

**立法會**  
**Legislative Council**

LC Paper No. LS16/15-16

**Paper for the House Committee Meeting  
on 11 December 2015**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 4 December 2015**

**Tabling in LegCo** : Council meeting of 9 December 2015

**Amendment to be made by :** Council meeting of 6 January 2016 (or that of 27 January 2016 if extended by resolution)

**Public Health and Municipal Services Ordinance (Public  
Pleasure Grounds) (Amendment of Fourth Schedule)  
(No. 2) Order 2015**

**(L.N. 231)**

Under section 106 of the Public Health and Municipal Services Ordinance (Cap. 132), the Director of Leisure and Cultural Services (the Director) may, from time to time, by order set aside places for use as public pleasure grounds, and may by order amend, or add to or delete from, the list of public pleasure grounds in the Fourth Schedule to Cap. 132 (the Fourth Schedule).

2. L.N. 231, made by the Director under section 106 of Cap. 132, sets aside 16 places for use as public pleasure grounds and adds these places to the list of public pleasure grounds in the Fourth Schedule<sup>1</sup>. The effect of L.N. 231 is to vest the general management and control of these places in the Director.

3. L.N. 231 also deletes from the Fourth Schedule two places that cease to be set aside for use as public pleasure grounds<sup>2</sup>.

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<sup>1</sup> According to the LegCo Brief (File Ref: L/M (5) in LCS 19/HQ 813/00) (LegCo Brief), nine of the 16 places set aside are newly completed places that are or will be open for public use by the Leisure and Cultural Services Department (LCSD). The rest of them are taken over from the Home Affairs Department and former Territory Development Department for management by LCSD.

<sup>2</sup> The two places are North Point Promenade and Ta Kwu Ling Chuk Yuen Playground. According to the LegCo Brief, the former has been handed over to the Lands Department for comprehensive development of the Ex-North Point Estate, and the latter has been handed over to the Civil Engineering Development Department permanently to facilitate the establishment of the new boundary control points in the eastern part of Hong Kong-Shenzhen boundary.

4. L.N. 231 further renames five public pleasure grounds currently contained in the Fourth Schedule<sup>3</sup>.

5. According to paragraph 9 of the LegCo Brief (File Ref: L/M (5) in LCS 19/HQ 813/00) issued by the Leisure and Cultural Services Department on 25 November 2015, the Administration has consulted the respective District Councils which supported the amendments to the Fourth Schedule.

6. As advised by the Clerk to the Panel on Home Affairs, the Panel has not been consulted specifically on L.N. 231.

7. L.N. 231 came into operation on the date of publication in the Gazette, i.e. 4 December 2015.

**Evidence (Miscellaneous Amendments) Ordinance 2003  
(Commencement) Notice 2015**

**(L.N. 232)**

8. L.N. 232, made by the Secretary for Justice under section 1(2) of the Evidence (Miscellaneous Amendments) Ordinance 2003 (23 of 2003) (the Ordinance), appoints 1 February 2016 as the day on which the uncommenced provisions of the Ordinance (i.e. sections 12 to 19, 23 and 24) come into operation.

9. The Ordinance was enacted in 2003 to amend the Evidence Ordinance (Cap. 8), the Criminal Procedure Ordinance (Cap. 221) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) to provide for:

- (a) the competence and compellability of spouses in criminal proceedings (Part I of the Ordinance comprises sections 2 to 11); and
- (b) the giving of evidence by way of a live television link in criminal proceedings and consequential amendments (Part II of the Ordinance comprises section 12 to 26).

10. Part I of the Ordinance came into operation upon gazettal of the enacted Ordinance on 4 July 2003. By virtue of L.N. 7 of 2006, sections 20, 21, 22, 25 and 26 in Part II of the Ordinance came into operation on 3 March 2006. The uncommenced provisions of the Ordinance relate to the giving of evidence by way of a live television link in criminal proceedings and consequential amendments.

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<sup>3</sup> According to the LegCo Brief, these places are renamed to better reflect their use or location.

11. No LegCo Brief has been issued for L.N. 232.

12. In response to the Legal Service Division's enquiry in respect of the time taken for the commencement of sections 12 to 19, 23 and 24 of the Ordinance, the Administration explained that time has been taken to finalize the Live Television Link (Witness outside Hong Kong) Rules (L.N. 145) and the Rules of the High Court (Amendment) (No. 2) Rules 2015 (L.N. 146) before the Administration was in a position to bring the uncommenced provisions of the Ordinance into operation. L.N. 145 and L.N. 146 were gazetted on 3 July 2015 and tabled at the Council meeting on 8 July 2015. L.N. 145 and L.N. 146 will come into operation on the same day when the uncommenced provisions of the Ordinance come into operation (i.e. 1 February 2016).

13. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel has not been consulted specifically on L.N. 232.

### **Concluding Observations**

14. No difficulties have been identified in the legal and drafting aspects of L.N. 231 and L.N. 232.

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