

**立法會**  
**Legislative Council**

LC Paper No. LS34/09-10

**Paper for the House Committee Meeting  
on 8 January 2010**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 31 December 2009**

**Date of tabling in LegCo** : 6 January 2010

**Amendment to be made by** : 3 February 2010 (or 24 February 2010 if extended  
by resolution)

**Prisons Ordinance (Cap. 234)**

**Prisons (Amendment) (No. 2) Order 2009 (L.N. 261)**

**Drug Addiction Treatment Centres Ordinance (Cap. 244)**

**Drug Addiction Treatment Centre (Hei Ling Chau Addiction Treatment Centre)  
(Amendment) Order 2009 (L.N. 262)**

**Drug Addiction Treatment Centre (Nei Kwu Correctional Institution) Order  
(L.N. 263)**

The Secretary for Security has made the three Orders to -

- (a) change the name of "Hei Ling Chau Addiction Treatment Centre (Annex)" to "Nei Kwu Correctional Institution" and reduce the part of its area used as prison from 5 of its dormitories to 4, and amalgamate Ma Po Ping Prison and Tong Fuk Centre to become one prison known as "Tong Fuk Correctional Institution" (L.N. 261);
- (b) amend the Drug Addiction Treatment Centre (Hei Ling Chau Addiction Treatment Centre) Order (Cap. 244 sub. leg. C) to exclude Nei Kwu Correctional Institution (formerly known as the "Hei Ling Chau Addiction Treatment Centre (Annex)") from the Hei Ling Chau Addiction Treatment Centre (L.N. 262); and
- (c) appoint the Nei Kwu Correctional Institution (formerly known as the "Hei Ling Chau Addiction Treatment Centre (Annex)"), other than its Dormitories 11 to 14 (used as prison), as an addiction treatment centre (L.N. 263).

2. L.N. 261 to L.N. 263 will come into operation on 25 February 2010.

3. According to the Administration, the area used as prison in Nei Kwu Correctional Institution is reduced by one dormitory (about 40 beds) to provide more places for addiction treatment programme. Amalgamation of Ma Po Ping Prison and Tong Fuk Centre, which are adjacent to each other, is for the purpose of administrative convenience.

4. The Panel on Security has not been consulted on the above arrangements.

**Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)**  
**Tax Reserve Certificates (Rate of Interest) (No. 6) Notice 2009 (L.N. 264)**

5. L.N. 264 was made by the 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). By this Notice, the rate of interest payable on tax reserve certificates issued on or after 4 January 2010 is fixed at 0.0433% per annum. The Schedule to the Tax Reserve Certificates (Rate of Interest) (Consolidation) Notice (Cap. 289 sub. leg. B) is also amended correspondingly.

6. L.N. 264 has not been discussed by the Panel on Financial Affairs.

**Domestic Violence (Amendment) Ordinance 2009 (18 of 2009)**  
**Domestic Violence (Amendment) Ordinance 2009 (Commencement) Notice (L.N. 265)**

7. By L.N. 265 made under section 2 of the Domestic Violence (Amendment) Ordinance 2009 (18 of 2009) (the Amendment Ordinance), the Secretary for Labour and Welfare has appointed 1 January 2010 as the day on which the Ordinance comes into operation.

8. The Amendment Ordinance amends the Domestic Violence Ordinance (Cap. 189) (DVO) to extend the scope of protection under DVO to cover a cohabitation relationship between two persons (whether of the same sex or of the opposite sex) who live together as a couple in an intimate relationship and makes other consequential and technical amendments. Section 2 of the Amendment Ordinance provides that the Amendment Ordinance will come into operation on a day to be appointed by the Secretary for Labour and Welfare by notice published in the Gazette.

9. Before the passage of Domestic Violence (Amendment) Bill 2009 (the Bill) at the Council meeting on 16 December 2009, the Bill had been scrutinized by a Bills Committee. The Committee supported the Administration's proposal to appoint 1 January 2010 as the commencement date of the Amendment Ordinance. Members may wish to refer to the report of the Bills Committee (LC Paper No. CB(2)418/09-10) for further information.

10. Neither the public nor any LegCo Panel has been consulted on the Notice.

### **Concluding Remarks**

11. No difficulties have been identified in the legal or drafting aspects of the above items of subsidiary legislation.

Prepared by

TAM Shuk-fong, Clara  
Assistant Legal Adviser  
Legislative Council Secretariat  
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