

立法會
Legislative Council

LC Paper No. LS42/99-00

**Paper for the House Committee Meeting
of the Legislative Council
on 17 December 1999**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 3 December 1999**

Date of Tabling in LegCo : 8 December 1999

Amendment to be made by : 5 January 2000 (or 12 January 2000 if
extended by resolution)

**Dentists Registration Ordinance (Cap. 156)
Ancillary Dental Workers (Dental Hygienists) (Amendment) Regulation 1999
(L.N. 299)**

This amending regulation allows a dental hygienist employed by any organisation or establishment that has employed at least one registered dentist to undertake dental work. At present, he may undertake such work only if he is employed directly by a registered dentist. The amending regulation will come into effect on 15 January 2000.

Despite the relaxation, which is intended to take account of up-to-date circumstances, a dental hygienist irrespective of the status of his employer will still be subject to the same existing requirements of supervision by a registered dentist.

LegCo Brief HW CR1/V/3261/92(99) Pt.5 issued by the Health and Welfare Bureau in December 1999 is relevant.

Midwives Registration Ordinance (Cap. 162)

Midwives (Registration and Disciplinary Procedure) Regulation (L.N. 300)

The Regulation is made to replace the existing Midwives (Registration and Disciplinary Procedure) Regulations following the coming into force on 30 September 1999 of the Midwives Registration (Amendment) Ordinance 1997, which transfers the authority for making such subsidiary legislation from the Chief Executive in Council to the Midwives Council of Hong Kong with the approval of the Secretary for Health and Welfare.

The new Regulation contains provisions similar to the existing Regulations and provides for applications for registration, examination, training and the procedure for receiving, inquiring into and determining on complaints against any registered midwife or any applicant for registration.

LegCo Brief HW CR/1/W/3261/92 (9) Pt.5 issued by the Health and Welfare Bureau and dated 3 December 1999 is relevant. The Administration intends that the Regulation shall be brought into operation on 1 January 2000.

Midwives Registration Ordinance (Cap. 162)

Midwives Registration (Miscellaneous Provisions) Regulation (L.N. 301)

The Regulation is made pursuant to a new regulation making power introduced by the Midwives Registration (Amendment) Ordinance 1997 and conferred on the Secretary for Health and Welfare.

The Regulation prescribes the functions of the legal adviser to the Midwives Council of Hong Kong and the functions of the secretary of the Council.

LegCo Brief HW CR/1/W/3261/92 (9) Pt.5 issued by the Health and Welfare Bureau and dated 3 December 1999 is relevant. The Administration intends that the Regulation shall be brought into operation on 1 January 2000.

Child Abduction and Custody Ordinance (Cap. 512)

Child Abduction and Custody (Parties to Convention)(Amendment) (No. 2) Order 1999 (L.N. 302)

This Order updates the list of Contracting States and territories under the Convention on the Civil Aspects of International Child Abduction by adding -

- (a) The Kingdom of Belgium;

- (b) Montserrat and Bermuda of the United Kingdom of Great Britain and Northern Ireland;
- (c) Macau of the Republic of Portugal;
- (d) Republic of Belarus; and
- (e) Republic of Moldova.

It also removes Macau from the list with effect from 20 December 1999 in anticipation of its reunification with China on that date.

The Convention provides an international mechanism for the swift return home of children wrongfully removed from the habitual place of residence to another Contracting State in violation of custodial rights.

LegCo Brief HW CR 1/3281/86 issued by the Health and Welfare Bureau in November 1999 is relevant.

**Public Health and Municipal Services Ordinance (Cap. 132)
Public Health and Municipal Services Ordinance (Public Pleasure Grounds)
(Amendment) of Fourth Schedule) (No. 8) Order 1999 (L.N. 303)**

This Order sets aside 2 pleasure grounds as public pleasure grounds and provides that 4 public pleasure grounds shall cease to be so.

It also renames the San Hui Tsuen Basket Ball Court as San Hui Tsuen Rest Garden.

**Legal Practitioners Ordinance (Cap. 159)
Trainee Solicitors (Amendment) (No. 2) Rules 1999 (L.N. 304)**

Members may recall that in the Trainee Solicitors (Amendment) Rules 1999 made by the Law Society of Hong Kong and gazetted as L.N. 171 of 1999 on 2 July 1999, the Society was allowed to approve a period of secondment to a company in Hong Kong as effective employment under a trainee solicitor contract (LC Paper No. LS236/98-99 refers). However, we found the meaning of "company" as defined for those purposes to be unclear and clarification was sought from the Society.

These amending rules now re-define "company" to remove the problematic concept of an existing company and to include an overseas company and a statutory corporation.

Tax Reserve Certificates (Fourth Series) Rules (Cap. 289 sub. leg.)

Tax Reserve Certificates (Rate of Interest) (No. 8) Notice 1999 (L.N. 305)

This notice revises the rate of interest payable on tax reserve certificates from 4.7917% per annum to 4.875% per annum for certificates issued on or after 6 December 1999.

Prepared by

Arthur CHEUNG
Assistant Legal Adviser
Legislative Council Secretariat
14 December 1999