

C006-E

A Bill to Amend the Interpretation and General Clauses Ordinance, the Import and Export Ordinance, the Buildings Ordinance, the Air Pollution Control Ordinance, the Water Pollution Control Ordinance, the Noise Control Ordinance, the Sewage Services Ordinance, the Dumping at Sea Ordinance, the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Environmental Impact Assessment Ordinance and the Fugitive Offenders Ordinance to extend the time within which subsidiary legislation or other instruments laid on the table of the Legislative Council under such Ordinances may be amended by the Legislative Council; and for related purposes.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Extension of Vetting Period (Legislative Council) Ordinance 2002.

Interpretation and General Clauses Ordinance

2. Placing of subsidiary legislation before  
Legislative Council

Section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) is repealed and the following substituted---

"(4) Before the expiry of the period referred to in subsection (2) or that period as extended by virtue of subsection (3), the Legislative Council may by resolution in relation to any subsidiary legislation specified therein---

(a) in the case of the period referred to in subsection (2), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (2) has been extended by virtue of subsection (3), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next session."

3. Transitional provision

The amendment made by section 2 shall not affect subsidiary legislation laid on the table of the Legislative Council before the date of commencement of that section and section 34(4) of the Interpretation and General Clauses Ordinance (Cap. 1) as in force immediately before that date of commencement shall continue to apply to such subsidiary legislation as if section 2 had not been enacted.

Import and Export Ordinance

4. Orders made by Director for purposes of  
section 6A, etc.

Section 6B(5) of the Import and Export Ordinance (Cap. 60) is repealed and the following substituted---

"(5) Before the expiry of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to an order specified therein---

(a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next session."

5. Orders made by Director for purposes of sections 6C to 6E, etc.

Section 6F(5) is repealed and the following substituted---

"(5) Before the expiry of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to an order specified therein---

(a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next session."

6. Transitional provision

The amendments made by sections 4 and 5 shall not affect orders laid on the table of the Legislative Council before the date of commencement of those sections and sections 6B(5) and 6F(5) of the Import and Export Ordinance (Cap. 60) as in force immediately before that date of commencement shall continue to apply to such orders as if sections 4 and 5 had not been enacted.

Buildings Ordinance

7. Technical memorandum

Section 39A(5) of the Buildings Ordinance (Cap. 123) is repealed and the following substituted---

"(5) Before the expiry of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to a technical memorandum specified therein---

(a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

#### 8. Transitional provision

The amendment made by section 7 shall not affect technical memoranda laid on the table of the Legislative Council before the date of commencement of that section and section 39A(5) of the Buildings Ordinance (Cap. 123) as in force immediately before that date of commencement shall continue to apply to such memoranda as if section 7 had not been enacted.

#### Air Pollution Control Ordinance

#### 9. Placing of technical memorandum before

#### Legislative Council

Section 37B(4) of the Air Pollution Control Ordinance (Cap. 311) is repealed and the following substituted---

"(4) Before the expiry of the period referred to in subsection (2) or that period as extended by virtue of subsection (3), the Legislative Council may by resolution in relation to a technical memorandum specified therein---

(a) in the case of the period referred to in subsection (2), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (2) has been extended by virtue of subsection (3), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

#### 10. Transitional provision

The amendment made by section 9 shall not affect technical memoranda laid on the table of the Legislative Council before the date of commencement of that section and section 37B(4) of the Air Pollution Control Ordinance (Cap. 311) as in force immediately before that date of commencement shall continue to apply to such memoranda as if section 9 had not been enacted.

#### Water Pollution Control Ordinance

#### 11. Technical memorandum

Section 21(7) of the Water Pollution Control Ordinance (Cap. 358) is repealed and the following substituted---

"(7) Before the expiration of the period referred to in subsection (5) or that period as extended by virtue of subsection (6), the Legislative Council may by resolution in relation to a technical memorandum specified therein---

(a) in the case of the period referred to in subsection (5), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiration;

(b) in the case where the period referred to in subsection (5) has been extended by virtue of subsection (6), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

#### 12. Transitional provision

The amendment made by section 11 shall not affect technical memoranda laid on the table of the Legislative Council before the date of commencement of that section and section 21(7) of the Water Pollution Control Ordinance (Cap. 358) as in force immediately before that date of commencement shall continue to apply to such memoranda as if section 11 had not been enacted.

Noise Control Ordinance

#### 13. Placing of Technical Memorandum before

Legislative Council

Section 11(4) of the Noise Control Ordinance (Cap. 400) is repealed and the following substituted---

"(4) Before the expiration of the period referred to in subsection (2) or that period as extended by virtue of subsection (3), the Legislative Council may by resolution in relation to a Technical Memorandum specified therein---

(a) in the case of the period referred to in subsection (2), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiration;

(b) in the case where the period referred to in subsection (2) has been extended by virtue of subsection (3), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

#### 14. Transitional provision

The amendment made by section 13 shall not affect Technical Memoranda laid on the table of the Legislative Council before the date of commencement of that section and section 11(4) of the Noise Control Ordinance (Cap. 400) as in force immediately before that date of commencement shall continue to apply to such Memoranda as if section 13 had not been enacted.

Sewage Services Ordinance

#### 15. Technical memorandum

Section 13 of the Sewage Services Ordinance (Cap. 463) is amended---

(a) in the Chinese text, by repealing subsection (4)(a) and (b) and substituting---

"(a) 在立法會會期結束或在立法會解散之後；但

(b) 在立法會下一會期的第二次會議日或之前，"；

(b) by repealing subsection (5) and substituting---

"(5) Before the expiration of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to a technical memorandum specified therein---

(a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiration;

(b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

#### 16. Transitional provision

The amendment made by section 15(b) shall not affect technical memoranda laid on the table of the Legislative Council before the date of commencement of that section and section 13(5) of the Sewage Services Ordinance (Cap. 463) as in force immediately before that date of commencement shall continue to apply to such memoranda as if section 15(b) had not been enacted.

#### Dumping at Sea Ordinance

#### 17. Tabling technical memorandum and

commencement

Section 14(4) of the Dumping at Sea Ordinance (Cap. 466) is repealed and the following substituted---

"(4) Before the expiry of the period referred to in subsection (2) or that period as extended by virtue of subsection (3), the Legislative Council may by resolution in relation to a technical memorandum specified therein---

(a) in the case of the period referred to in subsection (2), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (2) has been extended by virtue of subsection (3), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

#### Sex Discrimination Ordinance

## 18. Codes of practice

Section 69(7) of the Sex Discrimination Ordinance (Cap. 480) is repealed and the following substituted---

"(7) Before the expiration of the period referred to in subsection (5) or that period as extended by virtue of subsection (6), the Legislative Council may by resolution in relation to a code of practice specified therein---

(a) in the case of the period referred to in subsection (5), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiration;

(b) in the case where the period referred to in subsection (5) has been extended by virtue of subsection (6), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

## 19. Transitional provision

The amendment made by section 18 shall not affect codes of practice laid on the table of the Legislative Council before the date of commencement of that section and section 69(7) of the Sex Discrimination Ordinance (Cap. 480) as in force immediately before that date of commencement shall continue to apply to such codes as if section 18 had not been enacted.

## Disability Discrimination Ordinance

## 20. Codes of practice

Section 65(7) of the Disability Discrimination Ordinance (Cap. 487) is repealed and the following substituted---

"(7) Before the expiration of the period referred to in subsection (5) or that period as extended by virtue of subsection (6), the Legislative Council may by resolution in relation to a code of practice specified therein---

(a) in the case of the period referred to in subsection (5), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiration;

(b) in the case where the period referred to in subsection (5) has been extended by virtue of subsection (6), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session."

## 21. Transitional provision

The amendment made by section 20 shall not affect codes of practice laid on the table of the Legislative Council before the date of commencement of that section and section 65(7) of the Disability Discrimination Ordinance (Cap. 487) as in force immediately before that date of commencement shall continue to apply to such codes

as if section 20 had not been enacted.

#### Environmental Impact Assessment Ordinance

##### 22. Technical memorandum

Section 16(8) of the Environmental Impact Assessment Ordinance (Cap. 499) is repealed and the following substituted---

"(8) Before the expiry of the period referred to in subsection (6) or that period as extended by virtue of subsection (7), the Legislative Council may by resolution in relation to a technical memorandum specified therein---

(a) in the case of the period referred to in subsection (6), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (6) has been extended by virtue of subsection (7), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next session."

##### 23. Transitional provision

The amendment made by section 22 shall not affect technical memoranda laid on the table of the Legislative Council before the date of commencement of that section and section 16(8) of the Environmental Impact Assessment Ordinance (Cap. 499) as in force immediately before that date of commencement shall continue to apply to such memoranda as if section 22 had not been enacted.

#### Fugitive Offenders Ordinance

##### 24. Chief Executive in Council may apply

##### Ordinance

Section 3(5) of the Fugitive Offenders Ordinance (Cap. 503) is repealed and the following substituted---

"(5) Before the expiry of the period referred to in subsection (3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to an order specified therein---

(a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiry;

(b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next session."

##### 25. Transitional provision

The amendment made by section 24 shall not affect orders laid on the table of

the Legislative Council before the date of commencement of that section and section 3(5) of the Fugitive Offenders Ordinance (Cap. 503) as in force immediately before that date of commencement shall continue to apply to such orders as if section 24 had not been enacted.

#### Explanatory Memorandum

The main purpose of this Bill is to extend the time within which the Legislative Council may amend subsidiary legislation and other instruments laid on its table under the following Ordinances---

- (a) the Interpretation and General Clauses Ordinance (Cap. 1);
- (b) the Import and Export Ordinance (Cap. 60);
- (c) the Buildings Ordinance (Cap. 123);
- (d) the Air Pollution Control Ordinance (Cap. 311);
- (e) the Water Pollution Control Ordinance (Cap. 358);
- (f) the Noise Control Ordinance (Cap. 400);
- (g) the Sewage Services Ordinance (Cap. 463);
- (h) the Dumping at Sea Ordinance (Cap. 466);
- (i) the Sex Discrimination Ordinance (Cap. 480);
- (j) the Disability Discrimination Ordinance (Cap. 487);
- (k) the Environmental Impact Assessment Ordinance (Cap. 499); and
- (l) the Fugitive Offenders Ordinance (Cap. 503).

2. Under those Ordinances, the Legislative Council has 28 days after the sitting at which subsidiary legislation or other instruments made thereunder are tabled to amend such subsidiary legislation or instruments. It may extend the time for vetting for one sitting. The Bill enables the Legislative Council to extend the vetting period for a longer time, that is, to the first sitting held at least 21 days after the expiry of that period. A very similar extension is provided for in respect of a vetting period that straddles 2 legislative sessions (clauses 2, 4, 5, 7, 9, 11, 13, 15(b), 17, 18, 20, 22 and 24).

3. Subsidiary legislation and instruments laid on the table of the Legislative Council before the commencement of the amendments will not be affected by this new extension arrangement (clauses 3, 6, 8, 10, 12, 14, 16, 19, 21, 23 and 25).

4. An amendment is also made to section 13(4) of the Sewage Services Ordinance (Cap. 463) to correct a mistake in the Chinese text (clause 15(a)).