

立法會
Legislative Council

LC Paper No. LS65/02-03

**Paper for the House Committee Meeting
on 28 February 2003**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 21 February 2003**

Date of Tabling in LegCo : 26 February 2003

Amendment to be made by : 19 March 2003 (or 30 April 2003 if extended by resolution)

Security and Guarding Services Ordinance (Cap. 460)
Security and Guarding Services Ordinance (Amendment of Schedule 2) Notice 2003 (L.N. 48)

The Security and Guarding Services Ordinance (Cap. 460) ("the Ordinance") provides for a licensing scheme administered by the Security and Guarding Services Industry Authority to regulate the security industry. Under section 17 of the Ordinance, the Commissioner of Police shall revoke the security personnel permit of a holder if the holder is convicted of an offence specified in Schedule 2 to the Ordinance and a corresponding form of sentence as specified in Schedule 2 is imposed on him.

2. This Notice amends Schedule 2 to the Ordinance to specify that the penalty for sexual and related offences set out in Schedule 2 to the Ordinance will be amended from "imprisonment" to "any penalty". The effect of the amendment is that a security personnel holder convicted of sexual or related offences will have his permit revoked irrespective of the penalty imposed.

3. Members may refer to the LegCo Brief issued by the Security Bureau dated 19 February 2003 (ref: SBCR 2/3231/99 Pt.9) for more background information about this Notice. The LegCo Panel on Security has been informed about this proposal when the proposed amendments to the criteria for issuing security personnel permits was discussed at its meeting on 7 November 2002. A resolution under section 6(1)(b)(i) of the Ordinance was passed by the Legislative Council on 19 February 2003 to the effect that, inter alia, no person will normally be granted a security personnel permit if he was convicted of an offence specified in Schedule 2 to the Ordinance within 5 years before his application for such permit.

4. The drafting of the Notice presents no difficulty.
5. The Notice shall come into operation on 1 April 2003.

**Village Representative Election Ordinance (2 of 2003)
Village Representative Election (Registration of Electors) (Appeals)
Regulation (L.N. 49)**

6. Section 65 of the Village Representative Election Ordinance (2 of 2003) ("VREO") empowers the Secretary for Home Affairs to make regulations to provide for the functions of a Revising Officer and appeals to him.
7. This Regulation provides for the procedures for appeal to a Revising Officer, against any decision of the Electoral Registration Officer made in respect of the registration of electors for the purposes of the VREO.
8. According to the LegCo Brief issued by the Home Affairs Department, the Regulation is basically modelled upon the Registration of Electors (Appeals) Regulation (Cap. 542 sub. leg.) ("RE(A)R"). We have requested the Administration to supply us with a table comparing the provisions of the Regulation with those of the RE(A)R. We are still awaiting its reply.
9. The Administration has not consulted the Panel on Home Affairs about the Regulation.
10. Members may refer to LegCo Brief (with no file reference) of 18 February 2003 issued by the Home Affairs Department for background information.
11. At the House Committee meeting held on 21 February 2003, Members decided to form a subcommittee to study the Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (L.N. 47 of 2003). Should Members decide to study this Regulation in detail it could be referred to the subcommittee as well.
12. We are still scrutinising the legal and drafting aspects of the Regulation.

**Telecommunications Ordinance (Cap. 106)
Telecommunications (Telecommunications Apparatus) (Exemption from
Licensing) Order (L.N. 4 of 2003) (Commencement) Notice 2003 (L.N. 50)**

13. The Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (L.N. 4 of 2003) has recently been made to

exempt a person from the obligation to hold a licence under the Telecommunications Ordinance (Cap. 106) in respect of certain telecommunications apparatus.

14. This Notice appoints 1 February 2003 as the day on which the Order shall come into operation.

Prepared by

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