

立法會
Legislative Council

LC Paper No. LS83/08-09

**Paper for the House Committee Meeting
on 12 June 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 June 2009**

Date of tabling in LegCo : 10 June 2009

Amendment to be made by : 8 July 2009 (or the 1st meeting of the next session if extended by resolution)

**Industrial Training (Clothing Industry) Ordinance (Cap. 318)
Industrial Training (Clothing Industry) Ordinance (Amendment of Schedule 1)
Order 2009 (L.N. 118)**

By this Order made by the Chief Executive in Council under section 36(1) of the Industrial Training (Clothing Industry) Ordinance (Cap. 318) (the Ordinance), Schedule 1 to the Ordinance (Schedule 1) is repealed and substituted by a new Schedule.

2. Under section 21 of the Ordinance, a clothing industry training levy is payable by exporters of “clothing items”. “Clothing items” is defined in section 2 of the Ordinance to mean any item of apparel which is specified in Schedule 1 and manufactured in Hong Kong. The levy is used to finance the Clothing Industry Training Authority (CLITA), which is an independent statutory body responsible for providing training courses for the clothing industry and operating clothing industry training centres.

3. The existing Schedule 1 adopts the commodity descriptions and codes used in the Hong Kong Imports and Exports Classification List (Harmonized System) (Classification List), which fully adopts the Harmonized Commodity Description and Coding System (Harmonized System) developed by the World Customs Organization (WCO). The Classification List was updated in 2007 to implement the amendments to the Harmonized System recommended by WCO in 2004. This Order aligns Schedule 1 with the updated Classification List. The existing Category No.9 (Heading 6503) under Schedule 1 will be subsumed under Category No. 11 (Heading 6505), which will become Category No. 10 (Heading 6505) in the new Schedule 1, bringing the total category number of clothing items from 14 to 13. The overall coverage of Schedule 1 is not affected and the amount of levy collectable for CLITA remains unchanged.

4. According to the Administration, CLITA has been consulted and supports the proposed amendment. Members may wish to refer to the LegCo Brief (Ref: LWB(M) 3/3037/70 Pt. 10) issued by the Labour and Welfare Bureau and dated 27 May 2009 for background and further information.

5. This Order is to come into operation on 9 July 2009.

Air Pollution Control Ordinance (Cap. 311)

Air Pollution Control (Specified Processes) (Amendment) Regulation 2009 (L.N. 119)

6. This Amendment Regulation is made by the Secretary for the Environment pursuant to section 43 of the Air Pollution Control Ordinance (Cap. 311). It amends the definition of “qualified engineer” in regulation 2 of the Air Pollution Control (Specified Processes) Regulations (Cap. 311 sub. leg. F) (the Regulations), by adding “environmental,” after “chemical,” to include a registered professional engineer in the environmental engineering discipline.

7. The addition would allow registered professional engineers in environmental engineering to prepare plans and specification for making an application for a specified process licence under regulation 8 of the Regulations. According to the Administration, the amendment has been advocated by the Hong Kong Institution of Engineers and is fully supported by the Engineers Registration Board. The Advisory Council on the Environment was consulted in November 2008 and supported the amendment proposal. The Panel on Environmental Affairs was consulted at its meeting on 24 November 2008 on the amendments in the context of the proposal to limit the contents of volatile organic compounds in vehicle refinishing paints, pleasure craft paints adhesives and sealants (paragraph 11 of LC Paper No. CB(1)223/08-09(05)). Panel members raised no objection to the proposed amendments. Members may wish to refer to the LegCo Brief issued by the Environmental Protection Department in May 2009 for background and further information.

8. This Amendment Regulation is to come into operation on 1 October 2009.

Land Survey Ordinance (Cap. 473)

Land Survey (Fees) (Amendment) Regulation 2009 (L.N. 120)

9. By this Amendment Regulation made by the Secretary for Financial Services and the Treasury under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1) and by virtue of section 37 of the Land Survey Ordinance (Cap. 473), the Schedule to the Land Survey (Fees) Regulation (Cap. 473 sub. leg. A) (the Regulation) is amended to increase the fees payable for the following items –

Item	Fee Description (cross reference to section of the Regulation)	Existing Fee (\$)	Proposed Fee (\$)
1(a)	inspection of land boundary record for each land boundary plan included in the record (section 2(a))	53	57
1(b)	inspection of land boundary record for each survey record plan included in the record (section 2(b))	53	57
2(a)	supply of each copy of land boundary plan (section 2(c))	73	79
2(b)	supply of each copy of survey record plan (section 2(d))	73	79
3	deposit of land boundary plan and corresponding survey record plan with the Land Survey Authority (section 2(e))	2,520	2,710
4	registration as an authorized land surveyor (section 2(f))	4,080	4,400
5	renewal of registration as an authorized land surveyor (section 2 (g))	715	770

10. The fees were first introduced in 1995 and last revised in 2007. The fees increases are proposed as a result of recent costing exercises and in line with the “users pay principle”. An information paper (CB(1)1616/08-09(01)) was submitted by the Development Bureau to the Panel on Development in respect of the proposed revision of fees under the Regulation in May 2009 for its meeting held on 26 May 2009. Members may refer to the LegCo Brief issued by the Development Bureau in June 2009 for background information.

11. The Amendment Regulation is to come into operation on 1 November 2009.

Airport Authority Ordinance (Map of Restricted Area) Order (Cap. 483 sub. leg. L)

Airport Authority Ordinance (Map of Restricted Area) (Amendment) Order 2009 (L.N. 121)

12. This Amendment Order is made by the Director-General of Civil Aviation under section 37 of the Airport Authority Ordinance (Cap. 483) after consultation with the Airport Authority. It amends the Schedule to the Airport Authority Ordinance (Map of Restricted Area) Order (Cap. 483 sub. leg. L) to specify the new boundaries of the Restricted Area.

13. This Amendment Order is to come into operation on 15 October 2009.

Concluding Observation

14. Save as above expressly stated, neither the public nor any LegCo Panel had been consulted on the above items of subsidiary legislation. No difficulties have been identified in the legal or drafting aspects of L.N 118 to L.N. 121.

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