

立法會
Legislative Council

LC Paper No. LS2/03-04

**Paper for the House Committee Meeting
on 10 October 2003**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 3 October 2003**

Date of Tabling in LegCo : 8 October 2003

Amendment to be made by : 5 November 2003 (or 26 November 2003 if extended by resolution)

PART I MISCELLANEOUS AMENDMENTS

Matrimonial Causes Ordinance (Cap. 179)

Matrimonial Causes (Amendment) Rules 2003 (L.N. 209)

Under the Matrimonial Causes Rules (Cap. 179 sub. leg. A) ("the principal Rules"), an application by the respondent to a petition for divorce for the court to consider the financial position of the respondent after the divorce and an application for ancillary relief often involve exchange of voluminous documents between both parties to the proceedings and complex process.

2. In 1999, the Chief Justice appointed a Working Group to consider streamlining and expediting the above procedures. The Working Group's recommendation that the introduction of the reformed procedures should be tested by a two-year pilot scheme had been approved by the Chief Justice. The implementation of the pilot scheme would require certain provisions of the principal Rules be set aside.

3. These Rules amend the principal Rules to—

(a) disapply certain provisions under the principal Rules in respect of an application—

(i) by the respondent to a petition for divorce for the court to consider his financial position after the divorce, where the petition is presented to the court on or after the commencement of the Rules (new section 84A(1), and (3)(a) and (b)); and

- (ii) for ancillary relief, where the petition for divorce or joint application is presented to the court on or after the commencement of the Rules (new section 84A(2) and (3)(c)); and
- (b) prescribe new forms to be used in the proceedings of those applications (section 3 of the Rules).

4. Members may refer to the LegCo Brief issued by the Judiciary Administration in September 2003 (Ref : SC 101/17/26) for more background information about the Rules. Paragraph 29 of the LegCo Brief mentions that the implementation of the pilot scheme will be governed by a Practice Direction to be issued by the Chief Justice.

5. According to paragraph 34 of the LegCo Brief, the Women's Commission, prominent local women's groups and services agencies have been consulted on the pilot scheme with positive feedback. The Law Society of Hong Kong has indicated that it supports the proposal to introduce the pilot scheme. The Hong Kong Bar Association has not received any adverse comments from its members on the proposal.

6. The policy aspects of the pilot scheme were discussed at the meetings of the Panel on Administration of Justice and Legal Services on 27 January and 26 May 2003. The Panel was of the view that it would be for the House Committee to consider whether a subcommittee be set up to study the Rules in detail.

7. These Rules will come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

Import and Export (General) Regulations (Cap. 60 sub. leg. A)
Import and Export (General) Regulations (Amendment of Seventh Schedule) (No. 7) Notice 2003 (L.N. 210)

8. This Notice amends the Seventh Schedule to the Import and Export (General) Regulations (Cap. 60 sub. leg. A) ("the Regulations"), which sets out the specified countries or places within the meaning of Part VI of the Regulations for the purposes of implementing in Hong Kong an international certification scheme for rough diamonds known as the Kimberley Process Certification Scheme, by adding Viet Nam (otherwise known as Vietnam).

The Chinese University of Hong Kong Ordinance (Cap. 1109)
Statutes of The Chinese University of Hong Kong (Amendment) (No. 2) Statute 2003 (L.N. 213)

9. This Statute amends the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109)

to provide for the conferring of a new master's degree, the Master of Occupational Medicine (M.O.M.), by The Chinese University of Hong Kong.

PART II COMMENCEMENT NOTICES

Copyright (Amendment) Ordinance 2003 (27 of 2003)

Copyright (Amendment) Ordinance 2003 (27 of 2003) (Commencement) Notice 2003 (L.N. 211)

10. This Notice specifies 28 November 2003 as the date on which the Copyright (Amendment) Ordinance 2003 (27 of 2003) ("the Ordinance") will come into operation.

11. Under the Ordinance, civil and criminal liabilities pertaining to parallel importation of and subsequent dealings in articles which have embodied in them a computer program will be removed, except for a few specified types. The few exceptions include products which contain a computer program but the principal attraction of which is musical sound or visual recordings, movies, television dramas, e-books, or a combination of them.

12. The Panel on Commerce and Industry has not been briefed about this Commencement Notice.

13. On behalf of Members, the Legal Service Division has asked the Administration what actions had been taken to prepare for the commencement of the Ordinance. The Administration has informed us that in preparing for the coming into operation of the Ordinance, it has updated the set of frequently asked questions and answers on the website of the Intellectual Property Department, issued a press release on 3 October 2003 and sent a copy of the press release to the parties whom the Administration had consulted on the Copyright (Amendment) Bill 2001 (which subsequently became the Ordinance), to explain the changes to be introduced by the Ordinance. The Administration has also confirmed that there is no outstanding undertaking to be implemented by it.

14. Members may refer to the Information Note circulated to Members vide CB(1)2548/02-03(01) dated 6 October 2003 for background information.

Dutiable Commodities (Amendment) Regulation 2003 (L.N. 136 of 2003)

Dutiable Commodities (Amendment) Regulation 2003 (L.N. 136 of 2003) (Commencement) Notice 2003 (L.N. 212)

15. This Notice specifies 1 December 2003 as the date on which the Dutiable Commodities (Amendment) Regulation 2003 (L.N. 136 of 2003) ("the Regulation") will come into operation.

16. Members may recall that the Regulation—
- (a) removes the standards of quality prescribed for rice spirit, millet spirit and molasses or sugar spirit or spirit made from an admixture of molasses and sugar; and
 - (b) requires every container of liquor imported into or manufactured in Hong Kong for local consumption to bear a label stating clearly the alcoholic strength, or the range of alcoholic strength, or the liquor for the purpose of assessment of duty.
17. No difficulties in relation to the legal and drafting aspects of the above items of subsidiary legislation have been identified.

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