

立法會
Legislative Council

LC Paper No. LS48/08-09

**Paper for the House Committee Meeting
on 20 March 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 6 March 2009**

Date of tabling in LegCo : 11 March 2009

Amendment to be made by : 1 April 2009 (or 29 April 2009 if extended by resolution)

PART I ALTERATION OF FARES

Tramway Ordinance (Cap. 107)

Tramway Ordinance (Alteration of Fares) (Amendment) Notice 2009 (L.N. 33)

Tramway Ordinance (Commencement of Alteration of Fares) Order 2009 (L.N. 34)

Section 51(1) of the Tramway Ordinance (Cap. 107) provides that subject to the consent of the Chief Executive in Council, it shall be lawful for Hong Kong Tramways Limited to alter the rates of fares for the time being authorized in respect of the whole or any portion of the tramway. Section 51(2) provides that any such alteration shall come into force one month after its publication in the Gazette or within such shorter period after such publication as the Chief Executive in Council may order. The existing rates of fares for the tramway are set out in the Schedule to the Tramway Ordinance (Alteration of Fares) Notice (Cap. 107 sub. leg. D).

2. L.N. 33, which is made under section 51(1) of the Tramway Ordinance, increases from \$30 to \$34 the fare for a tourist ticket which is valid for unlimited travel for 4 consecutive days upon the tramway counting from (and including) the day of issue of the ticket, and available only to a person having permission to land in Hong Kong as a visitor under the Immigration Ordinance (Cap. 115).

3. L.N. 33 will come into operation on a day to be ordered by the Chief Executive in Council under section 51(2) of the Tramway Ordinance.

4. By L.N. 34, the Chief Executive in Council orders that the alteration of fare specified in L.N. 33 will come into operation on 29 March 2009. The fare was last revised in June 1997.

PART II PREVENTION AND CONTROL OF DISEASE

Prevention and Control of Disease Ordinance (14 of 2008)

Prevention and Control of Disease Ordinance (Amendment of Schedule 1) Notice 2009 (L.N. 35)

5. The Prevention and Control of Disease Ordinance (14 of 2008) (the Ordinance) and its subsidiary legislation provide a statutory framework for the control and prevention of diseases that pose public health risks in Hong Kong. Under section 4 of the Prevention and Control of Disease Regulation (L.N. 159 of 2008) (the Regulation), medical practitioners are required to notify the Director of Health if they have reason to suspect the existence of any of the infectious diseases specified in Schedule 1 to the Ordinance (the Schedule) in a form specified by the Director. Failure to comply with the requirement is an offence under the Regulation. At present, there are 45 infectious diseases listed in the Schedule.

6. L.N. 35 adds 2 infectious diseases, namely Chikungunya fever and Enterovirus 71 infection, to the list of infectious diseases in the Schedule. The effect of this is that these two diseases will be subject to the control of the Ordinance and the Regulation.

7. Members may refer to the LegCo Brief (Ref: FH CR 4/3231/96) issued by the Food and Health Bureau in March 2009 for background information. According to paragraph 13 of the LegCo Brief, the public and private medical sectors, which collaborate with the Centre for Health Protection of the Department of Health, have been informed of the Administration's proposal to strengthen the surveillance of Chikungunya fever and Enterovirus 71 infection. They are generally supportive of the proposal.

8. L.N. 35 has come into operation on the day it was published in the Gazette, i.e. 6 March 2009.

9. L.N. 33 to L.N. 35 have not been discussed by the relevant LegCo Panels.

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

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