

立法會
Legislative Council

LC Paper No. LS41/05-06

**Paper for the House Committee Meeting
on 3 March 2006**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 24 February 2006**

Date of tabling in LegCo : 1 March 2006

Amendment to be made by : 29 March 2006 (or 26 April 2006 if extended by resolution)

**PART I MERCHANT SHIPPING (LIMITATION OF SHIPOWNERS
LIABILITY) - RATE OF INTEREST**

**Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434)
Merchant Shipping (Limitation of Shipowners Liability) (Rate of Interest)
(Amendment) Order 2006 (L.N. 27)**

Under paragraph 1 of Article 11 of the Convention on Limitation of Liability for Maritime Claims, 1976 as applied by the Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434), shipowners and salvors may limit their liability for maritime claims by constituting limitation funds. A limitation fund shall comprise the amounts set out in the Convention and interest on those amounts.

2. Section 19 of Cap. 434 provides that the Monetary Authority may from time to time prescribe the rate of interest to be applied to limitation funds constituted under paragraph 1 of Article 11 of the Convention. This Order prescribes the new rate of interest applicable on or after 24 February 2006 to be 7.38% per year. The existing interest rate of 6.55% was prescribed by the Monetary Authority on 15 November 2005 and effective from 18 November 2005.

3. Members may refer to the LegCo Brief issued by the Financial Services and the Treasury Bureau on 24 February 2006 for more background information about the Order. The Order has not been referred to any LegCo Panel.

4. The Order has come into effect on the day it was published in the Gazette, that is, 24 February 2006.

**PART II VILLAGE REPRESENTATIVE ELECTION ORDINANCE
(AMENDMENT OF SCHEDULES)**

Village Representative Election Ordinance (Cap. 576)

**Village Representative Election Ordinance (Amendment of Schedules) Order
2006 (L.N. 28)**

5. This Order makes textual amendments to the names of certain villages specified in Schedules 1 and 2 to the Village Representative Election Ordinance (Cap. 576) and the name of a community specified in Schedule 3 to the Ordinance.

6. The Order has not been referred to any LegCo Panel and it shall come into effect on 28 April 2006.

**PART III IMPORT AND EXPORT ORDINANCE - ELECTRONIC
SUBMISSION OF MANIFESTS (EMAN SERVICES)**

Import and Export Ordinance (Cap. 60)

**Import and Export Ordinance (Specification of Ending Date under Section 42)
Notice 2006 (L.N. 29)**

Import and Export (Registration) Regulations (Cap. 60 sub. leg. E)

**Import and Export (Registration) Regulations (Specification of Ending Date
under Regulation 15) Notice 2006 (L.N. 30)**

Import and Export (General) Regulations (Cap. 60 sub. leg. A)

**Import and Export (General) Regulations (Specification of Ending Date under
Regulation 6DAH) Notice 2006 (L.N. 31)**

**Reserved Commodities (Control of Imports, Exports and Reserve Stocks)
Regulations (Cap. 296 sub. leg. A)**

**Reserved Commodities (Control of Imports, Exports and Reserve Stocks)
Regulations (Specification of Ending Date under Regulation 26) Notice 2006
(L.N. 32)**

7. The effect of L.N. 29, 30, 31 and 32 is to provide for the mandatory use of the services for electronic submission of manifests (“EMAN services”) with respect to ocean and river cargoes as from 16 June 2006.

8. The EMAN services with respect to air, rail, river and ocean modes of transport were launched in April 2003 when the Import and Export (Electronic Transactions) Ordinance 2002 came into operation. The Ordinance provides for a transitional period beginning on 11 April 2003 to allow time for the affected parties to prepare for electronic submission and such transitional period shall end at the midnight on a day to be specified by the Commissioner of Customs and Excise or the Director-General of Trade and Industry by notice in the Gazette. 16 July 2004 was

specified as the end date of the transitional period for air and rail cargo manifests.

9. L.N. 29 and 30 are made by the Commissioner of Customs and Excise and L.N. 31 and 32 are made by the Director-General of Trade and Industry. All these notices specify 15 June 2006 as the end date for the transitional period with respect to ocean and river cargo manifests required under the relevant Ordinance and Regulations.

10. Members may refer to the LegCo Brief (ref: CIB 89/18/1) issued by the Commerce, Industry and Technology Bureau in February 2006 for more background information about these 4 notices. At the meeting held on 17 January 2006, the Administration briefed the LegCo Panel on Commerce and Industry on its proposed timeframe of mandating the use EMAN services with respect to ocean and river cargoes in June 2006 and the Panel had no objection to such proposal.

Prepared by

Kitty Cheng
Assistant Legal Adviser
Legislative Council Secretariat
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