

**立法會**  
*Legislative Council*

LC Paper No. LS 258/98-99

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 30 July 1999**

**Date of Tabling in LegCo** : 6 October 1999

**Amendment to be made by** : 3 November 1999 (or 10 November 1999  
if extended by resolution)

**Environmental Impact Assessment Ordinance (Cap. 499)  
Environmental Impact Assessment Ordinance (Amendment of Schedule  
2) Order 1999 (L.N. 205)**

Part I of Schedule 2 to the Environmental Impact Assessment Ordinance (Cap. 499) ("the Ordinance") is amended by this Order made by the Secretary for Planning, Environment and Lands pursuant to section 4(2) of the Ordinance. The amendment extends the list of designated projects to include a theme park or amusement park with a site area of more than 20 hectares in size, so that the construction or operation of such theme park or amusement park would now require an environmental permit under section 9(1) of the Ordinance.

Members may refer to LegCo Brief on this Order issued by the Planning, Environment and Lands Bureau in July 1999 for further information.

**Commodities Trading Ordinance (Cap. 250)  
Commodities Trading (Trading Limits and Position Limits) (Amendment)  
Rules 1999 (L.N. 206)**

These amendment rules are made by the Securities and Futures Commission under section 59 of the Commodities Trading Ordinance (Cap. 250). They amend the Schedule to the Commodities Trading (Trading Limits and Position Limits) Rules (Cap. 250 sub. leg.) by setting the trading and position limits for the following futures and options contracts:-

<b>Description</b>	<b>Trading Limit<sup>1</sup></b>	<b>Position Limit<sup>2</sup></b>
Hang Seng Index futures and options contracts	10 000 long or short position delta limit for all contract months combined	250
Hang Seng Finance Sub-Index futures contracts	300	50
Hang Seng Utilities Sub-Index futures contracts	300	50
Hang Seng Commerce and Industry Sub-Index futures contracts	300	50
Hang Seng Properties Sub-Index futures contracts	250	50
Hang Seng Properties Sub-Index options contracts	250	50
Hang Seng China Enterprises Index futures contracts	6 000	250
Hang Seng China Enterprises Index options contracts	6 000	250

<sup>1</sup> Open contracts for any one contract month or any one series unless otherwise stated.

<sup>2</sup> Open futures contracts for any one contract month and open options contracts for any one series.

Members may wish to refer to the LegCo Brief issued by the Securities and Futures Commission on 28 July 1999 for background information.

**Wild Animals Protection Ordinance (Cap. 170)  
Prohibition of Feeding of Wild Animals Notice 1999 (L.N. 207)**

By this notice, the Director of Agriculture and Fisheries ("the Director") has specified the areas described in the Schedule to the Notice as places at which the feeding of any wild animal is prohibited under section 17C of the Wild Animals Protection Ordinance (Cap. 170) ("the Ordinance"). The areas specified are country parks and certain areas adjoining or enclosed by the country parks on the Kowloon peninsula and are delineated in black and coloured pink on the Plan No. WAPO/6 signed by the Director on 7 July 1999 and deposited in the Land Registry. Feeding wild animals at such places is now an offence under section 18 of the Ordinance and an offender will upon conviction be liable to a fine of up to \$10,000.

Members may refer to LegCo Brief File Ref. PELB TC 63/96 III issued by the Planning, Environment and Lands Bureau in July 1999 for background information.

**Wild Animals Protection Ordinance (Cap. 170)  
Wild Animals Protection Ordinance (Amendment of Schedule 6) Notice 1999 (L.N. 208)**

By this Notice issued by the Secretary for Planning, Environment and Lands under section 22(1) of the Wild Animals Protection Ordinance (Cap. 170) ("the Ordinance"), Schedule 6 to the Ordinance is amended -

- (a) by effecting changes to the typography of the following English provisions :
  - (i) "Wild Birds and Wild Mammals Protection Ordinance (Seventh Schedule)"; and
  - (ii) "Wild Animals Protection Ordinance (cap. 170), Sixth Schedule - Area B";
- (b) by effecting minor changes in the Chinese version of the same two provisions; and
- (c) by adding Area C and the related restricted period.

Area C is the sandy beach at Sham Wan, Lamma Island and is delineated and marked in green on a plan entitled "WILD ANIMALS PROTECTION ORDINANCE (CHAPTER 170), SCHEDULE 6 - AREA C" which is signed by the Director of Agriculture and Fisheries on 7 July 1999 and deposited in the Land Registry for public inspection. The restricted period is from 1 June to 31 October both dates inclusive.

During the restricted period, any person entering Area C without an entry permit commits an offence under section 13 of the Ordinance and will upon conviction be liable to a fine of \$50,000.

Members may refer to LegCo Brief File Ref. PELB(E)55/21/23(99) for further information.

**Public Health (Animals and Birds) Ordinance (Cap. 139)**  
**Public Health (Animals and Birds) (Disease) Declaration (L.N. 209)**

By this Declaration made under section 2(1) of the Public Health (Animals and Birds) Ordinance (Cap. 139) ("the Ordinance") by the Director of Agriculture and Fisheries, the Nipah virus infection and the Hendra virus infection are included in the term disease for the purposes of the Ordinance and the regulations made thereunder.

Under the Ordinance, animals and birds infected by any disease as defined in the Ordinance may be prohibited from being imported into Hong Kong and the Chief Executive has power to make the appropriate orders to prevent the spread of any such disease.

**Legislative Council (Amendment) Ordinance 1999 (48 of 1999)**  
**Legislative Council (Amendment) Ordinance 1999 (48 of 1999)**  
**(Commencement) Notice 1999 (L.N. 210)**

By this Notice, the Secretary for Constitutional Affairs appoints the following dates for the coming into effect of the relevant provisions of the Legislative Council (Amendment) Ordinance 1999:-

<b>Commencement Date</b>	<b>Relevant Sections/Provisions</b>
30 July 1999	2(b), 4, 5, 6, 7, 8, 9, 17, 18(a), 22, 24, 25, 27, 28, 33(b), 34(b), 35(b), 36(b), 38, 39, 40, 41, 42(b), 44(zf), 46, 47, 48, 51(b), (c) and (d), 52 and 53 <sup>3</sup>
30 July 1999	(for the purpose <i>only</i> of enabling arrangements to be made for the holding of the Election Committee subsector elections in 2000 to elect members of the Election Committee for the second term of office of the Legislative Council and for the holding of the second general election in 2000 to elect all Members of the Council) the remaining provisions
1 July 2000	all those remaining provisions

**Lingnan University Ordinance (54 of 1999)**

**Lingnan University Ordinance (54 of 1999) (Commencement) Notice 1999 (L.N. 211)**

By this Notice, the Secretary for Education and Manpower has appointed 30 July 1999 as the date on which the provisions of the Lingnan University Ordinance (No. 54 of 1999) ("the Ordinance") save and except sections 11 and 12 shall come into operation. Section 11 of the Ordinance provides for the establishment of the Council of the Lingnan University ("the Council") and section 12 the composition, appointment and terms of office of the members of the Council as well as the appointment and terms of office of its Chairman, Deputy Chairman and Treasurer.

**Pharmacy and Poisons (Amendment) Regulation 1999 (L.N. 202 of 1999)**  
**Pharmacy and Poisons (Amendment) Regulation 1999 (L.N. 202 of 1999)**  
**(Commencement) Notice 1999 (L.N. 212)**

The Pharmacy and Poisons Board has by this Notice under

---

<sup>3</sup> Members may wish to refer to Annex II to the Administration's Further Response to Points raised on 4 and 5 March 1999 of the Bills Committee on Legislative Council (Amendment) Bill 1999 (LC Paper No. CB(2)1658/98-99(01)) for further information. A copy is attached for Members' easy reference.

section 1 of the Pharmacy and Poisons (Amendment) Regulation 1999 ("the Regulation") appointed the following commencement dates for the relevant provisions:-

<b>Commencement Dates</b>	<b>Relevant Sections/Provisions</b>
1 August 1999	All the provisions of the Regulation except the provisions described immediately below
1 October 1999	(i) sections 3(e) and 5(e) <sup>4</sup> ; (ii) sections 3(h) and 5(h) in so far as each relates to the addition of Dapsone; Pyrimethamine; Sodium aurothiomalate; and the substance and salts of Aciclovir; Benserazide; Carbidopa; Chlofenamic acid; Dalteparin; Dihydro-ergotamine; Distigmine; Enoxaparin; Fanciclovir; Granisetron; Hydroxychloroquine; Neostigmine; Pentamidine; Pizotifen; Primaquine; Proguanil; Pyridostigmine; Tinzaparin; and Valaciclovir.

**Poisons List (Amendment) Regulation 1999 (L.N. 203 of 1999)**  
**Poisons List (Amendment) Regulation 1999 (L.N. 203 of 1999)**  
**(Commencement) Notice 1999 (L.N. 213)**

The Pharmacy and Poisons Board has by this Notice under section 1 of the Poisons List (Amendment) Regulation 1999 ("the Regulation") appointed the following commencement dates for the relevant provisions:-

<b>Commencement Dates</b>	<b>Relevant Sections/Provisions</b>
1 August 1999	All the provisions of the Regulation except the provisions described immediately below
	(i) section 2(e) <sup>5</sup> ;

---

<sup>4</sup> Both provide for the repealing of the entry of the substance "Omeprazole".

1 October 1999	(ii) section 2(g) in so far as it relates to the addition of Dapsone; Pyrimethamine; Sodium aurothiomalate; and the substance and salts of Aciclovir; Benserazide; Biperiden; Carbidopa; Chlofenamic acid; Dalteparin; Dihydroergotamine; Distigmine; Enoxaparin; Fanciclovir; Granisetron; Isosorbide; Neostigmine; Pentamidine; Pizotifen; Primaquine; Proguanil; Pyridostigmine; Tinzaparin; and Valaciclovir.
----------------	---

Prepared by

KAU Kin-wah  
Assistant Legal Adviser  
Legislative Council Secretariat  
11 August 1999

---

<sup>5</sup> Adding "its salts" at the end of the entry of "Omeprazole".

**Tentative Commencement Dates for the  
Legislative Council (Amendment) Bill 1999**

We propose the Legislative Council (Amendment) Bill 1999 to take effect as follows : -

**(a) The following provisions :-**

- **should take effect as soon as possible after the Bill is passed only for the purpose of enabling arrangements to be made for the second general election in 2000 (e.g. compiling voter registers in early 2000);**
- **should take full effect on 1 July 2000.**

*(Note : Section 20 of the Interpretation and General Clauses Ordinance (Cap. 1) provides that if an Ordinance is to commence on a day to be notified in the Gazette, the notice may fix different days for the same provisions to commence for different purposes.)*

- (i) The following clauses in the Bill involve repeal or amendment of provisions in the Legislative Council Ordinance which provide for the constitution of the first term LegCo. These provisions should be retained until the expiry of the first term, and therefore the following amendment clauses cannot take full effect before 1 July 2000.

Clauses 2(a)(i) & (ii), 2(c), 12, 13, 16, 33(a), 34(a), 36, 41(a), 42, 44, 46	Establishment of Functional Constituencies (FCs), composition of FCs and eligibility to register as an elector in FCs
Clause 3	Commencement date for the term of office of the first term LegCo
Clauses 10, 11	Establishment of Geographical Constituencies (GCs) and number of LegCo Members to be returned for GCs
Clauses 14, 15, 35(a), 43	Establishment and constitution of the Election Committee (EC), number of LegCo Members to be returned by EC, and number of votes to be cast in elections by the EC?



(ii) Clauses 19, 20, 22, 25, 28, 29, 30, 32(a)&(c), 33(c), 34(c), 35(c), 47(a)(ii) seek to apply the new arrangements for the termination of election proceedings to future elections. They cannot take full effect before the expiry of the first term LegCo and be applied to by-elections during the remaining term because corresponding amendments to the subsidiary legislation will be required before the new arrangements can be implemented.

**(b) For the remaining provisions, they can take effect as soon as possible after the Bill is passed.**

The above proposal is provisional only. We will publish the commencement notice after the Bill is passed.