

立法會
Legislative Council

LC Paper No. LS97/20-21

**Paper for the House Committee Meeting
on 16 July 2021**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 9 July 2021**

Tabling in LegCo : Council meeting of 14 July 2021

Amendment to be made by : Council meeting of 21 July 2021 (or that of 1 September 2021 if extended by resolution)

**Minor Employment Claims Adjudication Board Ordinance
(Amendment of Schedule) Notice 2021** **(L.N. 109)**

L.N. 109 is made by the Commissioner for Labour under section 6 of the Minor Employment Claims Adjudication Board Ordinance (Cap. 453). It amends the Schedule to Cap. 453 to adjust upwards the jurisdictional limit of the Minor Employment Claims Adjudication Board ("MECAB") from \$8,000 to \$15,000 per claimant in respect of claims the right of action of which arose on or after 17 September 2021 (or not wholly before that date) and made by not more than 10 claimants.

2. MECAB was established in 1994 to adjudicate on minor employment claims, including breach of a term of a contract of employment and any question as to the right of an employee to a severance payment under the Employment Ordinance (Cap. 57). Currently, it is provided in the Schedule to Cap. 453 that for any claims the right of action of which arose on or after 25 June 1997 (or partly before and partly on or after that date) and made by not more than 10 claimants, MECAB has jurisdiction to handle such claims with a claim amount not exceeding \$8,000 per claimant. This jurisdictional limit has not been revised since 1997.

3. According to paragraphs 3 and 4 of the Legislative Council ("LegCo") Brief (File Ref.: LD MECAB 1-10/1C) issued by the Labour and Welfare Bureau and the Labour Department in July 2021, given the rate of increase of 80% in the median monthly employment earnings of employees from the second quarter of 1997 to the third quarter of 2020, the Administration decided to adjust the jurisdictional limit of MECAB from \$8,000 to \$15,000 per claimant, representing a rate of increase of 87.5%, while retaining the maximum number of claimants per claim at 10.

4. According to paragraph 10 of the LegCo Brief, the legislative proposal was discussed at the meeting of the Labour Advisory Board on 25 November 2020. Members of the Board present unanimously supported the proposal.

5. As advised by the Clerk to the Panel on Manpower, the Panel was consulted on the legislative proposal at its meeting on 19 January 2021. Panel members raised no objection to the proposal, and discussed various issues including the caseload, manpower resources and jurisdictional limit of MECAB.

6. L.N. 109 comes into operation on 17 September 2021.

**Peak Tramway (Safety) (Amendment) Regulation 2018
(Commencement) Notice**

(L.N. 110)

7. By L.N. 110, the Secretary for Commerce and Economic Development appoints 17 December 2021 as the day on which the Peak Tramway (Safety) (Amendment) Regulation 2018 (L.N. 171 of 2018) comes into operation.

8. L.N. 171 of 2018 was published in the Gazette on 12 October 2018. It amends the Peak Tramway (Safety) Regulations (Cap. 265A) to amend the definition of "tramcar" and to increase tramcar capacity from the maximum load of 120 passengers to 210 passengers. A Subcommittee was formed to study L.N. 171 of 2018. Members may refer to the Report of the Subcommittee to the House Committee for details (LC Paper No. CB(4)257/18-19). According to the Report, L.N. 171 of 2018 was one of the legislative amendments made to implement the upgrading plan for the peak tramway following the grant of the second 10-year operating right of the peak tramway to the Peak Tramways Company Limited under the Peak Tramway Ordinance (Cap. 265).

9. No LegCo Brief has been issued on L.N. 110.

10. As advised by the Clerk to the Panel on Economic Development, the Panel has not been consulted on L.N. 110.

**SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT
SUBJECT TO AMENDMENT**

**United Nations Sanctions (Libya) Regulation 2019
(Amendment) Regulation 2021**

(L.N. 111)

11. L.N. 111 is made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign

Affairs of the People's Republic of China and after consultation with the Executive Council.

12. Since 2011, the Security Council of the United Nations ("UNSC") has adopted several resolutions to impose certain sanctions against Libya. These resolutions have been implemented by regulations made under Cap. 537, the last one being the United Nations Sanctions (Libya) Regulation 2019 (Cap. 537CF) (as amended by the United Nations Sanctions (Libya) Regulation 2019 (Amendment) Regulation 2020 (L.N. 80 of 2020)). Sections 4, 5, 10, 11, 13, 14, 15 and 21 of Cap. 537CF, which contain certain prohibitions against Libya, applied until midnight on 30 April 2021.

13. L.N. 111 amends Cap. 537CF to give effect to certain decisions in Resolution 2571 (2021) adopted by UNSC on 16 April 2021 to renew the expired prohibitions against Libya. These prohibitions, which are in force until midnight on 30 July 2022, are against:

- (a) the loading, transport or discharge of petroleum from Libya aboard certain ships;
- (b) engaging in any financial transaction related to any petroleum from Libya aboard certain ships;
- (c) the provision of certain services to ships under certain circumstances; and
- (d) certain ships entering the Hong Kong Special Administrative Region.

14. L.N. 111 also makes certain textual amendments to Cap. 537CF.

15. L.N. 111 came into operation upon publication in the Gazette on 9 July 2021.

16. Under section 3(5) of Cap. 537, sections 34 and 35 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to regulations made under section 3 of Cap. 537. Accordingly, L.N. 111 is not required to be tabled in LegCo and is not subject to amendment by LegCo.

17. Members may refer to the LegCo Brief (File Ref: CITB CR 95/53/1) issued by the Commerce and Economic Development Bureau in July 2021 for further information on L.N. 111. A marked-up version showing the changes made by L.N. 111 to Cap. 537CF is at Annex D to the LegCo Brief.

18. As advised by the Clerk to the Panel on Commerce and Industry, the Panel has not been consulted on L.N. 111.

Concluding observations

19. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 109 to L.N. 111.

Prepared by

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