

**立法會**  
**Legislative Council**

LC Paper No. LS85/02-03

**Paper for the House Committee Meeting  
on 11 April 2003**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 28 March 2003**

**Date of Tabling in LegCo** : 2 April 2003

**Amendment to be made by** : 30 April 2003 (or 21 May 2003 if extended by resolution)

**PART I VILLAGE REPRESENTATIVE ELECTION**

**Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554)  
Maximum Amount of Election Expenses (Village Representative Election)  
Regulation (L.N. 81)**

Section 45 of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) ("the Ordinance") provides that the Chief Executive in Council may prescribe a maximum amount of election expenses for an election.

2. This Regulation prescribes the maximum amount of election expenses for an election to elect Village Representatives as follows—

- (a) where there are not more than 1,000 electors for the Village (defined in section 2(2) of the Ordinance), \$14,000, or
- (b) where there are over 1,000 electors for the Village, \$20,000.

3. Members may refer to LegCo Brief File Ref.: HAD/CB/CON/20/156 Pt.15 of 27 March 2003 from Home Affairs Department for background information.

**Electoral Affairs Commission Ordinance (Cap. 541)  
Electoral Procedure (Village Representative Election) Regulation (L.N. 82)**

4. Section 7 of the Electoral Affairs Commission Ordinance (Cap. 541) provides that the Electoral Affairs Commission may make regulation for electoral procedure at an election including electing a Village Representative for a Village.

5. This Regulation provides for the procedure for the election of Village Representatives conducted under the Village Representative Election Ordinance (2 of 2003).
6. Members may refer to LegCo Brief (without file reference on it) of March 2003 from Home Affairs Department for background information.
7. This Regulation will come into operation on 1 June 2003.
8. The House Committee has decided that the Subcommittee on subsidiary legislation relating to Village Representative elections would continue with the scrutiny of the above two items of subsidiary legislation.

## **PART II LIBRARY (AMENDMENT) REGULATION**

### **Public Health and Municipal Services Ordinance (Cap. 132) Libraries (Amendment) Regulation 2003 (L.N. 83)**

9. This amendment Regulation is made in consequence of the Registration of Persons (Amendment) Ordinance (No. 9 of 2003) ("the Ordinance"), which was passed on 19 March 2003, to cater for the use of the new multi-application identity cards with embodied chip as a means of access to library facilities.
10. Members may refer to the LegCo Brief (ref: HAB/C 25/10/3 II) issued by the Home Affairs Bureau in March 2003 for more background information about this amendment Regulation. This amendment Regulation has not been discussed at the LegCo Panel on Home Affairs but the proposed application of the new identity cards as library cards had been mentioned to LegCo Panels when they were consulted on the smart identity card project as well as to the relevant Bills Committee.
11. The drafting of this amendment regulation presents no difficulty and it shall come into operation on 26 May 2003. The Ordinance shall come into operation on 12 May 2003.

## **PART III SUBSIDIARY LEGISLATION UNDER SECURITIES AND FUTURES ORDINANCE**

### **Securities and Futures Ordinance (Cap. 571) Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2003 (L.N. 84)**

12. The Securities and Futures Ordinance (Cap. 571) empowers the Securities and Futures Commission ("SFC") to prescribe limits on the number of futures contract and options contracts that may be held or controlled by any person.

The SFC may also prescribe the reportable positions in respect of such contracts.

13. The relevant limits and reportable positions are established and fixed for the futures contracts and stock options contracts specified respectively in Schedules 1 and 2 to the Securities and Futures (Contracts Limits and Reportable Positions) Rules (Cap. 571 sub. leg. Y). These amendment Rules add 4 new stock futures contracts and 4 new stock options contracts in respect of BOC Hong Kong (Holdings) Limited, Denway Motors Limited, Esprit Holdings Limited and the Kowloon Motor Bus Holdings Limited to the Schedules and set their respective limits and positions. The amendment Rules also make textual amendments in relation to 2 yet-to-be-launched index options contracts in Schedule 1 to rectify some technical errors.

14. Members may refer to the LegCo Brief issued by the SFC on 2 April 2003 for more background information about the amendment Rules. The amendment Rules have not been discussed at the LegCo Panel on Financial Affairs.

15. The drafting of the amendment Rules presents no difficulty and they shall come into operation on 23 May 2003.

#### **Companies Ordinance (Cap. 32)**

#### **Companies Ordinance (Exemption of Companies and Prospectuses from Compliance with Provisions) (Amendment) Notice 2003 (L.N. 85)**

16. Under sections 38 and 342 of the Companies Ordinance (Cap. 32), every prospectus issued, circulated or distributed in Hong Kong must comply with certain content requirements including those described in the Third Schedule to the Companies Ordinance. Under sections 38A and 342A of the Companies Ordinance, the Securities and Futures Commission ("SFC") may exempt any class of prospectuses from any or all of such content requirements if, having regard to the circumstances, the SFC considers that compliance with any or all of those requirements would be either irrelevant or unduly burdensome in the case of that class.

17. The new section 8 to be added to the principal Notice applies to prospectuses issued in relation to debentures that will not be listed and exempts such prospectuses from compliance with requirements which the SFC considers to be irrelevant.

18. The new section 9 to be added to the principal Notice applies to prospectuses issued in relation to debentures that are approved for listing and exempts such prospectuses from compliance with requirements which are already imposed under the relevant listing rules (whether or not they are more or less onerous) and with requirements which the SFC considers to be irrelevant.

19. The new section 10 to be added to the principal Notice requires that issuers of prospectuses who rely on any exemption provided for under the amendment Notice must specify this in the relevant prospectuses.

20. Members may refer to the LegCo Brief issued by the SFC on 25 March 2003 for more background information about this amendment Notice. This amendment Notice has not been discussed at the LegCo Panel on Financial Affairs.

21. The drafting of this amendment Notice presents no difficulty and it shall come into operation on 23 May 2003.

#### **PART IV EMPLOYEES RETRAINING BODIES**

##### **Employees Retraining Ordinance (Cap. 423)**

##### **Employees Retraining Ordinance (Amendment of Schedule 2) (No. 2) Notice 2003 (L.N. 86)**

22. This Notice adds the College of Nursing, Hong Kong to the list of training bodies capable of providing or conducting retraining courses for the purposes of the Employees Retraining Ordinance (Cap. 423).

23. This amendment Notice has not been discussed at the LegCo Panel on Manpower.

#### **PART V COMMENCEMENT NOTICE**

##### **Legal Practitioners Ordinance (Cap. 159)**

##### **Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000) (Commencement) Notice 2003 (L.N. 87)**

24. The Legal Practitioners (Amendment) Ordinance (No. 42 of 2000) ("Amendment Ordinance") was passed in June 2000 to make miscellaneous amendments to the Legal Practitioners Ordinance (Cap. 159).

25. Certain provisions of the Amendment Ordinance have already come into operation in June and July 2000. This Notice appoints 28 March 2003 as the day on which the remaining provisions of the Amendment Ordinance shall come into operation. These provisions mainly relate to the Court's power to admit barristers.

**Legal Practitioners Ordinance (Cap. 159)**

**Barristers (Admission) Rules (L.N. 5 of 2003) (Commencement) Notice 2003 (L.N. 88)**

**Legal Practitioners (Fees) (Amendment) Rules 2002 (L.N. 6 of 2003) (Commencement) Notice 2003 (L.N. 89)**

**Practising Certificate (Barristers) (Amendment) Rules 2002 (L.N. 7 of 2003) (Commencement) Notice 2003 (L.N. 90)**

**Barristers (Advanced Legal Education Requirement) Rules (L.N. 8 of 2003) (Commencement) Notice 2003 (L.N. 91)**

**Barristers (Qualification for Admission and Pupillage) Rules (L.N. 9 of 2003) (Commencement) Notice 2003 (L.N. 92)**

26. The above Notices appoint 28 March 2003 as the day on which L.N. 88 to 92 shall come into operation.

27. These Notices relate to the subsidiary legislation published as L.N. 5 to 9 of 2003 in January 2003. L.N. 5 to 9 cover the issues relating to admission of barristers, prescribed fee payable by employed barristers, application form for employed barrister's certificate, the Bar Council's power to set up a compulsory Advanced Legal Education Programme, and admission of overseas lawyers who have practised for more than 3 years as barristers subject to passing the Barristers Qualification Examinations.

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