

**立法會**  
**Legislative Council**

LC Paper No. LS47/05-06

**Paper for the House Committee Meeting  
on 17 March 2006**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 10 March 2006**

**Date of tabling in LegCo** : 22 March 2006

**Amendment to be made by** : 29 March 2006 (or 10 May 2006 if extended by resolution)

**PART I IMPORT AND EXPORT**

**Import and Export Ordinance (Cap. 60)**  
**Import and Export (General) (Amendment) Regulation 2006 (L.N. 49)**

Upon the implementation of the Kimberley Process Certification Scheme (“KPCS”) in Hong Kong, any person who carries on a business of “importing, exporting, buying, selling or carrying” of rough diamonds is required to register as a registered rough diamond trader with the Director-General of Trade and Industry (“DGTI”) by virtue of Regulation 6DB of the Import and Export (General) Regulations (Cap. 60 sub. leg. A) (“Registration Requirement”). At present, an “owner of a vessel, aircraft or vehicle” (“Owner”) as defined in section 2 of the Import and Export Ordinance (Cap. 60) (“the Ordinance”) may fall within the ambit of the Registration Requirement as a person carrying on a business of carrying of rough diamonds. Under the Ordinance, such an Owner is already obliged:

- (a) not to release rough diamonds imported unless there is a valid import licence for the shipment (section 7(1));
- (b) to deliver to the DGTI the import licence for the shipment together with the manifest of the vessel, aircraft or vehicle on which the goods were imported (section 8(2)(b));
- (c) not to accept rough diamonds for export unless there is a valid export licence for the shipment (section 10(1)(a)); and
- (d) to deliver to the DGTI the export licence for the shipment together with the manifest of the vessel, aircraft or vehicle on which the goods were exported (section 11(2)(b)).

The Administration considers that such obligations should suffice for the effective monitoring of the import and export of rough diamonds carried by an Owner for the purpose of the KPCS.

2. The Import and Export (General) (Amendment) Regulation 2006 is made by the Chief Executive in Council under section 31 of the Ordinance to amend Regulation 6DB of the Import and Export (General) (Amendment) Regulations so that a carrier of rough diamonds who is also an Owner and required to comply with sections 7(1), 8(2)(b), 10(1)(a) and 11(2)(b) of the Ordinance is no longer required to register as a registered rough diamond trader.

**Import and Export (Fees) (Amendment) Regulation 2006 (L.N. 50)**

3. The Import and Export (Fees) (Amendment) Regulation 2006 is made by the Chief Executive in Council under section 31 of the Ordinance to:

- (a) amend the Import and Export (Fees) Regulations (Cap. 60 sub. leg. B) to empower the DGTI to refund the appropriate part of the registration fee paid by a person whose Registration Requirement has been dispensed with under L.N. 49 of 2006; and
- (b) reduce the various fees payable in respect of rough diamonds, namely the fees for the initial registration as a registered rough diamond trader and the renewal of such registration and the fees for the issue of an import licence and export licence to their full cost recovery level based on a costing review.

4. Members may refer to the LegCo Brief issued by the Commerce, Industry and Technology Bureau in March 2006 (Ref: CIB CR 15/46/1/2 Pt. IV) for background information. Details of the fees revision are set out in paragraph 13 of the LegCo Brief.

5. According to the LegCo Brief, the Administration has consulted nine relevant trade associations and they all welcomed the proposals in general. The proposed amendments have not been discussed at the Panel on Commerce and Industry ("the Panel"). The Administration provided the Panel with a paper on L.N.s 49 and 50 in December 2005 (Ref: LC Paper No. CB(1)479/05-06(01)). Members have raised no objection.

6. Both L.N.s 49 and 50 shall come into operation on 15 May 2006.

7. No difficulties relating to the legal and drafting aspects have been identified.

## **PART II MISCELLANEOUS**

### **Professional Accountants Ordinance (Cap. 50)**

#### **Professional Accountants (Amendment) Bylaw 2006 (L.N. 51)**

8. The Professional Accountants (Amendment) Bylaw 2006 (“the Amendment Bylaw”) is made by the Hong Kong Institute of Certified Public Accountants (“the Institute”) under section 8 of the Professional Accountants Ordinance (Cap. 50) with the approval of the Chief Executive in Council to amend Bylaws 3(4) and 17(1A) of the Professional Accountants Bylaws (Cap. 50 sub. leg. A) respectively to:

- (a) change the time for the return of completed ballot papers to the Registrar for election of certified public accountants as members of the Council of the Institute from “not less than 48 hours” to “not less than 72 hours” before the annual general meeting at which the election is to be held; and
- (b) bring the provisions governing, in the absence of the President, which Vice-President shall be the chairman of the general meetings of the Institute, in line with those governing the chairmanship of the meetings of the Council of the Institute.

9. Members may refer to the LegCo Brief issued by the Financial Services and the Treasury Bureau on 8 March 2006 (Ref: C2/2/50 (05)) for details. The Panel on Financial Affairs has not been consulted.

10. The Amendment Bylaw shall come into operation on 1 July 2006.

11. No difficulties relating to the legal and drafting aspects have been identified.

### **Road Traffic Ordinance (Cap. 374)**

#### **Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2006 (L.N. 52)**

12. The Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2006 (“the Amendment Regulation”) is made under section 6 of the Road Traffic Ordinance (Cap. 374) by the Secretary for the Environment, Transport and Works to amend Schedule 7 to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E) to revise the permitted area in the Island District (“Permitted Area”) for taxis licensed to operate within the New Territories (“NT taxis”).

13. To enable NT taxis to serve the departure area of the new Terminal at Sky Plaza of the Airport (“New Terminal”) under specified routes, the Amendment Regulation:

- (a) extends the Permitted Area to include “Sky Plaza Road” and “Cheong Tat Road westbound between Airport North Interchange and Cheong Hing Road”; and
- (b) removes “Cheong Lin Road between Cheong Wong Road and Airport South Interchange” from the Permitted Area because this section of Cheong Lin Road no longer exists after Cheong Wong Road has been realigned to become an elevated road connecting Airport Road instead of Cheong Lin Road.

According to the LegCo Brief issued by the Environment, Transport and Works Bureau in March 2006, the tentative opening date for the New Terminal and the related roads is the third quarter of 2006.

14. According to the LegCo Brief, the urban, NT and Lantau taxi trades were consulted on the proposal at the respective Taxi Conferences of Transport Department in November 2004. The NT taxi trade supported the proposal and the urban and Lantau taxi trades did not raise any objection. The Transport Advisory Committee was consulted on 7 January 2005 and the Legislative Council Panel on Transport on 2 February 2005. They all supported the revision to the Permitted Area for NT Taxis. Members may refer to the Paper for the Panel on Transport (“the Panel”) on Permitted Operating Areas for New Territories Taxis (Ref: LC Paper No. CB(1)786/04-05(07)) and the minutes of the Panel meeting on 2 February 2005 (Ref: LC Paper No. CB(1)1082/04-05) for details.

15. The Amendment 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.

16. No difficulties relating to the legal and drafting aspects have been identified.

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