

立法會
Legislative Council

LC Paper No. LS45/05-06

**Paper for the House Committee Meeting
on 10 March 2006**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 3 March 2006**

Date of tabling in LegCo : 8 March 2006

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

PART I CHANGE OF NAME OF THE AIRPORT TUNNEL

Road Tunnels (Government) Ordinance (Cap. 368)

Road Tunnels (Government) (Amendment) Regulation 2006 (L.N. 33)

**Road Tunnels (Government) Ordinance (Amendment of Schedule) Notice
2006 (L.N. 34)**

The Airport Tunnel will be renamed the Kai Tak Tunnel. As a result of the change of name, the Second Schedule to the Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A) and the Schedule to the Road Tunnels (Government) Ordinance (Cap. 368) need to be amended. The requisite amendments are effected by L.N. 33 and L.N. 34 respectively. Members may wish to refer to the LegCo Brief (Ref.: ETWB(T)3/1/2(06) Pt. 4) dated 1 March 2006 and issued by the Environment, Transport and Works Bureau for further and background information.

2. According to the Administration, the proposal was endorsed by the Kowloon City District Council in 2003. A notice of the proposal was posted at the relevant District Office, District Lands Office, District Survey Office and the Survey and Mapping Office of Lands Department. It was also published in an English and a Chinese newspaper for public consultation. There has been no objection from the general public. The subsidiary legislation will come into operation on 4 May 2006.

PART II REVISION OF FEES

Dutiable Commodities Ordinance (Cap. 109)

Dutiable Commodities (Fee Revision) (No. 2) Regulation 2006 (L.N. 35)

Pawnbrokers Ordinance (Cap. 166)

Pawnbrokers (Fee Reduction) Regulation 2006 (L.N. 36)

Firearms and Ammunition Ordinance (Cap. 238)

Firearms and Ammunition (Fee Revision) Regulation 2006 (L.N. 37)

Firearms and Ammunition (Revision of Storage Fees) Order 2006 (L.N. 38)

3. The Government policy is to set fees at a level sufficient to recover the full costs of providing the services. The Financial Secretary indicated in the 2004-05 budget speech the need to resume the revision of Government fees and charges. The latest costing review suggests that certain fees need to be revised in accordance with the stated policy. The Secretary for Financial Services and the Treasury by virtue of section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) is empowered under section 29A of Cap. 1 to vary fees previously set by subsidiary legislation made by the Chief Executive in Council. The three Regulations are made by the Secretary pursuant to such policy and power. The Secretary is empowered by section 46(2) of the Firearms and Ammunition Ordinance (Cap. 238) to make the Order. Members may wish to refer to the LegCo Brief (Ref.: SBCR 4/2801/85) issued by the Security Bureau in March 2006 for further and background information.

4. L.N. 35 amends item 6 in Part II of the Schedule to the Dutiable Commodities Regulations (Cap. 109 sub. leg. A) to effect an increase in the fee for issuing a temporary liquor licence from \$290 to \$335. L.N. 36 amends Part I of the Second Schedule to the Pawnbrokers Regulations (Cap. 166 sub. leg. A) to reduce the fee for issue or renewal of a pawnbroker licence from \$4,600 to \$3,480. L.N. 37 amends the Second Schedule to the Firearms and Ammunition Regulations (Cap. 238 sub. leg. A). The fees for various licences in relation to firearms and ammunition are increased but the fee for the issue or renewal of an unrestricted dealer's licence is reduced from \$12,000 to \$9,860. L.N. 38 amends the Schedule to the Firearms and Ammunition (Storage Fees) Order (Cap. 238 sub. leg. B) to increase the storage fees for arms, ammunition and imitation firearms. An overview of the various fee revisions is provided in Annex F of the LegCo Brief. All the subsidiary legislation will come into effect on 29 April 2006.

5. The Panel on Security has been consulted on the proposed fee revision by circulation on 8 July 2005 of a note (LC Paper No. CB(2)2124/04-05(01)) issued by the Security Bureau on 27 June 2005. Members did not raise any queries on the proposals.

PART III CESSATION OF DESIGNATION OF PUBLIC MARKETS

Public Health and Municipal Services Ordinance (Cap. 132)

Markets (Cessation of Application of the Public Health and Municipal Services Ordinance) Declaration 2006 (L.N. 39)

Public Health and Municipal Services (Cessation of Designation as Public Markets) Order 2006 (L.N. 40)

Public Health and Municipal Services Ordinance (Amendment of Tenth Schedule) Order 2006 (L.N. 41)

6. L.N. 39 declares that the Boundary Street Market and the Tai Kok Tsui Temporary Market (the Markets) will cease to be markets to which the Public Health and Municipal Services Ordinance (Cap.132) (the Ordinance) applies and amends the Schedule to the Declaration of Markets Notice (Cap. 132 sub. leg. AN) by repealing the references to the Markets. L.N. 40 declares that the Markets cease to be designated as public markets. L.N. 41 amends the Tenth Schedule to the Ordinance by repealing the references to the Markets.

PART IV CHANGE OF NAME OF BUILDING

Registration of Persons Ordinance (Cap. 177)

Registration of Persons (Application for New Identity Cards) (Amendment) Order 2006 (L.N. 42)

7. The name of the building where the East Kowloon Smart Identity Card Center is located will be changed. That necessitates the amendment to item 2 in Schedule 1 to the Registration of Persons (Application for New Identity Card) Order (Cap. 177 sub. leg. E). Accordingly, L.N. 42 repeals “World Trade Square” and substitutes “Wharf T & T Square”. The Amendment Order is to come into operation on 1 April 2006.

PART V AMENDMENTS TO UNIVERSITY STATUTES

The Chinese University of Hong Kong Ordinance (Cap. 1109)

Statutes of the Chinese University of Hong Kong (Amendment) Statute 2006 (L.N. 43)

8. L.N. 43 is made by the Council of The Chinese University of Hong Kong under section 13 of The Chinese University of Hong Kong Ordinance (Cap. 1109) (the Ordinance) with the approval of its Chancellor. It amends paragraph 2 (1)(b) of Statute 26 of the Statutes of The Chinese University of Hong Kong in Schedule 1 to the Ordinance by replacing “神學碩士” with “神道學碩士”.

University of Hong Kong Ordinance (Cap. 1053)
Statutes of the University of Hong Kong (Amendment) Statute 2006 (L.N. 44)

9. L.N. 44 is made by the Chancellor of the University of Hong Kong (HKU) under section 13(2) of the University of Hong Kong Ordinance (Cap. 1053) (the Ordinance) on the recommendation of the Court of HKU. It amends Statute III of the Statutes of the University of Hong Kong in the Schedule to the Ordinance as follows:-

In paragraph	By adding	By repealing
1(a)	Bachelor of Business Administration in International Business and Global Management Bachelor of Science in Information Management	-
1(b)	-	Master of Surgery
1(c)	Master of Surgery	-
2(a)	Postgraduate Diploma in English Studies	-

The amendments add 2 new degrees and one new diploma to the list of degrees and other academic distinctions that may be conferred or awarded by HKU. The amendment in respect of “Master of Surgery” is to remove it from “Masters degrees” and list it under “Doctors degrees”.

Concluding Observations

10. Save as above expressly mentioned, neither the general public nor any Panel of the LegCo has been consulted. No difficulties have been observed in the legal or drafting aspects of the subsidiary legislation reported.

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