

**立法會**  
**Legislative Council**

LC Paper No. LS4/10-11

**Paper for the House Committee Meeting  
on 5 November 2010**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 22 October 2010**

**Date of tabling in LegCo** : 27 October 2010

**Amendment to be made by** : 24 November 2010 (or 15 December 2010 if extended by resolution)

**PART I DESIGNATION OF SPECIAL AREAS UNDER THE COUNTRY PARKS ORDINANCE**

**Country Parks Ordinance (Cap. 208)  
Double Haven and Others (Special Areas) Order 2010 (L.N. 137)**

Under section 24(1) of the Country Parks Ordinance (Cap. 208) (the Ordinance), the Chief Executive may by order in the Gazette designate any area of Government land<sup>1</sup> outside a country park as a special area for the purpose of the Ordinance. At present, six areas of Government land are designated as special areas and these areas are specified in the Schedule to the Special Areas (Designation) (Consolidation) Order (Cap. 208 sub. leg. D) (the Designation Order).

2. This Order, which is made under section 24(1) of the Ordinance, designates five areas of Government land in or near Double Haven, High Island, Sharp Island, Ung Kong Group and Ninepin Group (the Areas) within the Hong Kong National Geopark (the Geopark) as special areas for the purposes of the Ordinance. The Areas, which cover about 235 hectares, are delineated in black and coloured pink on Plans Nos. SA/DH, SA/HI, SA/SI, SA/UKG and SA/NG, all dated August 2010 and deposited in the office of the Country and Marine Parks Authority (the Authority). Consequentially, the Designation Order is amended by adding the Areas to the Schedule. The effect of this designation is that the Areas will be under the control and management of the Authority (who is the Director of Agriculture, Fisheries and Conservation<sup>2</sup>), and be subject to the Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A).

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<sup>1</sup> "Government land" means any land which is not leased land: section 24(3).

<sup>2</sup> Section 3(2) of the Country Parks Ordinance (Cap. 208)

3. The Ordinance does not specify what factors are to be considered by the Chief Executive in deciding whether to designate an area as a country park under section 14 or as a special area under section 24(1). According to paragraph 2 of the LegCo Brief (File Ref.: EP 86/21/72) issued by the Environmental Protection Department and the Agriculture, Fisheries and Conservation Department on 20 October 2010, country parks, which usually cover larger areas, are designated and managed for recreational, educational and nature conservation purposes, and are provided with facilities, such as hiking trails, barbecue and camping sites. Special areas are of smaller sizes and higher conservation value, and are usually managed for nature conservation and educational purposes only.

4. While the designation of a country park must be preceded by a statutory process beginning with the preparation of a draft map for public inspection, followed by the hearing of objections by the Country and Marine Parks Board and its submission of the draft map (together with a schedule of objections and amendments) to the Chief Executive in Council for approval<sup>3</sup>, a similar process is not required for the designation of a special area under the Ordinance. According to paragraph 9 of the LegCo Brief, the proposed designation of the Areas as special areas was endorsed by the Country and Marine Parks Board on 15 January 2010. The proposal was also supported by the North District Council and Sai Kung District Council which were consulted on 11 February 2010 and 9 March 2010 respectively.

5. The proposed designation of the Areas was discussed at the meeting of the Panel on Environmental Affairs on 28 June 2010. While supporting the designation in principle, some Members urged the Administration to review the existing legislation and to step up educational efforts and enforcement actions to prevent environmental degradation. Other Members raised concerns about the possible impact of the designation on commercial fishing and neighbouring private developments, and enquired about the supporting facilities within the Geopark and its accessibility by car and other convenient modes of transport. Members may refer to the minutes of the meeting (LC Paper No. CB(1) 2956/09-10) for further information.

6. This Order will come into operation on 1 January 2011.

## **PART II COMMENCEMENT NOTICE**

### **Admission and Registration (Amendment) Rules 2010 (L.N. 69 of 2010) Admission and Registration (Amendment) Rules 2010 (Commencement) Notice (L.N. 138)**

7. By this Notice, the President of The Law Society of Hong Kong (the Law Society) appoints 3 January 2011 as the day on which the Admission and Registration (Amendment) Rules 2010 (L.N. 69 of 2010) (the Amendment Rules) will come into operation.

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<sup>3</sup> Sections 8 to 14 of the Country Parks Ordinance (Cap. 208)

8. The Admission and Registration Rules (Cap. 159 sub. leg. B) (the principal Rules) are made by the Chief Justice under section 72 of the Legal Practitioners Ordinance (Cap. 159) to provide for, amongst other things, applications for admission as solicitors. Under rule 3(4) of the principal Rules, an applicant will be issued a Certificate of Eligibility for Admission as a Solicitor (Form 2) if the Law Society is satisfied that he has complied with the requirements prescribed in the Trainee Solicitors Rules (Cap. 159 sub. leg. J) (TSR).

9. The Amendment Rules amend the principal Rules to -

- (a) replace gender-specific terms in Form 2 and other forms in the Schedule to the principal Rules with gender-neutral terms;
- (b) amend Form 2 to: (i) change the reference to the period of trainee solicitor contract from in terms of years to months; and (ii) reflect the reduction of the period of trainee solicitor contract for trainee solicitors with relevant work experience under rule 9A(3) of the TSR.

10. The Amendment Rules were published in the Gazette on 28 May 2010 and were considered by the House Committee at its meeting of 4 June 2010. Members did not raise any queries on the Amendment Rules at that meeting.

11. This Notice has not been discussed by the Panel on Administration of Justice and Legal Services.

### **Concluding observation**

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

Prepared by

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