

立法會
Legislative Council

LC Paper No. LS49/15-16

**Paper for the House Committee Meeting
on 22 April 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 April 2016**

Tabling in LegCo : Council meeting of 20 April 2016

Amendment to be made by : Council meeting of 18 May 2016 (or that of 8 June 2016 if extended by resolution)

Noise Control (General) (Amendment) Regulation 2016 (L.N. 42)

Noise Control (Air Compressors) (Amendment) Regulation 2016 (L.N. 43)

Noise Control (Hand Held Percussive Breakers) (Amendment) Regulation 2016 (L.N. 44)

Under section 27(1)(a) of the Noise Control Ordinance (Cap. 400), the Secretary for the Environment ("the Secretary") may after consultation, by regulation, prescribe anything required or permitted to be prescribed under Cap. 400. Under section 27(2) of Cap. 400, any regulation made under section 27(1) relating to the payment of fees may provide for different fees to be charged according to different circumstances.

2. L.N. 42 to L.N. 44 are made by the Secretary under section 27 of Cap. 400 to increase the application fees for specified permits and labels.

3. L.N. 42 amends regulation 8 of the Noise Control (General) Regulations (Cap. 400A) to increase the application fees for construction noise permits:

- (a) from \$1,000 to \$2,610 for using powered mechanical equipment in construction work (other than percussive piling) or for carrying out prescribed construction work within specified time; and
- (b) from \$910 to \$1,980 for carrying out percussive piling within specified time.

4. L.N. 43 amends regulation 8 of, and Note 4 of Form 1 in Schedule 3 to, the Noise Control (Air Compressors) Regulations (Cap. 400C) to increase the application fee for a noise emission label for an air compressor from \$490 to \$530.

5. L.N. 44 amends regulation 8 of, and Note 4 of Form 1 in Schedule 3 to, the Noise Control (Hand Held Percussive Breakers) Regulations (Cap. 400D) to increase the application fee for a noise emission label for a hand held percussive breaker from \$490 to \$530.

6. According to paragraph 4 of the Legislative Council ("LegCo") Brief (File Ref: EP 1/P/35) issued by the Environmental Protection Department in March 2016, the relevant fees were last revised in 2008 and the current increase is made with a view to achieving full cost recovery in one-go.

7. According to the Clerk to the Panel on Environmental Affairs ("EA Panel"), at its meeting on 27 November 2015, the EA Panel was consulted on the Administration's proposal to increase the fees for processing applications for construction noise permits and noise emission labels. Panel members in general did not object to the proposal. One member indicated that he might object to the proposal if the Administration would not take initiative to encourage the industry to submit the above applications through electronic means so as to streamline the workflow and reduce the relevant administrative costs for processing the applications.

8. L.N. 42 to L.N. 44 come into operation on 1 July 2016.

Dangerous Drugs Ordinance (Amendment of Second Schedule) Order 2016

(L.N. 45)

9. L.N. 45 is made by the Secretary for Security under section 50(2) of the Dangerous Drugs Ordinance (Cap. 134) to amend the list of hospitals and institutions (known as prescribed hospitals) as specified in the Second Schedule ("Schedule") to Cap. 134 by:

- (a) updating the names of three institutions in the Schedule;
- (b) removing Rehabaid Centre from the Schedule due to relocation of service to an institution already included in the Schedule; and
- (c) adding Tin Shui Wai Hospital and ELCHK, Serene Court to the Schedule.

10. Under section 22(1)(e) and (f) of Cap. 134, a registered pharmacist or an approved person who is employed or engaged at a prescribed hospital and whose duties include the dispensing or supply of medicines for that hospital; or a sister in charge of a ward, theatre or other department in a prescribed hospital may, subject to other provisions of Cap. 134, possess and supply a dangerous drug, so far as may be necessary for the practice or exercise of his profession, function or employment. Under section 22(2), the matron of a prescribed hospital may possess and supply a dangerous drug for the purposes of the hospital and in her capacity as matron thereof.

11. Members may refer to the LegCo Brief (with no reference number) issued by the Security Bureau dated 13 April 2016 for further information.

12. As advised by the Clerks to the Panel on Health Services and the Panel on Security, the Administration has not consulted the Panels on L.N. 45.

13. L.N. 45 comes into operation on 10 June 2016.

**Hospital Authority Ordinance (Amendment of Schedule 1)
Order 2016**

(L.N. 46)

14. L.N. 46 is made by the Chief Executive under section 20 of the Hospital Authority Ordinance (Cap. 113) to add Tin Shui Wai Hospital ("TSWH") to the list of hospitals in Schedule 1 to Cap. 113. The effect of L.N. 46 is that the management and control of TSWH will be vested in the Hospital Authority ("HA") under an agreement with the Government.

15. According to the LegCo Brief (File Ref: FH CR 24/3921/88 Pt. 20) issued by the Food and Health Bureau in April 2016, the Administration considers that the addition of TSWH to Schedule 1 under L.N. 46 is procedural in nature and public consultation is not necessary. HA has also regularly engaged the Yuen Long District Council and the local community since 2012 on the construction of TSWH.

16. As advised by the Clerk to the Panel on Health Services, the Administration has not consulted the Panel on L.N. 46.

17. L.N. 46 comes into operation on 10 June 2016.

Concluding Observations

18. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 42 to L.N. 46.

Prepared by

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