

立法會
Legislative Council

LC Paper No. LS 54/03-04

**Paper for the House Committee Meeting
on 12 March 2004**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 5 March 2004**

Date of Tabling in LegCo : 10 March 2004

Amendment to be made by : 24 March 2004 (or 28 April 2004 if extended by resolution)

**PART I REDUCTION IN CERTAIN TELECOMMUNICATIONS
LICENCE FEES**

Telecommunications Ordinance (Cap. 106)

***Telecommunications (Amendment) Regulation 2004 (L.N. 33)**

***Telecommunications (Carrier Licences) (Amendment) Regulation 2004 (L.N. 34)**

L.N. 33 amends Schedule 1 to the Telecommunications Regulations (Cap. 106 sub. leg. A) in order to reduce the annual licence fee payable for a public radiocommunications service licence—

- (a) for the 1st 200 mobile stations or less used by customers of the service from \$4,800 to 4,000; and
- (b) for every additional 100 mobile stations or less used by customers of the service from \$2,400 to \$2,000.

2. L.N. 34 amends Schedule 3 to the Telecommunications (Carrier Licences) Regulation (Cap. 106 sub. leg. V) in order to reduce the annual licence fees payable for—

- (a) a fixed carrier licence that permits the provision of external services only from \$500,000 to \$200,000; and

* Reduction in fees

- (b) a mobile carrier licence—
 - (i) for the 1st 200 mobile stations or less used by customers of the service from \$4,800 to 4,000; and
 - (ii) for every additional 100 mobile stations or less used by customers of the service from \$2,400 to \$2,000.

3. Members may refer to LegCo Brief File Ref.: CTB(CR) 7/5/1 (03) Pt. 4 of 3 March 2004 from Commerce, Industry and Technology Bureau for background information.

4. Section 7(3) of the Telecommunications Ordinance (Cap. 106) requires the Secretary for Commerce, Industry and Technology to, by notice in the Gazette, invite members of the public who are interested in the matter to make representations and to consider the representations received before making any amendment to the Telecommunications (Carrier Licences) Regulation. Paragraphs 10 and 11 of the Brief contain details of the public consultation and the submissions received.

5. The Panel on Information Technology and Broadcasting was briefed at its meeting on 25 February 2004 about the proposals and raised no objection to them.

6. Both Amendment Regulations will come into operation on 1 May 2004.

PART II COMMENCEMENT NOTICE

Air Transport (Licensing of Air Services) (Amendment) Regulation 2004 (L.N. 4 of 2004)

Air Transport (Licensing of Air Services) (Amendment) Regulation 2004 (L.N. 4 of 2004) (Commencement) Notice 2004 (L.N. 36)

7. This Notice specifies 5 March 2004 as the day on which the Air Transport (Licensing of Air Services) (Amendment) Regulation 2004 (L.N. 4 of 2004) came into operation. The Amendment Regulation amends the Air Transport (Licensing of Air Services) Regulations (Cap. 448 sub. leg. A) to prescribe a quorum of three members at a meeting of the Air Transport Licensing Authority for the dispatch of business.

PART III MISCELLANEOUS

Inland Revenue Ordinance (Cap. 112)

Specification of Arrangements (Government of the Republic of Croatia Concerning Air Services) (Avoidance of Double Taxation) Order (L.N. 32)

8. Pursuant to section 49 of the Inland Revenue Ordinance (Cap. 112) ("the Ordinance"), this Order declares that it is expedient for the purpose of affording relief from double taxation that the arrangements specified in Article 9 of the Air Services Agreement between the Government of the Hong Kong Special Administrative Region of the People's Republic of China and the Government of the Republic of Croatia dated 7 June 2002 should have effect in relation to tax under the Ordinance. Article 9 of the Agreement is contained in the Schedule to the Order.

9. Members may refer to LegCo Brief Ref.: FIN CR14/03 of 5 March 2004 from Financial Services and the Treasury Bureau for background information.

10. The Panel on Financial Affairs has not discussed the Order.

Securities and Futures Ordinance (Cap. 571)

Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) Rules 2004 (L.N. 35)

11. These Rules amend the Securities and Futures (Contracts Limits and Reportable Positions) Rules (Cap. 571 sub. leg. Y) ("the Principal Rules") to—

- (a) require the person holding or controlling a reportable position for another person to notify the recognized exchange company concerned of the identity of the other person and the number of futures contracts or stock options contracts held or controlled for such person (section 2); and
- (b) extend the application of section 7 of the Principal Rules to any person who holds or controls futures contracts or stock options contracts on behalf of other persons except where the person has trading discretion over the positions he holds or controls for the other persons. That is to say, for the purpose of determining compliance with the prescribed limits and reportable position limits, a person (instead of an exchange participant of a recognized exchange company under existing section 7) who holds or controls futures contracts or stock options contracts may apply the limits separately to his own account and to each of the positions he holds or controls for the other persons (section 3).

12. Members may refer to LegCo Brief (with no file reference) of 1 March 2004 from the Securities and Futures Commission ("the SFC") for background information. Paragraph 10 of the Brief contains details of the public consultation conducted by the SFC. Paragraph 11 of the Brief says that the Hong Kong Monetary Authority has been consulted pursuant to section 398(4) of the Securities and Futures Ordinance (Cap. 571) and offered no comments. According further to paragraph 11 of the Brief, the Hong Kong Exchanges and Clearing Limited is also supportive of the Rules.

13. The Panel on Financial Affairs has not discussed the Rules.

14. These Rules will come into operation on 30 April 2004.

15. No difficulties relating to the legal and drafting aspects of the above items have been identified.

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