

**立法會**  
**Legislative Council**

LC Paper No. LS19/19-20

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 8 November 2019**

**Tabling in LegCo** : Council meeting of 13 November 2019

**Amendment to be made by** : Council meeting of 11 December 2019 (or that of 8 January 2020 if extended by resolution)

**Veterinary Surgeons Board (Election of Members)  
Regulation**

**(L.N. 161)**

The Veterinary Surgeons Registration (Amendment) Bill 2014 was passed by the Legislative Council ("LegCo") on 18 March 2015 and the enacted Ordinance was published in the Gazette as Ord. No. 6 of 2015 on 27 March 2015. Ord. No. 6 of 2015 amends the Veterinary Surgeons Registration Ordinance (Cap. 529) to, among other things, change the composition of the membership of the Veterinary Surgeons Board ("VSB"). Such changes include revising the total number of members appointed by the Secretary for Food and Health ("SFH") from 10 to 13, providing for the inclusion of six elected members who are registered veterinary surgeons, and providing for the term of office of VSB members elected in an ordinary election. Ord. No. 6 of 2015 will come into operation on a day to be appointed by SFH by notice published in the Gazette.

2. L.N. 161 is made by SFH under section 28(1A) of Cap. 529, as amended by section 13(2) of Ord. No. 6 of 2015, to provide for the procedure and other matters relating to the election of VSB members. The major provisions are summarized below:

- (a) Parts 2 and 3 provide for the requirement to issue a notice of election for the election of VSB members, and the procedure and eligibility requirements for nominating candidates for the election;
- (b) Part 4 provides for the requirements in relation to the conducting of a poll, the voting procedures, the counting of votes, and the determination and declaration of the election result;
- (c) Part 5 provides for the establishment, dissolution, membership and proceedings of a review committee to hear election petitions presented

in relation to an election, and the requirements in relation to the presentation and disposal of an election petition; and

- (d) Part 6 and the Schedule provide for general and miscellaneous matters, such as providing for the appointment and functions of a returning officer for an election, the term of office of VSB members elected in a by-election and persons determined to be duly elected following an election petition, setting out the circumstances under which a person may be disqualified from standing for an election, and listing acts which amount to corrupt or illegal conduct in relation to an election (which is a ground for presenting an election petition under section 55 of L.N. 161).

3. According to paragraph 11 of the LegCo Brief (File Ref.: FHB/F/6/12/12) issued by the Food and Health Bureau on 6 November 2019, the Administration has, since 2015, consulted relevant veterinary organizations including VSB, the Hong Kong Veterinary Association and the China (Hong Kong) Veterinary Association on the framework and salient features of the election arrangements. Consultations were conducted in May and December 2015 to seek opinions from the veterinary profession, and VSB was further consulted in October 2017 and February 2019. According to the Administration, the profession generally supported the proposal.

4. As advised by the Clerk to the Panel on Food Safety and Environmental Hygiene, the Panel was briefed on the proposed election arrangements on 14 April 2015. After subsequent consultation with relevant veterinary organizations, the Administration reported to the Panel on 10 November 2015 on the revised legislative proposals in response to the views received during the consultation. During the Panel's discussions, concerns were raised on a number of issues including the composition of VSB, the eligibility of electors and candidates as well as the electoral and voting arrangements (in particular, the "one vote vs. multiple votes" and "voting in-person vs. voting by-post" arrangements). Members' views on these issues were diverse.

5. L.N. 161 comes into operation on the day on which section 13(2) of Ord. No. 6 of 2015 comes into operation.

**Hong Kong Science and Technology Parks Corporation  
Ordinance (Amendment of Schedule 1) (No. 2) Notice 2019 (L.N. 162)**

6. L.N. 162 is made by the Hong Kong Science and Technology Parks Corporation ("HKSTPC") under section 27(2) of the Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565). It amends Schedule 1 to Cap. 565 by adding HKSTPC Western District Hub at Suite Nos. 3, 5, 6, 7 and 8,

29<sup>th</sup> Floor, Pacific Plaza, 418 Des Voeux Road West, Hong Kong ("HKSTPC Western District Hub") to the list of specified premises where activities related to the purposes of HKSTPC are, or are to be, carried out. The effect of L.N. 162 is to enable HKSTPC to manage and control the specified premises.

7. According to paragraph 5 of the LegCo Brief (no file reference) issued by the Innovation and Technology Bureau and the Innovation and Technology Commission in November 2019, HKSTPC has reached an agreement with the University of Hong Kong to jointly operate the HKSTPC Western District Hub as a hub for working, coaching and networking for start-ups which have been admitted to incubation programmes set up by HKSTPC to provide support for start-ups that focus on technology, biotechnology as well as web and mobile technology.

8. As advised by the Clerk to the Panel on Commerce and Industry, the Panel has not been consulted on L.N. 162, but noted in the Administration's paper prepared for the meeting on 29 October 2019 that HKSTPC would collaborate with local universities to jointly provide incubation services for university start-ups, and that the HKSTPC Western District Hub, which would be jointly operated with the University of Hong Kong, would commence operation in 2020.

9. L.N. 162 comes into operation on 10 January 2020.

**Allowances to Jurors (Amendment) Order 2019  
(Commencement) Notice** (L.N. 163)

**Criminal Procedure (Witnesses' Allowances) (Amendment)  
Rules 2019 (Commencement) Notice** (L.N. 164)

**Coroners (Witnesses' Allowances) (Amendment) Rules 2019  
(Commencement) Notice** (L.N. 165)

**Control of Obscene and Indecent Articles (Amendment)  
Regulation 2019 (Commencement) Notice** (L.N. 166)

10. By L.N. 163 to L.N. 166 ("the Commencement Notices"), the Chief Justice has appointed 1 January 2020 as the day on which the following items of subsidiary legislation come into operation:

- (a) Allowances to Jurors (Amendment) Order 2019 (L.N. 27 of 2019);
- (b) Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2019 (L.N. 38 of 2019);

- (c) Coroners (Witnesses' Allowances) (Amendment) Rules 2019 (L.N. 40 of 2019); and
- (d) Control of Obscene and Indecent Articles (Amendment) Regulation 2019 (L.N. 26 of 2019).

11. L.N. 38 and L.N. 40 of 2019, which were made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance (Cap. 221) and the Chief Justice under section 54 of the Coroners Ordinance (Cap. 504) respectively, were approved by LegCo by two resolutions passed on 20 March 2019. L.N. 38 and L.N. 40 of 2019 increase the rates of allowances payable to witnesses in criminal proceedings and coroners' inquests respectively.

12. L.N. 26 and L.N. 27 of 2019 were made by the Chief Executive in Council under section 46 of the Control of Obscene and Indecent Articles Ordinance (Cap. 390) and section 31 of the Jury Ordinance (Cap. 3) respectively to increase:

- (a) the fees payable to adjudicators for every day on which they serve as members of the Obscene Articles Tribunal under the Control of Obscene and Indecent Articles Regulations (Cap. 390A); and
- (b) the rate of allowance and the maximum rate of additional allowance payable to jurors in criminal or civil cases, or inquests under Cap. 504.

13. No LegCo Brief has been issued on the Commencement Notices.

14. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel has not been consulted on the Commencement Notices.

### **Concluding observations**

15. The Legal Service Division is scrutinizing L.N. 161, and a further report will be made if necessary. No difficulties have been identified in the legal and drafting aspects of L.N. 162 to L.N. 166.

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19 November 2019