

**立法會**  
***Legislative Council***

LC Paper No. LS19/12-13

**Paper for the House Committee Meeting  
on 11 January 2013**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 4 January 2013**

**Date of tabling in LegCo** : 9 January 2013

**Amendment to be made by** : 6 February 2013 (or 27 February 2013 if  
extended by resolution)

**Public Health and Municipal Services Ordinance (Cap. 132)  
Designation of Libraries (Amendment) Order 2013 (L.N. 1)**

The Director of Leisure and Cultural Services (the Director), as the Authority designated under Schedule 3 to the Public Health and Municipal Services Ordinance (Cap. 132), manages and controls the libraries listed in the Schedule to the Designation of Libraries Order (Cap. 132 sub. leg. O) (the Libraries Order). Under section 105K of Cap. 132, the Director may, by order published in the Gazette, designate any building, or part of a building, as a library.

2. L.N. 1 is made by the Director under section 105K of Cap. 132 to amend the Schedule to the Libraries Order in order to-

- (a) cancel the designation of Shop Nos. 101-102, First floor, Kingswood Ginza, Phase 2, 18 Tin Yan Road, Tin Shui Wai, Yuen Long (the existing library) as a library;
- (b) cancel the designation of Students' Study Room on the first floor of the High Block of Ping Shan Tin Shui Wai Leisure and Cultural Building, 1 Tsui Sing Road, Tin Shui Wai, Yuen Long as a library (this designation will be replaced by and subsumed under the designation of the relevant premises as a new library in the following item (c));

- (c) designate the ground to seventh floors of the High Block of Ping Shan Tin Shui Wai Leisure and Cultural Building, 1 Tsui Sing Road, Tin Shui Wai, Yuen Long as a library (the new library).

3. The effect of L.N. 1 is that the management and control of the new library will be vested in the Director who will also exercise her other statutory functions under Cap. 132 in respect of the new library, while the premises at which the existing library is situated will cease to be a library under Cap. 132.

4. L.N. 1 will come into operation on 28 February 2013.

5. According to the LegCo Brief (no reference number provided) issued by the Leisure and Cultural Services Department (LCSD) on 28 December 2012, the new library will be open for public use with effect from 7 March 2013. In response to our enquiries on the reason for the opening of the new library on 7 March 2013 instead of on the commencement date of L.N. 1, LCSD has issued another LegCo Brief dated 7 January 2013 to make it clear that the new library will be open for public use with effect from the same date on which L.N. 1 comes into operation, i.e. 28 February 2013.

6. As advised by the Clerk to the Panel on Home Affairs (the Panel), the Panel has not been consulted on L.N. 1. However, the Panel has requested the Administration to respond to a request from the District Facilities Management Committee of Yuen Long District Council for the retention of the existing Tin Shui Wai (TSW) Public Library at Kingswood Ginza after the commissioning of the new library. According to the Administration, after the closing of the existing library at Kingswood Ginza, supplementary measures will be introduced to enhance the mobile library services in Central TSW and provide a community library near Kingswood Ginza. In the long run, the Administration will consider establishing an additional small library in Central TSW. Members may refer to the Administration's response issued to the Panel members vide LC Paper No. CB(2)370/12-13 on 2 January 2013 for details.

7. No difficulties have been identified in the legal and drafting aspects of L.N. 1.

Prepared by

YICK Wing-kin  
Assistant Legal Adviser  
Legislative Council Secretariat  
7 January 2013  
LS/S/11/12-13