

立法會
Legislative Council

LC Paper No. LS51/10-11

**Paper for the House Committee Meeting
on 6 May 2011**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 15 April 2011**

Date of tabling in LegCo : 4 May 2011

Amendment to be made by : 1 June 2011 (or 22 June 2011 if extended by resolution)

**Employees Retraining Ordinance (Cap. 423)
Employees Retraining Ordinance (Amendment of Schedule 2) Notice 2011
(L.N. 59)**

The Notice was made by the Employees Retraining Board (ERB) under section 31(2) of the Employees Retraining Ordinance (Cap. 423) (the Ordinance) to amend Schedule 2 to the Ordinance, which contains a list of training bodies that may provide or conduct retraining courses for the purposes of the Ordinance.

2. The Notice adds one organization, Kwan Sang Catering Professional Employees Association, to the list of training bodies and updates the name of a listed training body. According to paragraph 9 of the LegCo Brief, the organization has met the vetting criteria of ERB with regard to, among other things, training facilities, qualifications of instructors and quality assurance.

3. The Panel on Manpower has not been consulted on the Notice.

4. Members may refer to the LegCo Brief (File Ref.: QA/TBM/09) issued by the Employees Retraining Board Executive Office on 7 April 2011 for further information.

5. The Notice came into operation upon gazettal on 15 April 2011.

Food Safety Ordinance (5 of 2011)

Food Safety Ordinance (Commencement) Notice (L.N. 60)

6. By L.N. 60 made under section 1(2) of the Food Safety Ordinance (5 of 2011) (FSO), the Secretary for Food and Health has appointed 1 August 2011 (the Commencement Date) as the day on which FSO (except Part 3 and Division 1 of Part 2) comes into operation.

7. Pursuant to section 1(3) of FSO, Part 3 (which relates to record-keeping requirement) and Division 1 of Part 2 (which relates to registration requirement) of FSO will come into operation 6 months after the day on which section 7 (which relates to application for registration) comes into operation (which, by L.N. 60, is 1 August 2011) (the 6-month Period). Upon enquiry, the Administration confirmed that Part 3 and Division 1 of Part 2 will come into operation on 1 February 2012.

8. Upon enquiry, the Administration indicated that the Commencement Date would allow sufficient time for scrutiny of the Notice by the Legislative Council and, together with the 6-month Period, for conducting publicity and education programmes of the new requirements under FSO for food traders including tailor-made programmes for target groups such as fishermen (e.g. briefing sessions on records keeping would be conducted for fishermen during the fishing moratorium from mid-May to 31 July 2011), farmers and owners of small stalls (e.g. there is a plan to conduct briefing sessions for owners of small stalls during the 6-month Period).

9. The objects of FSO are to -

- (a) establish a registration scheme for food importers and food distributors;
- (b) require the keeping of records by persons who acquire, capture, import or supply food;
- (c) enable food import controls to be imposed; and
- (d) re-enact Part VA of the Public Health and Municipal Services Ordinance (Cap. 132) relating to the powers to make orders for recall of problem food.

10. Before the passage of Food Safety Bill (the Bill) at the Council meeting on 30 March 2011, the Bill had been scrutinized by a Bills Committee. Members may wish to refer to the report of the Bills Committee (LC Paper No. CB(2)1228/10-11) for further information.

11. The Panel on Food Safety and Environmental Hygiene has not been consulted on the Notice.

Concluding observation

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

Prepared by

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28 April 2011