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**OFFICIAL LANGUAGES (ALTERATION OF TEXT UNDER
SECTION 4D) (MISCELLANEOUS) ORDER 2007**

(Made by the Law Draftsman under section 4D of the Official Languages Ordinance (Cap. 5) on the authority of the Secretary for Justice pursuant to section 7 of the Legal Officers Ordinance (Cap. 87))

PART 1

COMMENCEMENT

1. Commencement

This Order shall come into operation on 26 November 2007.

PART 2

**CHINESE EQUIVALENT OF “ADVOCATE” AND “ADVOCACY” IN
VARIOUS ITEMS OF LEGISLATION**

Division 1—Chinese Equivalent of “advocate”

The Rules of the High Court

2. Interpretation

Order 62, rule 1(1) of the Rules of the High Court (Cap. 4 sub. leg. A) is amended, in the Chinese text, in the definition of “爭議事務”, by repealing “出庭代訟人” and substituting “訟辯人”.

3. Examination of witnesses and other persons

Order 75, rule 30(3)(d) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

Landlord and Tenant (Consolidation) Ordinance

4. Power to exclude application of this Part

Section 4(5) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) is amended, in the Chinese text, by repealing “**代言人**” and substituting “**訟辯人**”.

Legal Practitioners Ordinance

5. Interpretation

Section 2(1) of the Legal Practitioners Ordinance (Cap. 159) is amended, in the Chinese text, in the definition of “**爭訟事務**”, by repealing “**出庭代訟人**” and substituting “**訟辯人**”.

6. Qualifications for practising as a barrister

Section 31(1)(c) is amended, in the Chinese text, by repealing “**出庭代訟人**” and substituting “**訟辯人**”.

7. Appointment of Senior Counsel

(1) Section 31A(2)(c) is amended, in the Chinese text, by repealing “**出庭代訟人**” and substituting “**訟辯人**”.

(2) Section 31A(3)(b) is amended, in the Chinese text, by repealing “**出庭代訟人**” and substituting “**訟辯人**”.

(3) Section 31A(5) is amended, in the Chinese text, by repealing “**出庭代訟人**” and substituting “**訟辯人**”.

8. Students already enrolled in legal studies in the United Kingdom

Section 74C(i) is amended, in the Chinese text, by repealing “**出庭代訟人**” and substituting “**訟辯人**”.

Admission and Registration Rules

9. Forms

The Schedule to the Admission and Registration Rules (Cap. 159 sub. leg. B) is amended—

- (a) in Form 3, in the Chinese text, by repealing “出庭代訟人” where it twice appears and substituting “訟辯人”;
- (b) in Form 5, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

Barristers (Qualification) Rules

10. General admission before 1 June 1986: qualifying period of active practice

(1) Rule 2(1) of the Barristers (Qualification) Rules (Cap. 159 sub. leg. E) is amended, in the Chinese text, by repealing “出庭代訟人” wherever it appears and substituting “訟辯人”.

(2) Rule 2(2)(a) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(3) Rule 2(2)(b) is amended, in the Chinese text, by repealing “出庭代訟人” wherever it appears and substituting “訟辯人”.

(4) Rule 2(2)(c) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(5) Rule 2(3) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

11. Admission for particular cases: qualifying period of active practice

Rule 2A is amended, in the Chinese text, by repealing “出庭代訟人” wherever it appears and substituting “訟辯人”.

12. Requirements of pupillage

Rule 9(4) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

Trainee Solicitors Rules

13. Exemption of disbarred barrister from employment under a trainee solicitor contract

Rule 20(1)(b) of the Trainee Solicitors Rules (Cap. 159 sub. leg. J) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

International Organizations and Diplomatic Privileges Ordinance

14. Immunities and privileges of judges of and suitors to, the International Court of Justice

Section 4(1) of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) is amended, in the Chinese text, by repealing “代訟人” and substituting “訟辯人”.

The United Nations

15. Article amended

Article 15 of The United Nations (Cap. 190 sub. leg. H) is amended, in the Chinese text, by repealing “代訟人” wherever it appears and substituting “訟辯人”.

Criminal Procedure Ordinance

16. Competence of person charged in criminal cases

Section 54(1) of the Criminal Procedure Ordinance (Cap. 221) is amended, in paragraph (f)(ii) of the proviso, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

Legal Aid in Criminal Cases Rules

17. Solicitor and counsel fees

(1) Rule 21(1)(c) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(2) Rule 21(1)(l) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

(3) Rule 21(1)(n) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

Magistrates Ordinance

18. Interpretation

Section 2 of the Magistrates Ordinance (Cap. 227) is amended, in the Chinese text, in the definition of “代表律師”, by repealing “代言人” and substituting “訟辯人”.

District Court Ordinance

19. Right of audience

Section 15(1)(c) of the District Court Ordinance (Cap. 336) is amended, in the Chinese text, by repealing “出庭代訟人” and substituting “訟辯人”.

The Rules of the District Court

20. Interpretation

Order 62, rule 1(1) of the Rules of the District Court (Cap. 336 sub. leg. H) is amended, in the Chinese text, in the definition of “爭議事務”, by repealing “出庭代訟人” and substituting “訟辯人”.

**Legal Services Legislation (Miscellaneous Amendments)
Ordinance 1997**

21. Savings and transitional provisions

Section 2(1)(b) of Schedule 2 to the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) is amended, in the Chinese text, by repealing “出庭代訟人” where it twice appears and substituting “訟辯人”.

Division 2—Chinese Equivalent of “advocacy”

Legal Practitioners Ordinance

22. Power of Court to admit barristers

Section 27(4)(b) of the Legal Practitioners Ordinance (Cap. 159) is amended, in the Chinese text, by repealing “代訟” and substituting “訟辯”.

Admission and Registration Rules

23. Forms

Paragraph 7(7) in part (a) of the declaration in Form 4 in the Schedule to the Admission and Registration Rules (Cap. 159 sub. leg. B) is amended, in the Chinese text, by repealing “出庭代訟” and substituting “訟辯”.

Barristers (Qualification) Rules

24. Reduction of pupillage

Rule 10 of the Barristers (Qualification) Rules (Cap. 159 sub. leg. E) is amended, in the Chinese text, by repealing “代訟” and substituting “訟辯”.

25. Reduction of or dispensation with pupillage of a barrister admitted under section 27A

Rule 12(1) is amended, in the Chinese text, by repealing “代訟” and substituting “訟辯”.

Legal Aid in Criminal Cases Rules

26. Solicitor and counsel fees

(1) Rule 21(3)(a) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) is amended, in the Chinese text, by repealing “出庭代訟” and substituting “訟辯”.

(2) Rule 21(5)(b)(i) is amended, in the Chinese text, by repealing “出庭代訟” and substituting “訟辯”.

PART 3

CHINESE EQUIVALENT OF “ART” IN PATENTS ORDINANCE AND PATENTS (GENERAL) RULES

Patents Ordinance

27. Extent of invention

Section 76(3)(b) of the Patents Ordinance (Cap. 514) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

28. Disclosure of invention

Section 77 is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

29. Power to revoke patents on application

Section 91(1)(c) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

30. Novelty

(1) Section 94(1) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

(2) Section 94(2) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

(3) Section 94(3) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

(4) Section 94(4) is amended, in the Chinese text, by repealing “科技” where it twice appears and substituting “技術”.

31. Inventive step

(1) Section 96(1) is amended, in the Chinese text, by repealing “科技” where it twice appears and substituting “技術”.

(2) Section 96(2) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

32. Disclosure of invention by specification; availability of samples of micro-organisms

Section 128(1) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

Patents (General) Rules

33. Micro-organisms

Paragraph 1(1)(b) of Schedule 1 to the Patents (General) Rules (Cap. 514 sub. leg. C) is amended, in the Chinese text, by repealing “科技” and substituting “技術”.

PART 4

CHINESE EQUIVALENT OF “HONG KONG AUXILIARY POLICE FORCE” IN THE OMBUDSMAN ORDINANCE

The Ombudsman Ordinance

34. Organizations to which this Ordinance applies

Part II of Schedule 1 to The Ombudsman Ordinance (Cap. 397) is amended, in the Chinese text, by repealing “香港輔助警隊” and substituting “香港輔助警察隊”.

35. Actions not subject to investigation

Paragraph 10 of Schedule 2 is amended, in the Chinese text, by repealing “香港輔助警隊” and substituting “香港輔助警察隊”.

PART 5

CHINESE EQUIVALENT OF “RURAL BUILDING LOT” IN PEAK
TRAMWAY ORDINANCE AND THE METHODIST CHURCH,
HONG KONG, INCORPORATION ORDINANCE

Peak Tramway Ordinance

36. Power to construct and work certain tramways

Section 3(2) of the Peak Tramway Ordinance (Cap. 265) is amended, in the Chinese text, by repealing “郊區建屋地段” and substituting “鄉郊建屋地段”.

The Methodist Church, Hong Kong, Incorporation Ordinance

37. Schedule amended

Item 7 of Part II(A) of the Schedule to The Methodist Church, Hong Kong, Incorporation Ordinance (Cap. 1133) is amended, in the Chinese text, by repealing “郊區建屋地段” and substituting “鄉郊建屋地段”.

Gilbert MO
Acting Law Draftsman

22 June 2007

Explanatory Note

Section 4D of the Official Languages Ordinance (Cap. 5) empowers the Secretary for Justice to make formal alterations to the text of an Ordinance in one official language to achieve consistency between a word, expression or phrase and another word, expression or phrase where both such words, expressions or phrases purport to be the equivalent of the same word, expression or phrase in the other official language in the same context. The Secretary for Justice has authorized the Law Draftsman pursuant to section 7 of the Legal Officers Ordinance (Cap. 87) to make such formal alterations.

2. Part 1 provides for the commencement of this Order.

3. Divisions 1 and 2 of Part 2 make formal alterations to the Chinese text of various items of legislation by repealing “出庭代訟人”, “代言人” and “代訟人” and substituting “訟辯人”, and repealing “出庭代訟” and “代訟” and substituting “訟辯” in certain provisions respectively. The alterations will achieve consistency between the Chinese equivalent of “advocate” and “advocacy” in the Chinese text of those items of legislation and that in the Chinese text of other items of legislation.
4. Part 3 makes formal alterations to the Chinese text of the Patents Ordinance (Cap. 514) and the Patents (General) Rules (Cap. 514 sub. leg. C) by repealing “科技” in certain provisions and substituting “技術” so as to achieve consistency between the Chinese equivalent of “art” in the Chinese text of those provisions and that in the Chinese text of other provisions of that Ordinance and those Rules.
5. Part 4 makes formal alterations to the Chinese text of The Ombudsman Ordinance (Cap. 397) by repealing “香港輔助警隊” in Schedules 1 and 2 to that Ordinance and substituting “香港輔助警察隊” so as to achieve consistency between the Chinese equivalent of “Hong Kong Auxiliary Police Force” in the Chinese text of that Ordinance and that in the Chinese text of the Hong Kong Auxiliary Police Force Ordinance (Cap. 233).
6. Part 5 makes formal alterations to the Chinese text of the Peak Tramway Ordinance (Cap. 265) and The Methodist Church, Hong Kong, Incorporation Ordinance (Cap. 1133) by repealing “郊區建屋地段” in certain provisions and substituting “鄉郊建屋地段” so as to achieve consistency between the Chinese equivalent of “Rural Building Lot” in the Chinese text of those Ordinances and that in the Chinese text of the Antiquities and Monuments (Declaration of Proposed Monument) (No. 128 Pok Fu Lam Road) Notice (L.N. 59 of 2007).