

立法會
Legislative Council

LC Paper No. LS3/15-16

**Paper for the House Committee Meeting
on 23 October 2015**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 16 October 2015**

Tabling in LegCo : Council meeting of 28 October 2015

Amendment to be made by : Council meeting of 25 November 2015 (or that of 16 December 2015 if extended by resolution)

Declaration of Geographical Constituencies (Legislative Council) Order 2015 (L.N. 200)

L.N. 200 is made by the Chief Executive in Council (CE in Council) under sections 18 and 19 of the Legislative Council Ordinance (Cap. 542) to declare areas of Hong Kong to be geographical constituencies (GCs) for the purpose of electing Members for the sixth term of office of the Legislative Council (Sixth LegCo), give names to those GCs and specify the number of Members to be returned for each of those GCs.

2. The effect of L.N. 200 is to change the numbers of Members to be returned in two GCs for the Sixth LegCo without changing the delineation and names of the existing five GCs. The details of L.N. 200 are set out in the table below –

Name of GC	Number of Members	Change to the Number of Members returned for each GC for the Fifth LegCo
Hong Kong Island	6	Decreased by 1
Kowloon West	6	Increased by 1
Kowloon East	5	Unchanged
New Territories West	9	Unchanged
New Territories East	9	Unchanged

3. L.N. 200 comes into operation on 1 January 2016.

4. According to paragraphs 10 to 18 of the LegCo Brief (File Ref: CMAB C1/30/8) issued by the Constitutional and Mainland Affairs Bureau dated 14 October 2015, the Electoral Affairs Commission (EAC) conducted a public consultation exercise on its provisional recommendations on the boundaries and names of GCs for the 2016 LegCo General Election from 21 May to 19 June 2015. EAC then submitted its final recommendations for consideration by the CE in Council which accepted all the recommendations. Members may refer to the LegCo Brief for further information relating to L.N. 200.

5. As advised by the Clerk to the Panel on Constitutional Affairs, the Administration consulted the Panel on 15 June 2015 on the proposed arrangements for the 2016 LegCo General Election. Some members expressed concern about the rate of deviation from the resulting number of Members to be returned for the Kowloon West and New Territories West GCs and called for a more even distribution of LegCo seats among GCs. The Administration advised that the decision of maintaining the existing number of GCs and the existing upper and lower limits of seats returned for each GC was based on the outcome of the five-month public consultation exercise on the methods for selecting the Chief Executive in 2017 and for forming LegCo in 2016.

Pesticides Ordinance (Amendment of Schedule 2) Notice (L.N. 201) 2015

6. The Pesticides Ordinance (Cap. 133) provides for the registration and control of pesticides in Hong Kong, including those regulated under the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the Rotterdam Convention)¹. Part 1 of Schedule 2 to Cap. 133 currently contains 33 items of pesticides subject to the regulation of the Rotterdam Convention (the Rotterdam Pesticides). Pursuant to section 8 of Cap. 133, a person must not, subject to certain exceptions, import, export, manufacture, sell, supply, be in possession of or use an unregistered Rotterdam Pesticide except with a permit.

¹ The Rotterdam Convention aims to promote shared responsibility and cooperative efforts among the parties to the Convention in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm. According to the LegCo Brief, the People's Republic of China is a signatory to the Rotterdam Convention and in accordance with Article 153 of the Basic Law, the Central People's Government has applied the Convention to Hong Kong since 26 August 2008.

7. L.N. 201 is made by the Secretary for Food and Health under section 19A of Cap. 133 to amend Part 1 of Schedule 2 to Cap. 133 as follows –

- (a) to remove from that Part "methamidophos (soluble liquid formulations of the substance that exceed 600 g active ingredient per litre)" that is no longer subject to the regulation of the Rotterdam Convention; and
- (b) to add to that Part "methamidophos" that has recently become subject to the regulation of the Rotterdam Convention.

8. L.N. 201 comes into operation on 21 December 2015.

9. According to paragraph 9 of the LegCo Brief (no reference number provided) issued jointly by the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department on 14 October 2015, the Administration informed relevant stakeholders, including holders of pesticides licences and permits under Cap. 133, as well as shipping and logistics companies, of the proposed amendments to Part 1 of Schedule 2 to Cap. 133 in July 2015. According to the Administration, no comments have been received.

10. As advised by the Clerk to the Panel on Food Safety and Environmental Hygiene, the Panel has not been consulted on L.N. 201.

Concluding Observations

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

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22 October 2015