

立法會
Legislative Council

LC Paper No. LS4/03-04

**Paper for the House Committee Meeting
on 17 October 2003**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 10 October 2003**

Date of Tabling in LegCo : 15 October 2003

Amendment to be made by : 12 November 2003 (or 3 December 2003 if extended by resolution)

**PART I REGULATIONS RELATING TO AIR NAVIGATION AND
CONSIGNMENT BY AIR OF DANGEROUS GOODS**

Civil Aviation Ordinance (Cap. 448)

Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2003 (L.N. 214)

**Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A)
Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of
Schedule) Order 2003 (L.N. 217)**

L.N. 214 amends Schedule 16 to the Air Navigation (Hong Kong) Order 1995 (Cap. 448 sub. leg. C) to give effect to the 2003-2004 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organization.

2. The amendments in L.N. 214 update the definition "dangerous goods" and give effect to the relevant part of the Technical Instructions which clarifies the exemption in relation to the carriage of medical aid to a patient. It also gives effect to the relevant parts of the Technical Instructions regarding the requirements on the provision of information about dangerous goods to the pilot-in-command.

3. L.N. 217 amends the technical references in the Schedule to the Dangerous Goods (Consignment by Air) (Safety) Regulations (Cap. 384 sub. leg. A) to give effect to the 2003-2004 edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organization.

4. The above amendments are basically technical in nature. The LegCo Economic Services Panel was briefed on these proposed amendments at the meeting held on 23 June 2003 and members had not raised any query. For more background information about L.N. 214, members may refer to the LegCo Brief (ref: EDB CR 15/951/49) issued by the Economic Development and Labour Bureau in October 2003.

5. These Orders have come into operation on the date of their publication in the Gazette on 10 October 2003.

PART II DECLARATION OF GEOGRAPHICAL CONSTITUENCIES

Legislative Council Ordinance (Cap. 542)

Declaration of Geographical Constituencies (Legislative Council) Order 2003 (L.N. 215)

6. Under section 4(a) of the Electoral Affairs Commission Ordinance (Cap. 541) ("EAC Ordinance"), the Electoral Affairs Commission ("EAC") has the function to consider or review the boundaries of geographical constituencies ("GCs") for the purpose of making recommendations for the delineation and the names of GCs for a LegCo general election. Under section 18 of the EAC Ordinance, EAC shall submit to the Chief Executive a report containing recommendations for the GCs not more than 36 months from the preceding LegCo general election.

7. At its meeting on 21 July 2003, the Panel on Constitutional Affairs was briefed on the provisional recommendations of EAC on delineation of GCs for the 2004 LegCo elections. The number of seats proposed for the 5 GCs were -

- (a) Hong Kong Island - 6 seats;
- (b) Kowloon West - 4 seats;
- (c) Kowloon East - 5 seats;
- (d) New Territories West - 8 seats; and
- (e) New Territories East - 7 seats.

8. The CA Panel noted that the public would be consulted on EAC's provisional recommendations from 15 July to 13 August 2003. The CA Panel also noted that there was an understanding that LegCo would respect the independent role of EAC in delineation of GC boundaries and would not interfere with its recommendations.

9. This Order was made by the Chief Executive in Council after giving regard to the recommendations made in the EAC report. It declares areas of Hong Kong to be geographical constituencies for the purpose of an election to elect members for the third

term of office of the LegCo, gives name to those constituencies, and specifies the number of LegCo members to be returned for each of those constituencies.

10. For more background information about the EAC report and this Order, members may refer to the LegCo Brief (ref: CAB C1/30/8) issued by the Constitutional Affairs Bureau in October 2003.

11. This Order shall come into operation on 1 January 2004.

PART III OTHERS

Clubs (Safety of Premises) Ordinance (Cap. 376)

Clubs (Safety of Premises) (Exclusion) (Amendment) Order 2003 (L.N. 216)

12. The Schedule to the Clubs (Safety of Premises) (Exclusion) Order (Cap. 376 sub. leg. C) specifies the premises which are excluded from the application of the Clubs (Safety of Premises) Ordinance (Cap. 376). This Order amends the Schedule to:-

- (a) update the names and locations of 9 club-houses set out in the Schedule; and
- (b) remove 2 club-houses (HKPF Wong Hau Shan Police Recreation Centre in Fanling, New Territories and Marine Police West Division Officers' Mess in Castle Peak Road, New Territories) from the Schedule.

13. The proposed amendments have not been referred to any LegCo Panel.

14. The Order has come into operation on the date of its publication in the Gazette on 10 October 2003.

PART IV COMMENCEMENT NOTICES

Factories and Industrial Undertakings Ordinance (Cap. 59)

Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) (Amendment) Regulation 2001 (L.N. 100 of 2002) (Commencement) Notice 2003 (L.N. 218)

15. This Notice appoints 2 January 2004 as the day on which sections 11, 12 and 15 of the Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) (Amendment) Regulation 2001 (L.N. 100 of 2002) shall come into operation.

16. The relevant sections are made to expand the scope of application of the Regulations to include the container handling industry.

Gambling Ordinance (Cap. 148)

Gambling (Amendment) Regulation 2002 (L.N. 92 of 2002) (Commencement) Notice 2003 (L.N. 219)

17. The Gambling (Amendment) Regulation 2002 (L.N. 92 of 2002) amends the Gambling Regulations (Cap. 148 sub. leg. A) to revise the prescribed conditions to which Lottery, Trade promotion competition and Mahjong/Tin Kau licences are subject. These amendments are introduced to update the relevant conditions so that some provisions are enhanced to ensure effective supervision and some restrictive conditions not conducive to effective supervision are relaxed (ref: Legal Service Division Report on subsidiary legislation gazetted on 7 June 2002, LC Paper No. LS117/01-02).

18. This Notice appoints 3 December 2003 as the day on which the Gambling (Amendment) Regulation 2002 shall come into operation.

Prepared by

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