

立法會
Legislative Council

LC Paper No. LS46/08-09

**Paper for the House Committee Meeting
on 6 March 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 27 February 2009**

Date of tabling in LegCo : 4 March 2009

Amendment to be made by : 1 April 2009 (or 22 April 2009 if extended by resolution)

**Estate Agents Ordinance (Cap. 511)
Estate Agents (Licensing) (Amendment) Regulation 2009 (L.N. 29)**

This Regulation is made by the Estate Agents Authority, with the approval of the Secretary for Transport and Housing, under section 56 of the Estate Agents Ordinance (Cap. 511) and section 29 of the Interpretation and General Clauses Ordinance (Cap. 1). The Regulation amends the Estate Agents (Licensing) Regulation (Cap. 511 sub. leg. A) (the principal Regulation) to give effect to a fee concession of 50% of the 12-month fee in respect of each type of licence as prescribed in item 1 of Schedule 2 to the principal Regulation on a one-off basis during the period from 1 May 2009 to 30 April 2010 inclusive.

2. The Regulation adds a new section 5A to the principal Regulation. The new section 5A provides for the reduction of licence fees for the grant or renewal of an estate agent's licence or a salesperson's licence commencing during the period from 1 May 2009 to 30 April 2010.

3. The Regulation also adds a new section 5B to the principal Regulation. The new section 5B provides for the refund of the licence fees paid before 1 May 2009 for an estate agent's licence or a salesperson's licence on a pro-rata basis taking into account the number of months for which the licence is valid within the period from 1 May 2009 to 30 April 2010.

4. A new Schedule 3 is added to the principal Regulation which sets out the authorized reduction amount for different types of licences. The amount of savings in licence fees per licence, or the amount of refund in licence fees per licence, will range from \$640 to \$1,400 depending on the types of licences.

5. This Regulation will come into operation on 1 May 2009.

6. Members may refer to the LegCo Brief (File Ref.: HD/PH 5/6/2 Pt.9) issued by the Transport and Housing Bureau in February 2009 for further information.

7. The Panel on Housing has not been consulted on this Regulation.

8. According to paragraph 15 of the LegCo Brief, the estate agency trade has been consulted on the proposed one-off licence fee concession. The trade is generally satisfied with the magnitude of the licence fee concession and the implementation arrangements.

Independent Police Complaints Council Ordinance (Commencement) Notice (L.N. 6 of 2009)

Independent Police Complaints Council Ordinance (Commencement) Notice (Repeal) Notice (L.N. 30)

9. By L.N. 30, the Independent Police Complaints Council Ordinance (Commencement) Notice (L.N. 6 of 2009) is repealed.

10. The Independent Police Complaints Council Ordinance (33 of 2008) (the Ordinance) was passed on 9 July 2008. L.N. 6 of 2009 appoints 1 April 2009 as the day on which the Ordinance will come into operation. L.N. 6 of 2009 has been scrutinized by the Subcommittee on Independent Police Complaints Council Ordinance (Commencement) Notice. Taking into account of the views expressed by members of the Subcommittee at the meeting on 13 February 2009, the Administration agreed to repeal L.N. 6 of 2009 and defer the commencement of the Ordinance to allow members to obtain sufficient information about the financial resources of the statutory Independent Police Complaints Council. The Administration will publish a new commencement notice in the Gazette in due course. Members may refer to the report of the Subcommittee to the House Committee (LC Paper No. CB(2)948/08-09) for further information.

Admission and Registration (Amendment) Rules 2008 (L.N. 277 of 2008)

Admission and Registration (Amendment) Rules 2008 (Commencement) Notice (L.N. 31)

Legal Practitioners (Risk Management Education) (Amendment) Rules 2008 (L.N. 278 of 2008)

Legal Practitioners (Risk Management Education) (Amendment) Rules 2008 (Commencement) Notice (L.N. 32)

11. By L.N. 32, the President of The Law Society of Hong Kong appoints 1 May 2009 as the day on which the Legal Practitioners (Risk Management Education) (Amendment) Rules 2008 (L.N. 278 of 2008) come into operation. L.N. 278 of 2008 amends the Legal Practitioners (Risk Management Education) Rules (Cap. 159 sub. leg. Z) so that certain requirements under the Risk Management Education Programme can be met by completing activities that are conducted, authorized or approved by The Law Society of Hong Kong.

12. By L.N. 31, the President of The Law Society of Hong Kong appoints 1 May 2009 as the day on which the Admission and Registration (Amendment) Rules 2008 (L.N. 277 of 2008) come into operation. L.N. 277 of 2008 amends the Admission and Registration Rules (Cap. 159 sub. leg. B) to introduce consequential changes pursuant to the amendments made by L.N. 278 of 2008.

13. No difficulties have been observed in the legal or drafting aspects of the above items of subsidiary legislation.

Prepared by

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