

立法會
Legislative Council

LC Paper No. LS83/2024

**Paper for the House Committee Meeting
on 3 January 2025**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 13 December 2024**

Tabling in LegCo : Council meeting of 18 December 2024

Amendment to be made by : Council meeting of 15 January 2025 (or that of 12 February 2025 if extended by resolution)

**PART I MERCHANT SHIPPING RELATED SUBSIDIARY
 LEGISLATION**

Merchant Shipping (Fees) (Amendment) (No. 2) Regulation 2024 (L.N. 175)

**Merchant Shipping (Registration) (Fees and Charges)
(Amendment) Regulation 2024** (L.N. 176)

L.N. 175 and L.N. 176 are made by the Chief Executive in Council under section 114 of the Merchant Shipping Ordinance (Cap. 281) and section 90 of the Merchant Shipping (Registration) Ordinance (Cap. 415) respectively.

L.N. 176

2. L.N. 176 amends the Merchant Shipping (Registration) (Fees and Charges) Regulations (Cap. 415A) to implement the Block Registration Incentive Scheme (i.e. the incentive for block registration in terms of discount on registration fees or tonnage charges for new shipowners) (“Scheme”). It amends regulation 4(5) of, and adds a new regulation 4A to, Cap. 415A to provide that certain registration fees and tonnage charges paid in respect of an eligible ship (i.e. a ship that is registered or provisionally registered after the commencement of L.N. 176) may be refunded on application if specified conditions are met. Those conditions include the accumulated gross tonnage of the eligible ship and all or any of the other eligible ships specified in the application meeting the relevant condition is not less than 50 000 tons.

3. According to paragraph 3 of the Legislative Council (“LegCo”) Brief (File Ref.: TLB(PML) CR 8/10/100/6) issued by the Transport and Logistics Bureau (“TLB”) and the Marine Department (“MD”) in December 2024, following the promulgation of the Action Plan on Maritime and Port Development Strategy (“Action Plan”) on 20 December 2023, TLB and MD are pressing ahead to pursue various strategies and measures under the Action Plan with a view to strengthening the competitiveness of the Hong Kong Shipping Registry to stay at the top of the ship registries in the world, including the introduction of the Scheme.

4. L.N. 176 also amends regulations 2 and 8(1) of Cap. 415A in view of the implementation of five-day week in government service, and makes textual and consequential amendments to Cap. 415A.

L.N. 175

5. L.N. 175 amends regulations 2 and 6 of the Merchant Shipping (Fees) Regulations (Cap. 281F) in view of the implementation of five-day week in government service. It also makes textual amendments to Cap. 281F.

Consultations

6. According to paragraph 13 of the LegCo Brief, MD consulted the Hong Kong Fleet Operation Advisory Committee on the legislative proposal on 13 May 2024, and no adverse comment was received.

7. As advised by the Clerk to the Panel on Economic Development, the Administration briefed the Panel at its meeting on 6 February 2024 on the Action Plan. Members generally supported the direction of the Action Plan and made a number of suggestions to the Administration, including reviewing the existing legislation to facilitate ship registration, examining the existing tax regime and providing more tax concessions, exploring the exemption of port dues or permit fees imposed on ocean-going vessels and inland river vessels, and strengthening the collaboration with western Guangdong to expand the source of cargoes.

Commencement

8. L.N. 175 and L.N. 176 come into operation on 14 February 2025.

PART II ROAD TRAFFIC RELATED SUBSIDIARY LEGISLATION

Road Traffic (Construction and Maintenance of Vehicles) (Amendment) Regulation 2024

(L.N. 178)

Road Traffic (Safety Equipment) (Amendment) Regulation 2024 (L.N. 179)

Road Traffic (Traffic Control) (Amendment) Regulation 2024 (L.N. 180)

Road Traffic (Expressway) (Amendment) Regulation 2024 (L.N. 181)

9. L.N. 178 to L.N. 181 update certain road traffic-related legislation to enhance road safety and facilitate the application of new vehicle technologies in Hong Kong. The relevant amendments are set out in the following paragraphs.

L.N. 178

10. L.N. 178 is made by the Secretary for Transport and Logistics (“Secretary”) under section 9 of the Road Traffic Ordinance (Cap. 374) to amend the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A). The main amendments to Cap. 374A under L.N. 178 are:

- (a) the requirements relating to a visual display unit (“VDU”) under regulation 37 of Cap. 374A are amended to the effect that there is no restriction on the information that may be displayed by a VDU of a motor vehicle when the parking brake of the vehicle is applied;
- (b) specified vehicles¹ capable of being solely propelled by an electric motor and manufactured on or after 1 January 2026 are required to be equipped with an acoustic vehicle alerting system, i.e. a system, device or equipment that is designed to be fitted in a motor vehicle and emits sounds in order to alert other road users of the approach or presence of the vehicle (“AVAS”) which must, in particular, conform with the specification and standard set out in the new Schedule 20 to Cap. 374A (new regulation 38A);
- (c) certain requirements are updated, i.e. updated requirements on reflecting mirrors (e.g. for observing alighting passengers for light buses and buses) and new requirements of a camera-monitor system, i.e. a system that contains a combination of camera units and monitor units and is designed to be fitted to a motor vehicle to display the front, rear and side views outside the vehicle to a driver in the driving seat (“CMS”) are introduced for certain vehicles manufactured or first registered on or after 1 January 2028 (new regulations 39AA to 39AAG). The specifications and

¹ “Specified vehicle” means (i) a private car, (ii) a taxi, (iii) a light bus, (iv) a bus, (v) a goods vehicle, or a special purpose vehicle that is adapted from any motor vehicle mentioned in (i), (ii), (iii), (iv) or (v).

standards for reflecting mirrors and CMS which certain vehicles must conform with are set out in the new Schedule 21 to Cap. 374A;

- (d) requirements on a remote control parking system, i.e. a system that is used or designed to be used to remotely park a vehicle by controlling the braking system, steering mechanism, and accelerator device of the vehicle (“RCPS”) are introduced, which provide that e.g. a RCPS has to be of a design and construction approved by the Commissioner for Transport (“Commissioner”) for the particular vehicle model, and the remote control parking device i.e. a device that is used or designed to be used to control a motor vehicle through the vehicle’s RCPS (“RCP Device”) enables the vehicle to move only if specified conditions are met (e.g. the distance between the RCP Device and the vehicle does not exceed 6 m) (new regulation 40C); and
- (e) vehicles (e.g. lorry cranes) subject to certain exemptions ² with extendable aerial structures (i.e. any equipment, machine or structure that is fitted externally on a vehicle and can be raised or extended upwards) are required to be equipped with over-height warning systems that are capable of giving audible and visible warnings to the driver under specified conditions (new regulations 40D to 40F).

11. Upon enquiries by the Legal Service Division (“LSD”) in relation to the new regulation 37(4) of Cap. 374A providing that a VDU installed in a way that can be “readily removed” from the vehicle is excluded from the operation of regulation 37 of Cap. 374A, the Administration replied that depending on the level of fixation to a motor vehicle, a VDU installed in a way which enables it to be removed from the motor vehicle easily or without difficulty (e.g. mobile telephone or tablet) is intended to be carved out from the scope of regulation 37 of Cap. 374A. The Administration considered that the ordinary meaning of “readily removed” is applicable and sufficiently clear. Regarding the issue of whether it is appropriate to provide for any statutory defence (e.g. the defence of reasonable excuse) for the offence under the new regulation 40C of Cap. 374A (i.e. failure to maintain RCPS in good and efficient working order), the Administration considered that it is prudent not to have a defence provision as the control of RCPS is directly linked to various systems of a motor vehicle (e.g. braking system and steering gear), and that RCPS is an optional equipment that a person may choose whether to add to a motor vehicle.

L.N. 179

12. L.N. 179 is made by the Secretary under section 10 of Cap. 374 to amend the Road Traffic (Safety Equipment) Regulations (Cap. 374F) to:

² For example, a specified lorry crane that is first registered on or before 31 December 2012 is exempted as long as the specified condition under the new regulation 40E(3) is met.

- (a) require the use of approved child restraining devices (“CRD”) for private car passengers who are under eight years of age and whose height are less than 1.35 m;
- (b) provide that a private car driver commits an offence when a child passenger in the private car is not securely fastened to the seats by means of CRD without a reasonable excuse (e.g. the child passenger is being transported in an emergency) and is liable to a fine at level 1 (i.e. HK\$2,000); and
- (c) update and reorganize the specifications and standards for seat belts (including CRD) set out in Part I of Schedule 2 to Cap. 374F.

13. According to paragraphs 27 and 31 of the LegCo Brief (File ref: TLB CR 1/5596/2022) issued by TLB and the Transport Department (“TD”) in December 2024, the Secretary intends to seek the approval of LegCo in around March 2025 to amend the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) to include the offence regarding the use of CRD in private cars in the Schedule to Cap. 240 to the effect that a person who contravenes the requirement would be subject to a fixed penalty of HK\$230 (for serious cases a fine at level 1 (i.e. HK\$2,000) would apply instead).

14. Upon enquiry by LSD on whether exemption for a child with disability or special medical condition should be expressly provided for in L.N. 179, the Administration replied that drivers may apply for exemption for passengers in using seat belt and child passengers’ use of CRDs by virtue of the existing regulation 10 of Cap. 374F such that TD would approve and advise on the availability of feasible CRD on a case-by-case basis. In this regard, the Administration considered that an express provision to exempt a person from complying with the requirements relating to CRDs on medical grounds is not necessary.

L.N. 180

15. In relation to the use of RCPS, L.N. 180 is made by the Secretary under section 11 of Cap. 374 to amend the Road Traffic (Traffic Control) Regulations (Cap. 374G) to provide as follows:

- (a) regulation 42 of Cap. 374G is amended to the effect that motor vehicle drivers are not prohibited from using a mobile telephone, or any other telecommunications equipment, which is a RCP Device if the driver (i) uses the RCP Device to remotely park the vehicle (includes moving the vehicle out of the place where it is parked) and (ii) is outside the vehicle at all times when the RCP Device is being so used; and

- (b) a new regulation 42A of Cap. 374G is added to provide for the use of a RCP Device to perform remote parking under specified conditions (e.g. the driver must be outside the vehicle and maintains a visual line of sight with the vehicle) and regulation 61(2) of Cap. 374G is amended to the effect that a person who without reasonable excuse contravenes the new regulation 42A commits an offence and is liable to a fine at level 1 (i.e. HK\$2,000).

L.N. 181

16. L.N. 181 is made by the Secretary under sections 13(b) and 131(1) of Cap. 374 to amend regulation 4 of the Road Traffic (Expressway) Regulations (Cap. 374Q) to the effect that eight additional classes of electric motor vehicles (i.e. taxis, private light buses, private buses, public buses, light goods vehicles, medium goods vehicles, heavy goods vehicles and recovery vehicles) with a minimum rated power of seven kilowatts are permitted to be driven or used on an expressway (i.e. without the need to apply for an expressway permit from the Commissioner under regulation 50A of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E)).

Consultation

17. According to paragraph 34 of the LegCo Brief, TD has consulted relevant stakeholders, the Road Safety and Research Committee, the Road Safety Council, and the Transport Advisory Committee on the various legislative amendments. Members generally supported them.

18. As advised by the Clerk to the Panel on Transport, the Panel was consulted on L.N. 179 at its meeting on 15 July 2022. Members generally supported the legislative proposal to enhance safety, but urged the Administration to maintain close communication with the trades and other stakeholders to work out the details with a view to avoiding potential implementation difficulties. The Panel was consulted on L.N. 178, L.N. 180 and L.N. 181 at its meeting on 16 December 2022. Members in general supported the legislative proposals with a view to improving traffic management and enhancing road safety.

Commencement

19. L.N. 178, L.N. 180 and L.N. 181 come into operation on 1 March 2025. L.N. 179 comes into operation on 1 November 2025.

PART III SUBSIDIARY LEGISLATION RELATING TO THE ONBOARDING OF MANDATORY PROVIDENT FUND SCHEME TO THE eMPF PLATFORM

**Mandatory Provident Fund Schemes (Appointment of Dates for
Purposes of Section 19U(4)) (Amendment) (No. 2) Notice 2024 (L.N. 184)**

**Mandatory Provident Fund Schemes (Appointment of Dates for
Purposes of Section 19Y(3)) (Amendment) (No. 2) Notice 2024 (L.N. 185)**

**Mandatory Provident Fund Schemes (Appointment of Dates for
Purposes of Section 19Z(4)) (Amendment) (No. 2) Notice 2024 (L.N. 186)**

**Mandatory Provident Fund Schemes (Specification of Dates for
Purposes of Section 19M(2)(a)) (Amendment) (No. 2) Notice
2024 (L.N. 187)**

20. L.N. 184 to L.N. 187 are made by the Secretary for Financial Services and the Treasury to prepare for, according to paragraphs 1 and 3 of the LegCo Brief (File Ref.: MPF/2/1/47C) issued by the Financial Services Branch of the Financial Services and the Treasury Bureau on 11 December 2024, the onboarding of the third batch of mandatory provident fund (“MPF”) scheme registered under the Mandatory Provident Fund Schemes Ordinance (Cap. 485) to the eMPF Platform (i.e. the common electronic system for administering and implementing MPF schemes).³

L.N. 187

21. L.N. 187 is made under section 19N of Cap. 485 to amend the Mandatory Provident Fund Schemes (Specification of Dates for Purposes of Section 19M(2)(a)) Notice (Cap. 485N) to specify 5 March 2025 as the day on which the approved trustee (i.e. the Bank of East Asia (Trustees) Limited) of the BEA (MPF) Master Trust Scheme (“BEA scheme”) must begin to use the eMPF Platform to perform scheme administration functions (other than a specific function, i.e. the duty on the transferee trustee to notify the transferor trustee of a scheme member’s election to transfer his accrued benefits).

22. L.N. 187 comes into operation on 5 March 2025.

³ Two batches of legal notices were gazetted on 19 April 2024 (i.e. L.N. 45 to L.N. 50 of 2024) and 24 May 2024 (i.e. L.N. 82 to L.N. 85 of 2024) to effect the launch of the eMPF Platform (on 26 June 2024) and the onboarding of the first two batches of MPF schemes to the eMPF Platform. No subcommittee was formed to study these two batches of legal notices. Members may refer to the LSD reports (LC Paper Nos. LS28/2024 and LS36/2024) for details.

L.N. 184 to L.N. 186

23. L.N. 184 to L.N. 186 are made under section 19ZE of Cap. 485 to amend the following notices to appoint 5 June 2025 as the “material day” for the purposes of sections 19U(4), 19Y(3) and 19Z(4) of Cap. 485 (which relate to cost savings and fee-setting of MPF schemes) respectively for certain constituent funds of the BEA scheme:

- (a) the Mandatory Provident Fund Schemes (Appointment of Dates for Purposes of Section 19U(4)) Notice (Cap. 485J);
- (b) the Mandatory Provident Fund Schemes (Appointment of Dates for Purposes of Section 19Y(3)) Notice (Cap. 485K); and
- (c) the Mandatory Provident Fund Schemes (Appointment of Dates for Purposes of Section 19Z(4)) Notice (Cap. 485L).

24. The effect of L.N. 184 is that the approved trustee of the BEA scheme may, pursuant to section 19U of Cap. 485, charge to a constituent fund of the BEA scheme a fee not exceeding the total amount payable by the approved trustee to the system operator of the eMPF Platform (i.e. the eMPF Platform Company Limited) for the use of the eMPF Platform and the provision to the trustee of any scheme administration services.

25. Sections 19V to 19ZC of, and Schedules 13 to 16 to, Cap. 485 mainly provide for a mechanism for calculating and determining the fund expense ratio (“FER”) and the permitted percentage for a constituent fund (other than a capital preservation fund) of a registered MPF scheme. Pursuant to section 19ZA of Cap. 485, if FER of a constituent fund in a specified period exceeds the permitted percentage, the approved trustee of that constituent fund should pay the amount calculated in accordance with Schedule 16 to Cap. 485 into the constituent fund as income of the fund. L.N. 185 and L.N. 186 provide for the material days for the determination of FER and the permitted percentage for the constituent funds of the BEA scheme.

26. L.N. 184 to L.N. 186 come into operation on 5 June 2025.

Consultation with the Legislative Council Panel

27. As advised by the Clerk to the Panel on Financial Affairs, the Administration and the Mandatory Provident Fund Schemes Authority briefed the Panel on 18 March 2024 on the latest development of the eMPF Platform, including the gazettal arrangements for legal notices to prepare for the launch of the eMPF Platform and the phased onboarding of MPF trustees. Members discussed various issues including the schedule for phased onboarding of the trustees, measures to

safeguard system and data security and possible cost savings after implementation of the eMPF Platform.

PART IV MISCELLANEOUS

Pharmacy and Poisons (Amendment) (No. 5) Regulation 2024 (L.N. 177)

28. L.N. 177 is made by the Pharmacy and Poisons Board (“PPB”) under section 29(1B) of the Pharmacy and Poisons Ordinance (Cap. 138) with the approval of the Secretary for Health. It amends the Pharmacy and Poisons Regulations (Cap. 138A) by:

- (a) adding 19 substances⁴ to Division A of Schedules 1 and 3 to Cap. 138A, and Division A of Part 1 of the Table set out in section 2 of Schedule 10 (“Poisons List”) to Cap. 138A; and
- (b) amending Division A of Schedule 1 to Cap. 138A and Division A of Part 1 of the Poisons List to include, and amending Division A of Part 2 of the Poisons List to exclude, certain compounds relating to Nicotine (“Specified Nicotine-related Compounds”).

29. The main effects of L.N. 177 are that the 19 newly added substances and Specified Nicotine-related Compounds are subject to restrictions with respect to their sale, supply, labelling and storage, and that they can only be sold by retail on the registered premises of an authorized seller of poisons by, or in the presence and under the supervision of, a registered pharmacist. Further, the 19 newly added substances can only be sold by retail upon a prescription given by a registered medical practitioner, registered dentist or registered veterinary surgeon.

30. According to paragraph 6 of the LegCo Brief (File Ref.: HHB/H/23/4) issued by the Health Bureau in December 2024, noting that novel nicotine substances are emerging in the overseas market and may be introduced to the market of Hong Kong in the future, upon considering the abuse liability and dependence potential of novel nicotine substance, PPB considers to strengthen the sales control of the Specified Nicotine-related Compounds (i.e. as Part 1 poisons).

⁴ The 19 substances are: (a) Adagrasib; its salts; (b) Capivasertib; its salts; (c) Danicopan; its salts; (d) Delafloxacin; its salts; its esters; their salts; (e) Elacestrant; its salts; (f) Elapegademase; (g) Futibatinib; its salts; (h) Labuvirtide; (i) Loncastuximab tesirine; (j) Momelotinib; its salts; (k) Nirsevimab; (l) Odevixibat; its salts; its esters; their salts; (m) Pegunigalsidase alfa; (n) Repotrectinib; its salts; (o) Sebelipase alfa; (p) Talquetamab; (q) Treosulfan; its salts; (r) Vosoritide; and (s) Vutrisiran; its salts.

31. L.N. 177 also amends Division B of Group II of Schedule 2 to Cap. 138A to the effect that tobacco (except tobacco in any conventional smoking product as defined by section 2(1) of the Smoking (Public Health) Ordinance (Cap. 371) (i.e. cigarette, cigarette tobacco, cigar or pipe tobacco)) is no longer exempt from the restrictions under Cap. 138 and Cap. 138A (e.g. restrictions with respect to its sale, supply, labelling and storage).

32. According to paragraph 9 of the LegCo Brief, noting that novel smoking products containing tobacco are emerging in the overseas market and may be introduced to the market of Hong Kong in the future, upon considering the abuse liability and dependence potential of novel smoking products containing tobacco, PPB considers to tighten the scope of exemption pertaining to tobacco under Schedule 2 to Cap. 138A.

33. As stated in paragraph 11 of the LegCo Brief, PPB considers the amendments appropriate in view of the potency, toxicity and potential side effects of the above drugs. Members may refer to Annex B to the LegCo Brief for details of those drugs.

34. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 177.

35. L.N. 177 came into operation on the date of its publication in the Gazette, i.e. 13 December 2024.

Banking (Capital) (Amendment) Rules 2023 (Amendment) Rules 2024

(L.N. 182)

36. L.N. 182 is made by the Monetary Authority (i.e. the Hong Kong Monetary Authority) (“HKMA”) under section 97C of the Banking Ordinance (Cap. 155) after consultation with the Financial Secretary, the Banking Advisory Committee, the Deposit-taking Companies Advisory Committee, The Hong Kong Association of Banks and The Hong Kong Association of Restricted Licence Banks and Deposit-taking Companies.

37. The Banking (Capital) (Amendment) Rules 2023 (L.N. 167 of 2023) (“Amendment Rules”) were published in the Gazette on 29 December 2023. It mainly amends the Banking (Capital) Rules (Cap. 155L) to bring into effect certain revised capital standards under Basel III⁵ reform. The Amendment Rules (except

⁵ Basel III is an international regulatory standard developed by the Basel Committee on Banking Supervision. In response to the financial crisis in 2007-2009, Hong Kong has been a member jurisdiction since 2009 with a view to strengthening the regulation, supervision and risk management of banks.

Parts 3, 4 and 5) came into operation on 1 April 2024. The Banking (Capital) (Amendment) Rules 2023 (Commencement) Notice 2024 (L.N. 132 of 2024)⁶ was published in the Gazette on 10 October 2024 to appoint 1 January 2025 as the day on which Parts 3 and 5 of the Amendment Rules come into operation, except for certain transitional provisions (i.e. sections 33(4), (6) and (20), 213, 215, 216, 246, 247, 255 (in so far as it relates to the new section 359), 270(16) and (17)) (“Transitional Provisions”).

38. L.N. 182 amends the Amendment Rules to repeal the Transitional Provisions.

39. According to paragraph 3 of the LegCo Brief (File Ref.: G4/16/34C/1) issued by the Financial Services and the Treasury Bureau and HKMA on 11 December 2024, the Transitional Provisions are to cater for the possibility of Part 3 of the Amendment Rules commencing operation before Part 5 of the Amendment Rules. Given that both Parts 3 and 5 of the Amendment Rules commence operation on the same day (i.e. 1 January 2025), the Transitional Provisions are considered redundant and should be repealed.

40. As stated in paragraph 4 of the LegCo Brief, HKMA has closely engaged the banking industry in preparing the Amendment Rules through a series of consultations since 2019, and the statutory consultation conducted in October and November 2023 pursuant to Cap. 155. The industry acknowledges that if Parts 3 and 5 of the Amendment Rules commence operation on the same day, the Transitional Provisions will become redundant and will never have to be brought into operation.

41. As advised by the Clerk to the Panel on Financial Affairs, the Panel has not been consulted on L.N. 182.

42. L.N. 182 came into operation on the date of its publication in the Gazette, i.e. 13 December 2024.

**Dentists Registration (Amendment) Ordinance 2024
(Commencement) (No. 2) Notice 2024 (L.N. 183)**

43. By L.N. 183, the Secretary for Health appoints 1 April 2025 as the day on which the provisions on provisional registration, internship and period of assessment under the Dentists Registration (Amendment) Ordinance 2024 (Ord. No. 22 of 2024) (“Amendment Ordinance”) come into operation.

44. The Amendment Ordinance was published in the Gazette on 19 July 2024, following the passage of the Dentists Registration (Amendment) Bill 2024 (“Bill”) by

⁶ No subcommittee was formed to study L.N. 132 of 2024. Members may refer to paragraphs 22 to 25 of the LSD report (LC Paper No. LS53/2024) for details.

LegCo on 10 July 2024.⁷ It amends the Dentists Registration Ordinance (Cap. 156) and its subsidiary legislation to revise the regulatory framework in respect of the practice of dentistry. The Dentists Registration (Amendment) Ordinance 2024 (Commencement) Notice 2024 (L.N. 146 of 2024)⁸ was published in the Gazette on 18 October 2024 to appoint 1 January 2025 as the day on which most of the provisions (e.g. in relation to the new pathways for admission of non-locally trained dentists in Hong Kong such as limited or special registration) of the Amendment Ordinance come into operation.

45. Under the provisions that are to commence by L.N. 183, local dental graduates and non-locally trained dentists who have passed the licensing examination directly will obtain the status of provisional registration, and will be required to undergo an internship or a period of assessment at specified institutions (e.g. the Department of Health). Upon satisfactory completion, such persons will be awarded a certificate of experience and will then be eligible for full registration.

46. Other provisions of the Amendment Ordinance that will commence later include those concerning dental care professionals, the composition of the Dental Council of Hong Kong (“DCHK”) regarding elected members and Health Committee under DCHK, and certain technical amendments.

47. According to paragraph 7 of the LegCo Brief (File reference: HHB/H/21/11) issued by the Health Bureau on 11 December 2024, the appointment of 1 April 2025 as the day on which the relevant provisions of the Amendment Ordinance come into operation serves to allow sufficient time for DCHK and the Faculty of Dentistry of the University of Hong Kong to streamline relevant administrative and preparatory work as well as facilitate the early processing of applications for provisional registration properly, thereby allowing local dental graduates at that time to have a smooth transition into internship. For non-locally trained dentists, this will provide ample time for those who have already passed the licensing examination to apply for full registration at DCHK before the new provisions come into operation.

48. According to paragraph 13 of the LegCo Brief, DCHK supported the commencement arrangement of the Amendment Ordinance at its policy meeting on 10 October 2024.

49. As advised by the Clerk to the Panel on Health Services, the Panel has not been consulted on L.N. 183. As advised by the Clerk to the Bills Committee, the Administration has explained to the Bills Committee about the details of, and the

⁷ A Bills Committee was formed to study the Bill. Members may refer to the Report of the Bills Committee (LC Paper No. CB(1)958/2024) for further information.

⁸ No subcommittee was formed to study L.N. 146 of 2024. Members may refer to paragraphs 1 to 5, and 8 to 9 of the LSD report (LC Paper No. LS55/2024) for details.

rationale for, the Administration's commencement plan for the Bill (if passed) and no concern has been raised.

PART V SUBSIDIARY LEGISLATION NOT REQUIRED TO BE TABLED AND NOT SUBJECT TO AMENDMENT BY LEGISLATIVE COUNCIL

Carriage by Air (Revision of Limits of Liability) (Montreal Convention) Notice 2024

(L.N. 188)

50. Under section 21(1) of the Carriage by Air Ordinance (Cap. 500), the Director-General of Civil Aviation ("DGCA") shall by notice published in the Gazette announce (a) revision(s) to the limits of liability specified in Article 21, 22 or 23 of the Convention for the Unification of Certain Rules for International Carriage by Air done at Montreal on 28 May 1999 ("Montreal Convention")⁹ and (b) the date on which such revision(s) becomes effective under Article 24 of the Montreal Convention.

51. L.N. 188 is made by DGCA under section 21(1) of Cap. 500 to announce the revision of the limits of liability specified in Articles 21 and 22 of the Montreal Convention, which takes effect from 28 December 2024. The revision is pursuant to a regular review by the International Civil Aviation Organization ("ICAO") conducted every five years (the last revision was made in 2019). Details of the revision made by L.N. 188 in relation to the limits of liability for each passenger are set out below:

- (a) damage sustained in case of death or bodily injury of a passenger is increased from 128 821 Special Drawing Rights ("SDRs") (i.e. units of account used by the International Monetary Fund) to 151 880 SDRs;
- (b) damage caused by the delay in the carriage of persons is increased from 5 346 SDRs to 6 303 SDRs;
- (c) destruction, loss, damage or delay in relation to the carriage of baggage is increased from 1 288 SDRs to 1 519 SDRs; and
- (d) destruction, loss, damage or delay in relation to the carriage of cargo is increased from 22 SDRs per kg to 26 SDRs per kg.

52. Section 21(3) of Cap. 500 provides that section 34 of the Interpretation and General Clauses Ordinance (Cap. 1) shall not apply to a notice published under

⁹ The Montreal Convention is an international instrument governing carriers' liability for injury or death of passengers, damage or loss of baggage and cargo and losses caused by delays. The Montreal Convention is implemented in Hong Kong through Cap. 500 and its provisions are set out in Schedules 1A and 3 to Cap. 500.

section 21(1) of Cap. 500. Accordingly, L.N. 188 is not required to be tabled in LegCo and is not subject to amendment by LegCo.

53. According to paragraph 9 of the LegCo Brief (File Reference: TLB(CR) 6/951/01) issued by TLB and the Civil Aviation Department on 11 December 2024, airlines operating scheduled services to and from Hong Kong (including all Hong Kong Air Operator's Certificate holders and the Board of Airline Representatives in Hong Kong) have been notified of the review of limits of liability conducted by ICAO and the coming into effect of the revised limits of liability in Hong Kong. No objection has been received.

54. As advised by the Clerk to the Panel on Economic Development, an information paper in relation to L.N. 188 was circulated to Panel members on 22 November 2024. Members raised no comments on L.N. 188.

Concluding observations

55. Subject to Members' views on the matters stated in paragraphs 11 and 14 above, no difficulties have been identified in relation to the legal and drafting aspects of the above items of subsidiary legislation.

Prepared by

Mark LAM (L.N. 175 to L.N. 177 and L.N. 182 to L.N. 187)

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2 January 2025

LS/S/35/2024