

**立法會**  
**Legislative Council**

LC Paper No. LS25/09-10

**Paper for the House Committee Meeting  
on 11 December 2009**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 4 December 2009**

**Date of tabling in LegCo** : 9 December 2009

**Amendment to be made by** : 6 January 2010 (or 27 January 2010 if extended by resolution)

**Dangerous Drugs Ordinance (Cap. 134)**  
**Dangerous Drugs Ordinance (Amendment of Second Schedule) (No. 2) Order 2009 (L.N. 239)**

Under section 50(2) of the Dangerous Drugs Ordinance (Cap. 134) (the Ordinance), the Secretary for Security may by order published in the Gazette amend the Second Schedule to the Ordinance (the Second Schedule) which contains a list of prescribed hospitals and institutions (other than hospitals maintained by the Government). Under section 22 of the Ordinance, certain persons including those employed or engaged at such prescribed hospitals or institutions are authorized, so far as may be necessary for the practice or exercise of their profession, function or employment, to be in possession of and to supply a dangerous drug.

2. The purpose of L.N. 239 is to delete one institution from and add four institutions to the Second Schedule. The institution deleted is Alice Ho Miu Ling Nethersole Elderly Care Home which, according to the Administration, was recently closed. The four institutions added are Yuen Yuen Nursing Home (Sau Mau Ping Estate), Evergreen Nursing Home Cum Day Care Centre, Po Leung Kuk Kwok Law Kwai Chun Home for the Elderly and Lions Kidney Educational Centre & Research Foundation Renal Dialysis Centre. According to the Administration, these are newly opened institutions.

3. L.N. 239 will come into operation on 1 February 2010.

4. The Panel on Security has not been consulted on L.N. 239.

**Pilotage Ordinance (Cap. 84)**  
**Pilotage (Dues) (Amendment) Order 2009 (L.N. 240)**

5. Under section 22 of the Pilotage Ordinance (Cap. 84), the Pilotage Authority<sup>1</sup> may, after consultation with the Pilotage Advisory Committee, by order published in the Gazette provide for the amount of pilotage dues to be paid to licensed pilots for the provision of pilotage services. Paragraph 5 of Part II of the Schedule to the Pilotage (Dues) Order (Cap. 84 sub. leg. D) (Part II of the Schedule) sets out the amount of an additional pilotage due payable for any pilotage service performed if a pilot is required to board a ship or disembark from a ship off Ngan Chau or at the west of Lamma Island (Additional Pilotage Due).

6. L.N. 240 amends Part II of the Schedule to reduce the Additional Pilotage Due from \$1,900 to \$1,820 from 1 February 2010 for a period of 18 months and restore it to \$1,900 from 1 August 2011.

7. Members may refer to the LegCo Brief (File ref: MA 50/1) issued by the Transport and Housing Bureau on 2 December 2009 for background information. According to paragraph 2 of the LegCo Brief, the Hong Kong Liner Shipping Association and the Hong Kong Pilots Association have agreed to the revision of the Additional Pilotage Due.

8. At the meeting held on 16 November 2009, the Panel on Economic Development was consulted on the proposed revision of the Additional Pilotage Due. Members of the Panel supported the proposal.

**Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg. A)**  
**Tax Reserve Certificates (Rate of Interest) (No. 5) Notice 2009 (L.N. 241)**

9. L.N. 241 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 7 December 2009 is fixed at 0.0667% per annum. The Schedule to the Tax Reserve Certificates (Rate of Interest) (Consolidation) Notice (Cap. 289 sub. leg. B) is also amended correspondingly.

10. There is no commencement provision in L.N. 241. By virtue of section 20(2) of the Interpretation and General Clauses Ordinance (Cap. 1)<sup>2</sup>, L.N. 241 came into operation on 4 December 2009 when it was published in the Gazette.

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<sup>1</sup> Section 3(2) of Cap. 84 provides that the Director of Marine shall be the Pilotage Authority.

<sup>2</sup> Under section 3 of Cap. 1, "Ordinance" includes any subsidiary legislation made under any Ordinance.

11. L.N. 241 has not been discussed by the Panel on Financial Affairs.

### **Concluding Remarks**

12. No difficulties have been identified in the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

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