

立法會
Legislative Council

LC Paper No. LS80/03-04

**Paper for the House Committee Meeting
on 4 June 2004**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 May 2004**

Date of tabling in LegCo : 2 June 2004

Amendment to be made by : 30 June 2004 (or the 1st meeting of LegCo in the next session if extended by resolution)

Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)

Fixed Penalty (Criminal Proceedings) (Amendment) Regulation 2004 (L.N. 103)

Section 4 of the Road Traffic (Safety Equipment) (Amendment) Regulation 2002 (L.N. 148 of 2002) amends Regulation 7A(3) of the Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F) to remove the offence for a person to drive a public light bus when a front seat passenger under the age of 15 years is not securely fastened to his seat by means of a seat belt. This Regulation consequentially amends the description of offence under Regulation 7A(3) in Form 1 in the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A). A similar consequential amendment will be made by resolution to be moved by the Secretary for the Environment, Transport and Works on 9 June 2004. The proposed resolution has been studied and agreed to by a Subcommittee.

2. Members may refer to the LegCo Brief issued by the Environment, Transport Works Bureau on 2 June 2004 (Ref No.: ETWB(T) 1/12/65 Pt. 13) for background information.

3. This Regulation shall come into operation on a day to be appointed by the Secretary for the Environment, Transport and Works by notice published in the Gazette.

Interpretation and General Clauses Ordinance (Cap. 1)

Declaration of Change of Titles (Civil Engineering Department, Territory Development department, Director of Civil Engineering and Director of Territory Development) Notice 2004 (L.N. 104)

4. This Notice is made by the Chief Secretary for Administration under section 55 of the Interpretation and General Clauses Ordinance (Cap. 1) to declare the

following change of titles of the public officers or government departments in the enactments specified in the Schedules to the Notice and wherever occurring in any instruments, contracts or legal proceedings made or commenced before 1 July 2004:

Old Title	New Title
(a) Civil Engineering Department	Civil Engineering and Development Department
(b) Territory Development Department	Civil Engineering and Development Department
(c) Director of Civil Engineering	Director of Civil Engineering and Development
(d) Director of Territory Development	Director of Civil Engineering and Development

5. By this Notice, the Chief Secretary for Administration appoints 1 July 2004 as the day on which the above-mentioned change of titles comes into operation.

Legal Tender Notes Issue Ordinance (Cap. 65)

Legal Tender Notes Issue Ordinance (Amendment of Schedule) Notice 2004 (L.N. 105)

6. Under section 3(2) of the Legal Tender Notes Issue Ordinance (Cap. 65) ("the Ordinance"), three note-issuing banks are authorized by the Financial Secretary to issue bank notes, one of which is Standard Chartered Bank ("SCB").

7. The Standard Chartered Bank (Hong Kong) Limited (Merger) Ordinance (Ord. No. 6 of 2004) ("the Merger Ordinance") was enacted on 7 May 2004 to provide for the merger of the business of certain transferring entities, one of which is SCB, into a single entity, Standard Chartered Bank (Hong Kong) Limited ("SCBHKL"). Section 7(1)(b) of the Merger Ordinance provides that subject to the Financial Secretary (with the approval of the Chief Executive in Council) by notice in the Gazette amending the Schedule to the Ordinance by repealing SCB from that Schedule and substituting SCBHKL with effect from the appointed day, SCB shall cease to be a note-issuing bank and SCBHKL shall become a note-issuing bank, in each case with effect from the appointed day. SCBHKL has set 1 July 2004 as the appointed day.

8. By this Notice, the Financial Secretary amends item 2 of the Schedule to the Ordinance to:

- (a) repeal the authorization of SCB as a note-issuing bank; and
- (b) substitute SCBHKL for SCB as a note-issuing bank.

9. Members may refer to the LegCo Brief issued by the Financial Services and the Treasury Bureau on 28 May 2004 (File Ref.: G4/33/1C(2004) Pt.5) for background information.

10. When the Panel on Financial Affairs was briefed on the draft Standard Chartered Bank (Hong Kong) Limited (Merger) Bill ("the draft Bill") at its meeting on 2 February 2004, members noted that the intention of SCB was to seek the authorization of SCBHKL as a note-issuing bank under section 3(2) of the Ordinance in place of SCB. One member enquired about the arrangements for and the date of the transfer of the note-issuing function. Members were advised that the proposed arrangements would be based on those in the Bank of China case, when its note-issuing function was transferred to the Bank of China (Hong Kong) Limited upon its being authorized as a note-issuing bank and on the same day as the other transfers under the Bank of China (Hong Kong) Limited (Merger) Ordinance (Cap. 1167). Under the draft Bill, the same date was to be adopted for the transfer of business undertakings to SCBHKL and for the transfer of the note-issuing function from SCB to SCBHKL in order to avoid confusion.

11. This notice shall come into operation on 1 July 2004.

Prepared by

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1 June 2004