

**立法會**  
**Legislative Council**

LC Paper No. LS72/12-13

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 12 July 2013**

**Date of tabling in LegCo** : 17 July 2013

**Amendment to be made by** : 16 October 2013 (or 6 November 2013 if extended by resolution)

**PART I SUBSIDIARY LEGISLATION**

**Waterworks Ordinance (Cap. 102)**

**Waterworks (Amendment) Regulation 2013 (L.N. 121)**

Section 37 of the Waterworks Ordinance (Cap. 102) provides that the Chief Executive in Council may make regulations for, inter alia, the charges payable under Cap. 102. Schedule 1 to the Waterworks Regulations (Cap. 102A) provides for the charges payable under the regulations. Under section 29A of the Interpretation and General Clauses Ordinance (Cap. 1), the Financial Secretary (which means also the Secretary for Financial Services and the Treasury under section 3 of Cap. 1) is empowered to vary fees or charges which have previously been specified by subsidiary legislation made by the Chief Executive in Council.

2. L.N. 121 is made by the Secretary for Financial Services and the Treasury under section 29A of Cap. 1 to increase 24 items of fees and charges specified in Schedule 1 to Cap. 102A for providing the following services –

- (a) making a connection to the main and installing (including reinstatement of the ground surface) the part of a fire service or inside service on land held by the Government for pipe size up to and including 40 mm in diameter;
- (b) reconnecting a fire service or inside service;
- (c) providing and installing a meter;
- (d) providing a meter;

- (e) resealing a fire service or meter;
- (f) testing a meter or a private check meter (including removal and refixing);
- (g) plumber's licence issuance, renewal and examination;
- (h) fishing licence issuance;
- (i) examination of a water sample; and
- (j) each attendance for collection of any sample or samples.

3. Members may refer to the LegCo Brief issued by the Development Bureau in July 2013 (no file reference provided) for details of the fees and charges revision and a comparison of the existing and revised fees and charges.

4. According to the Administration, the result of the costs review recently conducted by the Administration shows that the present cost recovery levels range from 16.7% to 94.5%. The revision of the relevant fees and charges in L.N. 121, which ranges from 5.9% to 20.1%, is made with view to achieving full cost recovery gradually and to avoiding a steep increase (paragraphs 4 and 5 of LegCo Brief). The relevant fees and charges were last revised in August 2012 (L.N. 89 of 2012).

5. The Panel on Development was briefed by the Administration on 25 June 2013 on the subsidiary legislation for revising the 24 items of fees and charges. As advised by the Clerk to the Panel, Panel members noted that the fees and charges on which adjustments had been proposed did not directly affect people's livelihood. They had made enquiries about the factors that the Administration would consider in determining the timing, frequency and range of the fee adjustments.

6. L.N. 121 will come into operation on 1 December 2013.

**Public Health and Municipal Services Ordinance (Cap. 132)  
Designation of Libraries (Amendment) (No. 4) Order 2013 (L.N. 122)**

7. Under section 105K of the Public Health and Municipal Services Ordinance (Cap. 132), the Director of Leisure and Cultural Services (the Director), as the designated Authority, may, by order published in the Gazette, designate any building, or part of a building, as a library. The effect of such designation is that the management and control of the library are vested in the Director in accordance with the provisions of Cap. 132.

8. L.N. 122 amends the Schedule to the Designation of Libraries Order (Cap. 132O) to provide for the designation of the library in the Sai Kung Government Offices on its expansion to the adjacent premises.

9. Members may refer to the LegCo Brief issued by Leisure and Cultural Services Department dated 5 July 2013 (no file reference provided) for background information.

10. As advised by the Clerk to the Panel on Home Affairs, the Panel has not been consulted on the proposal.

11. L.N. 122 will come into operation on 15 November 2013.

## **PART II LEGAL NOTICES NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT**

### **United Nations Sanctions Ordinance (Cap. 537)**

#### **United Nations Sanctions (Côte d'Ivoire) Regulation 2013 (L.N. 123)**

12. L.N. 123 is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs and after consultation with the Executive Council.

13. Since 2004, the United Nations Security Council (UNSC) has passed a number of resolutions imposing sanctions against Côte d'Ivoire or renewing certain of these sanctions upon their expiry in view of the persistent human rights violations against civilians which threaten the peace process in the region. These resolutions have been implemented by regulations made under Cap. 537. The last one, United Nations Sanctions (Côte d'Ivoire) Regulation 2012 (Cap. 537BA) (L. N. 139 of 2012), already expired at midnight on 30 April 2013.

14. L.N. 123 is made to implement UNSC Resolution 2101 (2013), as adopted by the UNSC on 25 April 2013, to prohibit against –

- (a) the supply, sale, transfer or carriage of arms or related materiel to Côte d'Ivoire;
- (b) the importation of rough diamonds from Côte d'Ivoire;
- (c) making available to, or for the benefit of, certain persons or entities any funds or other financial assets or economic resources;

- (d) dealing with funds or other financial assets or economic resources owned by or otherwise belonging to, or held by, certain persons or entities; and
- (e) entry into or transit through Hong Kong by certain persons.

15. The provisions of L.N. 123 which renew sanctions against Côte d'Ivoire are essentially same as those in Cap. 537BA.

16. L.N. 123 has come into operation when it was published in the Gazette on 12 July 2013 and will expire at midnight on 30 April 2014. Members may refer to the LegCo Brief issued by the Commerce and Economic Development Bureau in July 2013 (no file reference provided) for further information.

17. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under Cap. 537. Accordingly, L.N. 123 is not required to be tabled in the Legislative Council and is not subject to amendment by the Legislative Council. However, it comes within the terms of reference of the Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions. As advised by the Clerk to the Subcommittee, L.N. 123 has been circulated to members of the Subcommittee on 15 July 2013 (LC Paper No. CB(1)1525/12-13(01)) and the Subcommittee will study L.N. 123 at its meeting (date to be confirmed) upon referral by the House Committee.

18. No difficulties in the legal and drafting aspects of L.N. 121 to L.N. 123 have been identified.

Prepared by

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