

立法會
Legislative Council

LC Paper No. LS55/09-10

**Paper for the House Committee Meeting
on 16 April 2010**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 9 April 2010**

Date of tabling in LegCo : 14 April 2010

Amendment to be made by : 12 May 2010 (or 2 June 2010 if extended by resolution)

**Dutiable Commodities Regulations (Cap. 109 sub. leg. A)
Dutiable Commodities (Exempted Quantities) (Amendment) Notice 2010
(L.N. 35)**

This Notice is made by the Commissioner of Customs and Excise under regulation 12(1)(ea) of the Dutiable Commodities Regulations (Cap. 109 sub. leg. A) to amend the Dutiable Commodities (Exempted Quantities) Notice (Cap. 109 sub. leg. G) (the Principal Notice) to implement a proposal in the 2010-2011 Budget. The Financial Secretary proposed in his budget speech (paragraph 133) to abolish the duty-free concessions on tobacco products for incoming passengers but small amounts of tobacco products for own consumption would be exempted to facilitate law enforcement.

2. Section 1 of the Principal Notice is amended to remove any reference to cigarettes, cigars and manufactured tobacco but the existing exempted quantity (i.e. to the extent of 1 litre) specified in respect of alcoholic liquor is retained.

3. Section 3 adds a new section 2 to the Principal Notice to specify the new quantities of duty-free tobacco products allowed to be brought into Hong Kong for own use by a passenger of any ship, aircraft, train or vehicle arriving in Hong Kong. The new quantities are 19 cigarettes, 1 cigar or 25 grams of cigars, and 25 grams of other manufactured tobacco.

4. The proposal as part of the budget for the fiscal year 2010-11 has been considered by the Finance Committee. This Notice is to come into operation on 1 August 2010.

Education Ordinance (Cap. 279)

Education Ordinance (Amendment of Schedule 3) Notice 2010 (L.N. 36)

5. This Notice is made by the Secretary for Education under section 40AC(1) of the Education Ordinance (Cap. 279) (the Ordinance) to amend Schedule 3 to the Ordinance to update the address of Po Leung Kuk Choi Kai Yau School due to a change of premises. This Notice is to come into operation on 4 June 2010.

6. Schedule 3 to the Ordinance sets out the list of specified schools which have complied with the requirements of section 40AC of the Ordinance. Such schools and Direct Subsidy Scheme Schools are not compulsorily required by the Ordinance to set up an Incorporated Management Committee. Members may wish to refer to the LegCo Brief (Ref: L/M(4) to EMB(SCR) 58/00 Pt.38) issued by the Education Bureau for background and further information.

Import and Export (Amendment) Ordinance 2007 (8 of 2007)

Import and Export (Amendment) Ordinance 2007 (Commencement) Notice (L.N. 37)

7. By this Notice made under section 2 of the Import and Export (Amendment) Ordinance 2007 (8 of 2007) (the Amendment Ordinance), the Secretary for Commerce and Economic Development has appointed 17 May 2010 as the date for the coming into operation of the Amendment Ordinance.

8. The Amendment Ordinance extends the regulation making power of the Chief Executive in Council under section 31 of the Import and Export Ordinance (Cap. 60) to require a specified person to give certain information to the authorities in relation to a vehicle entering or leaving Hong Kong or an article being imported to or exported from Hong Kong. The Amendment Ordinance was enacted by LegCo on 23 May 2007. Members may wish to refer to the Legal Service Division Report (LC Paper No. LS61/06-07) on the Bill for further information.

Concluding Observations

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

Prepared by
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13 April 2010
LS/S/20/09-10