

立法會
Legislative Council

LC Paper No. LS60/15-16

**Paper for the House Committee Meeting
on 8 July 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 30 June 2016**

Tabling in LegCo : Council meeting of 6 July 2016

Amendment to be made by : Second meeting of LegCo in the next session (or the first meeting held not earlier than the 21st day after the second meeting of the next session if extended by resolution)

**Legal Aid in Criminal Cases (Amendment) Rules 2016
(Commencement) Notice**

(L.N. 110)

L.N. 110 is made by the Secretary for Home Affairs under rule 1 of the Legal Aid in Criminal Cases (Amendment) Rules 2016 (L.N. 109 of 2016) ("the Amendment Rules") to appoint 14 November 2016 as the day on which the Amendment Rules come into operation.

2. The Amendment Rules, made by the Criminal Procedure Rules Committee on 4 May 2016 under section 9A of the Criminal Procedure Ordinance (Cap. 221), were passed by the Legislative Council ("LegCo") on 23 June 2016 and published in the Gazette on 24 June 2016 (L.N. 109 of 2016). The main purposes of the Amendment Rules are to amend the Legal Aid in Criminal Cases Rules (Cap. 221D) to increase by 25% to 50% the criminal legal aid fees payable to counsel and instructing solicitors engaged to act for legally aided persons in criminal cases and to solicitors engaged to act as advocate as well as instructing solicitor ("Solicitor Advocates") in respect of proceedings in the District Court. The Amendment Rules also introduce a new category of criminal legal aid fees for Solicitor Advocates with higher rights of audience engaged to handle cases in the High Court.

3. No LegCo Brief has been issued in respect of L.N. 110.

4. As advised by the Clerk to the Panel on Administration of Justice and Legal Services ("the Panel"), the Panel has not been consulted on L.N. 110.

SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT

United Nations Sanctions (Libya) Regulation 2011 (Amendment) Regulation 2016

(L.N. 111)

5. L.N. 111 is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council. L.N. 111 came into operation when it was published in the Gazette on 30 June 2016.

6. Since 2011, the Security Council of the United Nations ("UNSC") has adopted several resolutions imposing sanctions against Libya in view of serious violations of human rights and attacks against civilians in Libya. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Libya) Regulation 2011 (Cap. 537AW) which expired at midnight on 31 March 2016.

7. L.N. 111 amends Cap. 537AW to give effect to certain decisions in Resolution 2278 (2016), as adopted by UNSC on 31 March 2016 in respect of Libya, by providing for:

- (a) the prohibition against the loading, transport or discharge of crude oil from Libya aboard certain ships;
- (b) the prohibition against engaging in any financial transaction related to any crude oil from Libya aboard certain ships;
- (c) the prohibition against provision of certain services to certain ships;
- (d) the prohibition against certain ships from entering the waters of Hong Kong; and
- (e) the grant of licence for provision of certain services to certain ships for humanitarian purposes or for the ships to return to Libya.

8. The above provisions will expire at midnight on 31 July 2017.

9. Members may refer to the LegCo Brief (File Ref: CITB CR 95/53/1) issued by the Commerce and Economic Development Bureau in June 2016 for further information. A marked-up version showing the changes made by L.N. 111 to Cap. 537AW is at Annex D to the LegCo Brief.

10. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under section 3 of Cap. 537. Accordingly, L.N. 111 is not required to be tabled at LegCo and is not subject to amendment by LegCo.

11. According to the Clerk to the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions ("Subcommittee"), the LegCo Brief on L.N. 111 (File Ref: CITB CR 95/53/1) was circulated to members of the Subcommittee and all other Members vide LC Paper No. CB(1)1092/15-16 on 4 July 2016.

Concluding Observations

12. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 110. The Legal Service Division is scrutinizing the legal and drafting aspects of L.N. 111 and will report further if necessary.

Prepared by

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