

立法會

Legislative Council

LC Paper No. LS122/06-07

Paper for the House Committee Meeting on 5 October 2007

Legal Service Division Report on Subsidiary Legislation gazetted from 27 July 2007 to 28 September 2007

This paper annexes seven Legal Service Division's reports on items of subsidiary legislation gazetted from 27 July 2007 to 28 September 2007 (**Annex**). The items of subsidiary legislation included in these reports have not been tabled as there has been no meeting of the Legislative Council since they were gazetted. Apart from Western Harbour Crossing Ordinance (Replacement of Schedule 1) Notice 2007 (L.N. 166), Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Toll Increase) Notice 2007 (L.N. 170), Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2007 (L.N. 172), and United Nations Sanctions (Iran) Regulation (L.N. 179) which are not required to be tabled, the other items of subsidiary legislation will be tabled at the Legislative Council meeting on 10 October 2007. Under section 34 of the Interpretation and General Clauses Ordinance (Cap. 1), the Legislative Council may amend them by 7 November 2007, or by 28 November 2007 if the former date is extended by resolution.

2. Six out of the seven reports (except the report on subsidiary legislation gazetted on 28 September 2007) have already been submitted to Members during the summer recess. They are submitted again in this bundle to facilitate consideration by the House Committee.

3. Members may wish to have particular attention on the following items:

- (a) Antiquities and Monuments (Declaration of Proposed Monument) (No. 45 Stubbs Road) Notice (L.N. 175)

The Notice is made by the Secretary for Development (the Authority) under section 2A of the Antiquities and Monuments Ordinance (Cap. 53) (AMO) to declare the building and the adjoining land situated within Inland Lot No. 7327, No. 45 Stubbs Road, Hong Kong (commonly known as King Yin Lei), together with all structures erected on such lot to be a proposed monument for a period of 12 months from the making of the Notice unless earlier withdrawn by the Authority for considering whether or not King Yin Lei should be declared to be a monument under AMO.

At the meeting of the Subcommittee on Heritage Conservation held on 2 October 2007, the Administration briefed Members on the reasons of making the Notice and the actions that it would take in relation to King Yin Lei. Members may refer to the discussion paper prepared by the Development Bureau in September 2007 (LC Paper No. CB(2)2749/06-07(02)) for further information.

(b) United Nations Sanctions (Iran) Regulation (L.N. 179)

The Regulation is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (UNSO) on the instructions of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council to give effect to the decisions of the Security Council of the United Nations (UNSC) in Resolution 1737 (2006) as adopted by UNSC on 23 December 2006 and Resolution 1747 (2007) as adopted by UNSC on 24 March 2007 to implement sanctions against Iran.

This Division has identified certain drafting issues with the Regulation and has informed the Administration. As the Regulation comes within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions, Members may consider referring the Regulation to the Subcommittee for further consideration.

4. The Secretariat has circulated to Members the Gazettes which contain the subsidiary legislation covered by these seven reports in the usual manner. Members may also view the relevant Gazettes at the following website : <http://www.gld.gov.hk/egazette/>.

5. Apart from the observations on L.N. 175 and L.N. 179, no difficulties relating to the legal and drafting aspects of the items of subsidiary legislation covered by the seven reports have been identified.

Encl

Prepared by

Legal Service Division
Legislative Council Secretariat
3 October 2007

**Legal Service Division's Reports on
Subsidiary Legislation gazetted between 27 July 2007 and 28 September 2007**

<u>L.N. No</u>	<u>Item</u>
164	Human Reproductive Technology Ordinance (Commencement) Notice 2007
165	Human Reproductive Technology (Licensing) Regulation (Commencement) Notice
*166	Western Harbour Crossing Ordinance (Replacement of Schedule 1) Notice 2007
167	Frontier Closed Area (Permission to Enter) (Amendment) Notice 2007 (Commencement) Notice
168	Immigration (Places of Detention) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (Commencement) Notice
169	Immigration Service (Designated Places) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (Commencement) Notice
*170	Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Toll Increase) Notice 2007
171	Fugitive Offenders (Suppression of the Financing of Terrorism) Order (Commencement) Notice
*172	Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2007
173	Import and Export (General) Regulations (Amendment of Seventh Schedule) (Turkey) Notice 2007
174	Legal Practitioners (Risk Management Education) Rules (Appointment of Commencement Date) Notice 2007
175	Antiquities and Monuments (Declaration of Proposed Monument) (No. 45 Stubbs Road) Notice

- 176 Public Health and Municipal Services (Setting Aside Places for Use as Public Pleasure Grounds) (No. 2) Order 2007
- 177 Public Health and Municipal Services Ordinance (Amendment of Fourth Schedule) (No. 2) Order 2007
- 178 Tax Reserve Certificates (Rate of Interest) (No. 4) Notice 2007
- *179 United Nations Sanctions (Iran) Regulation

*not required to be tabled and not subject to amendment

立法會
Legislative Council

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 27 July 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

PART I COMMENCEMENT NOTICES

**Human Reproductive Technology Ordinance (Cap. 561)
Human Reproductive Technology Ordinance (Commencement) Notice 2007
(L.N. 164)**

By this Notice made under section 1(2) of the Human Reproductive Technology Ordinance (Cap. 561) (the Ordinance), the Secretary for Food and Health has appointed 1 August 2007 as the day on which Parts III, IV, V (except section 33(4)(a)), VI and VII of, and Schedules 2 and 3 to, the Ordinance shall come into operation.

2. The Ordinance was enacted in 2000 after scrutiny by a Bills Committee. Parts I and II of, and Schedule 1 to, the Ordinance were commenced on 17 November 2000 by L.N. 327 of 2000. The effect of this Notice is therefore that the whole Ordinance except section 33(4)(a) will become operative on 1 August 2007. Section 33(4)(a) concerns the giving by the Council on Human Reproductive Technology of information relating to a person who may be an adult's parent as required by regulation to be made under section 45(1)(d).

**Human Reproductive Technology (Licensing) Regulation (L.N. 55 of 2007)
Human Reproductive Technology (Licensing) Regulation (Commencement)
Notice (L.N. 165)**

3. By this Notice made under section 1 of the Human Reproductive Technology (Licensing) Regulation (L.N. 55 of 2007) (the Regulation), the Chairperson of the Council on Human Reproductive Technology has appointed 1

August 2007 as the day on which the Regulation shall come into operation.

4. The Regulation implements the licensing system laid down by the Human Reproductive Technology Ordinance (Cap. 561) (the Ordinance) for regulating human reproductive technology procedures, embryo research and related activities. It provides for the procedures and requirements for an application for a license under section 21 of the Ordinance, classes of licences and licence conditions, and complaint procedures against a licensee. Members may wish to refer to the Legal Service Division Report on the Regulation dated 12 April 2007 (LC Paper No. LS57/06-07) for further information.

PART II LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT

Western Harbour Crossing Ordinance (Cap. 436)

Western Harbour Crossing Ordinance (Replacement of Schedule 1) Notice 2007 (L.N. 166)

5. By this Notice made by the Commissioner for Transport under section 52(1) of the Western Harbour Crossing Ordinance (Cap. 436) (the Ordinance), the existing Schedule 1 to the Ordinance is repealed and substituted by a new Schedule 1 showing the new statutory tolls for Western Harbour Crossing (WHC). The Notice shall come into operation on 31 July 2007.

6. The Ordinance provides for a specified toll adjustment mechanism in respect of WHC. Under Schedule 4 of the Ordinance, the Western Harbour Tunnel Company Limited (the Company) or the franchisee may effect toll increase on six specified dates: 1 January 2001, 1 January 2005, 1 January 2009, 1 January 2013, 1 January 2017 and 1 January 2021. However, under section 46(1), whenever the Company or the franchisee's net revenue in any year (not being a year ending immediately before the specified dates) is less than the minimum estimated net revenue for that year as specified in Schedule 5 to the Ordinance, the Company or the franchisee may apply to the Secretary for Transport and Housing to give effect to the next anticipated toll increase. The maximum levels of increase in respect of different categories of vehicles, from the operating date up to 31 December 2010 or during the period of 13 years beginning on the operating date, are specified in Schedule 2 to the Ordinance.

7. Under section 52(1) of the Ordinance, when a toll is increased in accordance with the Ordinance and the project agreement, the Commissioner for Transport shall by notice published in the Gazette amend Schedule 1 to vary the relevant tolls. Section 52(2) stipulates that the Company or the franchisee shall not give effect to more than one increase in the tolls in one year. The last toll

increase came into effect on 31 July 2006 (L.N. 181 of 2006). Section 52(3) provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in respect of such notice. Consequently, such notice is not required to be tabled before the Legislative Council and is not subject to amendment by the Legislative Council.

8. The franchisee has exercised its right to statutory toll increase on the basis of its 2003-2004 Net Revenue Statement. It has decided to effect the new toll levels for WHC on 31 July 2007. However, existing concessionary tolls will continue to be offered to all categories of vehicles. Hence the actual toll levels will remain unchanged and users of WHC will not be affected by the increase. Members may wish to refer to the information paper on WHC tolls issued by the Transport and Housing Bureau in July 2007 (LC Paper No. CB(1)2205/06-07(1)) for background and further information. A comparison table of the existing statutory tolls and the new tolls is provided in Annex B to the information paper.

Concluding Observation

9. No difficulties relating to the legal and drafting aspects of the subsidiary legislation reported above have been identified.

Prepared by

KAU Kin-wah
Assistant Legal Adviser
Legislative Council Secretariat
30 July 2007

立法會
Legislative Council

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 10 August 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

PART I COMMENCEMENT NOTICES

Public Order Ordinance (Cap. 245)

Frontier Closed Area (Permission to Enter) (Amendment) Notice 2007 (Commencement) Notice (L.N. 167)

Immigration Ordinance (Cap. 115)

Immigration (Places of Detention) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (Commencement) Notice (L.N. 168)

Immigration Service Ordinance (Cap. 331)

Immigration Service (Designated Places) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (Commencement) Notice (L.N. 169)

Background

The Lok Ma Chau Spur Line Control Point (SLCP) is a new boundary control point for both rail and road passengers. Subsidiary legislation has been made to provide for measures and facilities necessary for its operation. The following Notice and Orders are made for the commencement of such subsidiary legislation, on which the Panel on Security has not been consulted.

Frontier Closed Area (Permission to Enter) (Amendment) Notice 2007 (Commencement) Notice

2. By this Notice made under section 1 of the Frontier Closed Area (Permission to enter) (Amendment) Notice 2007 (L.N. 74 of 2007) (the Amendment Notice), the Commissioner for Police has appointed 15 August 2007 as the day on which the Amendment Notice shall come into operation.

3. The Amendment Notice amends the Frontier Closed Area (Permission to Enter) Notice (Cap. 245 sub. leg. H) by:

- (a) amending the times during which the drivers of taxis and public light buses on a scheduled service who carry passengers to or from the Lok Ma Chau Boundary Control Point as well as the persons who travel by those vehicles are permitted to enter or leave the Frontier Closed Area to “Beginning on 2300 hours on each day and ending with 0630 hours on the next day”; and
- (b) granting permission to enter or leave the Frontier Closed Area to the drivers of taxis, the drivers of franchised buses on a specified route in uniform, and the drivers of public light buses on a scheduled service who carry passengers to or from the Lok Ma Chau Spur Line Public Transport Interchange, as well as to the persons who travel by those vehicles, for the period beginning on 0600 hours on each day and ending with 0030 hours on the next day, subject to the conditions specified in the Amendment Notice.

4. Members may refer to the LegCo Brief on L.N. 74 (File Ref: SBCR 3/10/1476/80) dated 2 May 2007 and issued by the Security Bureau (the Bureau) for further and background information.

Immigration (Places of Detention) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (Commencement) Notice

5. By this Notice made under section 1 of the Immigration (Places of Detention) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (L.N. 70 of 2007) (the Order), the Secretary for Security (the Secretary) has appointed 15 August 2007 as the day on which the Order shall come into operation.

6. The Order amends Schedule 3 to the Immigration (Places of Detention) Order (Cap. 115 sub. leg. B) by adding as item 26 the area within the SLCP that is set aside as detention quarters for use by Immigration Department (ID), so that the area can be used as a place of detention under the Immigration Ordinance (Cap. 115).

7. Members may wish to refer to the LegCo Brief on L.N. 70 (File Ref: SBCR 35/2091/74) issued by the Bureau in May 2007 for background information.

Immigration Service (Designated Places) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (Commencement) Notice

8. By this Notice made under section 1 of the Immigration Service (Designated Places) (Amendment: Lok Ma Chau Spur Line Control Point) Order 2007 (L.N. 71 of 2007) (the Order), the Secretary has appointed 15 August 2007 as the day on which the Order shall come into operation.

9. The Order amends the Schedule to the Immigration Service (Designated Places) Order (Cap. 331 sub. leg. B) by adding as item 13 the area within SLCP that is set aside as detention quarters for use by ID, so that the area becomes a designated place within the meaning of section 2(1) of Immigration Service Ordinance (Cap. 331).

10. Members may wish to refer to the LegCo Brief on L.N. 71 (File Ref: SBCR 35/2091/74) issued by the Bureau in May 2007 for background information.

PART II LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT

Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Toll Increase) Notice 2007 (L.N. 170)

11. The Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Toll Increase) Notice 2007 is made by the Commissioner for Transport (the Commissioner) under section 45(1) of the Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Cap. 474) (the Ordinance) to replace Schedule 1 to the Ordinance with a new Schedule 1 to reflect the toll increases effected under section 42 of the Ordinance.

12. Under section 45(1) of the Ordinance, when a toll is increased in accordance with the Ordinance and the project agreement, the Commissioner shall by notice published in the Gazette amend Schedule 1 to vary the relevant tolls. Section 45(2) stipulates that the franchisee shall not give effect to more than one increase in the tolls in one year (defined to mean a period of 12 months beginning on 1 August). The last toll increase came into effect on 17 September 2006 (L.N. 186 of 2006). Section 45(3) provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply in respect of such notice. Consequently, such notice is not required to be tabled before the Legislative Council and is not subject to amendment by the Legislative Council.

13. The franchisee has exercised its right to statutory toll increase on the basis of its 2002-2003 Net Revenue Statement. It has decided to effect the new toll levels for Route 3 (Country Park Section) on 19 August 2007. However, concessionary tolls will continue to be offered to all categories of vehicles and concession for some types of vehicles are reduced. Hence the actual toll levels will be lower than the statutory toll levels.

14. Members may refer to the information paper on Route 3 (Country Park Section) Toll Increase issued by the Transport and Housing Bureau for the Panel on Transport in August 2007 (LC Paper No. CB(1)2265/06-07(01)) for further information. A summary of the historical changes in toll levels of Route 3 is set out in Annex A and the existing tolls and new tolls of Route 3 with effect from 19 August 2007 are set out in Annex B of the information paper.

15. The Notice shall come into operation on 19 August 2007.

Concluding Remarks

16. No difficulties relating to the legal and drafting aspects of L.N. 167 to L.N. 170 of 2007 have been identified.

Prepared by

LAI Shun-wo, Monna
Assistant Legal Adviser
Legislative Council Secretariat
17 August 2007

立法會
Legislative Council

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 31 August 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

PART I COMMENCEMENT NOTICE

Fugitive Offenders (Suppression of the Financing of Terrorism) Order (L.N. 83 of 2007)

Fugitive Offenders (Suppression of the Financing of Terrorism) Order (Commencement) Notice (L.N. 171)

The Fugitive Offenders (Suppression of the Financing of Terrorism) Order (L.N. 83) (the Order) is made by the Chief Executive in Council under section 3 of the Fugitive Offenders Ordinance (Cap. 503) to give effect to the extradition obligations under the International Convention for the Suppression of the Financing of Terrorism. The Order was gazetted on 18 May 2007.

2. At the meeting of the House Committee on 25 May 2007, Members agreed that a subcommittee be formed to study the Order. The Subcommittee examined the Order and recommended that the Order be supported. Members may refer to the Report of the Subcommittee (LC Paper No. CB(2)2291/06-07) and the LegCo Brief on the Order (File Ref. SBCR2/1476/02) for further information.

3. By the Commencement Notice, the Secretary for Security has appointed 31 August 2007 as the day on which the Order shall come into operation.

PART II LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT

Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202)

Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2007 (L.N. 172)

4. The Order is made by the Secretary for Labour and Welfare under section 35(2) of the Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202) (the Ordinance).

5. At the meeting of the Panel on Welfare Services on 11 January 1999, the Administration briefed the Panel that to simplify the procedures required to adjust the pension rates payable under the Ordinance and to allow new rates to take retrospective effect from 1 April of each year, a bill would be introduced to amend the Ordinance. As the amendments to the rate of payment do not involve any change in policy, it was proposed that the amendments to the rate not be subsidiary legislation. Members raised no question to the proposals. The Volunteer and Naval Volunteer Pensions (Amendment) Bill 1999 (the 1999 Bill) was introduced and was enacted on 30 June 1999.

6. Section 35(5) of the Ordinance as amended by the 1999 Bill provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) does not apply to an order made under section 35(2) of the Ordinance. Accordingly, the Order is not required to be tabled in the Legislative Council and is not subject to amendment.

7. The Order amends Schedules 3 to 8 to the Ordinance to adjust the rates for the payment of pensions, gratuities and other allowances under the Ordinance to the officers and members of the Hong Kong Volunteer Defence Corps and the Hong Kong Naval Volunteer Force who fought in Hong Kong during the Second World War and their surviving spouse. The rates are adjusted in accordance with the percentage of increase (1.5%) in respect of the basic pension declared in the Declaration of Increase in Pensions Notice 2007 (L.N.116 of 2007).

8. The Order is deemed to have taken effect from 1 April 2007.

9. No difficulties have been identified in relation to the legal and drafting aspects of the above items of subsidiary legislation.

LEE Ka-yun, Kelvin
Assistant Legal Adviser
Legislative Council Secretariat
10 September 2007

立法會
Legislative Council

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 14 September 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

**Import and Export Ordinance (Cap. 60)
Import and Export (General) Regulations (Amendment of Seventh Schedule)
(Turkey) Notice 2007 (L.N. 173)**

This Notice adds Turkey to the list of specified countries or places in the Seventh Schedule to the Import and Export (General) Regulations (Cap. 60 sub. leg. A) (“the Regulations”). Part VI of and the Seventh Schedule to the Regulations together implement in Hong Kong an international certification scheme for rough diamonds known as the Kimberley Process Certification Scheme. The amendment made by this Notice reflects the fact that trade in rough diamonds may be carried on with Turkey under the Kimberley Process Certification Scheme.

2. The Panel on Commerce and Industry has not been consulted specifically on the Notice. Nevertheless, at its meeting on 11 November 2002, the Panel was briefed on the Import and Export (General) (Amendment) Regulation 2002 which provided for the implementation of an international certification scheme for rough diamonds in Hong Kong. Panel members in general supported the scheme.

**Legal Practitioners Ordinance (Cap. 159)
Legal Practitioners (Risk Management Education) Rules (Appointment of Commencement Date) Notice 2007 (L.N. 174)**

3. The Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) (“the Rules”) provide for the implementation of a programme of training courses on risk management for solicitors, foreign lawyers and trainee solicitors. The Law Society of Hong Kong intends to apply the Rules to different categories of lawyers by different phases. The Rules have been applied to solicitors who are principals (L.N. 146 and L.N. 154 of 2005), and to solicitors who are not principals and who were admitted as solicitors of the High Court before 1 January 2001 (L.N. 187 of 2006).

4. By this Notice, the Council of The Law Society of Hong Kong appoints 1 November 2007 as the date on which the Rules shall take effect in relation to a solicitor who is not a principal and who was admitted as a solicitor of the High Court on or after 1 January 2001.

5. The Panel on Administration of Justice and Legal Services has not been consulted on the Notice.

Concluding Observation

6. No difficulties relating to the legal and drafting aspects of the subsidiary legislation reported above have been identified.

Prepared by

TSO Chi-yuen, Timothy
Assistant Legal Adviser
Legislative Council Secretariat
18 September 2007

立法會
Legislative Council

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 September 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

**Antiquities and Monuments Ordinance (Cap. 53)
Antiquities and Monuments (Declaration of Proposed Monument) (No. 45
Stubbs Road) Notice (L.N. 175)**

Under section 2A of the Antiquities and Monuments Ordinance (Cap. 53) (“the Ordinance”), the Secretary for Development (“the Authority”) may, after consultation with the Antiquities Advisory Board, by notice in the Gazette, declare any place, building, site or structure to be a proposed monument, proposed historical building, or proposed archaeological or palaeontological site or structure for the purpose of considering whether or not it should be declared to be a monument.

2. This Notice declares the buildings and the adjoining land situated within the Inland Lot No. 7327, No. 45 Stubbs Road, Hong Kong together with all structures erected on such lot to be a proposed monument for the purposes of the Ordinance. Under section 2B of the Ordinance, the declaration is to have effect for a period of 12 months from the making of it unless earlier withdrawn by the Authority. The effect of the Notice is that no person shall demolish, remove, obstruct, deface or interfere with the proposed monument except in accordance with a permit granted by the Authority.

3. Under section 2C of the Ordinance, the owner or any lawful occupier of private land within which a proposed monument has been declared may at any time apply to the Authority for withdrawal of the declaration. If the application is refused, the owner or occupier may by petition to the Chief Executive object to the declaration.

4. Members may refer to the LegCo Brief issued by the Development Bureau in September 2007 for background information. According to paragraph 9 of the LegCo Brief, the Notice is to take immediate effect on the date of gazettal (i.e. 15 September 2007) because of the urgency to render statutory protection to the buildings.

5. The Subcommittee on Heritage Conservation has scheduled a meeting for 2 October 2007 to discuss the preservation of, inter alia, King Yin Lei (which is the commonly known reference to the premises situated at No. 45 Stubbs Road, Hong Kong).

6. The drafting of the Notice is in order.

Prepared by

FUNG Sau-kuen, Connie
Assistant Legal Adviser
Legislative Council Secretariat
24 September 2007

LS/S/46/06-07

立法會
Legislative Council

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 21 September 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

**Public Health and Municipal Services Ordinance (Cap. 132)
Public Health and Municipal Services (Setting Aside Places for Use as Public
Pleasure Grounds) (No. 2) Order 2007 (L.N. 176)**

**Public Health and Municipal Services Ordinance (Amendment of Fourth
Schedule) (No. 2) Order 2007 (L.N. 177)**

L.N. 176 sets aside the places specified in Schedule 1 to the Order for use as public pleasure grounds under the Public Health and Municipal Services Ordinance (Cap. 132), and provides that the places specified in Schedule 2 to the Order cease to be set aside for use as such public pleasure ground.

2. L.N. 177 amends the Fourth Schedule to Cap. 132 to update the list of public pleasure grounds and names of venues.

3. Under section 107 of Cap. 132 and by virtue of the Third Schedule to Cap. 132, the general management and control of places set aside as pleasure grounds shall be vested in the Director of Leisure and Cultural Services.

4. The above subsidiary legislation came into operation on the date of publication in the Gazette, that is, 21 September 2007.

Prepared by

Kitty Cheng
Assistant Legal Adviser
Legislative Council Secretariat
24 September 2007

立法會
Legislative Council

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 28 September 2007**

Date of tabling in LegCo : 10 October 2007

Amendment to be made by : 7 November 2007 (or 28 November 2007 if extended by resolution)

PART I INTEREST ON TAX RESERVE CERTIFICATE

Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)
Tax Reserve Certificates (Rate of Interest) (No. 4) Notice 2007 (L.N. 178)

By this Notice made by the Secretary for Financial Services and the Treasury under rule 7(2)(h) of the Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A), the rate of interest payable on tax reserve certificates issued on or after 2 October 2007 is fixed at 2.6167% per annum (the new rate). The Schedule to the Tax Reserve Certificates (Rate of Interest) (Consolidation) Notice (Cap. 289 sub. leg. B) is consequentially amended by inserting “and before 2 October 2007” in item 158 and adding the new rate as item 159.

PART II LEGAL NOTICE NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT

United Nations Sanctions Ordinance (Cap. 537)
United Nations Sanctions (Iran) Regulation (L.N. 179)

2. This Regulation is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (the principal Ordinance), on the instructions of Ministry of Foreign Affairs of the People’s Republic of China and after consultation with the Executive Council, to give effect to decisions of the Security Council of the United Nations (“the Security Council”) in Resolution 1737 (2006) as adopted by the Security Council on 23 December 2006 and Resolution 1747 (2007) as adopted by the Security Council on 24

March 2007.

3. The Regulation provides for the implementation of the following sanctions imposed by the Security Council in Resolution 1737 (2006) and Resolution 1747 (2007)-

- (a) prohibition against the direct or indirect sale, supply or transfer of certain items, material, equipment, goods or technologies to Iran;
- (b) prohibition against the procurement of certain arms or related materials, items or equipment from Iran;
- (c) prohibition against the provision or transfer of certain assistance, training, services or resources to Iran; and
- (d) prohibition against making available to or for the benefit of certain persons or entities any funds or other financial assets or economic resources.

Details of the regulated prohibited items and specified prohibited items (both are defined in section 1 of the Regulation) are set out in the Security Council documents S/2006/814 and S/2006/815¹. They are related to uranium enrichment, reprocessing or heavy-water related activities or the development of nuclear weapon delivery systems.

4. The Regulation also makes provisions for the investigation of any contravention of the above prohibitions and for the gathering of evidence and other matters relating to the enforcement of the prohibitions.

5. The Panel on Commerce and Industry has not been consulted on the Regulation.

6. By virtue of section 3(5) of the principal Ordinance, the Regulation is not subject to the scrutiny of the Legislative Council under sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1). However, since it comes within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions, Members may consider referring it to the Subcommittee for further consideration.

¹ Copy of the two documents in both Chinese and English versions are available for inspection at the office of the Director-General of Trade and Industry. Chinese version of the documents only are freely accessible on the internet at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/573/36/IMG/N0657336.pdf?OpenElement> and <http://daccessdds.un.org/doc/UNDOC/GEN/N06/574/11/PDF/N0657411.pdf?OpenElement> respectively.

7. The Legal Service Division has identified certain drafting issues and has informed the Administration accordingly.

Concluding Observation

8. Save as stated in paragraph 7 above, no difficulties relating to the legal and drafting aspects of the subsidiary legislation reported above have been identified.

Prepared by

KAU Kin-wah
Assistant Legal Adviser
Legislative Council Secretariat
3 October 2007

LS/S/48/06-07