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**Paper for the House Committee Meeting
on 3 September 2021**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 27 August 2021**

Tabling in LegCo : Council meeting of 1 September 2021

Amendment to be made by : Council meeting of 29 September 2021 (or that of 20 October 2021 if extended by resolution)

PART I WAIVERS AND CONCESSIONS OF GOVERNMENT FEES AND CHARGES

Shipping and Port Control (Amendment) Regulation 2021 (L.N. 175)

Port Control (Cargo Working Areas) (Amendment) Regulation 2021 (L.N. 176)

Port Control (Cargo Working Areas) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021 (L.N. 177)

Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2021 (L.N. 178)

Road Traffic (Registration and Licensing of Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021 (L.N. 179)

Road Traffic Ordinance (Amendment of Schedule 3) Order 2021 (L.N. 180)

Hong Kong Air Navigation (Fees) (Amendment) Regulation 2021 (L.N. 181)

Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020 (Amendment) Regulation 2021 (L.N. 182)

Marine Fish Culture (Amendment) Regulation 2021 (L.N. 183)

Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) Regulation 2021	(L.N. 184)
Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021	(L.N. 185)
Sewage Services (Trade Effluent Surcharge) (Amendment) Regulation 2021	(L.N. 186)
Waterworks (Amendment) (No. 2) Regulation 2021	(L.N. 187)
Sewage Services (Sewage Charge) (Amendment) (No. 2) Regulation 2021	(L.N. 188)
Mines (Safety) (Amendment) Regulation 2021	(L.N. 189)
Mines (Safety) (Amendment) Regulation 2020 (Amendment) Regulation 2021	(L.N. 190)
Dangerous Goods (General) (Amendment) Regulation 2021	(L.N. 191)
Dangerous Goods (Government Explosives Depots) (Amendment) Regulation 2021	(L.N. 192)
Building (Minor Works) (Fees) (Amendment) Regulation 2021	(L.N. 193)
Building (Minor Works) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021	(L.N. 194)
Electricity (Registration) (Amendment) Regulation 2021	(L.N. 195)
Electricity (Registration) (Amendment) Regulation 2020 (Amendment) Regulation 2021	(L.N. 196)
Karaoke Establishments (Fees) (Amendment) Regulation 2021	(L.N. 197)
Karaoke Establishments (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021	(L.N. 198)
Travel Agents (Amendment) Regulation 2021	(L.N. 199)
Travel Agents (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021	(L.N. 200)

Merchant Shipping (Local Vessels) (Fees) (Amendment) Regulation 2021	(L.N. 201)
Merchant Shipping (Local Vessels) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021	(L.N. 202)
Road Traffic (Public Service Vehicles) (Amendment) Regulation 2021	(L.N. 203)
Road Traffic (Public Service Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021	(L.N. 204)
Dutiable Commodities (Liquor Licences) (Fees) (Amendment) Regulation 2021	(L.N. 205)
Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (Amendment) Regulation 2021	(L.N. 206)
Places of Public Entertainment (Fee Concessions) (Amendment) Regulation 2021	(L.N. 207)
Construction Workers Registration (Fees) (Amendment) Regulation 2021	(L.N. 208)

Introduction

In August 2019 and September 2020, the Administration introduced a package of relief measures (including waiver and reduction of various government fees and charges in different sectors) with a view to addressing the challenging external economic environment, the softening local economy, and the impact of COVID-19.¹ On 25 August 2021, the Administration announced the further extension of these waivers or concessions of government fees and charges. Set out below are 34 items of subsidiary legislation made by the Chief Executive ("CE") in Council,² the relevant

¹ Members may refer to the Legislative Council ("LegCo") Brief issued by the Financial Services and the Treasury Bureau ("FSTB") on 25 September 2019 (File Ref.: L/M 10 in TsyB MA 00/625-1/2/0 (C) Pt. 25), LC paper No. LS92/18-19 issued on 10 October 2019, LegCo Brief issued by FSTB on 23 September 2020 (File Ref.: TsyB MA 00/625-1/2/0 (C) Pt. 40) and LC Paper No. LS125/19-20 issued on 12 October 2020 for details of the waivers and concessions in 2019 and 2020.

² L.N. 181 and L.N. 182 are made by the Chief Executive after consultation with the Executive Council. Under section 3 of the Interpretation and General Clauses Ordinance (Cap. 1), "Chief Executive in Council" means the Chief Executive acting after consultation with the Executive Council.

Directors of Bureaux and the Construction Industry Council ("CIC") to give effect to the extension of the existing waivers or concessions.

L.N.175 to L.N. 200

2. L.N. 175 to L.N. 200 are made by CE in Council. The majority of the fee waiving or concession measures under these items of subsidiary legislation take effect from 1 October 2021 while the remaining ones will take effect on later dates upon the respective expiries of the existing measures:

- (a) By L.N. 175 to L.N. 186 and L.N. 189 to L.N. 200, the existing fee waivers or concessions of certain government fees and charges are extended for one year to benefit a wide range of sectors such as maritime, logistics, aviation, retail, catering, agriculture and fisheries, construction, tourism and entertainment; and
- (b) L.N. 187 and L.N. 188 amend the Waterworks Regulations (Cap. 102A) and the Sewage Services (Sewage Charge) Regulation (Cap. 463A) respectively to extend by four months (from 1 December 2021 to 31 March 2022) the 75% reduction in fresh water charges and sewage charges for fresh water supplied for certain non-domestic purposes.

3. Details of the fee waiving or concession measures under L.N. 175 to L.N. 200 are summarized at **Annex I**.

L.N. 201 to L.N. 207

4. L.N. 201 to L.N. 207 are made by relevant Directors of Bureaux³ respectively to extend for one year the relevant existing waiving or concession of fees payable in respect of certain permits or licences under the Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548J), the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D), the Dutiable Commodities (Liquor Licences) (Fees) Regulation (Cap. 109H) and the Places of Public Entertainment (Fee Concessions) Regulation (Cap. 172F).

L.N. 208

5. L.N. 208 is made by CIC under section 63 of the Construction Workers Registration Ordinance (Cap. 583) with the approval of the Secretary for Development to amend the Construction Workers Registration (Fees) Regulation (Cap. 583B). It extends for one year (from 1 October 2021 to 30 September 2022) the waiver of fees otherwise payable to CIC in respect of an application for registration (or renewal thereof) of construction workers.

³ The Secretary for Financial Services and the Treasury, the Secretary for Transport and Housing, the Secretary for Food and Health, and the Secretary for Home Affairs.

6. Details of the fee waiving or concession measures under L.N. 201 to L.N. 208 are summarized at **Annex II**.

Consultation

7. According to paragraph 35 of the Legislative Council ("LegCo") Brief issued by the Financial Services and the Treasury Bureau on 25 August 2021 (File Ref.: TsyB MA 00/625-1/2/0 (C) Pt. 59), the Administration decided to extend the waivers or concessions of fees and charges to sustain the support for businesses and individuals after taking into account views from different sectors on the difficulties they encountered in recent months.

8. As advised by the Clerk to the Panel on Financial Affairs, the Panel has not been consulted on the above items of subsidiary legislation.

PART II IMPLEMENTATION OF THE MAINLAND JUDGMENTS IN MATRIMONIAL AND FAMILY CASES (RECIPROCAL RECOGNITION AND ENFORCEMENT) ORDINANCE

**Mainland Judgments in Matrimonial and Family Cases
(Reciprocal Recognition and Enforcement) Rules** (L.N. 209)

**Mainland Judgments in Matrimonial and Family Cases
(Reciprocal Recognition and Enforcement) Ordinance
(Commencement) Notice** (L.N. 210)

L.N. 210

9. By L.N. 210, the Secretary for Justice appoints 15 February 2022 as the day on which the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance (Cap. 639) comes into operation. Cap. 639 was published in the Gazette as Ord. No. 11 of 2021 on 14 May 2021 following the passage of the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill ("Bill") by LegCo on 5 May 2021.

10. Cap. 639 implements the Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the Hong Kong Special Administrative Region ("HKSAR") made between the Supreme People's Court of the People's Republic of China and the Government of HKSAR on 20 June 2017. It provides for the recognition and

enforcement in Hong Kong of specified orders⁴ in judgments in matrimonial and family cases given in the Mainland, for facilitating the recognition and enforcement in the Mainland of such judgments given in Hong Kong, and for the recognition of Mainland divorce certificates. A Bills Committee was formed to study the Bill in December 2020. Members may refer to the Report of the Bills Committee (LC Paper No. CB(4)831/20-21) for further information.

L.N. 209

11. L.N. 209 is a new set of rules made by the Chief Judge under section 40 of Cap. 639 to provide for the practice and procedure relating to applications under Cap. 639 and the execution of registered orders.⁵ The key provisions of L.N. 209 are summarized below:

- (a) Part 2 provides for matters relating to an application for the registration in Hong Kong of a specified order in a Mainland Judgment given in a matrimonial or family case. Such matters include the mode of application (to be made *ex parte* unless directed by the District Court to be made by originating summons), the information and documents required to be stated in and exhibited to the supporting affidavit,⁶ requirements as to a registration order and the setting aside of the application;
- (b) Part 3 provides for matters relating to an application for the recognition in Hong Kong of a Mainland divorce certificate including the mode of application and information and documents required to be stated in and exhibited to the supporting affidavit (e.g. copy of the Mainland divorce certificate must be notarized in accordance with the law of the Mainland), requirements as to a recognition order and the setting aside of the application;

⁴ There are three types of specified orders set out in Schedule 2 to Cap. 639, namely, (i) care-related orders (such as orders relating to custody and guardianship); (ii) status-related orders (such as orders granting a divorce and for the annulment of a marriage); and (iii) maintenance-related orders (such as orders in relation to maintenance (including spousal maintenance) and for the division of property between parties to a marriage).

⁵ Under section 2 of Cap. 639, a registered order means a specified order registered in accordance with a registration order under section 10(1) of Cap. 639. Under section 10(1) of Cap. 639, the court may order the specified order to be registered if it is satisfied that the Judgment is given in a matrimonial or family case on or after the commencement date of Cap. 639 and the Judgment is effective in the Mainland.

⁶ The required information and documents include a copy of identity card of the applicant and copy of the Mainland Judgment sealed by the original Mainland court, names and addresses of the applicant and the other parties to the Judgment, etc.

- (c) Part 4 provides for matters relating to the execution of a registered order in Hong Kong including the application of the practice and procedure of the Rules of the High Court (Cap. 4A) and the Matrimonial Causes Rules (Cap. 179A) in relation to the proceedings for the execution of a registered order;
- (d) Part 5 provides for matters relating to an application for a certified copy of a Hong Kong Judgment given in a matrimonial or family case and the issue of a certificate certifying that the relevant Hong Kong Judgment is given in a matrimonial or family case and is effective in Hong Kong. These matters include the information to be stated in the affidavit in support of the application and the requirements for issue of the certificate; and
- (e) Part 6 prescribes the fees payable for a registration application of a specified order, recognition application in relation to a Mainland divorce certificate and the application for a certified copy of a Hong Kong Judgment given in a matrimonial and family case and provides for the method of payment of such fees.

12. L.N. 209 comes into operation on the day on which Cap. 639 comes into operation, i.e. 15 February 2022.

Consultation

13. According to paragraph 17 of the LegCo Brief (File Ref: L/M(5) to CPA CLU 5037/7/3C) issued by the Department of Justice on 25 August 2021, the Government conducted a public consultation in February 2019 to invite views on the draft rules alongside the draft Bill. The majority of responses received by the Government were supportive of the draft Bill and the draft rules. The Law Society of Hong Kong made no comments on the draft rules. The Hong Kong Bar Association was in principle supportive of the draft rules with some suggestions.

14. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel was consulted on the draft rules and the draft Bill at its meeting on 25 February 2019. During the deliberations of the Bills Committee, members enquired about how certain aspects of the procedural requirements under the Bill would be implemented and were informed by the Administration that they would be provided in a new set of rules to be made by the Chief Judge. The Panel has not been consulted on the commencement date of Cap. 639.

PART III COMMENCEMENT NOTICES RELATING TO MERCHANT SHIPPING MATTERS

Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020 (Commencement) Notice (L.N. 211)

Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020 (Commencement) Notice (L.N. 212)

15. By L.N. 211 and L.N. 212, the Secretary for Transport and Housing ("STH") respectively appoints 1 January 2022 as the day on which section 6 of the Merchant Shipping (Local Vessels) (General) (Amendment) Regulation 2020 (L.N. 69 of 2020) and section 16 of the Merchant Shipping (Local Vessels) (Safety and Survey) (Amendment) Regulation 2020 (L.N. 70 of 2020) come into operation.

16. L.N. 69 of 2020 and L.N. 70 of 2020 ("the two Regulations"), which were published in the Gazette on 15 May 2020, enhance the navigational and communications equipment on board certain Class IV vessels (i.e. local pleasure vessels).⁷ Section 6 of L.N. 69 of 2020 and section 16 of L.N. 70 of 2020 that will come into operation on 1 January 2022 provide for the requirements in respect of the operation of radiotelephone equipment including communication by a very high frequency radiotelephone ("VHF radio"). The other provisions of the two Regulations have already come into operation.⁸

17. According to paragraphs 4 and 5 of the LegCo Brief (File Ref.: THB(T)PML CR 8/10/260/1 Pt.6) issued by the Marine Department under the Transport and Housing Bureau ("THB") in August 2021, the uncommenced provisions should only take effect when a sufficient number of vessels operators are properly trained and certificated in accordance with the relevant statutory requirements. There are about 300 holders of certificate of competency for operating VHF radio in the trade as of July 2021, which is considered to be sufficient to enforce the requirements relating to VHF radio under the two Regulations.

18. According to paragraph 8 of the LegCo Brief, relevant stakeholders, including the Local Vessel Advisory Committee, were consulted on the proposed commencement date after the period of LegCo's negative vetting procedure of the two Regulations expired on 17 June 2020. Parties concerned supported the commencement of the relevant provisions on 1 January 2022.

⁷ The two Regulations apply to Class IV vessels that are licensed to carry 13 to 60 passengers and are let for hire or reward, and Class IV vessels that are licensed to carry more than 60 passengers.

⁸ Section 17(3) of L.N. 70 of 2020 (relating to the requirement on certain Class IV vessels to provide adequate lifebuoys) came into operation on 1 April 2021. Other remaining provisions of L.N. 69 of 2020 and L.N. 70 of 2020 came into operation on 1 August 2020.

19. As advised by the Clerk to the Panel on Economic Development, the Panel has not been consulted on L.N. 211 and L.N. 212.

PART IV MATTERS RELATING TO ELECTRONIC TRANSACTIONS

**Electronic Transactions Ordinance (Amendment of Schedule 3)
Order 2021** (L.N. 213)

Electronic Transactions (Exclusion) (Amendment) Order 2021 (L.N. 214)

L.N. 213

20. Section 5A(1) of the Electronic Transactions Ordinance (Cap. 553) provides that if a rule of law under a provision set out in Schedule 3 to Cap. 553 requires a document to be served on a person by personal service or by post, the provision shall be construed as also providing that service of the document in the form of an electronic record to an information system designated by the person satisfies the requirement under the provision if the information contained in it is accessible so as to be usable for subsequent reference.

21. L.N. 213 is made by the Secretary for Innovation and Technology under section 50 of Cap. 553 to add "section 28(3) of the Ferry Services Ordinance (Cap. 104)" to Schedule 3 to Cap. 553. The effect of L.N. 213 is that a notice specifying the minimum frequency of a licensed service may be served on a licensee under section 28(3) of Cap. 104 in the form of an electronic record.

22. L.N. 213 comes into operation on 30 June 2022.

L.N. 214

23. Section 5 of Cap. 553 provides that if a rule of law requires or permits information to be or given in writing, an electronic record satisfies the requirement if the information contained in the electronic record is accessible so as to be usable for subsequent reference. Schedule 1 to the Electronic Transactions (Exclusion) Order (Cap. 553B) sets out the statutory provisions which are excluded from the application of section 5 of Cap. 553.

24. L.N. 214 is made by the Permanent Secretary for Innovation and Technology under section 11(1) of Cap. 553 to delete item 38 (i.e. regulations 11(2) and 12(2) of the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296A)) from Schedule 1 to Cap. 553B. The effect of L.N. 214 is that an application for a licence to import or export any reserved commodity (regulation 11(2)) and an application for registration as a stockholder of a reserved commodity (regulation 12(2)) under Cap. 296A may be submitted to the Director-General of Trade and Industry in the form of an electronic record.

25. L.N. 214 comes into operation on 29 October 2021.
26. Members may refer to the LegCo Brief (with no file reference) issued by the Innovation and Technology Bureau on 25 August 2021 for background information.

Consultation with LegCo Panel

27. As advised by the Clerk to the Panel on Information Technology and Broadcasting, the Panel has not been consulted on the proposals under the two orders. At the Panel meeting held on 8 February 2021, when discussing the progress of smart city development in Hong Kong, members commented that, while many public services such as licence application and renewal could now be transacted online, many people still experienced difficulties in using some e-government services. They suggested that the Administration should review the electronic licensing services and introduce improvements as early as possible.

PART V IMPLEMENTATION OF THE FREE-FLOW TOLLING SYSTEM

**Free-Flow Tolling (Miscellaneous Amendments) Ordinance
2021(Commencement) Notice (L.N. 215)**

Road Traffic (Toll Tags) Regulation (L.N. 216)

L.N. 215

28. By L.N. 215, STH appoints 1 November 2021 as the day on which Part 9 of the Free-Flow Tolling (Miscellaneous Amendments) Ordinance 2021 (Ord. No. 20 of 2021) ("Amendment Ordinance") comes into operation.

29. The Amendment Ordinance was published in the Gazette on 2 July 2021 following the passage of the Free-Flow Tolling (Miscellaneous Amendments) Bill 2021 by LegCo on 23 June 2021.⁹ The Amendment Ordinance implements the free-flow tolling system ("FFTS") for the operation of government tolled tunnels and Tsing Sha Control Area (collectively referred to as "tolled tunnels") without toll booths. Except Part 9, the Amendment Ordinance came into operation upon gazettal on 2 July 2021. Part 9 of the Amendment Ordinance that will come into operation on 1 November 2021 mainly relates to the requirement for the responsible person¹⁰ of a motor vehicle to provide to the Transport Department an e-contact means (i.e. the

⁹ The Free-Flow Tolling (Miscellaneous Amendments) Bill 2021 has been studied by a Bills Committee. Members may refer to the report of the Bills Committee (LC Paper No. CB(4)1057/20-21) for further details.

¹⁰ The responsible person is the registered owner of the vehicle or the holder of the international circulation permit, movement permit or trade licence if the vehicle is used under such a permit or licence.

person's electronic mail address or mobile phone number) in certain circumstances under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E), such as transfer of ownership of a registered motor vehicle and changes to the particulars of registered vehicle owners.

30. According to paragraph 2 of the LegCo Brief (File Ref.: THB(T)CR 1/4651/2019) issued by THB on 25 August 2021, the commencement of Part 9 of the Amendment Ordinance will facilitate the issuance of administrative toll payment notifications in relation to the operation of FFTS with effect from 1 November 2021.

L.N. 216

31. L.N. 216 is a new regulation made under section 6A of the Road Traffic Ordinance (Cap. 374) to provide for the issuance and regulation of toll tags for implementation of FFTS. The main provisions of L.N. 216 are summarized below:

- (a) section 3 (which expires on the commencement of section 4) imposes requirements on a responsible person or a driver of a motor vehicle if a toll tag is used in connection with the motor vehicle. These requirements include using an appropriate toll tag, ensuring the toll tag to be free from any interference and ensuring that the toll tag must be the only toll tag used in connection with the motor vehicle ("specific requirements"). Section 3 also provides a further requirement that the toll tag used must be in good working order ("further requirement");
- (b) section 4 mandates the use of a toll tag at all times in connection with a tag-required vehicle¹¹, and imposes the specific requirements and the further requirement on a responsible person or a driver of a tag-required vehicle or a tag-in-use vehicle¹² after the expiry of section 3;
- (c) a person who, without reasonable excuse, contravenes the specific requirements commits an offence. Neither section 3 nor 4 provides that non-compliance with the further requirement is an offence;¹³

¹¹ A tag-required vehicle is a motor vehicle that is licensed under regulation 21 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E), or in respect of which an international circulation permit is issued under regulation 31 of Cap. 374E.

¹² A tag-in-use vehicle is a motor vehicle with a toll tag but is not a tag-required vehicle, such as a vehicle running on roads with a trade licence or a movement permit.

¹³ According to paragraph 12 of the LegCo Brief (File Ref.: THB(T)CR 1/4651/2019) issued by THB on 25 August 2021, for non-compliance with the further requirement under section 3 or 4, the Transport Department ("TD") will request the responsible person to bring his motor vehicle to an examination centre for inspection of the toll tag by an examination order under the Road Traffic Ordinance (Cap. 374). If the toll tag of the motor vehicle is confirmed to be malfunctioning, TD will require the responsible person to replace the toll tag at his own cost by a repair order under Cap. 374.

- (d) sections 5 and 6 provide for exceptions and exemptions from the specific requirements under sections 3 and 4;
- (e) sections 8 and 9 allow the Commissioner for Transport ("Commissioner") or a tag agent appointed by the Commissioner to issue a vehicle tag (i.e. a toll tag for use in connection with a particular vehicle) to a responsible person of a motor vehicle, or a class tag (i.e. a toll tag for use in connection with any motor vehicle falling within a particular class listed in Schedule 1, such as taxis and public light buses) on application and on payment of the prescribed fee as set out in Schedule 3;
- (f) section 10 empowers the Commissioner or the tag agent with the approval of the Commissioner to determine the conditions of issue for a vehicle tag or a class tag; and
- (g) section 12 empowers the Commissioner to waive, exempt, reduce or refund the fee payable or paid for the issue of a toll tag as prescribed in Schedule 3.

Consultation with LegCo Panel

32. As advised by the Clerk to the Panel on Transport, the Panel was consulted on 5 January 2021 on the Administration's proposal to implement FFTS at the tolled tunnels. Members supported implementing FFTS at tolled tunnels to help ease congestion at toll plazas caused by manual toll payment by motorists. Enquiries have been raised on the issuance and usage of a toll tag for the purpose of toll payment, whether the toll tag would be charged for use by motorists, and information that would be stored in the toll tag. Members also urged that the Administration should facilitate toll splitting between vehicle owners and drivers of different shifts of commercial vehicles such as taxis.

Commencement

33. Except for section 4, sections 5 and 6 (in so far as they relate to section 4) which will come into operation on a day to be appointed by the Commissioner by notice published in the Gazette, L.N. 216 comes into operation on 1 November 2021.

PART VI DESIGNATION OF LIBRARIES

Designation of Libraries (Amendment) (No. 4) Order 2021

(L.N. 217)

34. L.N. 217 is made by the Director of Leisure and Cultural Services ("Director") under section 105K of the Public Health and Municipal Services Ordinance (Cap. 132) to amend the Schedule to the Designation of Libraries Order

(Cap. 132O). It designates the ground and first floors of Sham Shui Po Leisure and Cultural Building, 38 Sham Mong Road, Sham Shui Po, Kowloon as a library ("new library"). The effect of L.N. 217 is that the management and control of the new library is vested in the Director.

35. According to paragraph 3 of the LegCo Brief (with no file reference) issued by the Leisure and Cultural Services Department on 23 August 2021, the new library will be open for public use in phases with the Students' Study Room in the first quarter of 2022 and the full library in the second quarter of 2022.

36. As advised by the Clerk to the Panel on Home Affairs, the Panel has not been consulted on L.N. 217.

37. L.N. 217 comes into operation on 7 February 2022.

Concluding observations

38. The Legal Service Division is scrutinizing the legal and drafting aspects of L.N. 209 and a further report will be made, if necessary. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 175 to L.N. 208 and L.N. 210 to L.N. 217.

Encl.

Prepared by

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Assistant Legal Advisers

Legislative Council Secretariat

2 September 2021

Summary of fee waiving or concession measures under L.N. 175 to L.N. 200

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
175	Extension of the waiving of port facilities and light dues payable by vessels entering the waters of Hong Kong under the Shipping and Port Control Regulations (Cap. 313A)	1.10.2021 to 30.9.2022	1.10.2021
176 177	Extension of the waiving of fees in respect of (i) vehicle entry tickets for the first hour payable by trucks entering Public Cargo Working Areas ("PCWA") and (ii) operation area permits payable by PCWA operators under the Port Control (Cargo Working Areas) Regulations (Cap. 81A)	1.10.2021 to 30.9.2022	L.N. 176 came into operation upon gazettal on 27.8.2021, except that the relevant provision extending the concession period comes into operation on 1.10.2021. L.N. 177 came into operation upon gazettal on 27.8.2021. ¹
178 179	Extension of the waiving of certain vehicle annual licence fees ² and additional fees payable and certain closed road permit fees ³ payable under the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E)	30.12.2021 to 29.12.2022	L.N. 178 comes into operation on 30.12.2021. L.N. 179 came into operation upon gazettal on 27.8.2021. ⁴

¹ Under L.N. 177, the Port Control (Cargo Working Areas) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 100 of 2019) is amended so that the provision restoring the pre-amended fee levels after 30 September 2022 comes into operation on 1 October 2022.

² Vehicle licence fees for goods vehicles, special purpose vehicles, trailers, taxies, non-franchised public buses, private buses, light buses (both public and private) and hire cars.

³ Fees for closed road permits for cross boundary goods vehicles, buses and hire cars.

⁴ Under L.N. 179, the Road Traffic (Registration and Licensing of Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 101 of 2019) is amended so that the provisions restoring the pre-amended fee levels after 29 December 2022 come into operation on 30 December 2022.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
180	Extension of the waiving of fees payable for the first vehicle examination required under section 78(1)(d) of the Road Traffic Ordinance (Cap. 374) from 30.12.2021 to 29.12.2022 and taking place from 30.12.2021 to 28.4.2023 in respect of specified vehicles ⁵ under Schedule 3 to Cap. 374	30.12.2021 to 29.12.2022	30.12.2021
181 182	Extension of the waiving of fees payable for the renewal of air operator's certificates, the issue or renewal of certificates of airworthiness, the making of investigations required for the renewal of approval as being competent to issue a certificate of release to service under the Hong Kong Air Navigation (Fees) Regulations (Cap. 448D)	1.10.2021 to 30.9.2022	L.N. 181 comes into operation on 1.10.2021. L.N. 182 came into operation upon gazettal on 27.8.2021. ⁶
183	Extension of the waiving of fees payable for the grant or renewal of a licence to engage in fish culture within a fish culture zone under the Marine Fish Culture Regulations (Cap. 353A)	1.10.2021 to 30.9.2022	1.10.2021
184 185	Extension of the reduction of fees payable for the renewal of a licence to keep livestock in or on premises in respect of which the licence is granted within a livestock waste restriction or control area under the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L)	1.10.2021 to 30.9.2022	L.N. 184 comes into operation on 1.10.2021. L.N. 185 came into operation upon gazettal on 27.8.2021. ⁷

⁵ Private cars with hire car permits in force, taxis, goods vehicles, special purpose vehicles, light buses, single-decked buses, double-decked buses, trailers, etc.

⁶ Under L.N. 182, the Hong Kong Air Navigation (Fees) (Amendment) Regulation 2020 (L.N. 173 of 2020) is amended so that the provisions restoring the pre-amended fee levels after 30 September 2022 come into operation on 1 October 2022.

⁷ Under L.N. 185, the Public Health (Animals and Birds) (Licensing of Livestock Keeping) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 104 of 2019) is amended so that the provision restoring the pre-amended fee levels after 30 September 2022 comes into operation on 1 October 2022.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
186	Extension of the waiving of trade effluent surcharge under the Sewage Services (Trade Effluent Surcharge) Regulation (Cap. 463B) and providing for restoration of the original surcharge rates on 1 January 2023	1.1.2022 to 31.12.2022	1.1.2022
187	Extension of the 75% reduction in the charges for fresh water supplied for certain non-domestic purposes under the Waterworks Regulations (Cap. 102A), subject to a daily cap of \$657.68, or a monthly cap of approximately \$20,000, for each meter covered by a water bill ⁸	1.12.2021 to 31.3.2022	1.12.2021
188	Extension of the 75% reduction in the sewage charges for fresh water supplied for certain non-domestic purposes under the Sewage Services (Sewage Charge) Regulation (Cap. 463A), subject to a daily cap of \$411.05, or a monthly cap of approximately \$12,500, for each meter covered by a water bill ⁹	1.12.2021 to 31.3.2022	1.12.2021
189 190	Extension of the reduction or waiving of the fees payable for the issue or renewal, endorsement or replacement of mine blasting certificates under the Mines (Safety) Regulations (Cap. 285B)	1.10.2021 to 30.9.2022	L.N. 189 came into operation upon gazettal on 27.8.2021, except that the provision extending the concession period comes into operation on 1.10.2021. L.N. 190 came into operation upon gazettal on 27.8.2021. ¹⁰

⁸ According to the Administration, the monthly cap is calculated by using the formula under section 46AB(3) of Cap. 102A and on the basis that "4 months shall be read as 121.64 days" pursuant to paragraph 2 of Part 3 of Schedule 1 to Cap. 102A. Members may refer to LC Paper No. LS69/19-20 for more details.

⁹ According to the Administration, the monthly cap is calculated by using the formula under section 2A(3) of Cap. 463A and on the basis that "4 months shall be read as 121.64 days" pursuant to paragraph 2 of Part 3 of Schedule 1 to Cap. 102A. Members may refer to LC Paper No. LS69/19-20 for more details.

¹⁰ Under L.N. 190, the Mines (Safety) (Amendment) Regulation 2020 (L.N. 180 of 2020) is amended so that the provision restoring the pre-amended fee levels after 30 September 2022 comes into operation on 1 October 2022.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
191	Extension of the waiving of the fees payable for the grant or renewal, the issue of a duplicate of, or the making of an alteration or addition to or endorsement on, licences or permits relating to the manufacture, storage, movement or discharge of certain dangerous goods in Category 1 (explosives and blasting agents) under the Dangerous Goods (General) Regulations (Cap. 295B)	1.10.2021 to 30.9.2022	1.10.2021
192	Extension of the waiving of fees payable for the storage of explosives and explosive accessories in a Government Explosives Depot ("Depot"), the delivery of explosives and explosive accessories from a Depot to another place by the Government under the Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295D)	1.10.2021 to 30.9.2022	1.10.2021
193 194	Extension of the waiving or reduction of certain fees related to the registration of registered minor works contractors under the Building (Minor Works) (Fees) Regulation (Cap. 123O)	21.10.2021 to 20.10.2022	L.N. 193 comes into operation on 21.10.2021. L.N. 194 comes into operation on 20.10.2021. ¹¹
195 196	Extension of the reduction of fees (by approximately 33%) payable for an application for registration or renewal of registration as an electrical contractor or electrical worker under the Electricity (Registration) Regulations (Cap. 406D)	1.10.2021 to 30.9.2022	L.N. 195 came into operation upon gazettal on 27.8.2021, except that the relevant provision extending the concession period comes into operation on 1.10.2021. L.N. 196 came into operation upon gazettal on 27.8.2021. ¹²

¹¹ Under L.N. 194, the Building (Minor Works) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 109 of 2019) is amended so that the provisions restoring the pre-amended fee levels after 20 October 2022 come into operation on 21 October 2022.

¹² Under L.N. 196, the Electricity (Registration) (Amendment) Regulation 2020 (L.N. 185 of 2020) is amended so that the provision restoring the pre-amended fee levels after 30 September 2022 comes into operation on 1 October 2022.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
197 198	Extension of the waiving or reduction of certain fees payable for the grant, issue or renewal of a permit, provisional permit, licence and provisional licence to operate karaoke establishments under the Karaoke Establishments (Fees) Regulation (Cap. 573B)	1.10.2021 to 30.9.2022	L.N. 197 came into operation upon gazettal on 27.8.2021, except that the relevant provisions extending the concession period come into operation on 1.10.2021. L.N. 198 came into operation upon gazettal on 27.8.2021. ¹³
199 200	Extension of the waiving of fees payable for the application for, renewal of, issuing a duplicate of, or amending, licences to operate as travel agents under the Travel Agents Regulations (Cap. 218A)	1.10.2021 to 30.9.2022 or the day before the repeal of Cap. 218A (whichever is earlier) ¹⁴	L.N. 199 came into operation upon gazettal on 27.8.2021, except that the relevant provisions extending the concession period come into operation on 1.10.2021. L.N. 200 came into operation upon gazettal on 27.8.2021. ¹⁵

¹³ Under L.N. 198, the Karaoke Establishments (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 110 of 2019) is amended so that the provision restoring the pre-amended fee levels after 30 September 2022 comes into operation on 1 October 2022.

¹⁴ Cap. 218A will be repealed when section 3 of Schedule 11 to the Travel Industry Ordinance (Cap. 634) comes into operation. According to the Administration, if Cap. 634 comes into full operation on or before 30 September 2022, the subsidiary legislation under Cap. 634 (to be made by the Travel Industry Authority) will continue to provide the relevant fee waiver until 30 September 2022. Please see Note 6 of Annex W to the Legislative Council Brief issued by the Financial Services and the Treasury Bureau on 25 August 2021 (File Ref.: TsyB MA 00/625-1/2/0 (C) Pt. 59).

¹⁵ Under L.N. 200, the Travel Agents (Amendment) (Fee Concessions) Regulation 2019 (L.N. 111 of 2019) is amended so that the provision restoring the pre-amended fee levels after 30 September 2022 comes into operation on 1 October 2022.

Summary of fee waiving or concession measures under L.N. 201 to L.N. 208

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
201 202	Extension of the waiving of fees (and any additional fees) payable in respect of an application for the issue or renewal of a full or a temporary licence or for the grant of a permission for a laid-up vessel in respect of certain local vessels; and the fees payable for the grant or renewal of a permit to remain under the Merchant Shipping (Local Vessels) (Fees) Regulation (Cap. 548J)	1.11.2021 to 31.10.2022	L.N. 201 came into operation upon gazettal on 27.8.2021, except that the relevant provisions extending the concession period come into operation on 1.11.2021. L.N. 202 came into operation upon gazettal on 27.8.2021. ¹
203 204	Extension of the waiving of fees payable for the issue, extension or renewal of certain passenger service licences, passenger service licence certificates or hire car permits under the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D)	30.12.2021 to 29.12.2022	L.N. 203 comes into operation on 30.12.2021. L.N. 204 came into operation upon gazettal on 27.8.2021. ²
205 206	Extension of the waiving or reduction of fees payable for the issue or renewal of liquor licences under the Dutiable Commodities (Liquor Licences) (Fees) Regulation (Cap. 109H)	1.10.2021 to 30.9.2022	L.N. 205 came into operation upon gazettal on 27.8.2021, except that the relevant provisions extending the concession period come into operation on 1.10.2021. L.N. 206 came into operation upon gazettal on 27.8.2021. ³

¹ Under L.N. 202, the Merchant Shipping (Local Vessels) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 112 of 2019) is amended so that the provisions restoring the pre-amended fee levels after 31 October 2022 come into operation on 1 November 2022.

² Under L.N. 204, the Road Traffic (Public Service Vehicles) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 113 of 2019) is amended so that the provisions restoring the pre-amended fee levels after 29 December 2022 come into operation on 30 December 2022.

³ Under L.N. 206, the Dutiable Commodities (Liquor Licences) (Fees) (Amendment) (Fee Concessions) Regulation 2019 (L.N. 114 of 2019) is amended so that the provision restoring the pre-amended fee levels after 30 September 2022 comes into operation on 1 October 2022.

Legal Notice Number	Fee waiving/ concession measures	Waiver/ concession period	Commencement date of the relevant Legal Notice
207	Extension of the waiving of fees payable for the grant or renewal of provisional licences or licences for keeping or using places of public entertainment under the Places of Public Entertainment (Fee Concessions) Regulation (Cap. 172F)	1.10.2021 to 30.9.2022	L.N. 207 came into operation upon gazettal on 27.8.2021, except that the relevant provision extending the concession period comes into operation on 1.10.2021.
208	Extension of the waiving of fees payable for registration (or renewal thereof) of construction workers under the Construction Workers Registration (Fees) Regulation (Cap. 583B)	1.10.2021 to 30.9.2022	1.10.2021