

立法會
Legislative Council

LC Paper No. LS30/99-00

**Paper for the House Committee Meeting of the
Legislative Council
on 26 November 1999**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 19 November 1999**

Date of Tabling in LegCo : 24 November 1999

Amendment to be made by : 15 December 1999 (or 5 January 2000 if extended by resolution)

Port Control (Cargo Working Areas) Ordinance (Cap. 81)
Port Control (Cargo Working Areas) (Amendment) (No. 2) Regulation 1999 (L.N. 279)

This Regulation amends the Port Control (Cargo Working Areas) Regulations (Cap. 81 sub. leg.) to -

- (a) establish a statutory right of appeal to the Administrative Appeals Board in respect of certain decisions made by the Director of Marine or the supervisor ;
- (b) prohibit the loading and unloading of cargo or cargo containers within a public cargo working area or public water-front outside operating hours except with permission of the Director;
- (c) regulate the issue of vanning and devanning permit; and
- (d) to make some other miscellaneous amendments such as to enable the Director to permit the carrying out of activity in the public cargo working area and public water-front which is otherwise prohibited.

This Regulation was amended on 24 March 1999. The Legal Service Division has pointed out that the necessary legal basis for the issue of a permit to van or devann containers was lacking (LC Paper No LS135/98-99 refers). This second Amendment Regulation is made to deal with the legal issues raised as well as to establish an appeal mechanism.

According to the LegCo Brief issued by the Economic Services Bureau (File ref. MA 40/4) in November 1999, the existing Public Cargo Working Areas operators and relevant trade associations have been consulted and they unanimously supported the proposals.

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

Administrative Appeals Board Ordinance (Cap. 442)
Administrative Appeals Board Ordinance (Amendment of Schedule) Order 1999 (L.N. 280)

This Order amends the Schedule to the Administrative Appeals Board Ordinance (Cap. 442) to provide for appeal to the Administrative Appeals Board in respect of certain decisions made by the Director of Marine or the supervisor under the Port Control (Cargo Working Areas) Regulations (Cap. 81 sub. leg.).

This Order shall come into operation on the same day as appointed for the commencement of that Regulation.

Midwives Registration Ordinance (Cap. 162)
Midwives Registration (Fees) Regulation (L.N. 281)

This Regulation prescribes the fees payable under the Midwives Registration Ordinance (Cap. 162). The fees are as follows:

Item	Particular	Fee (\$)
1.	Registration fees -	
	(a) payable on first registration -	
	(i) in the case of a person who has completed training in midwifery in Hong Kong	300
	(ii) in the case of a person who has completed training in midwifery outside Hong Kong	940
	(b) payable on re-registration	140
2.	Certified copy of a certificate of registration	175
3.	Issuance of a 3-year practising certificate under section 22 of the Ordinance	220
4.	Entrance fee for examination	1,310
5.	Verbatim record of proceedings of an inquiry for each folio of 72 words or part thereof	73

The above fees are at present level as specified in the Third Schedule of the Midwives (Registration and Disciplinary Procedure) Regulations (Cap. 162 sub. leg.). The Regulation will soon be repealed. Only a fee of \$220 for issuance of a 3-year practising certificate is new. It replaces the existing annual practising fee of \$65.

The Midwives Council of Hong Kong has been consulted and has raised no objection. Members may refer to the LegCo Brief (Ref: HWCR/1/W/3261/92(99) Pt. 5) issued by the Health and Welfare Bureau dated 19 November 1999 for details.

Legislative Council Ordinance (Cap. 542)
District Councils Ordinance (Cap. 547)
Legislative Council (Registration of Electors) (Appeals) (Amendment) Regulation 1999 (L.N. 282)

This Regulation amends the principal Regulation to-

- (a) revise the dates for the Revising Officer to handle a notice of claim, notice of objection or notice of appeal in relation to voter registration to tie in with the new timetable for voter registration provided for in the Legislative Council (Amendment) Ordinance 1999 (Ord. 48 of 1999);
- (b) enable the Revising Officer to deal with a notice of claim or notice of objection in relation to voter registration for an elector in a District Council election;
- (c) enable the Revising Officer to approve the Electoral Registration Officer to correct an entry in the voter register for an elector in a District Council election; and
- (d) repeal the provisions in the principal Regulation which were only applicable to the LegCo election held in 1998.

Members may refer to LegCo Brief File Ref.: CAB C1/30/5/1 of November 1999 from Constitutional Affairs Bureau for background information.

Legislative Council Ordinance (Cap. 542)
Declaration of Geographical Constituencies (Legislative Council) Order 1999 (L.N. 283)

This Order declares areas of Hong Kong to be geographical constituencies for the purposes of an election to elect the Members for the second term of office of the Legislative Council, gives names to those constituencies, and specifies the number of Legislative Council Members to be returned for each of those constituencies. 24 Members are to be returned for 5 geographical constituencies.

Members may refer to LegCo Brief File Ref.: CAB C1/30/8 of 16 November 1999 from Constitutional Affairs Bureau for background information.

The Order will come into operation on 1 January 2000.

**Electoral Affairs Commission Ordinance (Cap. 541)
Electoral Affairs Commission (Registration of Electors) (Geographical
Constituencies) (Legislative Council) (Amendment) Regulation 1999 (L.N. 284)**

This Regulation amends the principal Regulation to-

- (a) revise the various dates for different steps in compiling the provisional and final registers ("the register") to tie in with the new timetable for voter registration provided for in the Legislative Council (Amendment) Ordinance 1999 (Ord. 48 of 1999);
- (b) expand the scope of the principal Regulation to cover the District Councils elections;
- (c) repeal the provisions in the principal Regulation which were only applicable to the LegCo election held in 1998;
- (d) revise the format of the register to show only the name and principal residential address of an elector, and the District Council constituency of an elector;
- (e) allow applications for registration in provisional register not only to be sent by post or delivered to the Electoral Registration Officer but by other means, for example through facsimile transmission; and
- (f) prescribe offences, as required in certain provisions of the District Councils Ordinance (Cap. 547), the conviction of which will disqualify a person for appointment and from holding office as an appointed member of a District Council, etc.

Members may refer to LegCo Brief File Ref.: REO14/30/1(CR) of November 1999 from Registration and Electoral Office for background information.

**Hospital Authority Ordinance (Cap. 113)
Hospital Authority Ordinance (Amendment of Schedules 1 and 2) Order 1999
(L.N. 285)**

Schedule 1 to the Hospital Authority Ordinance (Cap. 113) is amended by adding Tseung Kwan O Hospital as a new prescribed hospital, the management and control of which may be vested in the Authority under agreements with the Government.

Schedule 2 is a Schedule of hospitals the management and control of which may be vested in the Authority under agreements with persons other than the Government. The English name of "Duchess of Kent Children's Hospital" is now substituted by its proper name "The Duchess of Kent Children's Hospital at Sandy Bay".

**Coroners Ordinance (Cap. 504)
Places for Autopsies (Amendment) Order 1999 (L.N. 286)**

This Order adds Tseung Kwan O Hospital Mortuary to the Schedule to the Places for Autopsies Order (Cap. 504 sub. leg.) as a mortuary for the reception of dead bodies for the purpose of autopsy.

**Public Health and Municipal Services Ordinance (Cap. 132)
Hawker (Permitted Place) (No. 2) Declaration 1999 (L.N. 287)**

This Declaration adds an additional permitted hawker pitch at the kerbside of Findlay Road near the Tai Ping Shan Lions View Point Pavillion, Hong Kong, and makes a consequential amendment to the Hawker (Permitted Place) (Urban Council) (Consolidation) Declaration (Cap. 132 sub. leg.).

**Banking Ordinance (Cap. 155)
Banking (Amendment) Ordinance 1999 (42 of 1999) (Commencement) Notice 1999 (L.N. 288)**

The Secretary for Financial Services appoints 19 November 1999 as the day on which the Banking (Amendment) Ordinance 1999 (42 of 1999) (except sections 6, 11, 12 and 14) shall come into operation. The Amendment Ordinance is to bring Hong Kong's banking supervision framework in closer conformity with the Core Principles for Effective Banking Supervision published by the Basle Committee on Banking Supervision in September 1997. The provisions that have not come into effect relate to publication of information relating to financial affairs, acquisition by authorized institutions incorporated in Hong Kong of share capital in companies, disclosure of information relating to authorized institution and appeals.

**Disciplined Services Welfare Funds Legislation (Amendment) Ordinance 1999 (58 of 1999)
Disciplined Services Welfare Funds Legislation (Amendment) Ordinance 1999 (58 of 1999) (Commencement) Notice 1999 (L.N. 289)**

The Secretary for Security appoints 19 November 1999 as the day on which the Disciplined Services Welfare Funds Legislation (Amendment) Ordinance 1999 (58 of 1999) shall come into operation.

Gas Safety Ordinance (Cap. 51)
Gas Safety (Installation and Use and Miscellaneous) (Amendment) Regulation 1999
(L.N. 222 of 1999) (Commencement) Notice 1999 (L.N. 290)

The Secretary for Economic Services appoints 1 April 2000 as the day on which the Regulation shall come into operation. The Regulation prohibits the sale, installation, and use of flueless gas water heaters in Hong Kong.

In the case of existing flueless gas water heaters serving a bathroom or shower, a grace period of 3 months is provided after the date of commencement.

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