

**立法會**  
**Legislative Council**

LC Paper No. LS74/12-13

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 9 August 2013**

**Date of tabling in LegCo** : 9 October 2013

**Amendment to be made by** : 6 November 2013 (or 27 November 2013 if extended by resolution)

**PART I COMMENCEMENT NOTICE**

**Fugitive Offenders Ordinance (Cap. 503)**

**Fugitive Offenders (Finland) Order (Cap. 503 sub. leg. W)**

**Fugitive Offenders (Finland) Order (Commencement) Notice  
(L.N. 140)**

By L.N. 140, the Secretary for Security appoints 15 August 2013 as the day on which the Fugitive Offenders (Finland) Order (Cap. 503 sub. leg. W) (the Finland Order) comes into operation.

2. The Finland Order was made by the Chief Executive in Council in February 2006 under section 3 of the Fugitive Offenders Ordinance (Cap. 503) to direct that the procedures in Cap. 503 for the surrender of fugitive offenders shall apply as between the Hong Kong Special Administrative Region (HKSAR) and the Republic of Finland (Finland). The Finland Order was made in consequence of the bilateral arrangements for surrender of fugitive offenders entered into and signed by the Government of HKSAR and the Government of the Republic of Finland on 20 May 2005 (the Agreement). The Agreement is recited in the Schedule to the Finland Order. Under section 2 of the Finland Order, the relevant procedures are subject to the limitations, restrictions, exceptions and qualifications contained in the Agreement.

3. No LegCo Brief on L.N. 140 has been issued by the Administration. The Legal Service Division has written to the Administration asking for the reason(s) for taking more than seven years to commence the operation of Finland Order. In reply, the Administration explained that according to Article 22 of the Agreement, the Agreement shall

enter into force 30 days after the date on which the Parties have notified each other in writing that their respective requirements for the entry into force of the Agreement have been complied with. The Government of HKSAR notified the Government of Finland on 27 April 2006 that Hong Kong had complied with the requirements for the entry into force of the Agreement. Since then, it had issued letters to the Government of Finland in 2008, 2010, 2011 and 2013 seeking updates on the progress of their ratification of the Agreement. According to the Administration, the Government of Finland gave its notification on 16 July 2013 and both Governments have agreed that the Finland Order shall enter into force on 15 August 2013 (i.e. 30 days after the date of Finland Government's notification).

4. The Panel on Security has not been consulted on L.N. 140. However, the Finland Order had been scrutinized by a Subcommittee which recommended that the Finland Order be supported. Members may wish to refer to the report of the Subcommittee on Fugitive Offenders (Finland) Order to the House Committee (LC Paper No. CB(2)1477/05-06) for further information.

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

### **Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202)**

#### **Volunteer and Naval Volunteer Pensions Ordinance (Amendment of Schedules) Order 2013 (L.N. 141)**

5. L.N. 141 is made by the Secretary for Labour and Welfare under section 35(2) of the Volunteer and Naval Volunteer Pensions Ordinance (Cap. 202) (the Ordinance). It amends Schedules 3 to 8 to the Ordinance to adjust the rates of pensions, gratuities and other allowances payable under the Ordinance to the officers and volunteers of the Hong Kong Volunteer Defence Corps and members of the Hong Kong Naval Volunteer Force who fought for Hong Kong during the Second World War and their surviving spouses. Under section 35(2) of the Ordinance, the relevant rates are adjusted in accordance with the percentage of increase declared in a notice made under section 4(1C) of the Pensions (Increase) Ordinance (Cap. 305) (PIO).

6. By the Declaration of Increase in Pensions Notice 2013 (L.N. 107 of 2013) (DIP Notice) gazetted on 14 June 2013 made under the PIO, an increase of 3.5% is declared in respect of a basic pension with effect from 1 April 2013 in accordance with the percentage of increase in the average monthly Consumer Price Index (A) (Average Index) of the 12 months ending on 31 March 2013 over the Average Index of the immediately preceding 12 months. Accordingly, pursuant to L.N. 141, the rates set out in Schedules 3 to 8 to the Ordinance are

adjusted in accordance with the percentage of increase (i.e. 3.5%) in respect of a basic pension declared in the DIP Notice. The relevant rates were last revised in 2012 (L.N. 110 of 2012).

7. Section 35(4) of the Ordinance provides that an order made under section 35(2) shall take effect on the same date as specified in the relevant notice made under the PIO. As mentioned in paragraph 6 above, the DIP Notice came into effect on 1 April 2013. Accordingly, L.N. 141 is deemed to have come into operation on 1 April 2013. Section 35(5) of the Ordinance provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) does not apply to an order made under section 35(2) of the Ordinance. Accordingly, L.N. 141 is not required to be tabled in the Legislative Council and is not subject to amendment.

8. The Panel on Welfare Services has not been consulted on L.N. 141.

9. According to paragraph 7 of the LegCo Brief issued by the Labour and Welfare Bureau on 2 August 2013 (File Ref.: LWB CR 8/3231/92 Pt 17), public consultation on L.N. 141 is considered not necessary as the Administration considers that the adjustment of the rates payable under the Ordinance is a routine updating exercise.

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

Prepared by

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