

**立法會**  
***Legislative Council***

LC Paper No. LS51/17-18

**Paper for the House Committee Meeting  
on 13 April 2018**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 6 April 2018**

**Tabling in LegCo** : Council meeting of 11 April 2018

**Amendment to be made by** : Council meeting of 9 May 2018 (or that of 30 May 2018 if extended by resolution)

**Audit Ordinance (Amendment of Schedule 1) Notice 2018** (L.N. 60)

L.N. 60 is made by the Secretary for Financial Services and the Treasury under section 18(1) of the Audit Ordinance (Cap. 122)<sup>1</sup> to add the following three suitors' funds to Schedule 1 to Cap. 122:

- (a) the Competition Tribunal Suitors' Funds;
- (b) the Hong Kong Court of Final Appeal Suitors' Funds; and
- (c) the Lands Tribunal Suitors' Funds.

2. The effect of L.N. 60 is that the above three suitors' funds will be subject to audit by the Director of Audit under section 8(1)(b) of Cap. 122.

3. According to paragraph 4 of the Legislative Council ("LegCo") Brief (File ref: TsyB E 00/700-6/1/0 Pt. 2) issued by the Financial Services and the Treasury Bureau in March 2018, the above three suitors' funds are added upon the proposal of the Judiciary and with agreement of the Director of Audit in line with the existing audit arrangements of six other funds and accounts

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<sup>1</sup> Pursuant to section 18(1) of Cap. 122, the Financial Secretary may, by notice published in the Gazette, amend Schedule 1. Under section 3 of the Interpretation and General Clauses Ordinance (Cap. 1), a reference to the Financial Secretary includes the Secretary for Financial Services and the Treasury.

under the purview of the Judiciary (e.g. the High Court Suitors' Funds and the District Court Suitors' Funds).

4. As advised by the Clerk to the Panel on Financial Affairs, the Panel has not been consulted on L.N. 60.

5. L.N. 60 comes into operation on 8 June 2018.

**Energy Efficiency (Labelling of Products) Ordinance  
(Amendment of Schedule 1) Order 2017 (Commencement) Notice (L.N. 61)**

**Energy Efficiency (Labelling of Products) Ordinance  
(Amendment of Schedules) Order 2018 (Commencement) Notice (L.N. 62)**

6. By L.N. 61 and L.N. 62, the Secretary for the Environment appoints 1 June 2018 as the day on which the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedule 1) Order 2017 (L.N. 183 of 2017) ("the 2017 Order") and the Energy Efficiency (Labelling of Products) Ordinance (Amendment of Schedules) Order 2018 (L.N. 4 of 2018) ("the 2018 Order") come into operation.

7. The 2017 Order and the 2018 Order were made under the Energy Efficiency (Labelling of Products) Ordinance (Cap. 598) to implement the third phase of Mandatory Energy Efficiency Labelling Scheme ("MEELS"). The 2017 Order, passed by LegCo on 24 May 2017, mainly adds three energy-using products, namely, televisions, storage type electric water heaters and induction cookers, to Part 1 of Schedule 1 to Cap. 598 as prescribed products ("new prescribed products") so that importers and manufacturers of these products are required to provide specified information to the Director of the Electrical and Mechanical Services Department and to affix relevant energy labels on the prescribed products to be supplied in Hong Kong. The 2018 Order, gazetted on 19 January 2018, amends Schedules 1, 2 and 3 to Cap. 598 mainly to provide for the descriptions of the new prescribed products and to set out the requirements for their respective energy labels.

8. A subcommittee of the House Committee was formed in May 2017 to scrutinize the 2017 Order. Members may wish to refer to the report of the Subcommittee (LC Paper No. CB(1)1175/16-17) for its deliberations. No subcommittee was formed to study the 2018 Order.

9. As advised by the Clerk to the Panel on Environmental Affairs, the Panel has not been consulted on L.N. 61 and L.N. 62.

**Toys and Children's Products Safety Ordinance**  
**(Amendment of Schedules 1 and 2) Notice 2018** **(L.N. 63)**

10. L.N. 63 is made by the Secretary for Commerce and Economic Development under section 37 of the Toys and Children's Products Safety Ordinance (Cap. 424) to update certain safety standards for toys and three classes of children's products, namely, babies' dummies, children's high chairs and multi-purpose high chairs for domestic use and children's paints.

11. Under sections 3 and 5 of Cap. 424, no person shall manufacture, import or supply any toy or children's product unless the toy or product complies with all the applicable requirements in at least one relevant safety standard specified in Schedule 1 or Schedule 2 to Cap. 424 respectively.<sup>2</sup>

12. According to the LegCo Brief (File ref.: CITB CR 08/18/3) issued by the Commerce, Industry and Tourism Branch of the Commerce and Economic Development Bureau in March 2018, the revision is to apply the standards updated by the standards institutions since the last amendment to Schedules 1 and 2 in 2017 (paragraph 4). The Administration has consulted some 50 major trade associations and organizations advocating children welfare in December 2017 and received two submissions which supported the updating proposal in general (paragraph 8).

13. As advised by the Clerk to the Panel on Economic Development, the Panel has not been consulted on L.N. 63.

14. L.N. 63 comes into operation on 1 August 2018.

**United Nations (Anti-Terrorism Measures) (Amendment)**  
**Ordinance 2018 (Commencement) Notice** **(L.N. 64)**

15. L.N. 64 is made by the Secretary for Security under section 1(2) of the United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2018 (Ord. 14 of 2018) to appoint 31 May 2018 as the day on which Ord. 14 of 2018 comes into operation.

16. The United Nations (Anti-Terrorism Measures) (Amendment) Bill 2017 was passed by LegCo and enacted as Ord. No. 14 of 2018 in March 2018. Ord. 14 of 2018 amends the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) and other legislation mainly to (a) further implement a

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<sup>2</sup> Sections 3(1) and 5(3) of Cap. 424 provide that goods in transit, goods in the course of transshipment or goods manufactured for export are not subject to the said statutory requirement.

decision of the Security Council of the United Nations in its Resolution 2178 of 24 September 2014 by prohibiting travelling, providing or collecting property to finance travel, and organizing or facilitating travel, for the purpose of terrorist acts or terrorist training; and (b) further implement the Recommendations of the Financial Action Task Force by prohibiting dealing with property relating to specified terrorists or terrorist associates.

17. A Bills Committee has been formed to study the Bill before its enactment. Members may wish to refer to the Report of the Bills Committee (LC Paper No. CB(2)904/17-18) for details of its deliberations.

18. As advised by the Clerk to the Panel on Security, the Panel has not been consulted on L.N. 64.

### **Concluding observations**

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

Prepared by

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