

**立法會**  
**Legislative Council**

LC Paper No. LS6/08-09

**Paper for the House Committee Meeting  
on 24 October 2008**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 17 October 2008**

**Date of Tabling in LegCo** : 22 October 2008

**Amendment to be made by** : 19 November 2008 (or 10 December 2008 if extended by resolution)

**PART I EMPLOYEES RETRAINING ORDINANCE**

**Employees Retraining Ordinance (Cap. 423)**  
**Employees Retraining Ordinance (Amendment of Schedule 2) (No. 2) Notice 2008 (L.N. 224)**

This Notice adds four organizations to the list of training bodies that may provide or conduct retraining courses for the purposes of the Employees Retraining Ordinance (Cap. 423).

**PART II COMMENCEMENT NOTICES**

**Buildings (Amendment) Ordinance 2008 (20 of 2008)**  
**Buildings (Amendment) Ordinance 2008 (Commencement) Notice 2008 (L.N. 225)**

2. By this Notice, the Secretary for Development appoints 15 December 2008 as the day on which sections 1 to 5 and 8, 10(4), 11, 14(1) and (4)(b) and 23 to 25, 26(a), 30, 31 and 43 of the Buildings (Amendment) Ordinance 2008 (20 of 2008) (the Ordinance) will come into operation.

3. The Ordinance amends the Buildings Ordinance (Cap. 123) (BO) to introduce a minor works control system, provide for a scheme under which demolition orders will not be made under certain circumstances in respect of specified types of unauthorized building works or building structures which have been completed or carried out before the commencement of the minor works control system (the validation scheme), provide for penalties for offences relating to minor works and make miscellaneous amendments.

4. The provisions that will come into operation on 15 December 2008 relate to definitions of new terms added to section 2(1) of BO as a result of the amendments introduced by the Ordinance, the power of the Secretary for Development (the Secretary) to make regulations providing for matters relating to minor works as well as some miscellaneous amendments to BO. These miscellaneous amendments include the amendment to clarify the procedure for removal of names from the registers of authorized persons, structural engineers and geotechnical engineers established under BO and to provide for matters relating to public inspection of information kept by the Building Authority.

5. The other provisions, which relate to the minor works control system, the validation scheme and penalties for offences relating to minor works, have not come into operation pending the making of regulations by the Secretary providing for the operational details of the minor works control system. At the resumption of Second Reading debate on the Buildings (Amendment) Bill 2007 on 18 June 2008, the Secretary stated that the Administration would submit the relevant regulations for scrutiny by the Legislative Council as soon as possible and it was expected that the minor works control system could be brought into operation by the end of 2009.

**Fugitive Offenders (Piracy and Armed Robbery against Ships) Order (L.N. 97 of 2008)**

**Fugitive Offenders (Piracy and Armed Robbery against Ships) Order (Commencement) Notice (L.N. 226)**

6. By this Notice, the Secretary for Security appoints 12 December 2008 as the day on which the Fugitive Offenders (Piracy and Armed Robbery against Ships) Order (L.N. 97 of 2008) (the Order) will come into operation.

7. By the Order, it is directed that the procedures in the Fugitive Offenders Ordinance (Cap. 503) for the surrender of fugitive offenders shall apply between Hong Kong and the places outside Hong Kong to which the Order relates. The Order is made to implement the extradition arrangements under the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (the Regional Agreement) entered into force in respect of China, including Hong Kong, on 26 November 2006. The terms of the Regional Agreement are recited in the Schedule to the Order. Under section 2 of the Order, the relevant procedures are subject to the limitations, restrictions, exceptions and qualifications contained in the terms of the Regional Agreement.

8. The Order was gazetted on 2 May 2008 and considered by the House Committee at its meeting on 9 May 2008. At the meeting, Members did not raise any queries on the Order and did not form a subcommittee to study the Order.

9. The above items of subsidiary legislation have not been discussed by the relevant Panels.

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

Prepared by

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