

**For meeting on
7 June 2007**

Information Note

**Bills Committee on
Statute Law (Miscellaneous Provisions) Bill 2007**

Mechanism for introducing an omnibus bill

Purpose

At its meeting on 11 May 2007, Members considered matters related to the introduction of omnibus bills. The Administration was requested to provide the Committee with information on, inter alia, the existing mechanism for reviewing the statute book and determining the need for introducing a Statute Law (Miscellaneous Provisions) Bill (“SL (MP) Bill”) as well as the timetable for the adaptation of laws programme.

2. This note sets out the Administration's response to the Committee's request.

(a) Mechanism to review statute book and determine the need for SL(MP) Bill

3. The principal mechanism of review of the statute book is advice from the bureaux and departments with policy responsibility for administering or enforcing statute law on whether, according to experience, it would be desirable to amend the law to better achieve its intended object, or perhaps to achieve a new object. Aside from the bureaux/ departments, suggestions for amending the law can come from a wide variety of sources, such as court judgments involving statutory interpretation, persons or groups particularly affected by the statute in question, Members of the Legislative Council, or review bodies such as the Law Reform Commission.

4. Generally, SL (MP) Bills are reserved for amendments which are uncontroversial and too minor to justify the introduction of a dedicated Bill. Except in cases of urgency, a SL(MP) Bill will be introduced by the Department of Justice when a sufficient number of requests for amendment are received from the policy bureaux.

5. In addition to the above form of review, the Law Drafting Division of the Department of Justice maintains a register of technical errors and inconsistencies in legislation and other minor amendments that do not require the introduction of a separate amending instrument. This register is called the Minor Amendments File Library (“MAFLIB”). The entries in the register are matters that the Law Drafting Division becomes aware of or are brought to its attention. When a SL(MP) Bill or other suitable amending Bill presents the opportunity, the Division proposes amendments to the relevant statutory provisions.

6. The other routes available for rectifying non-substantive errors and inconsistencies in the statute book are orders under section 4B or 4D of the Official Languages Ordinance (Cap. 5) or section 98A of the Interpretation and General Clauses Ordinance (Cap. 1). The Law Drafting Division has operational responsibility for maintaining the loose-leaf edition of the laws. But the powers of the Secretary for Justice under section 2 of the Laws (Loose-Leaf) Publication Ordinance 1990 are essentially editorial and it is not possible to undertake a substantive review of the statute book within those powers.

(b) Timetable for Adaptation of Laws Bills

7. The provisions of the laws that remain unadapted require deliberation on the policy and legal implications. The timetable for the introduction of adaptation Bills is dependent on the need for deliberation. The bureaux and departments with

policy responsibility for the relevant legislation are studying the implications and will introduce legislative proposals in due course.

8. Regarding adaptation generally, the legal effect of the Crown Proceedings Ordinance (Cap. 300), and other Ordinances yet to be adapted, is not being compromised. This is because such Ordinances are to be construed in accordance with the Hong Kong Reunification Ordinance, the relevant provisions of which are incorporated in Schedules 8 and 9 to the Interpretation and General Clauses Ordinance (Cap. 1).

9. The Crown Proceedings Ordinance (Cap. 300) sets out the law relating to the civil liabilities and rights of the Crown and to civil proceedings by and against the Crown. As such, the adaptation of this Ordinance involves the study of the exact scope of the application of the Ordinance and the legal implications arising from adaptation. The Administration will approach the adaptation of military references similarly. We will introduce the required legislative amendments when concrete proposals are formulated.

Legal Policy Division

Department of Justice

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