

立法會
Legislative Council

LC Paper No. LS76/08-09

**Paper for the House Committee Meeting
on 5 June 2009**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 29 May 2009**

Date of tabling in LegCo : 3 June 2009

Amendment to be made by : 24 June 2009 (or the 1st meeting of the next session if extended by resolution)

Ozone Layer Protection Ordinance (Cap. 403)

Ozone Layer Protection Ordinance (Amendment of Schedule) Order 2009 (L.N. 114)

Section 3(1) of the Ozone Layer Protection Ordinance (Cap. 403) provides that a person who manufactures a substance listed in the Schedule to that Ordinance commits an offence and is liable to a fine of \$1,000,000 and imprisonment for 2 years. L.N. 114 was made by the Secretary for the Environment under section 17 of Cap. 403 to replace the existing Schedule to Cap. 403 to –

- (a) make it clear that an ozone layer depleting substance listed in the Schedule includes the isomers of that substance, except as otherwise stated in the Schedule;
- (b) add bromochloromethane to the Schedule so as to bring this ozone depleting substance under the control of Cap. 403; and
- (c) amend the Chinese terms of certain ozone layer depleting substances to ensure consistency with the Chinese version used by the United Nations.

2. Members may refer to the LegCo Brief (ref: EP 351/O4/33) issued by the Environmental Protection Department in May 2009 for background of this amendment. According to the Administration, bromochloromethane has not been produced or used in or imported to the local market (para. 7 of the LegCo Brief).

3. The subject of enhancing the control of ozone depleting substances including bromochloromethane was discussed by the Panel on Environmental Affairs at its meeting on 24 November 2008. Members of the Panel did not raise any objection to the proposed amendments relating to bromochloromethane (ref: minutes of meeting of the Panel are in LC Paper No. CB(1)595/08-09).

4. L.N. 114 will come into operation on 1 October 2009.

Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)
Tax Reserve Certificates (Rate of Interest) (No. 3) Notice 2009 (L.N. 115)

5. L.N. 115 (this Notice) was 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). By this Notice, the rate of interest payable on tax reserve certificates issued on or after 1 June 2009 is fixed at 0.1167% per annum. The Schedule to the Tax Reserve Certificates (Rate of Interest) (Consolidation) Notice (Cap. 289 sub. leg. B) is also amended correspondingly.

6. L.N. 115 came into operation on the date it was published in the Gazette, i.e. 29 May 2009. The amendment of rate of interest has not been referred to the Panel on Financial Affairs.

Prepared by

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