

**立法會**  
**Legislative Council**

LC Paper No. LS59/13-14

**Paper for the House Committee Meeting  
on 6 June 2014**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 30 May 2014**

**Tabling in LegCo** : Council meeting of 4 June 2014

**Amendment to be made by** : Council meeting of 2 July 2014 (or the 1st meeting of the next session if extended by resolution)

**PART I SCHEDULES OF PUBLIC BUS ROUTES**

**Schedule of Routes (Citybus Limited) Order 2014** (L.N. 63)

**Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2014** (L.N. 64)

**Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2014** (L.N. 65)

**Schedule of Routes (New World First Bus Services Limited) Order 2014** (L.N. 66)

**Schedule of Routes (Long Win Bus Company Limited) Order 2014** (L.N. 67)

The Orders in L.N. 63 to L.N. 67 are made by the Chief Executive (CE) in Council under section 5(1) of the Public Bus Services Ordinance (Cap. 230) to update the schedules of bus routes operated by four franchised bus companies.<sup>1</sup>

2. Under section 5(1) of Cap. 230, the CE in Council may grant to the existing franchised public bus companies the right to operate public bus service on such routes as specified by order. Section 15(1) of Cap. 230 provides that the

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<sup>1</sup> According to the LegCo Brief (File Ref: THB(T)L 2/4/115), the remaining franchised bus company, New Lantau Bus Company (1973) Limited, has not made alteration to its routes or introduced new routes between 1 December 2012 and 31 December 2013. There is thus no need to make a new Order for it.

Commissioner for Transport may, after consultation with the bus companies, require them to introduce new routes and make alterations to specified routes on a temporary basis. Such changes may take effect for a period up to 24 months unless they are specified in orders made by the CE in Council under section 5(1) before expiry of the relevant period. According to the LegCo Brief (File Ref: THB(T)L 2/4/115) issued by the Transport and Housing Bureau in May 2014, L.N. 63 to L.N. 67 were made to enable the service changes introduced under section 15(1) between 1 December 2012 and 31 December 2013 to continue to take effect.

3. L.N. 63 repeals the Schedule of Routes (Citybus Limited) Order 2013 (L.N. 55 of 2013) and updates the schedule of bus routes operated by the Citybus Limited (other than for north Lantau and the airport at Chek Lap Kok). According to the LegCo Brief, Citybus Limited introduced one new route, cancelled two routes and made alterations to 18 routes in respect of its franchise for Hong Kong Island and cross-harbour bus services.

4. L.N. 64 repeals the Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2013 (L.N. 56 of 2013) and updates the schedule of bus routes operated by the Citybus Limited for north Lantau and the airport at Chek Lap Kok. According to the LegCo Brief, Citybus Limited made alterations to one route in respect of its franchise for north Lantau and Chek Lap Kok Airport bus services.

5. L.N. 65 repeals the Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2013 (L.N. 57 of 2013) and updates the schedule of bus routes operated by the Kowloon Motor Bus Company (1933) Limited. According to the LegCo Brief, Kowloon Motor Bus Company (1933) Limited introduced nine new routes, cancelled 13 routes and made alterations to 70 routes.

6. L.N. 66 repeals the Schedule of Routes (New World First Bus Services Limited) Order 2013 (L.N. 59 of 2013) and updates the schedule of bus routes operated by the New World First Bus Services Limited. According to the LegCo Brief, New World First Bus Services Limited introduced one new route, cancelled three routes and made alterations to 18 routes.

7. L.N. 67 repeals the Schedule of Routes (Long Win Bus Company Limited) Order 2012 (L.N. 7 of 2012) and updates the schedule of bus routes operated by the Long Win Bus Company Limited. According to the LegCo Brief, Long Win Bus Company Limited made alterations to two routes.

8. As stated in the LegCo Brief, the District Councils concerned had been consulted on the major service changes before such changes were introduced and some of the DC members suggested further adjustments to bus service. According to the LegCo Brief, the suggestions had been given due consideration by the Transport Department and some had been taken on board as appropriate.

9. As advised by the Clerk to the Panel on Transport, the Panel has not been consulted on L.N. 63 to L.N. 67.

10. L.N. 63 to L.N. 67 come into operation on 30 November 2014.

## **PART II UPDATE OF THE LISTS OF PARIS CONVENTION COUNTRIES AND WTO MEMBERS**

**Patents Ordinance (Amendment of Schedule 1) Order 2014** (L.N. 68)

**Registered Designs Ordinance (Amendment of Schedule) Regulation 2014** (L.N. 69)

**Trade Marks Ordinance (Amendment of Schedule 1) Regulation 2014** (L.N. 70)

**Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) (Amendment) Regulation 2014** (L.N. 71)

11. L.N. 68 to L.N. 70 amend the respective Schedules to -

- (a) the Patents Ordinance (Cap. 514);
- (b) the Registered Designs Ordinance (Cap. 522); and
- (c) the Trade Marks Ordinance (Cap. 559),

to update the list of contracting parties to the Paris Convention for the Protection of Industrial Property (Paris Convention) and the membership list of the World Trade Organization (WTO) as set out in these Schedules. Under the Paris Convention, as extended by the Central People's Government (CPG) to the Hong Kong Special Administrative Region (HKSAR), and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) under the WTO, of which HKSAR is a member, HKSAR is obliged to enact provisions in the above Ordinances to the effect that a person who has filed an application in a Paris Convention or WTO member country, territory or area on the list in the respective Schedules will enjoy a right of priority.

12. L.N. 71 amends the Schedule to the Layout-design (Topography) of Integrated Circuits (Designation of Qualifying Countries, Territories or Areas) Regulation (Cap. 445B) to update the list of qualifying countries, territories or areas which are WTO members. The TRIPS Agreement requires HKSAR to grant the

same level of intellectual property protection for layout-designs (topographies) of integrated circuits to nationals of other WTO member countries, territories or areas, as to HKSAR residents.

13. According to paragraph 6 of the LegCo Brief, since the last revision exercise in 2013, one country (i.e. the Independent State of Samoa) has become a contracting party to the Paris Convention and another (i.e. the Republic of Tajikistan) has acceded to the WTO.

14. In addition, the official names (and their corresponding Chinese names) of several countries, territories or areas have the following changes:-

<i>Name of Paris Convention country and WTO member as currently stated in the Schedules to the relevant Ordinance(s)/Regulation</i>		<i>Updated official names as stated in L.N. 68 to L.N. 71</i>
(a)	The Democratic People's Republic of Algeria	The People's Democratic Republic of Algeria
(b)	The Republic of Bolivia	The Plurinational State of Bolivia
(c)	The Republic of France	The French Republic
(d)	The Cooperative Republic of Guyana	The Republic of Guyana
(e)	The Republic of Hungary	Hungary
(f)	Kyrgyz Republic	The Kyrgyz Republic
(g)	Malta	The Republic of Malta
(h)	The United States of Mexico	The United Mexican States

15. Members may refer to the LegCo Brief (File Ref. : CITB 80/18/2) issued by the Commerce and Economic Development Bureau on 28 May 2014 for background information.

16. According to paragraph 8 of the LegCo Brief, as the application of the Paris Convention was extended to HKSAR by CPG, the Administration has sought the prior agreement of CPG via the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in HKSAR before proposing the amendments relating to the list of Paris Convention countries in the relevant Schedules to Cap. 514, Cap. 522 and Cap. 559.

17. L.N. 68 to L.N. 71 come into operation on 21 November 2014.

18. The Clerk to the Panel on Commerce and Industry has advised that the information paper provided by the Administration on the proposed amendments to the respective Schedules to Cap. 514, Cap. 522, Cap. 559 and Cap. 445B has been circulated to members of the Panel and all other Legislative Council Members for

information vide LC Paper No. CB(1)1062/13-14 issued on 12 March 2014. Panel members noted at the Panel meeting held on 18 March 2014 that the proposed amendments are technical in nature as they seek to update the relevant schedules setting out the list of contracting parties to the Paris Convention and the membership list of the WTO.

### **PART III TELECOMMUNICATIONS (CONTROL OF INTERFERENCE)**

#### **Telecommunications (Control of Interference) (Amendment) Regulation 2014**

**(L.N. 72)**

19. L.N. 72 amends the Telecommunications (Control of Interference) Regulations (Cap. 106B) to -

- (a) modify the classes of apparatus that may cause interference to communications equipment and services under control, and keep the interference limits up to date; and
- (b) align the control regime with international practices.

20. Under the new regulation 8A, the Communications Authority (CA) must keep a copy of each of the standards and regulations specified in Schedule 1 to Cap. 106B at its office, and allow the public to inspect them during normal office hours free of charge. Upon the Legal Service Division (LSD)'s enquiry, the Administration clarified that due to copyright considerations, CA would not be able to make arrangement for the public to make photocopies or post the standards and regulations on the Internet. The Administration supplemented that in case of any questions on compliance with the concerned standards and regulations, apart from inspecting the standards and regulations at the CA's office, the public may also contact the Office of the CA for enquiry or assistance.

21. Members may wish to note that instead of following the current arrangement of specifying the exact control limits in Cap. 106B, a direct reference approach is adopted in L.N. 72 so that reference is made to the relevant international, regional or national standards. Compliance with any one of the stipulated standards would be acceptable. Upon LSD's enquiry, the Administration clarified that any changes to the stipulated standards in the future would not be applicable to Hong Kong automatically, and legislative amendments would need to be made to include the amended standards in Schedule 1 to Cap. 106B before such amended standards would be effective for the purposes of Cap. 106B.

22. Currently, CA may, by order published in the Gazette, amend the control limits in Cap. 106B. However, according to section 10(2) of Cap. 106B, no such order can be made without the prior approval of the CE in Council if such order

would impose control limits tighter than those specified in the International Special Committee on Radio Interference (i.e. Comité International Spécial des Perturbations Radioélectriques, or commonly known as CISPR) standards, or control limits in respect of which no recommendation has been made by CISPR. L.N. 72 amends Cap. 106B to the effect that CA may amend the control limits without the need for prior approval of CE in Council provided that the control limits are set out in the standards or regulations published or adopted by one or more of the bodies stipulated in L.N. 72.

23. In order to allow sufficient time for the industry to ensure that their products will comply with the new control limits, L.N. 72 provides for a transitional period of 12 months beginning on the commencement date of L.N. 72. Members may refer to paragraph 6 of the LegCo Brief for further details.

24. According to paragraph 18 of the LegCo Brief, the former Telecommunications Authority conducted a 7-week public consultation in November 2011 on the proposed amendments to Cap. 106B. Eight submissions were received and they generally supported the proposal.

25. L.N. 72 comes into operation on 21 November 2014.

26. Members may refer to the LegCo Brief (File Ref: CTB(CR) 7/5/11/2) issued by the Communications and Technology Branch, Commerce and Economic Development Bureau on 28 May 2014 for background information.

27. The Clerk to the Panel on Information Technology and Broadcasting has advised that on 13 February 2012, the Administration briefed members on the proposed amendments to Cap. 106B. The proposal aimed to update the classes of apparatus and the control limits of interference applicable to each class of apparatus that was subject to Cap. 106B, and introduce a more flexible mechanism for the future updating of control limits as well as transitional arrangements leading to the full compliance with the new requirements by the industry. The Panel supported in principle the proposed amendments to Cap. 106B.

## **PART IV HAZARDOUS CHEMICALS CONTROL**

### **Hazardous Chemicals Control Ordinance (Amendment of Schedules 1 and 2) Order 2014**

**(L.N. 73)**

28. The Hazardous Chemicals Control Ordinance (Cap. 595) regulates the manufacture, export, import and use of certain hazardous chemicals. These chemicals are specified in Schedules 1 and 2 to Cap. 595, and include those subject to the regulation of the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention). The Stockholm Convention is a global treaty to protect

human health and the environment from the potentially harmful persistent organic pollutants. China is a party to the Stockholm Convention. CPG has applied the Stockholm Convention to HKSAR.

29. L.N. 73 amends Part 1 of Schedule 1 and Part 1 of Schedule 2 to Cap. 595 to update the list of chemicals regulated by Cap. 595 in consequence of the recent amendments to the list of chemicals subject to the regulation of the Stockholm Convention. Members may refer to Appendix 2 to the LegCo Brief for further details of the amendments.

30. Sections 6 to 9 of Cap. 595 provide that it would be an offence, punishable with a fine at level 5 (i.e. \$50,000) and imprisonment for one year, for any person who manufactures, exports, imports or uses any scheduled chemicals (which is defined under section 2(1) of Cap. 595 to mean a Type 1 chemical or Type 2 chemical specified in Part 1 of Schedule 1 and Part 1 of Schedule 2 respectively) without a permit.

31. According to paragraphs 11 and 12 of the LegCo Brief, the Administration conducted two briefing sessions with the stakeholders in July 2010 on the possible listing of the new chemicals in the Schedules to Cap. 595. They raised no objection to the proposed new control as such control would be required under the Stockholm Convention. The Administration's survey conducted in 2012 found that the 5 newly listed non-pesticide hazardous chemicals were mainly used in local laboratories as reference standards for equipment calibration, as in the case of other hazardous chemicals currently listed in Cap. 595. There was only one record of import and export of one of the chemicals in Hong Kong in 2010. No report on the use of these hazardous chemicals in local manufacturing industry was noted from the survey. Since the non-pesticide hazardous chemicals are mainly used as reference standards, it is expected, according to the Administration, that the amendments to the Schedules to Cap. 595 would have minimal impact on the trades.

32. L.N. 73 comes into operation on 1 January 2015.

33. Members may refer to the LegCo Brief (no file reference) issued by the Environmental Protection Department in May 2014 for background information.

34. The Clerk to the Panel on Environmental Affairs has advised that on 24 March 2014, the Panel was consulted on the proposed amendments to the Schedules to Cap. 595 with a view to giving effect to the recent amendments to the Stockholm Convention and reducing the potential risks posed by hazardous chemicals. Members did not raise any enquiry or objection to the proposed amendments. As requested by members, the Administration has provided for the Panel's information the relevant decisions made at the 4th and 5th meetings of the Conference of the Parties to the Stockholm Convention held in 2009 and 2011 to list the 10 new chemicals in the elimination and restriction lists of the Stockholm

Convention, the text of the Stockholm Convention and the Schedules to Cap. 595 after the proposed amendments.

### **Concluding Observations**

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

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