

立法會
Legislative Council

LC Paper No. LS84/10-11

**Paper for the House Committee Meeting
on 8 July 2011**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 24 June 2011**

Date of tabling in LegCo : 29 June 2011

Amendment to be made by : Second meeting of LegCo in the next session (or the first meeting after 21 days from the second meeting of the next session if extended by resolution)

Antiquities and Monuments Ordinance (Cap. 53)
Antiquities and Monuments (Declaration of Historical Building) Notice 2011 (L.N. 109)

By this Notice made under section 3(1) of the Antiquities and Monuments Ordinance (Cap. 53) (the Ordinance) by the Secretary for Development (the Secretary) after consultation with the Antiquities Advisory Board (AAB) and with the approval of the Chief Executive, the fortified structure at No. 55 Ha Pak Nai, Yuen Long, New Territories (the Building) is declared to be a historical building (which is within the meaning of “monument” as defined in section 2 of the Ordinance) for the purposes of the Ordinance. The Building is delineated and shown edged red on the plan marked Plan No. YLM7759 signed and deposited in the Land Registry by the Secretary in accordance with section 3(4) of the Ordinance.

2. According to the Administration, the Building was built around 1910 and is the only remaining building in Hong Kong with solid evidence of having direct connection with the revolutionary movement under the leadership of Dr. SUN Yat-sen and his compatriots. The Building is of high historical significance and has been accorded with Grade one status by AAB (i.e. a

building of outstanding merit, which every effort should be made to preserve if possible). The declaration will provide the Building with statutory protection. By virtue of section 6(1) of the Ordinance, no person shall excavate, carry on building or other works, plant or fell trees or deposit earth or refuse on or in a monument or demolish, remove, obstruct, deface or interfere with a monument except permitted by the Secretary (who is the Authority defined under section 2 of the Ordinance).

3. According to the Administration, the AAB was consulted on the proposed declaration as required under section 3(1) of the Ordinance on 22 February 2011 and rendered its support to the declaration. The Panel on Development has not been consulted on this Notice.

4. Members may refer to LegCo Brief (File Ref: DEVB/C/30/32/1) issued by the Development Bureau and dated 22 June 2011 for further information.

Employees Retraining Ordinance (Cap. 423)

Employees Retraining Ordinance (Amendment of Schedule 2) (No. 2) Notice 2011 (L.N. 110)

5. This Notice is made by the Employees Retraining Board (ERB) under section 31(2) of the Employees Retraining Ordinance (Cap. 423) (the Ordinance) to amend Schedule 2 to the Ordinance, which contains a list of appointed training bodies that may provide or conduct retraining courses for the purposes of the Ordinance.

6. The Notice adds “Association of Professional Personnel (Hotels, Food & Beverage)” (as item 151) to and remove “Physical Fitness Association of Hong Kong, China Limited” (item 135) from Schedule 2 to the Ordinance. According to the Administration, the “Association of Professional Personnel (Hotels, Food & Beverage)” has met with the vetting criteria of ERB with regard to, among other things, training facilities, qualifications of instructors and quality assurance. The removal of “Physical Fitness Association of Hong Kong, China Limited” from Schedule 2 was at the request of the association.

7. The Panel on Manpower has not been consulted on the Notice.

8. Members may refer to LegCo Brief (File Ref: QA/TBM/09) issued by ERB Executive Office and dated 20 June 2011 for further information.

Concluding Observation

9. No difficulties have been identified in the legal or drafting aspects of the above Notices.

Prepared by

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