

**立法會**  
**Legislative Council**

LC Paper No. LS142/99-00

**Paper for the House Committee Meeting of the  
Legislative Council  
on 26 May 2000**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 19 and 22 May 2000**

**Date of Tabling in LegCo** : 24 May 2000

**Amendment to be made by** : 21 June 2000 (or the lasting meeting of the First LegCo if extended by resolution)

**Shipping and Port Control Ordinance (Cap. 313)  
Shipping and Port Control (Amendment) (No. 2) Regulation 2000 (L.N. 140)**

The Shipping and Port Control (Amendment) (No. 2) Regulation 2000 amends the Shipping and Port Control Regulations (Cap. 313 sub. leg.) to regulate the entry of vessels into the Ngong Shuen Chau Barracks area and navigation near the Ngong Shuen Chau Naval Basin.

According to the LegCo Brief (Ref: SBCR 23/1476/59 Pt. 10) issued by the Security Bureau in May 2000, the size of the marine restricted area near Ngong Shuen Chau Barracks is now reduced to help relieve sea traffic congestion in the vicinity of the Yaumatei Fairway and Anchorage. This Regulation comes into effect on the date of Gazetted, i.e. 19 May 2000.

**Shipping and Port Control Ordinance (Cap. 313)  
Shipping and Port Control (Amendment) (No. 3) Regulation 2000 (L.N. 141)**

The purpose of this Regulation is to -

- (a) prohibit vessels from anchoring within the prohibited anchorage area adjacent to the Hong Kong Disneyland International Theme Park except with the permission of the Director of Marine; and
- (b) specify the prohibited anchorage area in the Nineteenth Schedule.

The proposal on the prohibited anchorage area was submitted to the Panel on Economic Services for discussion on 28 February 2000. Members had

raised some concerns and the Administration's reply to those concerns is in paragraph 10 of the LegCo Brief (Ref. ESB CR 10/5061/99 (2000) Pt.2) issued by the Economic Services Bureau in May 2000. In essence, the Administration considered that the size of the prohibited anchorage area reasonable and a 24-hour restriction necessary.

The restriction does not apply to Government or the Chinese People's Liberation Army vessels or privately owned vessels which are under contract with the Government, provided that these vessels are used in connection with the performance of official duties.

This Regulation is to come into operation on a day to be appointed by the Secretary for Economic Services by notice in the Gazette.

**Import and Export Ordinance (Cap. 60)**  
**Import and Export (General) (Amendment) Regulation 2000 (L.N. 142)**

**Reserved Commodities Ordinance (Cap. 296)**  
**Reserved Commodities (Control of Imports, Exports and Reserve Stocks) (Amendment) Regulation 2000 (L.N. 143)**

**Reserved Commodities (Control of Imports, Exports and Reserve Stocks) (Amendment) Regulation 2000 (L.N. 143 of 2000) (Commencement) Notice 2000 (L.N. 188)**

At present, certain frozen meat and certain frozen poultry are classified as reserved commodities under the Schedule to the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations. Importers are required to keep a certain quantity of frozen meat and frozen poultry for stocking. The Amendment Regulation published as L.N. 143 removes frozen meat and frozen poultry from the list of reserved commodities.

Under the Amendment Regulation in L.N. 142, for the purpose of protecting public health, the import of frozen meat, frozen poultry, chilled meat and chilled poultry is still subject to licensing control except where a quantity not exceeding 15 kg is imported for personal use and accompanied by an official certificate as defined in the Imported Game, Meat and Poultry Regulations (Cap. 132 sub. leg.). The licensing responsibility is transferred from Trade Department to Food and Environmental Hygiene Department.

In respect of anyone who imports these frozen or chilled meat and frozen or chilled poultry without a licence, the maximum penalty is increased from the maximum penalty of a fine of \$50,000 and imprisonment of 1 year to a maximum fine of \$500,000 and imprisonment of 2 years.

Members may refer to the LegCo Brief (Ref. TIBCR 14/62/8 VI 2000) issued by the Trade and Industry Bureau dated 17 May 2000 for further details.

Both Regulations will come into operation on 1 August 2000. Please refer to L.N. 188 of 2000.

**Civil Aviation Ordinance (Cap. 448)**  
**Air Navigation (Flight Prohibition) Order (L.N. 144)**

The Air Navigation (Flight Prohibition) Order prohibits aircraft from flying below an altitude of 4,000 feet above mean sea level over the proposed Hong Kong Disneyland and its immediate vicinity. The prohibition, however, does not apply to certain categories of aircraft. Where an aircraft (not being exempted) flies over the Prohibited Area, the operator and the commander of the aircraft each commits an offence and is liable on summary conviction to a fine at level 2 (\$5,000).

Members may refer to the LegCo Brief (Ref. ESB CR 15/951/49) issued by the Economic Services Bureau dated 17 May 2000 for further details. The issue of the prohibited area was discussed in the Panel on Economic Services on 28 February 2000.

This Order will come into operation on a day to be appointed by the Secretary for Economic Services by notice in the Gazette.

**Inland Revenue Ordinance (Cap. 112)**  
**Specification of Arrangements (The Mainland of China Concerning Air Services) (Double Taxation) Order (L.N. 145)**

This Order declares under section 49 of the Inland Revenue Ordinance (Cap. 112) that it is expedient for the relief from double taxation arrangements in paragraphs 6 and 7 of Article 11 of the Air Services Arrangement Between the Mainland and the Hong Kong Special Administrative Region done at Beijing on 2 February 2000 to have effect.

According to paragraph 7 of the LegCo Brief (Ref: FIN CR 10/97) issued by the Finance Bureau, Hong Kong Dragon Airlines is the only Hong Kong airline operating flights to the Mainland of China. It has been consulted on details of the double taxation relief arrangements and has expressed support for the arrangements.

This Order comes into effect on the date of Gazettal, i.e. 19 May 2000.

**Firearms and Ammunition Ordinance (Cap. 238)**  
**Firearms and Ammunition (Amendment) Regulation 2000** (L.N. 146)

The Firearms and Ammunition (Amendment) Ordinance 2000 was passed by this Council on 24 February 2000 and received the assent of the Chief Executive on 2 March 2000. The purpose of this Amendment Regulation is to -

- (a) replace the existing prescribed forms with new forms specified by the Commissioner of Police;
- (b) require persons who seek to be approved by the Commissioner for the purpose of possession of arms and ammunition as approved agents of a licensee, as arms instructors or range officers to undergo tests or examinations (including medical and psychiatric tests) in the use and handling of arms or ammunition (Regulation 4A);
- (c) require that shooting clubs conform to criteria determined by the Commissioner in the interests of public safety (Regulation 4B);
- (d) enable the Commissioner to determine the contents and extent of courses on the use and handling of arms or ammunition (Regulation 4C); and
- (e) make minor consequential amendments.

Members may refer to the LegCo Brief (Ref. SBCR 14/3231/55 Pt.27) issued by the Security Bureau dated 17 May 2000 for further details.

This Regulation will come into operation on a day to be appointed by the Secretary for Security by notice in the Gazette.

**Legal Aid Ordinance (Cap. 91)**  
**Legal Aid (Amendment) Regulation 2000** (L.N. 147)  
**Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2000** (L.N. 148)

These 2 Regulations implement the remaining recommendations of the Legal Aid Policy Review 1997 after the first batch of its recommendations was introduced through the Legal Aid (Amendment) Ordinance 2000 (26 of 2000), which was passed by the Council on 3 May 2000.

The main effects of the Regulations are -

- (a) to provide that if the financial resources of an applicant exceed the financial eligibility limits the Director of Legal Aid (DLA) has the discretion not to discharge a legal aid certificate;

- (b) to provide that interim contributions and application fees paid by an aided person under the Supplementary Legal Aid Scheme are to be deducted from any amount recoverable by DLA from such person whose certificate has been discharged or revoked;
- (c) to make provision for legal aid for persons who seek representation at coroners inquests;
- (d) to presume that financial resources of persons receiving payments under the Comprehensive Social Security Assistance Scheme do not exceed the prescribed limits;
- (e) to provide for the manner and the circumstances in which allowable deductions based on the 5-yearly Household Expenditure Survey are to be calculated or made for the purposes of grants of legal aid; and
- (f) to adjust the scale of contributions payable by aided persons and to reduce the percentage contribution prescribed under the Supplementary Legal Aid Scheme.

LegCo Brief CSO/ADM/CR5/3231/99(00) issued by the Administration Wing, Chief Secretary for Administration's Office in May 2000 is relevant.

Both Regulations will come into operation on the same day appointed for the commencement of the Legal Aid (Amendment) Ordinance 2000.

**Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)**  
**Animals and Plants (Protection of Endangered Species) Ordinance (Replacement of Schedule 5) Order 2000 (L.N. 149)**

Any medicine which contains any part or derivative of any animal specified in Schedule 5 is to be "controlled medicine" under the Ordinance. The import and export of such medicines are prohibited while the possession or control requires a possession licence issued by the Director of Agriculture, Fisheries and Conservation. The existing Schedule lists only 2 animal species, namely, tiger and rhinoceros. This Order expands the list of specified animals in Schedule 5 to include other highly endangered species originally in Part I of Schedule 6 for the purpose of the controls in the Ordinance on controlled medicine. Examples of the animals species including Gorilla, Tucuxis, Giant Panda, Asiatic Black Bear, Jaguar, Asian Elephant, Sea Turtles are listed in Annex D to the LegCo Brief (Ref. EFB 6/12/18) issued by the Environment and Food Bureau in May 2000.

The purpose of this Replacement Order is to bring the legislation in Hong Kong more in line with the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

This Order will come into operation on a day to be appointed by the

Secretary for the Environment and Food by notice in the Gazette.

**Census and Statistics Ordinance (Cap. 316)**  
**Census and Statistics (2001 Population Census) Order** (L.N. 150)

Since 1961, it is established practice in Hong Kong to conduct a population census every 10 years.

This Order authorizes the Commissioner for Census and Statistics to carry out a general population census in Hong Kong from 15 to 27 March 2001 to obtain particulars of persons dwelling, and households based, on land or on any vessel in the waters of Hong Kong other than vessels used by the Government of the Hong Kong Special Administrative Region or ships used by the Central People's Government or the Government of any foreign state. The aim of conducting population census is to obtain up-to-date benchmark information on the demographic, social and economic characteristics of the population, as well as on its geographical distribution.

Members may refer to the LegCo Brief (Ref. FSB/EAD/TC 308/98) issued by the Financial Services Bureau dated 17 May 2000 for further details.

**Civil Aviation Ordinance (Cap. 448)**  
**Civil Aviation (Insurance) Order** (L.N. 151)

The main purpose of the Civil Aviation (Insurance) Order is to prohibit civil aircraft including rotorcraft, airships, gliders and balloons that are capable of carrying passengers from landing or taking off in Hong Kong unless there is in force in relation to the use of the aircraft in Hong Kong a policy of insurance in a combined single limit coverage of an amount prescribed by this Order which covers third party risks and passenger, baggage, cargo and mail liabilities.

If an aircraft lands or takes off without a valid policy of insurance, the operator commits an offence and is liable on conviction to a fine at level 5 (i.e. \$50,000) and to imprisonment for 1 year.

According to paragraph 17 of the LegCo Brief (Ref. ESB CR 15/3231/86) issued by the Economic Services Bureau in May 2000, the LegCo Panel on Economic Services and the Aviation Advisory Board (which includes representatives from Hong Kong airlines and the Hong Kong Aviation Club) support the new insurance requirements. The International Air Transport Association, which has consulted its member airlines operating to Hong Kong and major aviation insurance underwriters and brokers, and the Hong Kong Federation of Insurers also consider the new requirements acceptable.

The commencement date is to be appointed by the Secretary for Economic Services by notice in the Gazette. According to the LegCo Brief, the

Administration intends to bring this Order into effect in late 2000.

**The Ombudsman Ordinance (Cap. 397)**

**The Ombudsman Ordinance (Amendment of Schedule 1) Order 2000 (L.N. 152)**

This Order deletes the abolished Industry Department from and adds a new Department called "Invest Hong Kong" to the list of organizations to which The Ombudsman Ordinance (Cap. 397) applies. This Order will come into operation on 1 July 2000.

Members may refer to the LegCo Brief (Ref. TIB CR 01/02/11/1) issued by the Trade and Industry Bureau in May 2000 for background information.

**Chinese Medicine Ordinance (Cap. 549)**

**Chinese Medicine Practitioners (Fees) Regulation (L.N. 153)**

This Regulation prescribes the various fees payable under the principal Ordinance.

The Regulation will commence on a day to be appointed by the Secretary for Health and Welfare.

The Regulation replaces the earlier Chinese Medicine (Fees) Regulation (L.N. 69) made by the Chief Executive in Council on 14 March 2000 and gazetted on 24 March 2000. The fees prescribed in that earlier regulation were considered to be unreasonable by members of the Subcommittee set up to study the regulation. The regulation was subsequently repealed by resolution of the Council on 3 May 2000.

LegCo Brief HWCRC1/3911/98 Pt. 32 issued by the Health and Welfare Bureau in May 2000 is relevant.

**Chinese Medicine Ordinance (Cap. 549)**

**Chinese Medicine Practitioners (Registration) Regulation (L.N. 154)**

This Regulation is made by the Chinese Medicine Council under the Chinese Medicine Ordinance (Cap. 549) ("the Ordinance"). The Regulation provides for -

- (a) the procedures to be adopted in relation to applications for renewal of limited registration as Chinese medicine practitioners;
- (b) the procedures relating to reference of applications for registration to the Disciplinary Committee and the Chinese Medicine Practitioners Board and the conduct of inquiries into such applications;

- (c) the procedures for a review under section 62, 66 or 96 of the Ordinance or an appeal under section 97 of the Ordinance;
- (d) the procedures for applications for inclusion in the list of Chinese medicine practitioners maintained under section 90 of the Ordinance;
- (e) the power of the Chinese Medicine Practitioners Board to require evidence for the purpose of assessing whether a person meets alternative qualifying requirements under section 92 of the Ordinance; and
- (f) the form of the practising certificate for registered Chinese medicine practitioners.

The Regulation will come into operation on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette. LegCo Brief issued by the Health and Welfare Bureau dated May 2000 (File ref: HW CR 1/3911/98 Pt.32) refers.

**Chinese Medicine Ordinance (Cap. 549)**  
**Chinese Medicine Practitioners (Discipline) Regulation (L.N. 155)**

This Regulation provides for the procedures to be adopted by the Disciplinary Committee of Chinese Medicine Practitioners and the Chinese Medicine Practitioners Board in respect of disciplinary matters under the Chinese Medicine Ordinance (Cap. 549).

The Regulation will come into operation on a day to be appointed by the Secretary for Health and Welfare by notice in the Gazette. LegCo Brief issued by the Health and Welfare Bureau dated May 2000 (File ref: HW CR 1/3911/98 Pt.32) refers.

**Air Pollution Control Ordinance (Cap. 311)**  
**Air Pollution Control (Motor Vehicle Fuel) (Amendment) (No. 2) Regulation 2000 (L.N. 156)**

**Air Pollution Control Ordinance (Cap. 311)**  
**Air Pollution Control (Vehicle Design Standards) (Emission) (Amendment) Regulation 2000 (L.N. 157)**

Schedules 1 and 2 to the Air Pollution Control (Motor Vehicle Fuel) Regulation (Cap. 311 sub. leg.) contain specifications to be complied by motor vehicle diesel and unleaded petrol respectively. L.N. 156 repeals those Schedules by substituting new Schedules to specify more stringent standards and requires the specifications to be those currently adopted by the European Union to support the introduction of Euro III emission standards. The major changes to the fuel



specifications will include the introduction of limits of vapour pressure and some fuel components for unleaded petrol and the lowering of sulphur content for motor vehicle diesel from 0.05% to 0.035% by weight.

L.N. 157 amends the Air Pollution Control (Vehicle Design Standards) (Emission) Regulations (Cap. 311 sub. leg.) by -

- (a) imposing more stringent vehicle design standards for emission of air pollutants applicable to motor vehicles registered on or after 1 January 2001 which have a design weight of not more than 3.5 tonnes in order to bring those standards into line with the Euro III emission standards adopted by the European Union;
- (b) requiring every private car registered on or after 1 January 2001 which is equipped with a compression-ignition engine to be so constructed that the emission from that private car conforms to the standards as measured by the 1975 Federal Test Procedure administered by the Environmental Protection Agency of the United States of America; and
- (c) requiring every motor vehicle equipped with a positive-ignition engine and registered on or after 1 January 2001 to be fitted with an on-board diagnostic system in line with the Euro III requirements.

According to the LegCo Brief (Ref. : EFB 9/55/01/111/2000 Pt.6) issued by the Environment and Food Bureau in May 2000, the Motor Traders Association supports the proposed amendments. An information paper on the proposed amendments was issued to the LegCo Panels on the Environmental Affairs and Transport on 9 May 2000 and the proposed amendments were endorsed by the Advisory Council on the Environment on 16 May 2000.

Both L.N.s 156 and 157 will come into operation on 1 January 2001.

**\*Buildings Ordinance (Cap. 123)**

**Building (Administration) (Amendment) Regulation 2000 (L.N. 158)**

This Regulation amends the Building (Administration) Regulations (Cap. 123 sub. leg.) to reduce the fee payable for a certified copy, print or extract, issued under section 36 of the Building Ordinance (Cap. 123), of or from any document (other than a plan) or any microfilm or other record of such document from \$190 to \$45.

Members may refer to LegCo Brief (Ref: PLB(B) 30/30/31(00)IV) issued by Planning and Lands Bureau in May 2000.

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\* Reduction of fee.

This Regulation will come into operation on 1 July 2000.

**Road Traffic Ordinance (Cap. 374)**

**Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2000  
(L.N. 159)**

**Road Traffic (Safety Equipment) (Amendment) Regulation 2000  
(L.N. 162)**

L.N. 162 amends the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg.) ("the Safety Equipment Regulations") to -

- (a) require taxis registered on or after 1 January 2001 to be provided with rear seat belts and anchorage points;
- (b) provide that the legal responsibility of passengers (whether sitting in front or at the back) not wearing seat belts in taxis should rest with the passengers themselves;
- (c) extend the provisions presently applicable to the wearing of seat belts which have been mandatorily installed in vehicles to seat belts which have been voluntarily installed in vehicles;
- (d) introduce 2 new prohibitions concerning the occupation in private car or taxis of rear seats not fitted with seat belts when there are unoccupied rear seats fitted with seat belts; and
- (e) make consequential amendments to the Safety Equipment Regulations and the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg.).

While prosecution for the new offences introduced by L.N. 162 could be instituted by way of summons under the Safety Equipment Regulations, the Administration proposes that prosecution for those offences (insofar as they relate to drivers) could, alternatively, be instituted by way of a fixed penalty notice issued by a police officer under the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) ("Fixed Penalty Ordinance"). Accordingly, the Schedule to the Fixed Penalty Ordinance, which sets out a list of offences punishable by fixed penalties, will have to be amended. The Administration will move a motion to seek the Legislative Council's approval of the relevant amendments on 21 June 2000.

L.N. 159 amends the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg.) to reflect the new offences to carry fixed penalties by virtue of the amendments to be made to the Schedule to the Fixed Penalty Ordinance in consequence of the amendments made by L.N. 162 to the Safety Equipment Regulations.

According to the LegCo Brief (Ref.: TRAN 3/9/13) dated 17 May 2000 issued by the Transport Bureau, the Transport Advisory Committee and the LegCo Panel on Transport were consulted in February 2000 and supported the proposed amendments.

Both L.N.s 159 and 162 will come into operation on 1 January 2001.

As the amendments introduced by L.N. 159 are consequential upon the amendments to the Schedule to the Fixed Penalty Ordinance, we are asking the Administration to clarify the legal basis for making the amendments in L.N. 159 before the motion to amend the Schedule to the Fixed Penalty Ordinance is passed by the Legislative Council. A further report will be made if necessary.

**Road Traffic Ordinance (Cap. 374)**  
**Road Traffic (Construction and Maintenance of Vehicles) (Amendment) (No. 2)**  
**Regulation 2000 (L.N. 160)**

This Regulation amends the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg.) by -

- (a) requiring motor vehicles (other than motor cycles and motor tricycles) that are manufactured on or after 1 January 1975 and are equipped with positive-ignition engines and use unleaded petrol as fuel to comply with the exhaust emission standards measured in accordance with the procedures specified in Annex II of the Council Directive 96/96 EC made by the Council of the European Union; and
- (b) requiring motor vehicles (other than motor cycles and motor tricycles) equipped with positive-ignition engines and use liquefied petroleum gas as fuel to comply with the exhaust emission standards measured in accordance with the procedure specified in the Automobile Type Approval Handbook for Japanese Certification, October 1997, Technical Edition II by the Japan Automobile Standards International Centre.

Any person who uses or causes or permits to be used on any road a motor vehicle which does not comply with the relevant exhaust emission standards commits an offence and is liable to a fine of \$10,000 and to imprisonment for 6 months. It shall be a defence in any proceedings in respect of a contravention of this Regulation to prove that the excessive exhaust emission was due to some temporary or accidental cause which could not be prevented by the exercise of reasonable care.

According to the LegCo Brief (Ref: TRAN 3/10/7(00)) dated 17 May 2000 issued by the Transport Bureau, the Administration informed the LegCo Panels on Environment Affairs and Transport of the proposal in early May 2000. The Panels did not raise any objection to the proposal.

This Regulation will come into operation on 1 November 2000.

**Road Traffic Ordinance (Cap. 374)**

**Road Traffic (Driving Licences) (Amendment) Regulation 2000 (L.N. 161)**

This Regulation amends the Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg.) to:

- (a) provide for the grouping of motor vehicles for the issue of driving instructors' licences to replace the existing system under which driving instructors' licences are issued per class of motor vehicle; and
- (b) make transitional provisions for driving instructors' licences issued before 1 September 2000 on which this Regulation will come into operation.

Under the Regulation, for the purposes of the issue of driving instructors' licences, classes of motor vehicles will be divided into five groups:

- (a) Group 1 private cars and light goods vehicles;
- (b) Group 2 public and private light buses and public and private buses;
- (c) Group 3 medium and heavy goods vehicles and articulated vehicles;
- (d) Group 4 motor cycles and motor tricycles; and
- (e) Group 5 Government vehicles.

A person must hold a full driving licence in respect of all classes of motor vehicles in the same group for a period of at least 3 years immediately preceding the date of the application for the issue of a driving instructor's licence.

According to the LegCo Brief (Ref.: TRAN 3/07/18) issued by the Transport Bureau in May 2000, the driving instruction trade was consulted and there was overwhelming support for the proposal. The LegCo Panel on Transport and the Transport Advisory Committee were consulted in April 2000 and also rendered strong support.

This Regulation will come into operation on 1 September 2000.

**Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187)  
Animals and Plants (Protection of Endangered Species) (Exemption)  
(Amendment) Order 2000 (L.N. 163)  
Animals and Plants (Protection of Endangered Species) Ordinance (Amendment  
of Schedule 3) Notice 2000 (L.N. 164)**

L.N. 164 amends Schedule 3 to the Animals and Plants (Protection of Endangered Species) Ordinance (Cap. 187) ("the Ordinance") to include in the controls in the Ordinance artificially propagated plant species for the purposes of giving effect to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). The effect of this is that a licence is required for the import, export and possession or control of the artificially propagated plant species listed in Schedule 3 to the Ordinance.

L.N. 163 exempts the possession or control of artificially propagated plant species listed in Part 1 of Schedule 3 for non-commercial purposes from the licensing requirements unconditionally and those for commercial purposes subject to the keeping of transaction records. It also exempts the export, import and possession or control of artificially propagated CITES-listed plant species in its natural form which are personal effects from the licensing requirements.

According to the LegCo Brief (Ref.: EFB 6/12/18) issued by the Environment and Food Bureau in May 2000, the Endangered Species Advisory Committee, the Endangered Species Protection Liaison Group and the Chinese Medicines Board have been consulted. They have no objection to the proposal.

Both L.N.s 163 and 164 will come into operation on a day to be appointed by the Secretary for Environment and Food by notice in the Gazette.

**Control of Chemicals Ordinance (Cap. 145)  
Control of Chemicals Ordinance (Amendment of Schedule 2) Order 2000  
(L.N. 165)**

This Order amends Schedule 2 to the Control of Chemicals Ordinance (Cap. 145) by adding norephedrine as one of the substances specified in that Schedule. The effect of this is that a licence is required for the manufacture, import and export of norephedrine.

Members may refer to the LegCo Brief (Ref. NCR 10/1/10(A) IX) dated 17 May 2000 issued by the Security Bureau for background information.

This Order will come into operation on 1 September 2000.

**Dangerous Drugs Ordinance (Cap. 134)**

**Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2000 (L.N. 166)**

This Order amends the First Schedule to the Dangerous Drugs Ordinance (Cap. 134) by adding two substances, namely, dihydroetorphine and remifentanil to Part I of that Schedule. The effect of this is that the import and export of these two substances, like other dangerous drugs, will require a licence from the Director of Health and the illicit trafficking, manufacture, supply or possession of such substances will be an offence under the Ordinance.

Members may refer to the LegCo Brief (Ref. NCR 2/1/8 Pt.16) dated 17 May 2000 issued by the Security Bureau for background information.

This Order will come into operation on 1 September 2000.

**Electronic Transactions Ordinance (Cap. 553)**

**Electronic Transactions (Exclusion) (Amendment) Order 2000 (L.N. 167)**

This Order amends Schedule 1 to the Electronic Transactions (Exclusion) Order (L.N. 58 of 2000) so that section 37(1) and (2) of the Elections (Corrupt and Illegal Conduct) Ordinance (10 of 2000) ("ECICO") is excluded from the application of section 5 of the Electronic Transactions Ordinance (Cap. 553). The effect of this is that the electronic records will not be accepted as satisfying the requirement under the ECICO for a candidate to submit election returns in relation to the expenses he incurred and the donations he received in connection with an election.

Members may refer to the LegCo Brief (Ref. ITBB 107/4/1(00)XIX) issued by the Information Technology and Broadcasting Bureau in May 2000 for background information.

This Order will come into operation on 29 June 2000.

**Kowloon-Canton Railway Corporation Ordinance (Cap. 372)**

**Kowloon-Canton Railway Corporation (Permitted Activities) (Consolidation) (Amendment) Order 2000 (L.N. 168)**

This Order amends the Kowloon-Canton Railway Corporation (Permitted Activities) (Consolidation) Order (Cap. 372 sub. leg.) to permit the Kowloon-Canton Railway Corporation ("KCRC") to consign or carry goods from any place outside Hong Kong to Hong Kong, and to store certain goods outside Hong Kong. It also repeals the obsolete provisions relating to KCRC's power to plan and construct the light rail system serving Tuen Mun and Yuen Long and the interim power required for the preliminary planning and design of the West Rail.

Members may refer to the LegCo Brief (Ref.: TBCR 1/1015/97 (99)) dated 19 May 2000 issued by the Transport Bureau for background information.

**Mental Health Ordinance (Cap. 136)**  
**Mental Health (New Territories East Psychiatric Observation Unit) (Mental Hospital) Order (L.N. 169)**

This Order -

- (a) declares the New Territories East Psychiatric Observation Unit to be a mental hospital; and
- (b) makes consequential amendments to the Declaration of Mental Hospital (Consolidation) Order (Cap. 136 sub. leg.).

This Order will come into operation on 29 May 2000.

**Hospital Authority Ordinance (Cap. 113)**  
**Hospital Authority Ordinance (Amendment of Schedule 2) Order 2000 (L.N. 170)**

This Order removes the Margaret Trench Medical Rehabilitation Centre from the list of hospitals the management and control of which is vested in the Hospital Authority under agreements with persons other than the Government, consequent to the transfer of its services to the Kowloon Hospital.

**Public Order Ordinance (Cap. 245)**  
**Military Installations Closed Areas (Amendment) Order 2000 (L.N. 171)**

This Order repeals the First Schedule to the Military Installations Closed Areas Order (Cap. 245 sub. leg.) and substitutes a new First Schedule in order to declare 18 military areas or places occupied by the Hong Kong Garrison as closed areas.

Members may refer to the LegCo Brief (SBCR 23/1476//59 Pt. 10) issued by the Security Bureau in May 2000 for background information.

**Protected Places (Safety) Ordinance (Cap. 260)**  
**Protected Places (Declaration) Order 2000 (L.N. 172)**

This Order -

- (a) declares the Central Barracks, Headquarters House, Ching Yi To Barracks and Shek Kong Village (Block 20 Area and Block 46 Area) to

be protected places for the use by the Hong Kong Garrison;

- (b) deletes certain places from the Schedule to the Protected Places Order (Cap. 260 sub. leg.); and
- (c) makes consequential amendments to the Schedule.

Members may refer to the LegCo Brief (SBCR 23/1476//59 Pt. 10) issued by the Security Bureau in May 2000 for background information.

**Interpretation and General Clauses Ordinance (Cap. 1)**  
**Declaration of Change of Titles (Trade and Industry Bureau, Secretary for Trade and Industry, Trade Department, Director-General of Trade, Deputy Director-General of Trade and Assistant Director-General of Trade) Notice 2000 (L.N. 173)**

This Notice -

- (a) declares that as from 1 July 2000, the title of the Trade and Industry Bureau is changed to the Commerce and Industry Bureau; the Secretary for Trade and Industry is changed to the Secretary for Commerce and Industry; the Trade Department is changed to the Trade and Industry Department; the Director-General of Trade is changed to the Director-General of Trade and Industry; the Deputy Director-General of Trade is changed to the Deputy Director-General of Trade and Industry; and the Assistant Director-General of Trade is changed to the Assistant Director-General of Trade and Industry; and
- (b) consequently amends references to those titles -
  - (i) in certain enactments; and
  - (ii) wherever occurring in any instrument, contract or legal proceedings made or commenced before 1 July 2000.

**Federation of Hong Kong Industries Ordinance (Cap. 321)**  
**Federation of Hong Kong Industries (Addition of a Schedule Group) Notice 2000 (L.N. 174)**

The Federation of Hong Kong Industries has resolved to add a new group - software and information technology - to the groups of businesses specified in the First Schedule to the Federation of Hong Kong Industries Ordinance (Cap. 321).

The Secretary for Constitutional Affairs has given his written approval to the resolution. This Notice is to take effect on the date of Gazettal, i.e. 19 May 2000.



Members may refer to the LegCo Brief issued by the Federation of Hong Kong Industries in May 2000 for background information.

**Inland Revenue Ordinance (Cap. 112)**

**Inland Revenue (Amendment) Ordinance 1998 (31 of 1998) (Application) Notice 2000 (L.N. 175)**

Under section 2(2) of the Inland Revenue (Amendment) Ordinance 1998 (31 of 1998), the Secretary for the Treasury has appointed the year of assessment commencing on 1 April 2000 as the year of assessment under that section. A deduction of contribution to recognized retirement scheme (i.e. recognized occupational retirement scheme or a mandatory provident fund scheme) is allowable as from 1 April 2000.

**Stamp Duty Ordinance (Cap. 117)**

**Stamp Duty (Amendment) Ordinance 2000 (5 of 2000) (Commencement) Notice 2000 (L.N. 176)**

By this Notice, the Secretary for the Treasury has appointed 1 June 2000 as the day on which the Stamp Duty (Amendment) Ordinance 2000 (5 of 2000) is to come into operation. The purpose of the Amendment Ordinance is to provide that adjudication fee is not payable in respect of certain instruments and to transfer the regulation-making power from the Chief Executive in Council to the Financial Secretary. The Bill was passed by this Council in January 2000.

**Education Ordinance (Cap. 279)**

**Grant Schools Provident Fund (Amendment) Rules 2000 (L.N. 78 of 2000) (Commencement) Notice 2000 (L.N. 177)**

**Subsidized Schools Provident Fund (Amendment) Rules 2000 (L.N. 79 of 2000) (Commencement) Notice 2000 (L.N. 178)**

By these Notices, the Secretary for Education and Manpower has appointed 19 May 2000 as the day on which the Grant Schools Provident Fund (Amendment) Rules 2000 (L.N. 78 of 2000) and Subsidized Schools Provident Fund (Amendment) Rules 2000 (L.N. 79 of 2000) are to come into operation. The purpose of the Rules is to facilitate teachers of aided schools to remain in the statutory provident fund schemes when they switch employment to Direct Subsidy Scheme Schools.

**Mandatory Provident Fund Schemes Ordinance (Cap. 485)**  
**Mandatory Provident Fund Schemes (Contributions for Casual Employees)**  
**Order (L.N. 179)**

Section 7A(6) of the Mandatory Provident Fund Schemes Ordinance (Cap. 485) provides that the Mandatory Provident Fund Schemes Authority may by order in the Gazette prescribe scales of amounts of contributions of casual employees who are members of industry schemes.

By this Order the Authority prescribes the scales of amounts of contributions that an employer must make in respect of such an employee and the scales of amounts of contributions that an employer must deduct from the income of such an employee.

**Mandatory Provident Fund Schemes Ordinance (Cap. 485)**  
**Mandatory Provident Fund Schemes (Specification of Permitted Periods) Notice**  
**(L.N. 180)**

This Notice specifies the permitted period within which an employer must arrange for a relevant employee to become a member of a registered scheme under section 7 of the Mandatory Provident Fund Schemes Ordinance (Cap. 485). The permitted period is 60 days in the case of a relevant employee who is not a casual employee, and 10 days in the case of a casual employee. The Notice also specifies 60 days as the permitted period within which a self-employed person must become a member of a registered scheme under section 7C of that Ordinance.

**District Court Ordinance (Cap. 336)**  
**The Rules of the District Court (L.N. 186)**

These Rules implement a number of changes to the civil procedure of the District Court ("the Court") as a result of a review of the working of the Court.

The majority of the Rules are modelled on the Rules of the High Court (Cap. 4 sub. leg.) ("the High Court Rules"). Certain modifications to the High Court Rules are introduced to save costs and to maintain the flexibility of the Court to deal with claims where parties are unrepresented.

The main provisions of the Rules which are different from the High Court Rules are as follows :-

- (a) streamlining of the originating process by omitting originating motion and petition (Order 5, rule 5 of the High Court Rules);
- (b) retention of the right for body corporate to act in person as is the arrangement in the present District Court Ordinance (Cap. 336) (Order 5A of the Rules);

- (c) retention of the current power of the Court to order trial without pleadings of its own motion (Order 18, rule 21 of the Rules);
- (d) retention of the current power of the Court to frame issues for parties in lieu of pleadings (Order 18, rule 22 of the Rules);
- (e) introducing the mechanism of agreed or automatic directions, application for pre-trial review before setting down and automatic exchange of witness statement (Order 23A of the Rules);
- (f) providing for interrogatories only with leave of the Court (Order 26, rule 1 of the Rules);
- (g) retention of the current requirement for application to a District Judge for leave to appeal to the Court of Appeal (Order 58 of the Rules); and
- (h) retention of the current requirement of certificate for counsel subject to a provision for its dispensation in case of recovery over \$150,000 (Schedule 1 to Order 62 of the Rules).

Those rules in the High Court Rules relating to matters over which the Court has no jurisdiction are omitted from the Rules. These include Order 53 (judicial review), Order 54 (habeas corpus), Order 55 (appeals from tribunals), Order 60A (appeals from tribunals to Court of Appeal on a point of law), Order 61 (cases stated from tribunals to Court of Appeal), Order 69 (service of process from a country or place outside Hong Kong), Order 70 (obtaining evidence for foreign courts), Order 71 (reciprocal enforcement of judgements), Order 73 (arbitration proceedings), Order 75 (admiralty proceedings), Order 76 (contentious probate proceedings) and Order 87 (debenture holders' action).

The Administration would issue a LegCo Brief which contains a concordance table (File ref. CSO/ADM CR8/3221/93(00)).

The Legal Service Division is still scrutinizing the Rules and will further report to Members when necessary.

### **District Court Ordinance (Cap. 336)**

### **District Court Civil Procedure (Fees) (Amendment) Rules 2000 (L.N.187)**

These Rules incorporate the necessary amendments adapted from the corresponding provisions in the High Court Fees Rules (Cap. 4 sub. leg.) as a result of changes in the civil procedure of the Court contained in the Rules of the District Court (L.N. 186 above).

The amendment to the description of the fee relating to application for pre-trial review is introduced to tie in with the procedure for pre-trial review in Order

34 of the Rules of the District Court.

**Reserved Commodities (Control of Imports, Exports and Reserve Stocks)  
(Amendment) Regulation 2000 (L.N. 143 of 2000) (Commencement) Notice 2000  
(L.N. 188)**

Please see L.N. 143 above.

**Dogs and Cats Ordinance (Cap. 167)  
Dangerous Dogs Regulation (L.N. 185 of 2000) (Commencement) Notice 2000  
(L.N. 189)**

The Dangerous Dogs Regulation (L.N. 185) was passed with amendments by this Council on 17 May 2000 (L.N. 184). By this Notice, the Secretary for the Environment and Food has appointed -

- (a) 17 June 2000 as the day on which the Regulation (other than Part III); and
- (b) 17 November 2000 as the day on which Part III of the Regulation (the Part on control of large dogs as defined in the Regulation),

shall come into operation.

Prepared by

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Assistant Legal Advisers

(scrutiny of L.N. 186 - The Rules of the District Court - is by LEE Yu-sung,  
Bernice WONG, Anita HO, Stephen LAM and Arthur CHEUNG)

Legislative Council Secretariat

22 May 2000