

立法會
Legislative Council

LC Paper No. LS 17/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 22 October 1999**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 October 1999**

Date of Tabling in LegCo : 20 October 1999

Amendment to be made by : 17 November 1999 (or 24 November 1999 if extended by resolution)

Customs and Excise Service Ordinance (Cap. 342)
Customs and Excise Service (Welfare Fund) Regulation (L.N. 250)

Fire Services Ordinance (Cap. 95)
Fire Services Department (Welfare Fund) Regulation (L.N. 251)

Immigration Service Ordinance (Cap. 331)
Immigration Service (Welfare Fund) Regulation (L.N. 252)

Police Force Ordinance (Cap. 232)
Police Force (Welfare Fund) Regulation (L.N. 253)

Prisons Ordinance (Cap. 234)
Prison (Amendment) Rules 1999 (L.N. 254)

L.N. 250 - 254 repeal and re-enact the subsidiary legislation on welfare funds made under the Ordinances relating to five disciplined services, namely, the Customs and Excise Service, the Fire Services, the Immigration Service, the Police Force and the Correctional Services. L.N. 250 - 254 are made in consequence of the reconstitution of the welfare funds for members of those disciplined services following the enactment of the Disciplined Services Welfare Funds Legislation (Amendment) Ordinance 1999 (58 of 1999) ("the Amendment Ordinance").

The above Regulations and the Prison (Amendment) Rules provide for various matters relating to the administration of the welfare funds concerned following the constitution of the heads of the respective disciplined services as

corporations sole in whom the welfare funds are vested. Those matters include maintenance of the welfare funds concerned, investment of surplus funds, audit of annual statement of accounts of the funds by the Director of Audit and the requirement for the audited statement of accounts to be laid on the table of the Legislative Council.

L.N. 250-254 will come into operation on the commencement of the amendments relating to the respective Ordinances on the disciplined services as set out in the Amendment Ordinance.

For background information, Members may refer to LegCo Brief (Ref.: 2/2801/75) issued by the Security Bureau in October 1999. A copy of the LegCo Brief is at Annex A.

Public Health and Municipal Services Ordinance (Cap. 132)
Public Health and Municipal Services Ordinance (Public Pleasure Grounds)
(Amendment of Fourth Schedule) (No. 6) 1999 Order (L.N. 255)

This Order sets aside Tin Shui Road Park as a public pleasure ground in the Regional Council area. The effect of this Order is that the Public Health and Municipal Services Ordinance will apply to the new public pleasure ground.

Labour Tribunal Ordinance (Cap. 25)
Labour Tribunal (Amendment) Ordinance 1999 (25 of 1999) (Commencement)
Notice 1999 (L.N. 256)

This Notice appoints 19 October 1999 as the day on which the Labour Tribunal (Amendment) Ordinance 1999 (25 of 1999) will come into operation.

The Amendment Ordinance improves the scope and operation of the Labour Tribunal by providing for, among other things, the transfer of cases from the Labour Tribunal to the Small Claims Tribunal, legal representation in proceedings relating to insulting behaviour at the hearing of proceedings in the Labour Tribunal, etc.

Small Claims Tribunal Ordinance (Cap. 338)
Small Claims Tribunal (Amendment) Ordinance 1999 (28 of 1999)
(Commencement) Notice 1999 (L.N. 257)

This Notice appoints 19 October 1999 as the day on which the Small Claims Tribunal (Amendment) Ordinance 1999 (28 of 1999) will come into operation.

The Amendment Ordinance improves the scope and operation of the Small Claims Tribunal by providing for, among other things, the adjustment of the

Tribunal's jurisdiction from \$15,000 to \$50,000, legal representation in proceedings relating to insulting behaviour at the hearing of proceedings in the Tribunal, etc.

Telecommunication Ordinance (Cap. 106)
Telecommunication (Amendment) (No. 2) Regulation 1999 (L.N. 180 of 1999)
Commencement) Notice 1999 (L.N. 258)

This Notice appoints 15 October 1999 as the day on which the Telecommunication (Amendment) (No. 2) Regulation 1999 (L.N. 180 of 1999) will come into operation.

The Regulation expands the scope of services permitted to be received and distributed by the Satellite Master Antenna Television systems. Members may recall that a Subcommittee has been formed to study the Regulation. The Subcommittee reported to the House Committee on the Regulation on 8 October 1999 and recommended that the Regulation be supported.

Encl.

Prepared by

Fung Sau-kuen, Connie
Assistant Legal Adviser
Legislative Council Secretariat
19 October 1999

LS/S/4/99-00

LEGISLATIVE COUNCIL BRIEF

**Disciplined Services Welfare Funds Legislation
(Amendment) Ordinance 1999
(58 of 1999)**

**Fire Services Department (Welfare Fund) Regulation
Police Force (Welfare Fund) Regulation
Prison (Amendment) Rules 1999
Immigration Service (Welfare Fund) Regulation
Customs and Excise Service (Welfare Fund) Regulation**

INTRODUCTION

At the meeting of the Executive Council on 5 October 1999, the Council ADVISED and the Chief Executive ORDERED that the Fire Services Department (Welfare Fund) Regulation, the Police Force (Welfare Fund) Regulation, Prison (Amendment) Rules 1999, the Immigration Service (Welfare Fund) Regulation and the Customs and Excise Service (Welfare Fund) Regulation, at the Annex, should be made.

BACKGROUND AND ARGUMENT

2. Five disciplined services Ordinances, i.e. the Fire Services Ordinance, the Police Force Ordinance, the Prisons Ordinance, the Immigration Service Ordinance and the Customs and Excise Service Ordinance, and their subsidiary legislation have to be amended in order to regularize the sources of income and formalize operational arrangements for the welfare funds of these disciplined services. Details can be found in the Legislative Council Brief on the Disciplined Services Welfare Funds Legislation (Amendment) Ordinance 1999 issued on 28 January 1999.

THE ORDINANCE

3. Amendments to the five disciplined services Ordinances were introduced under the Disciplined Services Welfare Funds Legislation (Amendment) Bill 1999 and passed by the Legislative Council on 16 July 1999. The Bill received the assent of the Chief Executive on 22 July 1999.

REGULATIONS AND RULES

4. The Regulations and Rules at the Annex repeal and re-enact provisions of the existing subsidiary legislation that relate to the five disciplined services welfare funds in consequence of the enactment of the Disciplined Services Welfare Funds Legislation (Amendment) Ordinance 1999. The Regulations and Rules will -

- (a) replace references to the heads of the five disciplined services departments with references to the corporations on those heads being constituted corporations for the purpose of the welfare funds;
- (b) replace the current outdated provision relating to the investment of surplus money held in the welfare funds;
- (c) provide for the payment of interest on loans made from the welfare funds; and
- (d) substitute for the current requirement for tabling the audited statement of accounts prepared for the welfare funds a requirement that the audited statement of accounts must be tabled in the Legislative Council within three months after the date on which the corporation receives it from the Director of Audit, or within such further period as the Chief Executive allows in a particular case.

LEGISLATIVE TIMETABLE

5. The legislative timetable is:-

Publication in the Gazette 15 October 1999

Tabling at the Legislative Council 20 October 1999

HUMAN RIGHTS IMPLICATIONS

6. The Department of Justice advises that the proposed legislation has no human rights implications.

FINANCIAL AND STAFFING IMPLICATIONS

7. The proposals have no financial and staffing implications.

PUBLIC CONSULTATION

8. The former Legislative Council Panel on Security was briefed in December 1996 and supported improvements to the welfare funds of the five disciplined services.

PUBLICITY

9. The Rules and Regulations were published in the Gazette on 15 October 1999.

ENQUIRIES

10. For enquiries, please contact Mr. David Wong, Principal Assistant Secretary for Secretary at 2810 3435.

Security Bureau
October 1999