

立法會
Legislative Council

LC Paper No. LS20/13-14

**Paper for the House Committee Meeting
on 3 January 2014**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 13 December 2013**

Tabling in LegCo : Council meeting of 18 December 2013

Amendment to be made by : Council meeting of 15 January 2014 (or that of 12 February 2014 if extended by resolution)

Plant (Importation and Pest Control) (Quarantine Area) Order (L.N. 199)

Declaration of Quarantine Area (Repeal) Order (L.N. 200)

The Plant (Importation and Pest Control) Ordinance (Cap. 207) provides for the control of the importation of plants, plant pests and soil so as to prevent the spread of plant pests. Under section 14 of Cap. 207, the Director of Agriculture, Fisheries and Conservation (the Director) may, by order published in the Gazette, declare any area to be a quarantine area. Under section 16 of Cap. 207, the Director may, by order published in the Gazette, declare that certain plants shall, after importation, be grown or propagated only in a quarantine area. By the Declaration of Quarantine Area (Cap. 207B), the Director has declared Government Land DD 187, Keng Hau, Sha Tin, New Territories (the existing quarantine area) to be a quarantine area with effect from 1 May 1976.

2. Both L.N. 199 and L.N. 200 are made by the Director under section 14 of Cap. 207. L.N. 199 declares Sha Tin Plant Quarantine Station at 9 To Shek Path, Sha Tin, New Territories (the new quarantine area) to be a quarantine area. The effect of the declaration is to enable the Director to exercise his powers under Cap. 207 in relation to the new quarantine area. L.N. 200 repeals Cap. 207B to cancel the declaration in respect of the existing quarantine area.

3. According to paragraphs 3 and 4 of the LegCo Brief (File Reference: FHB/F/6/12/1) issued by the Food and Health Bureau on 11 December 2013, the above Orders are made as the existing quarantine area is required to be vacated and relocated to the new quarantine area to facilitate the construction work associated with the Shatin to Central Link.

4. According to paragraph 7 of the LegCo Brief, the proposal to relocate the existing quarantine area was raised in Sha Tin District Council (STDC) on 20 January 2011. Members of STDC did not object to the proposal. Furthermore, representatives of the nearby Ronald McDonald House and the Village Representatives of To Shek Village were consulted on the proposal in mid-2012, and they did not raise objection.

5. As advised by the Clerk to the Panel on Food Safety and Environmental Hygiene, the Administration has provided an information paper on L.N. 199 and L.N. 200 to the Panel on 9 December 2013, and no comment on the paper has been received from Panel members.

6. L.N. 199 and L.N. 200 come into operation on 14 February 2014.

Education Ordinance (Amendment of Schedule 3) Notice 2013 (L.N. 201)

7. Under the Education Ordinance (Cap. 279) an aided school is required to set up an incorporated management committee (IMC) which is responsible for managing the school. Direct Subsidy Scheme (DSS) schools and schools listed in Schedule 3 (the specified schools) can however decide whether to apply to the Permanent Secretary for Education to set up an IMC. Section 40AC(2) of Cap. 279 sets out the criteria which a school has to meet to be a specified school in Schedule 3. These criteria include the school being a secondary or primary school which is neither an aided school nor a DSS school, and is receiving subsidy from the Government. Section 40AC(1) provides that the Secretary for Education (SED) may by notice published in Gazette amend Schedule 3.

8. L.N. 201, made by SED under section 40AC(1) of Cap. 279, amends Schedule 3 to Cap. 279 to remove Mu Kuang English School, which has become a DSS school, from the Schedule.

9. According to paragraph 8 of the LegCo Brief (File Reference: L/M (2) to EDB (SCR) 58/00 Pt.39) issued by the Education Bureau in December 2013, since the amendment is to update the list of specified schools in Schedule 3 to Cap. 279, the Administration considers that public consultation is not necessary.

10. As advised by the Clerk to the Panel on Education, the Panel has not been consulted on L.N. 201.

11. L.N. 201 comes into operation on 14 February 2014.

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

Prepared by

YICK Wing-kin
Assistant Legal Adviser
Legislative Council Secretariat
30 December 2013

LS/S/10/13-14