

立法會
Legislative Council

LC Paper No. LS50/07-08

**Paper for the House Committee Meeting
on 22 February 2008**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 February 2008**

Date of tabling in LegCo : 20 February 2008

Amendment to be made by : 12 March 2008 (or 9 April 2008 if
extended by resolution)

**Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007)
Accreditation of Academic and Vocational Qualifications (Appeal) Rules
(L.N. 25)**

**Accreditation of Academic and Vocational Qualifications Ordinance
(Commencement) Notice 2008 (L.N. 26)**

The Accreditation of Academic and Vocational Qualifications Ordinance (6 of 2007) (the Ordinance) was enacted in May 2007 to provide for matters relating to accreditation of academic and vocational qualifications, and for related and consequential matters. These matters include the establishment of a framework, called the Qualifications Framework (QF), which contains a structure of levels of qualifications; establishment of the Accreditation Authority responsible for developing and implementing the standards and mechanism for academic or vocational qualifications accreditation to underpin QF; establishment of a Qualifications Register (QR) for entering qualifications recognized under QF to be maintained by the QR Authority; and the establishment of an Appeal Board to consider appeals against QF-related decisions and determinations made by the Accreditation Authority or the QR Authority.

2. The provisions relating to the establishment of the Appeal Board, protection of the Chairman, Deputy Chairman, or panel member and appeal rules of the Appeal Board (i.e. sections 9, 10, 16 and 17 of the Ordinance), and the consequential and related amendments to the Hong Kong Council for Academic Accreditation Ordinance (Cap. 1150) had come into operation on 13 July 2007 and 1 October 2007 respectively.

3. By L.N. 26, the Secretary for Education (the Secretary) appoints 5 May 2008 as the day on which those provisions of the Ordinance that have not come into operation will come into operation. These provisions relate to QF and QR, lodging of appeals to the Appeal Board and enforcement of the provisions relating to QF and QR.

4. L.N. 25 is made by the Rules Committee under section 17(2) of the Ordinance to provide for matters relating to the lodging of appeals to the Appeal Board and the practice and procedure of the Appeal Board. The Rules Committee, as provided under section 17(1) of the Ordinance, consists of the Chairman of the Appeal Board, all Deputy Chairmen and not less than 6 and not more than 8 panel members selected by the Secretary.

5. L.N. 25 will come into operation on 5 May 2008.

6. L.N. 25 and L.N. 26 have not been discussed by the Panel on Manpower.

7. The Legal Service Division is seeking clarification from the Administration on a few drafting points in L.N. 25. A further report will be submitted, if necessary.

Tsing Sha Control Area Ordinance (16 of 2007)

Tsing Sha Control Area Ordinance (Commencement) Notice (L.N. 27)

Tsing Sha Control Area (General) Regulation (L.N. 222 of 2007)

Tsing Sha Control Area (General) Regulation (Commencement) Notice (L.N. 28)

Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (L.N. 237 of 2007)

Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Commencement) Notice (L.N. 29)

8. By L.N. 27 to L.N. 29, the Secretary for Transport and Housing appoints 21 March 2008 as the day on which the Tsing Sha Control Area Ordinance (16 of 2007) (the TSCA Ordinance), the Tsing Sha Control Area (General) Regulation (L.N. 222 of 2007) (the General Regulation) and the Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (L.N. 237 of 2007) (the Tolls Regulation) will come into operation.

9. The TSCA Ordinance provides for the determination of the boundaries of the Tsing Sha Control Area (the Control Area), the management, operation and maintenance of the Control Area, the imposition of financial penalties on operators of the Control Area, and other ancillary and related matters. The General Regulation provides for the control and regulation of the Control Area, including the control of traffic in the Control Area, the carrying out of road works in the Control Area, and methods of collecting tolls for the use of the toll area in the Control Area and connected matters. The Tolls Regulation prescribes and provides for the payment of tolls, surcharge, fees and charges relating to the Control Area.

10. Members may refer to the LegCo Brief (Ref: THB(T) CR 1/981/00) issued by the Transport and Housing Bureau in February 2008 for background information.

11. Except as stated in paragraph 7 above, no difficulties in the legal and drafting aspects of the above items of subsidiary legislation have been identified.

Prepared by

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