

立法會
Legislative Council

LC Paper No. LS22/08-09

**Paper for the House Committee Meeting
on 5 December 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 November 2008**

Date of tabling in LegCo : 3 December 2008

Amendment to be made by : 17 December 2008 (or 4 February 2009 if extended by resolution)

PART I ELECTRONIC TRANSACTIONS ORDINANCE

Electronic Transactions Ordinance (Cap. 553)
Electronic Transactions Ordinance (Amendment of Schedule 3) Order 2008 (L.N. 249)

By this Order made by the Acting Secretary for Commerce and Economic Development under section 50 of the Electronic Transactions Ordinance (Cap. 553) (the Ordinance), Schedule 3 to the Ordinance is amended by adding as item 9 Regulation 49(1)(a) and (b) of the Waterworks Regulations (Cap. 102 sub. leg. A). The Order is to come into operation on 18 February 2009.

2. The effect of the amendment is that the provisions of section 5A of the Ordinance becomes applicable in the construction of Regulation 49(1)(a) and (b). Section 5A provides that if a legal provision set out in Schedule 3 requires a document to be served on a person by personal service or by post, the provision shall be construed as also providing that service of the document in the form of an electronic record to an information system designated by the person to be served satisfies the requirement under the provision on the condition that the information contained in the electronic record is usable for subsequent reference.

3. According to the Administration, the amendment would provide the legal basis for the Water Supplies Department's plan to provide a new service whereby the public may choose to receive water bills electronically, or by post. Members may wish to refer to the LegCo Brief (File Ref: GCIO/A 107/4/3 Pt. 21) issued by the Office of the Government Chief Information Officer, Commerce and Economic Development Bureau in November 2008 for background and further information.

PART II INTEREST ON TAX RESERVE CERTIFICATE

Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)

Tax Reserve Certificates (Rate of Interest) (No. 4) Notice 2008 (L.N. 250)

4. By this Notice made by the Acting Secretary for Financial Services and the Treasury under rule 7(2)(h) of the Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A), the rate of interest payable on tax reserve certificates issued on or after 1 December 2008 is fixed at 0.45% per annum (the new rate). The Schedule to the Tax Reserve Certificates (Rate of Interest) (Consolidation) Notice (Cap. 289 sub. leg. B) is consequentially amended by inserting “and before 1 December 2008” in item 164 and adding the new rate as item 165.

PART III COMMENCEMENT NOTICES

Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (L.N. 75 of 2006)

Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (Commencement) Notice 2008 (L.N. 251)

Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2006 (Amendment) Order 2007 (L.N. 197 of 2007)

Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2006 (Amendment) Order 2007 (Commencement) Notice (L.N. 252)

5. L.N. 251 made by the Director-General of Civil Aviation under section 1 of the Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (L.N. 75 of 2006) (the Amendment Regulation) appoints 1 July 2009 as the day on which section 7 of the Amendment Regulation is to come into operation.

6. The Amendment Regulation amends the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A) (the principal Regulations) to implement certain new requirements introduced by the 2005-2006 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air. Section 7 of the Amendment Regulation adds a new regulation 7B to the principal Regulations. The new section imposes a requirement that each member of staff of a freight forwarder who performs the function of processing air cargo without declared dangerous goods or the function of handling, loading or storing air cargo must have completed the training appropriate to that function. A fine of \$20,000 and imprisonment for 6 months may be imposed for any contravention of that regulation.

7. L.N. 252 made by the Director-General of Civil Aviation under section 1 of the Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2006 (Amendment) Order 2007 (L.N. 197 of 2007) (the Amendment Order) appoints 26 January 2009 as the day on which the Amendment Order shall come into operation.

8. The Amendment Order effects consequential amendments to the Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2006 (L.N. 76 of 2006) occasioned by the substitution of a new regulation 7B(1) under the Dangerous Goods (Consignment by Air) (Safety) (Amendment) Regulation 2006 (Amendment) Regulation 2007 (L.N. 194 of 2007). The substitution has come into effect on 1 January 2008.

9. No difficulties have been identified in the legal or drafting aspects of the above items of subsidiary legislation. Neither the public nor any LegCo Panel has been consulted on the subsidiary legislation reported above.

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