

**立法會**  
**Legislative Council**

LC Paper No. LS21/10-11

**Paper for the House Committee Meeting  
on 7 January 2011**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 31 December 2010**

**Date of tabling in LegCo** : 5 January 2011

**Amendment to be made by** : 26 January 2011 (or 23 February 2011 if extended by resolution)

**The Chinese University of Hong Kong Ordinance (Cap. 1109)  
Statutes of The Chinese University of Hong Kong (Amendment) Statutes  
2010 (L.N. 174)**

L.N. 174 is made by the Council of The Chinese University of Hong Kong under section 13 of The Chinese University of Hong Kong Ordinance (Cap. 1109) (the Ordinance) with the approval of its Chancellor to amend the Statutes of The Chinese University of Hong Kong in Schedule 1 to the Ordinance (the principal Statutes). The main amendments are -

- (a) the inclusion of Associate Deans and Assistant Deans of the Faculty concerned and one student member to the membership of each Board of Faculty;
  - (b) the removal of the detailed administrative procedures for making University appointments from the Statutes, to allow such procedures to be determined by the Council from time to time;
  - (c) the conferring of a new master's degree, the Master of Nursing Science (M.N.Sc.) and a new doctoral degree, the Doctor of Nursing (D.Nurs.) by the University.
2. L.N. 174 will come into operation on 1 March 2011.
  3. Members may refer to the LegCo Brief (with no reference number) issued by The Chinese University of Hong Kong in December 2010 for background information.

4. The Panel on Education discussed certain amendments to the principal Statutes (the original proposals) at its meetings on 9 November 2009 and 11 January 2010. In addition to the amendments now contained in L.N. 174, the original proposals included a proposed definition of "teacher" and a proposal to reorganize the Senate. At the meeting on 11 January 2010 when the Panel received views from the stakeholders on the original proposals, staff unions of The Chinese University of Hong Kong (CUHK) requested the inclusion of "instructors" in the proposed definition of "teacher" and student unions of CUHK objected to the composition of the reorganized Senate in relation to student representatives. According to paragraphs 3 and 4 of the LegCo Brief, in the light of the above views, CUHK considers it necessary to conduct further consultation among its stakeholders and hence, the above two proposals have not been included in L.N. 174. According to a letter dated 31 December 2010 from the Secretary of CUHK to the Clerk to the Panel on Education (LC Paper No. CB(2)714/10-11(01)), the Panel will be briefed when the above two proposals are presented again for statutory amendment.

**Matrimonial Proceedings and Property Ordinance (Cap. 192)**

**Matrimonial Proceedings and Property (Amendment) Ordinance 2010 (20 of 2010)**

**Matrimonial Proceedings and Property (Amendment) Ordinance 2010 (Commencement) Notice (L.N. 175)**

5. By L.N. 175 made under section 2 of the Matrimonial Proceedings and Property (Amendment) Ordinance 2010 (20 of 2010) (the Amendment Ordinance), the Secretary for Justice appoints 1 March 2011 as the day on which the Amendment Ordinance comes into operation.

6. The Matrimonial Proceedings and Property (Amendment) Bill 2010 (enacted as the Amendment Ordinance) was passed by the Legislative Council at its meeting on 15 December 2010 and the Amendment Ordinance was published in the Gazette on 24 December 2010. The Amendment Ordinance empowers the Hong Kong courts to order financial relief for a former spouse whose marriage has been dissolved or annulled, or who has been legally separated, by means of judicial or other proceedings in a place outside Hong Kong. During scrutiny of the above Bill, members of the Bills Committee suggested that the Amendment Ordinance should be brought into operation as soon as possible.

**Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)**

**Mutual Legal Assistance in Criminal Matters (Ireland) Order (Cap. 525 sub. leg. M)**

## **Mutual Legal Assistance in Criminal Matters (Ireland) Order (Commencement) Notice (L.N. 176)**

7. By L.N. 176 made under section 1 of the Mutual Legal Assistance in Criminal Matters (Ireland) Order (Cap. 525 sub. leg. M) (the Ireland Order), the Secretary for Security appoints 6 January 2011 as the day on which the Ireland Order comes into operation.

8. The Ireland Order was made by the Chief Executive in Council under section 4 of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) to implement the bilateral arrangements (the Agreement) for mutual legal assistance in criminal matters between Hong Kong and Ireland. It was approved by the Legislative Council (LegCo) on 3 July 2003 and was published in the Gazette on 4 July 2003. According to Article 21(1) of the Agreement, the Agreement will enter into force 30 days after the date on which the parties have notified each other in writing that their respective requirements for the entry into force of the Agreement have been complied with.

9. Upon our enquiry as to the reason for taking over 7 years to commence the Ireland Order since its approval by LegCo in 2003, the Administration explained that it notified the Irish side on 3 July 2003 that the Agreement had been endorsed by LegCo on the same date. Subsequently, the Administration issued letters to the Irish side in March 2004, May 2007, July 2008 and August 2010 seeking an update on the progress of their ratification of the Agreement. After receiving notice from Ireland on 7 December 2010 that their ratification of the Agreement had been completed, the Administration proceeded to bring the Ireland Order into operation on 6 January 2011 by L.N. 176.

10. The Ireland Order had been scrutinized by a Subcommittee. Members may wish to refer to the report of the Subcommittee to the House Committee (LC Paper No. CB(2)2363/02-03) for further information.

11. The Panel on Security has not been consulted on L.N. 176.

12. No difficulties have been observed in the legal and drafting aspects of the above items of subsidiary legislation.

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