Control Area Bill and the two pieces of subsidiary legislation to be made after enactment of the Bill, i.e., the Tsing Sha Control Area (General) Regulation and the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation. The Panel noted that the two regulations would be introduced into the Council for negative vetting.

7. This Regulation is mainly technical. The Legal Service Division is seeking clarification from the Administration on a few drafting points and will submit a further report, if necessary.

8. Except as stated in paragraph 7 above, no difficulties have been identified in the legal or drafting aspects of the above items of subsidiary legislation.

Prepared by

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26 November 2007

LS/S/7/07-08