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**Paper for the House Committee Meeting
on 28 April 2017**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 21 April 2017**

Tabling in LegCo : Council meeting of 26 April 2017

Amendment to be made by : Council meeting of 24 May 2017 (or that of
14 June 2017 if extended by resolution)

**PART I COMMENCEMENT NOTICE AND SUBSIDIARY
LEGISLATION MADE UNDER THE INSURANCE
ORDINANCE (CAP. 41)**

**Insurance Companies (Actuaries' Qualifications)
(Amendment) Regulation 2017** (L.N. 56)

**Insurance Companies (Register of Insurers) (Prescribed Fee)
(Amendment) Regulation 2017** (L.N. 57)

**Insurance Companies (Authorization and Annual Fees)
(Amendment) Regulation 2017** (L.N. 58)

**Insurance Companies (Determination of Long Term
Liabilities) Regulation (Amendment) Rules 2017** (L.N. 67)

**Insurance Companies (Margin of Solvency) Regulation
(Amendment) Rules 2017** (L.N. 68)

**Insurance Companies (General Business) (Valuation)
Regulation (Amendment) Rules 2017** (L.N. 69)

**Insurance Companies (Actuaries' Standards) Regulation
(Amendment) Rules 2017** (L.N. 70)

**Insurance Companies (Amendment) Ordinance 2015
(Commencement) Notice 2017**

(L.N. 71)

**Insurance Ordinance (Amendment of Schedules) Notice
2017**

(L.N. 72)

Background

The Insurance Companies (Amendment) Ordinance 2015 (Ord. No. 12 of 2015) ("the Amendment Ordinance") was enacted in July 2015 to amend the Insurance Companies Ordinance (Cap. 41) to provide for, among other things, the establishment of the Insurance Authority (as a body corporate) ("IA") to take over the statutory functions of the Office of the Commissioner of Insurance ("OCI") to regulate insurance companies, fees and levies payable to IA, and a statutory licensing regime for insurance intermediaries to replace the existing self-regulatory system. Under section 1(2) of the Amendment Ordinance, the Amendment Ordinance comes into operation on a day to be appointed by the Secretary for Financial Services and the Treasury by notice published in the Gazette.

2. According to paragraph 7 of the Legislative Council ("LegCo") Brief issued by the Financial Services and the Treasury Bureau ("FSTB") and the Provisional Insurance Authority ("PIA") on 19 April 2017 (File Ref.: INS/2/3C(2017)), the Amendment Ordinance is being commenced in three stages.

3. The first stage of commencement was implemented by L.N. 198 of 2015 which brought into operation on 7 December 2015 the provisions of the Amendment Ordinance relating to the establishment of PIA.

L.N. 71

4. L.N. 71 implements the second stage of commencement of the Amendment Ordinance by bringing into operation certain provisions of the Amendment Ordinance (including the new sections 128, 129 and 138 of Cap. 41¹) on 26 June 2017. L.N. 56 to L.N. 58, L.N. 67 to L.N. 70 and L.N. 72 are made under the new sections 128(1), 129(1) and 138(2) respectively.

¹ The Insurance Companies Ordinance (Cap. 41) will be renamed as "Insurance Ordinance" when section 4 of the Amendment Ordinance comes into operation.

5. The effect of L.N. 71 is to rename PIA as IA to take over the existing regulatory functions of OCI to regulate insurance companies. Meanwhile, the self-regulatory system for insurance intermediaries will continue to be operated by the existing three Self-regulatory Organizations ("SROs")².

6. According to paragraph 7 of the LegCo Brief, the uncommenced provisions of the Amendment Ordinance relating to the implementation of the new statutory licensing regime and the taking over of the regulation of insurance intermediaries from the three SROs will be brought into operation in the final stage, i.e. Stage 3³.

L.N. 56 to L.N. 58

7. L.N. 56, L.N. 57 and L.N. 58 are made by the Chief Executive in Council under section 128(1) of Cap. 41 after consultation with PIA to amend the Insurance Companies (Actuaries' Qualifications) Regulations (Cap. 41A), the Insurance Companies (Register of Insurers) (Prescribed Fee) Regulations (Cap. 41B) and the Insurance Companies (Authorization and Annual Fees) Regulation (Cap. 41C) respectively.

8. The existing Cap. 41A sets out the qualifications for appointment as actuary by insurance companies carrying on long term business. L.N. 56 amends items 1 and 2 of the Schedule to Cap. 41A to reflect the merger of the Institute of Actuaries of England and the Faculty of Actuaries in Scotland.

9. The existing Schedule to Cap. 41B sets out the fees payable to OCI for inspecting, issuing copy and certifying copy of any entry in the Register of Authorized Insurers. L.N. 57 amends Cap. 41B to substitute the Schedule with a new Schedule to Cap. 41B setting out the fees payable to IA for service items which, according to the paragraph 14 of the LegCo Brief, are more frequently used now.

² The three SROs are the Insurance Agents Registration Board established under the Hong Kong Federation of Insurers, the Hong Kong Confederation of Insurance Brokers and the Professional Insurance Brokers Association.

³ According to paragraph 4 of the LegCo Brief on the Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2015 issued by FSTB on 7 October 2015 (File Ref.: INS/2/3C(2015)), the Administration's target timeline of Stage 3 of the commencement of the Amendment Ordinance is two to three years after the commencement of Stage 1.

10. The existing Schedules 1 and 2 to Cap. 41C prescribe the authorization and annual fees payable to OCI by insurance companies under section 13(1)(a) and (b) of Cap. 41. L.N. 58 amends Cap. 41C to substitute Schedules 1 and 2 with new Schedules 1 and 2 and add a new Schedule 3 to Cap. 41C so that the authorization and annual fees payable under section 13(1)(a) and (b) of Cap. 41 will consist of two elements, namely a fixed fee and a variable fee. The variable fee rates are set out in Schedule 3 to Cap. 41C. The effect of L.N. 58 is that the authorization and annual fees payable to IA will increase:

- (a) for insurance companies of long term or general business, from a fixed fee of \$227,300 to a fixed fee of \$300,000 and a variable fee;
- (b) for composite insurance companies, from a fixed fee of \$454,600 to a fixed fee of \$600,000 and a variable fee; and
- (c) for captive insurance companies, from a fixed fee of \$22,600 to a fixed fee of \$30,000 and a variable fee.

11. L.N. 56 to L.N. 58 come into operation on 26 June 2017.

L.N. 67 to L.N. 70

12. L.N. 67, L.N. 68, L.N. 69 and L.N. 70 are made by PIA under section 129(1) of Cap. 41 to amend the Insurance Companies (Determination of Long Term Liabilities) Regulation (Cap. 41E), the Insurance Companies (Margin of Solvency) Regulation (Cap. 41F), the Insurance Companies (General Business) (Valuation) Regulation (Cap. 41G) and the Insurance Companies (Actuaries' Standards) Regulation (Cap. 41H) respectively to make consequential amendments and textual amendments that are required as a result of the amendments to Cap. 41 introduced by the Amendment Ordinance. The regulatory requirements for insurance companies as set out in the existing Cap. 41E to Cap. 41H will remain unchanged.

13. L.N. 67 to L.N. 70 come into operation on 26 June 2017.

L.N. 72

14. L.N. 72 is made by PIA under section 138(2) of Cap. 41 with the approval of the Financial Secretary to amend Schedules 2 to 6 to Cap. 41 to specify new forms and to make textual amendments.

15. L.N. 72 comes into operation on 26 June 2017.

Consultation

16. According to paragraph 22 of the LegCo Brief, the Administration launched a three-month public consultation from October 2012 to January 2013 on the key legislative proposals for the establishment of IA, including the proposals on the funding mechanism. General support was received. In respect of the implementation of fees and levies collection mechanism, the Administration has been engaging the insurance industry through the Hong Kong Federation of Insurers since February 2016.

17. As advised by the Clerk to the Panel on Financial Affairs, the Panel had not been consulted on L.N. 67 to L.N. 72. The Panel was briefed on the legislative proposals in respect of the collection of authorization fees from insurance companies and other fees on specific services provided by IA at the meeting on 15 November 2016. Members had no objection to the proposals.

PART II SUBSIDIARY LEGISLATION RELATING TO THE "STAR" FERRY COMPANY, LIMITED

Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) (Amendment) Order 2017

(L.N. 59)

18. L.N. 59 is made by the Chief Executive in Council under section 19(1) of the Ferry Services Ordinance (Cap. 104). It amends the Ferry Services (The "Star" Ferry Company, Limited) (Determination of Fares) Order (Cap. 104C), in respect of maximum fares chargeable by The "Star" Ferry Company, Limited ("SF") on its two franchised ferry routes between Kowloon Point (i.e. Tsim Sha Tsui) and respectively, Central and Wan Chai, to:

- (a) increase the maximum fares for passengers for weekdays by \$0.2; and Saturdays, Sundays and public holidays by \$0.3;⁴

⁴ The fare for a passenger between Kowloon Point and Wan Chai and for Upper Deck between Kowloon Point and Central is increased from \$2.5 to \$2.7 for weekdays and from \$3.4 to \$3.7 for Saturdays, Sundays and public holidays; and for Lower Deck between Kowloon Point and Central is increased from \$2.0 to \$2.2 for weekdays and from \$2.8 to \$3.1 for Saturdays, Sundays and public holidays.

- (b) increase the maximum fares for child passengers between 3 and 12 years old⁵ for weekdays, Saturdays, Sundays and public holidays by \$0.1;⁶ and
- (c) increase the maximum fares for a monthly ticket by \$10 (from \$125 to \$135); a tourist ticket by \$2.5 (from \$25 to \$27.5); and the carriage of a bicycle by \$1 (from \$13 to \$14).

19. According to paragraph 13 of the LegCo Brief, the weighted average rate of fare increase under L.N. 59 would be about 8.9%. Members may wish to refer to the LegCo Brief (File ref.: THB(T)CR1/5591/76) issued by the Transport and Housing Bureau ("THB") in April 2017 for further information.

20. L.N. 59 will come into operation on 15 July 2017.

21. According to paragraph 18 of the LegCo Brief, the Transport Advisory Committee ("TAC") was consulted on 1 March 2017. TAC supported the rates of fare increases recommended by the Administration.

22. As advised by the Clerk to the Panel on Transport, the Panel was consulted on L.N. 59 at its meeting on 24 February 2017. Members of the Panel generally agreed with the proposed fare increases whilst they considered it necessary for SF to enhance its services and facilities.

PART III SUBSIDIARY LEGISLATION RELATING TO THE COMMISSIONING OF THE HONG KONG-ZHUHAI-MACAO BRIDGE

Road Tunnels (Government) (Amendment) (No. 2) Regulation 2017

(L.N. 60)

Road Traffic (Public Service Vehicles) (Amendment) (No. 2) Regulation 2017

(L.N. 61)

⁵ According to paragraph 14 of the LegCo Brief, the fare for a passenger with disabilities is the same as that for a child passenger between 3 and 12 years old.

⁶ The fare for a child passenger and a disabled person between Kowloon Point and Wan Chai and for Upper Deck between Kowloon Point and Central is increased from \$1.5 to \$1.6 for weekdays and from \$2.1 to \$2.2 for Saturdays, Sundays and public holidays; and for Lower Deck between Kowloon Point and Central is increased from \$1.4 to \$1.5 for weekdays and from \$2.0 to \$2.1 for Saturdays, Sundays and public holidays.

**Road Traffic (Registration and Licensing of Vehicles)
(Amendment) Regulation 2017** (L.N. 62)

**Road Traffic (Traffic Control) (Amendment) Regulation
2017** (L.N. 63)

Road Traffic (Expressway) (Amendment) Regulation 2017 (L.N. 64)

**Road Tunnels (Government) Ordinance (Amendment of
Schedule 1) Notice 2017** (L.N. 65)

23. L.N. 60 and L.N. 63 to L.N. 65 provide for the traffic control arrangements for the Hong Kong-Zhuhai-Macao Bridge ("HKZMB"). In gist, the driving on the right ("right-driving") arrangement will be adopted in HKZMB and the Hong Kong Link Road ("HKLR")⁷ (including Scenic Hill Tunnel⁸) that connects with the main bridge of HKZMB. The relevant amendments are set out in the following paragraphs.

L.N. 63 and L.N. 64 – amendments relating to HKLR

24. L.N. 63 and L.N. 64 are made by the Secretary for Transport and Housing ("STH") under section 11 of the Road Traffic Ordinance (Cap. 374) and section 131 of Cap. 374 to amend the Road Traffic (Traffic Control) Regulations (Cap. 374G) and the Road Traffic (Expressway) Regulations (Cap. 374Q) respectively. The main purposes of L.N. 63 and L.N. 64 are:

- (a) to define HKLR as a "right-driving road" (L.N. 63) and a "right-driving expressway" (L.N. 64);
- (b) to provide for the new requirements in relation to box junction, double white line and road stud; and to introduce new traffic signs and road markings for the right-driving on HKLR to the effect that any person who contravenes the provisions of the new

⁷ HKLR is more specifically defined in G.N. 1273 of 2017. HKLR starts at the north of HKZMB Boundary Crossing Facilities and ends at the boundary of the Hong Kong Special Administrative Region. Its location and alignment are more particularly shown in a coloured plan at Annex H of the LegCo Brief.

⁸ According to paragraph 6 of the LegCo Brief (File ref.: THB(T)CR1/55/1/4661/00) issued by THB on 19 April 2017, Scenic Hill Tunnel forms part of the HKLR.

requirements and traffic signs and markings commits an offence under Regulation 61 of Cap. 374G (L.N. 63);⁹

- (c) to empower the Commissioner for Transport to cause or permit a person to install and operate on or near a road an equipment for collection of information on vehicle and pedestrian movements; and for the control and guidance of vehicles (L.N. 63); and
- (d) to provide for the new rules and restrictions regarding the driving direction, the use of the left most and right most lanes and the overtaking by a vehicle; and to amend the existing road traffic signs and road markings for the right-driving on HKLR to the effect that any person who contravenes the provisions concerning the new rules and restrictions and the amended traffic signs and road markings commits an offence under Regulation 26(1) of Cap. 374Q¹⁰ (L.N. 64).

L.N. 60 and L.N. 65 – amendments relating to Scenic Hill Tunnel

25. L.N. 65 is made by the Chief Executive under section 3 of the Road Tunnels (Government) Ordinance (Cap. 368) to add two new tunnels, namely Scenic Hill Tunnel and Airport Tunnel¹¹ to Schedule 1 to Cap. 368 to the effect that both tunnels are government tunnels to which Cap. 368 and Cap. 374 are applicable.

26. L.N. 60 is made by the Chief Executive in Council under section 20 of Cap. 368 to amend the Road Tunnels (Government) Regulations (Cap. 368A) to provide for the right-driving arrangement in Scenic Hill Tunnel by:

- (a) defining "right-driving tunnel" as Scenic Hill Tunnel; and

⁹ Under regulation 61 of Cap. 374G, any person who contravenes the regulation concerning box junction is liable to a fine of \$2,000. Contravention of requirements on double white line and failure to comply with traffic sign and road markings is punishable on first conviction by a fine of \$5,000 and imprisonment for 3 months and on second or subsequent conviction by a fine of \$10,000 and imprisonment for 6 months.

¹⁰ A person who commits an offence under Regulation 26(1) of Cap. 374Q is liable on first conviction to a fine of \$5,000 and imprisonment for 3 months and on second or subsequent conviction to a fine of \$10,000 and imprisonment for 6 months.

¹¹ According to paragraph 6 of the LegCo Brief, Airport Tunnel links up traffic from the Hong Kong Boundary Crossing Facilities to the Hong Kong International Airport. Unlike the Scenic Hill Tunnel, the Airport Tunnel is not part of the HKLR. The locations of these two tunnels are shown at Annex H of the LegCo Brief.

- (b) providing for the new requirement that certain types of vehicles must use the right most lane; and introducing new traffic signs and lane signals for the right-driving in Scenic Hill Tunnel to the effect that any person who contravenes the provisions of the new requirement and the new traffic signs and lane signals commits an offence under Regulation 18(1) of Cap. 368A¹².

27. L.N. 60 also specifies the removal fees of vehicles and permit fees for permits issued by the Commissioner for Transport for Scenic Hill Tunnel and Airport Tunnel.

L.N. 61 and L.N. 62

28. L.N. 61 is made by the Chief Executive in Council under section 7(1C) of Cap. 374 to amend Schedule 5 to the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) to revise the additional taxi fare payable by a taxi passenger from \$30 to \$15 in hiring a taxi involving the use of Lantau Link¹³ from areas outside Lantau, Chek Lap Kok and Ma Wan ("Lantau area") to a destination in Lantau area or vice versa. The additional taxi fare in hiring a taxi that begins from Lantau or Chek Lap Kok for a destination in Ma Wan involving the use of Lantau Link or vice versa remains unchanged (i.e. \$30).

29. According to paragraph 14 of the LegCo Brief, the current additional taxi fare for the use of the Lantau Link is premised on the current one-way toll collection arrangement. As a two-way toll collection arrangement will be implemented at Lantau Link upon the commissioning of HKZMB, corresponding amendments are made to Schedule 5 to Cap. 374D.

30. L.N. 62 is made by STH under section 6 of Cap. 374 to amend Schedule 7 to the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E). The main purpose of L.N. 62 is to expand the permitted areas for hire or carrying passengers ("permitted areas") for licensed New Territories ("NT") taxis to areas including the public transport interchange of the Hong Kong Boundary Crossing Facilities ("HKBCF") and related roads, roads connecting between HKBCF and the Hong Kong International Airport

¹² A person who commits an offence under Regulation 18(1) of Cap. 368A is liable to a fine of \$5,000 and imprisonment for 6 months.

¹³ "Lantau Link" is defined under section 2 of Tsing Ma Control Area Ordinance (Cap. 498) as that part of the Tsing Ma Control Area (formerly known as the "Lantau Fixed Crossing") described and delineated as such on a plan deposited under section 7 and comprising the Tsing Ma Bridge, the Ma Wan Viaduct and the Kap Shui Mun Bridge, and includes any areas adjacent thereto.

and the Tuen Mun-Chek Lap Kok Link ("the Link"). It further makes technical amendments to provide a clearer identification for the permitted areas for licensed Lantau taxi.

Commencement

31. The above items of subsidiary legislation will come into operation as follows:

- (a) L.N. 60 and L.N. 63 to L.N. 65 will come into operation on 15 December 2017;
- (b) L.N. 61 will come into operation on 20 August 2017; and
- (c) L.N. 62 (except section 3(3) (in so far as it relates to the Link) and (4) (regarding roads joining Lung Mun Road and Lung Fu Road) which will come into operation on a day to be appointed by STH by notice published in the Gazette), will come into operation on 15 December 2017.

Consultation

32. According to paragraph 34 of the LegCo Brief, the Administration consulted the urban, NT and Lantau taxi trades at the taxi conference meetings regarding the proposed traffic arrangements for the public transport interchange at HKBCF. The proposal was accepted by the urban and NT taxis trades while the Lantau taxi trade raised objection.

33. As advised by the Clerk to the Panel on Transport, the Panel was consulted on L.N. 60 to L.N. 65 at its meeting on 24 February 2017. Members of the Panel were most concerned about the adoption of the right-driving arrangement on HKLR, whereas they did not object to the other legislative proposals.

Other matters

34. According to paragraphs 27 and 28 of the LegCo Brief, a motion seeking LegCo's approval to amend the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) by adding, with effect from 15 December 2017, the fixed penalties for five traffic offences relating to the use of HKZMB under Cap. 374G will be proposed by the Administration. The Administration has given notice for moving the proposed resolution at the Council meeting of 17 May 2017. The Legal Service Division will prepare a report on the proposed resolution for the House Committee meeting on 5 May 2017.

PART IV SUBSIDIARY LEGISLATION MADE UNDER THE SMOKING (PUBLIC HEALTH) ORDINANCE (CAP. 371)

Smoking (Public Health) (Notices) (Amendment) Order 2017 (L.N. 66)

35. Under section 18(2) of the Smoking (Public Health) Ordinance (Cap. 371), the Secretary for Food and Health ("SFH") may by order in the Gazette prescribe the form (including specifications) of any health warning and any indication of tar and nicotine yields, and the manner in which such health warning and indication are to be displayed.

36. L.N. 66 is made by the SFH under section 18(2) of Cap. 371 to amend the prescribed form (including specifications) of health warning and indication of tar and nicotine yields on packets or retail containers of tobacco products as specified in the Smoking (Public Health) (Notices) Order (Cap. 371B) to:

- (a) generally, increase the coverage of the health warning to at least 85% of the areas of the two largest surfaces of a packet or retail container;
- (b) for a packet or retail container in the shape of a cylindrical drum, increase the coverage of the health warning to at least 85% of the area of curved surface of the drum (but the coverage in respect of the lid of the drum remains to be at least 50% of the area of the top surface of the lid);
- (c) for a retail container of cigars, increase the coverage of the health warning to at least 70% and 100% of the area of the largest surface on the front of the container and the area of the largest surface on the back of the container respectively;
- (d) require the indication of tar and nicotine yields to be separately printed on a surface of a cigarette packet and retail container other than the surface bearing the health warning; and
- (e) make other minor textual amendments.

37. In addition to the amendments mentioned in paragraph 36 above, L.N. 66 repeals Parts II, IIA and IIB of the Schedule to Cap. 371B and replaces the six forms of health warnings in those parts with 12 new forms of health

warnings¹⁴ in the new Parts 2, 2A and 2B. A new Part 2C is added to the Schedule to Cap. 371B to prescribe the forms and specifications of the indication of tar and nicotine yields on packet of cigarettes and retail container of cigarette packets.

38. L.N. 66 comes into operation on 21 October 2017. A transitional period of six months beginning on the commencement date of L.N. 66 is provided for under the new paragraph 9 of Cap. 371B so that during the transitional period both packets of tobacco products carrying the present form or the new form of health warnings are allowed to be put to sale.

39. According to paragraph 11 of the LegCo Brief issued by the Food and Health Bureau and the Department of Health in April 2017 (without file reference), the Administration issued a letter to the trade setting out the detailed specifications of the proposal to amend Cap. 371B in May 2016, and a briefing on the technical issues relating to the implementation of the proposals was organized in November 2016 with a view to facilitating the trade's understanding. Members may refer to the LegCo Brief for details.

40. As advised by the Clerk to the Panel on Health Services, the Panel was first consulted on the proposed legislative amendments to Cap. 371B on 18 May 2015, and received views of deputations on the proposals on 6 July 2015. The Panel was briefed on the refined proposals on 19 December 2016, and received views of deputations on the refined proposals on 17 January 2017. At the Panel meetings on 28 February and 20 March 2017 when the Administration's further refinements to the proposed legislative amendments were discussed, various concerns were expressed by members.

PART V COMMENCEMENT NOTICE

Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (Commencement) Notice 2017

(L.N. 73)

41. The Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Ordinance 2016 (3 of 2016) ("Amendment Ordinance") was enacted in 2016. The main purposes of the Amendment Ordinance are to amend the Product Eco-responsibility

¹⁴ Two new messages, namely "QUIT SMOKING FOR FUTURE GENERATIONS"/"請為你的下一代戒煙" AND "QUITLINE:1833 183"/"戒煙熱線：1833 183" are to be included in the 12 new prescribed forms of health warnings.

Ordinance (Cap. 603) and the Waste Disposal Ordinance (Cap. 354) to provide for a scheme for the recycling and disposal of certain types of electrical equipment and electronic equipment. Before its enactment, a Bills Committee was formed to scrutinize the Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015. Members may wish to refer to the report of the Bills Committee (LC Paper No. CB(1)489/15-16) for further information.

42. By L.N. 73, the Secretary for the Environment ("SE") appoints:

- (a) 21 April 2017 as the day on which certain provisions of the Amendment Ordinance come into operation. These provisions relate to (i) empowering SE to make regulations which concern the application for and cancellation of registration of suppliers of regulated electrical equipment ("REE") and empowering SE to amend the new Schedule 6 (REE being regulated by Cap. 603) and Schedule 7 (REE being exempted from Cap. 603) to Cap. 603 and (ii) amendments to Cap. 354 and the Waste Disposal (Permits, Authorizations and Licences) (Fees) Regulation (Cap. 354D) in relation to matters concerning fees for permits, authorization or licences to be granted by SE for waste disposal; and
- (b) 19 June 2017 as the day on which sections 12 and 18 of the Amendment Ordinance come into operation. These two new sections amend Cap. 354 to add the definitions of "e-waste"¹⁵ and "disposal" in relation to e-waste; and prescribe the circumstances under which SE can grant a waste disposal licence to an applicant.

43. Members may wish to refer to the LegCo Brief (File ref.: EP CR 9/150/28) issued by the Environment Bureau/Environmental Protection Department on 26 April 2017 for further information.

44. In response to the Legal Service Division's enquiries and according to paragraph 21 of the LegCo Brief, the Administration has indicated that the remaining provisions of the Amendment Ordinance which relate to removal service by sellers of REE, levy charging mechanism and control governing the import, export and disposal of regulated e-waste will be brought into operation in phases progressively starting from the third quarter of 2017.

¹⁵ "E-waste" is defined under section 12 of the Amendment Ordinance as any electrical equipment or electronic equipment that, judging by its appearance, is an item set out in column 2 of the new Schedule 6 to Cap. 603 and has been abandoned.

45. As advised by the Clerk to the Panel on Environmental Affairs, the Panel was consulted on the preparatory work for implementation of the controls stated in the Amendment Ordinance. The Panel has not discussed any specific issue concerning commencement of the provisions of the Amendment Ordinance in L.N. 73.

Concluding observations

46. The Legal Service Division is scrutinizing the subsidiary legislation under Part III and will report further if necessary. No difficulties have been identified in relation to the legal and drafting aspects of the other items of subsidiary legislation under Part I, II, IV and V.

Prepared by

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