

立法會
Legislative Council

LC Paper No. LS72/13-14

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 4 July 2014**

Tabling in LegCo : Council meeting of 9 July 2014

Amendment to be made by : Council meeting of 15 October 2014 (or that of 5 November 2014 if extended by resolution)

**Fire Service (Installation Contractors)
(Amendment) Regulation 2014** (L.N. 103)

**Fire Services Department (Reports and
Certificates) (Amendment) Regulation 2014** (L.N. 104)

**Dangerous Goods (General) (Amendment)
Regulation 2014** (L.N. 105)

Timber Stores (Amendment) Regulation 2014 (L.N. 106)

L.N. 103 and L.N. 104

L.N. 103 and L.N. 104 are respectively made by virtue of section 25 of the Fire Services Ordinance (Cap. 95). L.N. 103 amends the Second Schedule to the Fire Service (Installation Contractors) Regulations (Cap. 95A) to increase the fees payable for registration as a fire service installation contractor and related matters. According to the LegCo Brief, the percentage increase in the fees ranges from 11% to 15%. Further, the fees were last revised in July 2006.

2. L.N. 104 amends the Table to regulation 3 of the Fire Services Department (Reports and Certificates) Regulations (Cap. 95C) to increase the fees payable for the making and issue of a report on fire or other calamity attended by the Fire Services Department and the making and issue of a

certificate required for compliance with various pieces of legislation. According to the LegCo Brief, the percentage increase in the fees ranges from 10% to 20%. Further, the fees were last revised in July 2006.

L.N. 105

3. L.N. 105 is made by virtue of section 5 of the Dangerous Goods Ordinance (Cap. 295) to amend the Table to regulation 183(1) of the Dangerous Goods (General) Regulations (Cap. 295B) to increase the fees payable for the grant, renewal, amendment of or endorsement on licences or issue of duplicate licences relating to the storage, manufacture and conveyance of various categories of dangerous goods. According to the LegCo Brief, the percentage increase in the fees ranges from 15% to 20%. Further, the fees were last revised in July 2006.

L.N. 106

4. L.N. 106 is made by virtue of section 12 of the Timber Stores Ordinance (Cap. 464) to amend the Schedule to the Timber Stores Regulation (Cap. 464A) to increase the fees payable for the grant, renewal, transfer and amendment of a licence, and issue of a duplicate licence. According to the LegCo Brief, the percentage increase in the fees ranges from 15% to 16%. Further, the fees were last revised in July 2006.

5. Members may refer the LegCo Brief (File Ref: SEC 9/6/10) issued by the Security Bureau in June 2014 for background information on the above pieces of subsidiary legislation. In particular, the changes are made as a result of a recent costing review and details are set out in Annex E to the LegCo Brief. The increase is made with a view to achieving full cost recovery gradually.

6. According to the Clerk to Panel on Security, an information paper provided by the Administration on the above revision of fees was circulated to members of the Panel on Security and all other Legislative Council Members vide LC Paper No. CB(2) 1062/13-14(01) on 14 March 2014. No comment on the paper has been received from members.

7. L.N. 103 to L.N. 106 come into operation on 28 November 2014.

**Dangerous Drugs Ordinance
(Amendment of First Schedule) Order 2014 (L.N. 107)**

**Control of Chemicals Ordinance
(Amendment of Schedule 2) Order 2014 (L.N. 108)**

L.N. 107

8. L.N. 107 is made by the Chief Executive under section 50(1) of the Dangerous Drugs Ordinance (Cap. 134) after consultation with the Executive Council to impose control on methoxetamine (MXE) and its relevant derivatives (except tiletamine) by adding them to Part I of the First Schedule to Cap. 134 so that their trafficking, manufacture, possession, supply, import and export would be subject to control under Cap. 134.

9. According to the LegCo Brief (File Ref.: NCR 2/1/8 S/F 9) issued by the Narcotics Division of the Security Bureau in July 2014, the Administration has consulted the Action Committee Against Narcotics (the Committee), the relevant traders and the respective licensees under Cap. 134, the Control of Chemicals Ordinance (Cap. 145) and the Pharmacy and Poisons Ordinance (Cap. 138). The said traders and licensees raised no objection to the proposal and the Committee supported the legislative proposal. Members may refer to the LegCo Brief for further details.

L.N. 108

10. The Control of Chemicals Ordinance (Cap. 145) controls the possession, manufacture, distribution, transshipment, transport, supply, import and export of chemicals which are specified in Schedule 2 to Cap. 145. In gist, substances that are specified in Schedule 2 are subject to the control of a licensing scheme administered by the Customs and Excise Department.

11. L.N. 108 is made by the Secretary for Security under section 18A(1) of Cap. 145 to add alpha-phenylacetonitrile (APAAN) to the Schedule so that APAAN and its salts are subject to the control measures provided in Cap. 145. Members may refer to the LegCo Brief (File Ref: NCR 2/1/8 S/F 9) issued by the Narcotics Division of the Security Bureau in July 2014 for further details.

12. According to the Clerk to Panel on Security, at the meeting of the Panel on Security on 13 May 2014, the Administration briefed members on the said amendments to the respective schedules to Cap. 134 and Cap. 145 to impose control on MXE and its relevant derivatives and APAAN. The Panel supported in principle the Administration's introduction of legislative amendments to the two Ordinances.

13. L.N. 107 and L.N. 108 come into operation on 28 November 2014.

**Declaration of Markets
(Amendment) Notice 2014**

(L.N. 109)

**Public Health and Municipal Services
Ordinance (Public Markets) (Amendment of
Tenth Schedule) Order 2014**

(L.N. 110)

14. L.N. 109 and L.N.110 are respectively made by the Director of Food and Environmental Hygiene (DFEH) under section 79 of the Public Health and Municipal Services Ordinance (Cap. 132) to cease the declaration of Bridges Street Market to be a market to which Cap. 132 applies, and to cease the designation of the Market as a public market under Cap. 132.

15. Pursuant to section 79(1) of Cap. 132, the DFEH is empowered to declare a market to which Cap. 132 applies. Any market so declared may be designated by DFEH as a public market under section 79(3) of Cap. 132. The designated public markets are specified in the Tenth Schedule to Cap. 132 (Tenth Schedule). Under section 79(5) of Cap. 132, DFEH may by order published in the Gazette amend the Tenth Schedule.

16. According to the Administration, as the patronage of the Bridges Street Market had been decreasing and the vacancy rate of the stalls at the market had exceeded 70%, the Food and Environmental Hygiene Department resumed all the market stalls and the market ceased operation on 1 October 2013. Members may refer to the LegCo Brief (File Ref: FH CR3/3801/06) issued by the Food and Health Bureau in July 2014 for further information.

17. According to the Clerk to the Panel on Food Safety and Environmental Hygiene, the Panel discussed with the Administration on the review on the provision of public markets in Hong Kong at its meeting on 11 November 2008 and the Panel was informed by the Administration of the

planned closure of the Bridges Street Market. Members did not raise any particular views on this plan.

18. L.N. 109 and L.N. 110 come into operation on 24 November 2014.

Conclusion

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

Prepared by

LEE Hoi-see, Evelyn
Assistant Legal Adviser
Legislative Council Secretariat
10 July 2014

LS/S/29/13-14