

STATUTE LAW (MISCELLANEOUS PROVISIONS) ORDINANCE 2008

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 10 OF 2008

L.S.

Donald TSANG
Chief Executive
8 May 2008

An Ordinance to provide for miscellaneous amendments to various Ordinances and for connected purposes.

[9 May 2008]

Enacted by the Legislative Council.

PART 1

PRELIMINARY

1. Short title

This Ordinance may be cited as the Statute Law (Miscellaneous Provisions) Ordinance 2008.

2. Commencement

(1) This Ordinance, other than Division 3 of Part 12, shall come into operation on the day on which this Ordinance is published in the Gazette.

(2) Division 3 of Part 12 shall come into operation on a day to be appointed by the Director of Food and Environmental Hygiene by notice published in the Gazette.

PART 2

AMENDMENTS TO REFERENCES TO “ORDRE PUBLIC” IN THE SOCIETIES ORDINANCE AND THE PUBLIC ORDER ORDINANCE

Societies Ordinance

3. Interpretation

Section 2(4) of the Societies Ordinance (Cap. 151) is amended by repealing “, “public order (*ordre public*)” ”.

4. Registration and exemption from registration

Section 5A(3)(a) is amended, in the English text, by repealing “(*ordre public*)”.

5. Cancellation of registration or exemption from registration

Section 5D(1)(a) is amended, in the English text, by repealing “(*ordre public*)”.

6. Prohibition of operation of societies

Section 8(1)(a) is amended, in the English text, by repealing “(*ordre public*)”.

7. Power of entry in special cases

Section 32 is amended, in the English text, by repealing “(*ordre public*)”.

Public Order Ordinance

8. Interpretation

Section 2(2) of the Public Order Ordinance (Cap. 245) is amended by repealing “, “public order (*ordre public*)” ”.

9. General powers of the Commissioner of Police

(1) Section 6(1) is amended, in the English text, by repealing “(*ordre public*)”.

(2) Section 6(2) is amended, in the English text, by repealing “(*ordre public*)”.

10. Power of Commissioner of Police to prohibit notified public meeting

(1) Section 9(1) is amended, in the English text, by repealing “(*ordre public*)”.

(2) Section 9(4) is amended, in the English text, by repealing “(*ordre public*)”.

11. Requirements and conditions applying to public meetings

Section 11(2) is amended, in the English text, by repealing “(*ordre public*)”.

12. Right of Commissioner of Police to object to public procession

(1) Section 14(1) is amended, in the English text, by repealing “(*ordre public*)”.

(2) Section 14(5) is amended, in the English text, by repealing “(*ordre public*)”.

13. Requirements and conditions applying to public processions

Section 15(2) is amended, in the English text, by repealing “(*ordre public*)”.

PART 3

AMENDMENTS RELATING TO SUICIDE OF ANOTHER PERSON

Homicide Ordinance

14. Suicide pacts

(1) Section 5(1) of the Homicide Ordinance (Cap. 339) is amended by repealing “killing himself or”.

(2) Section 5(2) is amended by repealing “killing himself or”.

PART 4

PENALTY FOR PERVERTING THE COURSE OF JUSTICE AT
COMMON LAW

Criminal Procedure Ordinance

15. Punishment of indictable offences

(1) Section 101I(1) of the Criminal Procedure Ordinance (Cap. 221) is amended by repealing “subsection (2)” and substituting “subsections (2) and (5)”.

(2) Section 101I is amended by adding—

“(5) Where a person is convicted of an offence of perverting the course of justice at common law, he shall be liable to be sentenced at the discretion of the court to imprisonment for any term and a fine of any amount, subject to any limitations as to the maximum term or terms of imprisonment and the maximum fine which such court may lawfully impose under the District Court Ordinance (Cap. 336) or the Magistrates Ordinance (Cap. 227).

(6) In subsection (5), “court” (法院) includes the District Court and a magistrate.”.

PART 5

POWER OF MAGISTRATE TO AWARD COSTS

Fixed Penalty (Criminal Proceedings) Ordinance

16. Recovery of fixed penalty in certain circumstances

(1) Section 3A(1) of the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240) is amended by repealing “penalty,” and substituting “penalty and costs of not less than \$80 or more than \$1,500,”.

(2) Section 3A(4) is amended by repealing “and additional penalty” and substituting “, additional penalty and costs”.

(3) Section 3A(5) is amended by repealing “and additional penalty” and substituting “, additional penalty and costs”.

17. Review of proceedings

(1) Section 3B(1)(b)(ii) is amended by adding “and costs of not less than \$80 or more than \$1,500” before the full stop.

(2) Section 3B(4) is amended by repealing “and the additional penalty” and substituting “, additional penalty and costs”.

Consequential Amendments

18. Effect of non-payment of fines

(1) Section 10(1)(b) is amended by repealing “and the additional penalty” and substituting “, the additional penalty and costs”.

(2) Section 10(1)(c) is amended by repealing “and the additional penalty” and substituting “, the additional penalty and costs”.

(3) Section 10(2)(a) is amended by repealing “and additional penalty” and substituting “, additional penalty and costs”.

(4) Section 10(2)(b) is amended by repealing “and additional penalty” and substituting “, additional penalty and costs”.

(5) Section 10(5)(b) is amended—

(a) by repealing “and any additional penalty” and substituting “, any additional penalty and costs”;

(b) by adding “or costs” after “penalties”.

- (6) Section 10(5)(c) is amended—
- (a) by repealing “and additional penalty” and substituting “, additional penalty and costs”;
 - (b) by adding “or costs” after “penalties”.

19. Distress in default of payment under section 3A order

Section 10A(1) is amended by repealing “or any additional penalty” and substituting “, any additional penalty or costs”.

PART 6

WASTED COSTS IN CRIMINAL PROCEEDINGS

Costs in Criminal Cases Ordinance

20. Interpretation

Section 2 of the Costs in Criminal Cases Ordinance (Cap. 492) is amended by repealing the definition of “wasted costs” and substituting—

“ “wasted costs” (虛耗訟費) means any costs incurred by a party to the proceedings—

- (a) as a result of—
 - (i) any seriously improper act or omission; or
 - (ii) any undue delay or any other serious misconduct, on the part of any representative or any employee of a representative; or
- (b) which, in the light of any such act, omission, delay or misconduct occurring after they were incurred, the court considers it is unreasonable to expect that party to the proceedings to pay.”.

21. Section substituted

Section 18 is repealed and the following substituted—

“18. Liability of legal or other representatives for wasted costs

(1) In any criminal proceedings a court or a judge may order the legal or other representative concerned to meet the payment of any wasted costs or any part thereof.

(2) No order under subsection (1) shall be made unless the legal or other representative concerned has been given a reasonable opportunity to appear before the court or the judge and show cause why the order should not be made.

(3) When determining whether or not to make an order under subsection (1), the court or the judge shall, in addition to all other relevant circumstances, take into account the interest that there be fearless advocacy under the adversarial system of justice.

(4) Subject to subsection (5), any wasted costs ordered to be paid by a legal or other representative under subsection (1) shall be a debt due to the party to the proceedings in whose favour such order was made from the representative and enforceable as a civil debt.

(5) Where an order is made under subsection (1) in favour of a legally aided defendant, the wasted costs ordered to be paid shall be a debt due to the Director of Legal Aid and enforceable as a civil debt by the Director in his own name.

(6) Where an order is made under subsection (1) against a legal officer or a Legal Aid Officer having or exercising a right of audience or conducting litigation on behalf of the Government, the wasted costs ordered to be paid shall be charged on the general revenue.”.

PART 7

AMENDMENTS TO PROVISIONS PROVIDING THAT THE DECISION OF THE COURT OF FIRST INSTANCE ON AN APPEAL IS FINAL

Fire Service (Installation Contractors) Regulations

22. Appeal from disciplinary board

Regulation 12(4) of the Fire Service (Installation Contractors) Regulations (Cap. 95 sub. leg. A) is repealed.

Related Amendments

23. Disciplinary proceedings

(1) Regulation 10(4)(a) is repealed and the following substituted—

“(a) if an appeal is lodged with the Court of First Instance under regulation 12(1), until the appeal is finally determined; or”.

(2) Regulation 10 is amended by adding—

“(5) For the purposes of paragraph (4), an appeal to the Court of First Instance shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of First Instance is withdrawn or abandoned;
- (b) subject to paragraph (6), when the specified period expires without an appeal having been lodged to the Court of Appeal against a judgment of the Court of First Instance made under regulation 12(1);
- (c) subject to paragraph (6), if, before the expiry of the specified period referred to in sub-paragraph (b), an appeal is lodged to the Court of Appeal, when the appeal to the Court of Appeal is withdrawn or abandoned;
- (d) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (e) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
 - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (f) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
 - (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(6) Notwithstanding paragraph (5)(b) and (c), an appeal to the Court of First Instance shall be deemed to be finally determined, if, in respect of a judgment of the Court of First Instance made under regulation 12(1), a certificate is granted under section 27C of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) and leave to appeal is granted under section 27D of that Ordinance, when the

appeal to the Court of Final Appeal under section 27B of that Ordinance is withdrawn, abandoned or disposed of, but only if the following conditions are satisfied—

- (a) the certificate is granted on an application made within 14 days from the date on which the judgment is given as referred to in section 27C(3) of that Ordinance; and
- (b) the leave to appeal is granted on an application made within 28 days from the date on which a certificate is granted under section 27C of that Ordinance as referred to in section 27D(1) of that Ordinance or, on an application made within that period of 28 days for an extension of time, such other longer period as so extended.

(7) In paragraph (5)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an appeal to the Court of Appeal against a judgment of the Court of First Instance made under regulation 12(1), means—
 - (i) subject to sub-sub-paragraph (ii), the period of 28 days within which the notice of appeal referred to in Order 59, rule 4(1) of the Rules of the High Court (Cap. 4 sub. leg. A) is required to be served; or
 - (ii) if, on an application made within the period of 28 days referred to in sub-sub-paragraph (i), the Court of Appeal extends that period, the period as so extended,

however, in a case where an appeal may lie from a judgment of the Court of First Instance under Division 3 of Part II of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), the following period of time shall be disregarded in determining the period of 28 days referred to in sub-sub-paragraph (i) or (ii)—

- (iii) where an application has been made under section 27C of that Ordinance (that is, within 14 days from the date on which the judgment is given as referred to in section 27C(3) of that Ordinance), the period from the date on which the judgment is given to the date on which the application is determined; or

- (iv) where an application has been made under section 27D of that Ordinance (that is, within 28 days from the date on which a certificate is granted under section 27C of that Ordinance as referred to in section 27D(1) of that Ordinance or, on an application made within that period of 28 days for an extension of time, such other longer period as so extended), the period from the date on which the judgment is given to the date on which the application is determined;
- (b) in the case of an application for leave to appeal made to the Court of Appeal, means—
 - (i) subject to sub-sub-paragraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the period of 28 days referred to in sub-sub-paragraph (i), the Court of Appeal extends that period, the period as so extended; or
- (c) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
 - (i) subject to sub-sub-paragraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
 - (ii) if, on an application made within the period of 28 days referred to in sub-sub-paragraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

Pharmacy and Poisons Ordinance

24. Powers of a Disciplinary Committee

Section 16(3)(b) of the Pharmacy and Poisons Ordinance (Cap. 138) is amended by repealing everything after “Committee” and substituting a full stop.

25. Right of appeal to Court of First Instance

Section 30A is amended by repealing everything after “that decision” and substituting a full stop.

Related Amendments

26. Powers of a Disciplinary Committee

- (1) Section 16(5)(b) is repealed and the following substituted—
 - “(b) where there is an appeal to the Court of First Instance, until such appeal is finally determined.”.
- (2) Section 16 is amended by adding—
 - “(7) For the purposes of subsection (5), an appeal to the Court of First Instance shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—
 - (a) when the appeal to the Court of First Instance is withdrawn or abandoned;
 - (b) subject to subsection (8), when the specified period expires without an appeal having been lodged to the Court of Appeal against a judgment of the Court of First Instance made under subsection (3);
 - (c) subject to subsection (8), if, before the expiry of the specified period referred to in paragraph (b), an appeal is lodged to the Court of Appeal, when the appeal to the Court of Appeal is withdrawn or abandoned;
 - (d) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
 - (e) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
 - (i) when the application is withdrawn or abandoned;
 - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
 - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or

- (f) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
- (i) when the application is withdrawn, abandoned or refused; or
 - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(8) Notwithstanding subsection (7)(b) and (c), an appeal to the Court of First Instance shall be deemed to be finally determined, if, in respect of a judgment of the Court of First Instance made under subsection (3), a certificate is granted under section 27C of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) and leave to appeal is granted under section 27D of that Ordinance, when the appeal to the Court of Final Appeal under section 27B of that Ordinance is withdrawn, abandoned or disposed of, but only if the following conditions are satisfied—

- (a) the certificate is granted on an application made within 14 days from the date on which the judgment is given as referred to in section 27C(3) of that Ordinance; and
- (b) the leave to appeal is granted on an application made within 28 days from the date on which a certificate is granted under section 27C of that Ordinance as referred to in section 27D(1) of that Ordinance or, on an application made within that period of 28 days for an extension of time, such other longer period as so extended.

(9) In subsection (7)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an appeal to the Court of Appeal against a judgment of the Court of First Instance made under subsection (3), means—
 - (i) subject to subparagraph (ii), the period of 28 days within which the notice of appeal referred to in Order 59, rule 4(1) of the Rules of the High Court (Cap. 4 sub. leg. A) is required to be served; or

(ii) if, on an application made within the period of 28 days referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended,

however, in a case where an appeal may lie from a judgment of the Court of First Instance under Division 3 of Part II of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), the following period of time shall be disregarded in determining the period of 28 days referred to in subparagraph (i) or (ii)—

(iii) where an application has been made under section 27C of that Ordinance (that is, within 14 days from the date on which the judgment is given as referred to in section 27C(3) of that Ordinance), the period from the date on which the judgment is given to the date on which the application is determined; or

(iv) where an application has been made under section 27D of that Ordinance (that is, within 28 days from the date on which a certificate is granted under section 27C of that Ordinance as referred to in section 27D(1) of that Ordinance or, on an application made within that period of 28 days for an extension of time, such other longer period as so extended), the period from the date on which the judgment is given to the date on which the application is determined;

(b) in the case of an application for leave to appeal made to the Court of Appeal, means—

(i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or

(ii) if, on an application made within the period of 28 days referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or

(c) in the case of an application for leave to appeal made to the Court of Final Appeal, means—

- (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
- (ii) if, on an application made within the period of 28 days referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

Lifts and Escalators (Safety) Ordinance

27. Appeals from disciplinary board

Section 11(4) of the Lifts and Escalators (Safety) Ordinance (Cap. 327) is repealed.

28. Appeals from disciplinary board

Section 11I(4) is repealed.

29. Appeal to Court of First Instance on point of law

Section 18(4) is repealed.

PART 8

AMENDMENTS CONSEQUENTIAL TO THE RULES OF THE HIGH COURT (AMENDMENT) RULES 2000 IN RELATION TO THE TIME FOR SERVING NOTICE OF MOTION OF APPEAL

Rules of the High Court

30. Appeals against decree nisi

Order 59, rule 16(2) of the Rules of the High Court (Cap. 4 sub. leg. A) is amended by repealing “6 weeks” and substituting “28 days”.

Legal Practitioners Ordinance

31. Appeal and saving

Section 13(1) of the Legal Practitioners Ordinance (Cap. 159) is amended by repealing “6 weeks” and substituting “28 days”.

32. Appeal to Court of Appeal

Section 37B(1) is amended by repealing “6 weeks” and substituting “28 days”.

33. Appeal and saving

Section 40M(1) is amended by repealing “6 weeks” and substituting “28 days”.

PART 9

AMENDMENTS RELATING TO THE LEGAL PRACTITIONERS ORDINANCE

Legal Practitioners Ordinance

34. Interpretation

Section 2(1) of the Legal Practitioners Ordinance (Cap. 159) is amended, in the definition of “Postgraduate Certificate in Laws”, by repealing “or the City Polytechnic of Hong Kong” and substituting “, the City Polytechnic of Hong Kong or The Chinese University of Hong Kong”.

35. Employment by solicitor or foreign lawyer of persons struck off or suspended

(1) Section 53(1)(a) is amended by repealing everything after “solicitor or” and substituting “is an undischarged bankrupt;”.

(2) Section 53(1)(b) is amended by repealing the full stop and substituting “; or”.

(3) Section 53(1) is amended by adding—

“(c) is a person referred to in section 39A(1) who—

(i) has not been registered as a foreign lawyer under that section; and

(ii) is an undischarged bankrupt.”.

PART 10

AMENDMENTS TO REMOVE CERTAIN MINOR INCONSISTENCIES
BETWEEN THE ENGLISH AND CHINESE TEXTS OF THE
PREVENTION OF BRIBERY ORDINANCE AND THE
INDEPENDENT COMMISSION AGAINST
CORRUPTION ORDINANCE

Prevention of Bribery Ordinance

36. Bribery

(1) Section 4(1)(b) of the Prevention of Bribery Ordinance (Cap. 201) is amended, in the Chinese text, by repealing “由本人” and substituting “由該人員”.

(2) Section 4(1)(b) is amended, in the Chinese text, by repealing “其本人” and substituting “該人員”.

(3) Section 4(2)(b) is amended, in the Chinese text, by repealing “由本人” and substituting “由該人員”.

(4) Section 4(2)(b) is amended, in the Chinese text, by repealing “其本人” and substituting “該人員”.

37. Power of court to prohibit employment of convicted person

In the Chinese text, section 33A(1)(c) is repealed and the following substituted—

“(c) 如屬其他情況，則禁止該人以合夥人或經理身分或以法庭決定的其他身分，直接或間接參與管理法庭決定的合夥、商號或人士，或直接或間接參與管理屬法庭決定的類別的合夥、商號或人士；及”.

Independent Commission Against Corruption Ordinance

38. Appointment of officers

Section 8(4) of the Independent Commission Against Corruption Ordinance (Cap. 204) is amended, in the Chinese text, by repealing “公職” and substituting “公務”.

39. Procedure after arrest

Section 10A(2)(b)(ii) is amended, in the Chinese text, by repealing everything after “他” and substituting “作出廉署高級人員所要求的擔保，以及提供廉署高級人員所要求的擔保人 (如該人員要求提供擔保人的話)；或”.

40. Taking of non-intimate samples

Section 10E(7)(b) is amended, in the Chinese text, by repealing “公職” and substituting “公務”.

Independent Commission Against Corruption (Treatment of Detained Persons) Order

41. Notification to relatives, etc.

Paragraph 3(b) of the Independent Commission Against Corruption (Treatment of Detained Persons) Order (Cap. 204 sub. leg. A) is amended, in the Chinese text, by repealing “公職” and substituting “公務”.

PART 11

NEW POWERS TO SUBSTITUTE DATES AND TITLES OF SUBSIDIARY LEGISLATION

Interpretation and General Clauses Ordinance

42. Sections added

The Interpretation and General Clauses Ordinance (Cap. 1) is amended by adding—

“98B. Power to substitute dates

(1) The Secretary for Justice may, by order published in the Gazette, amend any Ordinance to effect the replacement of a reference to a date in the form of a description by the actual calendar date concerned.

(2) An amendment under subsection (1) is not to be construed as changing the legal effect of the affected provision.

98C. Power to substitute title of subsidiary legislation

(1) The Secretary for Justice may, by order published in the Gazette, amend any subsidiary legislation to effect the replacement of a general reference to another subsidiary legislation by—

- (a) the title or citation of that other subsidiary legislation;
- (b) its number among the subsidiary legislation of the year in which it was enacted; or
- (c) any chapter number lawfully given to it under the authority of any Ordinance providing for the issue of a revised or other edition of the laws of Hong Kong.

(2) An amendment under subsection (1) is not to be construed as changing the legal effect of the affected provision.”.

PART 12

MINOR AND TECHNICAL AMENDMENTS

Division 1—Provisions relating to adoption

Adoption Ordinance

43. Relevant provisions of Convention on Protection of Children and Co-operation in respect of Intercountry Adoption

Schedule 3 to the Adoption Ordinance (Cap. 290) is amended, in Article 16(1)(a), in the Chinese text, by repealing “可被領養程度” and substituting “是否可受領養”.

Adoption Rules

44. Notice of hearing

Rule 16 of the Adoption Rules (Cap. 290 sub. leg. A) is amended, in the English text, in the second proviso, in paragraph (i), by repealing “Women” and substituting “Children”.

45. Forms

(1) Schedule 1 is amended, in the Annex to Form 1, by adding “(if applicable)” after “Chinese Commercial Code”.

(2) Schedule 1 is amended, in Form 4—

(a) in the second paragraph—

(i) by repealing “[Whereas” and substituting “Whereas”;

(ii) by repealing “relates]⁽⁴⁾” and substituting “relates”;

(b) in the attesting paragraph—

(i) by repealing “at⁽⁸⁾” and substituting “at”;

(ii) by repealing “[who” and substituting “who”;

(iii) by repealing “for adoption]⁽⁴⁾” and substituting “for adoption”;

(c) by repealing note (4).

(3) Schedule 1 is amended, in Form 4A, by repealing “at⁽⁵⁾” and substituting “at”.

(4) Schedule 1 is amended, in Form 4B, in the Chinese text—

(a) in the heading, by repealing “繼父母” and substituting “繼父／繼母”;

(b) in the first paragraph, by repealing “繼父母” and substituting “繼父／繼母”.

(5) Schedule 1 is amended, in Form 7, in the Chinese text, in the third paragraph, by repealing “繼父母” and substituting “繼父／繼母”.

(6) Schedule 1 is amended, in Form 8, in the Chinese text, in the third paragraph, by repealing “繼父母” and substituting “繼父／繼母”.

Convention Adoption Rules

46. Appointment of guardian ad litem

Rule 11(2) of the Convention Adoption Rules (Cap. 290 sub. leg. D) is amended, in the English text, by repealing “who” and substituting “that”.

47. Forms

(1) Schedule 1 is amended, in the Annex to Form C1—

(a) by adding “(if applicable)” after “HKID Number”;

(b) by adding “(if applicable)” after “Chinese Commercial Code”.

(2) Schedule 1 is amended, in Form C4—

- (a) in the second paragraph—
 - (i) by repealing “[Whereas” and substituting “Whereas”;
 - (ii) by repealing “relates]⁽⁴⁾” and substituting “relates”;
 - (b) in the attesting paragraph—
 - (i) by repealing “[who” and substituting “who”;
 - (ii) by repealing “for adoption]⁽⁴⁾” and substituting “for adoption”;
 - (c) by repealing note (4).
- (3) Schedule 1 is amended, in Form C5, in the Chinese text—
- (a) in the heading, by repealing “繼父母” and substituting “繼父／繼母”;
 - (b) in the first paragraph, by repealing “繼父母” and substituting “繼父／繼母”.
- (4) Schedule 1 is amended, in Form C7, in the Chinese text, in the third paragraph, by repealing “繼父母” and substituting “繼父／繼母”.

Division 2—Provisions relating to PPS

Fixed Penalty (Traffic Contraventions) Regulations

48. Payment of fixed penalty

Regulation 3(1)(d) of the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A) is amended, in the English text, by repealing “the Payment By Phone Service” and substituting “PPS”.

49. Schedule amended

- (1) The Schedule is amended, in Form 1, in the **Payment Instructions**—
- (a) in paragraph 1(a)—
 - (i) in the Chinese version, by repealing “款服” and substituting “費服”;
 - (ii) in the English version, by repealing “Service”;
 - (b) in paragraph 1(b), in the English version, by repealing “**Payment By Phone Service (PPS)**” and substituting “**PPS**”.
- (2) The Schedule is amended, in Form 2, in the **PAYMENT INSTRUCTIONS**—
- (a) in paragraph 1(a)—

- (i) in the Chinese version, by repealing “款服” and substituting “費服”;
- (ii) in the English version, by repealing “Service”;
- (b) in paragraph 1(b), in the English version, by repealing “**Payment By Phone Service (PPS)**” and substituting “**PPS**”.

Fixed Penalty (Criminal Proceedings) Regulations

50. Payment of fixed penalty

Regulation 3(1)(d) of the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A) is amended, in the English text, by repealing “the Payment By Phone Service” and substituting “PPS”.

51. Schedule amended

(1) The Schedule is amended, in Form 1, in the **PAYMENT INSTRUCTIONS**—

- (a) in paragraph 1(a)—
 - (i) in the Chinese version, by repealing “款服” and substituting “費服”;
 - (ii) in the English version, by repealing “Service”;
- (b) in paragraph 1(b), in the English version, by repealing “**Payment By Phone Service (PPS)**” and substituting “**PPS**”.

(2) The Schedule is amended, in Form 2, in the **PAYMENT INSTRUCTIONS**—

- (a) in paragraph 1(a)—
 - (i) in the Chinese version, by repealing “款服” and substituting “費服”;
 - (ii) in the English version, by repealing “Service”;
- (b) in paragraph 1(b), in the English version, by repealing “**Payment By Phone Service (PPS)**” and substituting “**PPS**”.

Housing (Traffic Contraventions) (Fixed Penalty) Bylaw

52. Payment of fixed penalty

Section 9(1)(d) of the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C) is amended by repealing “the Payment By Phone Service” and substituting “PPS”.

53. Forms

(1) Schedule 3 is amended, in Form 1, in the **Payment Instructions**—

- (a) in paragraph 1(a)—
 - (i) in the Chinese version, by repealing “款服” and substituting “費服”;
 - (ii) in the English version, by repealing “Service”;
- (b) in paragraph 1(b)—
 - (i) in the Chinese version—
 - (A) by repealing “聆” and substituting “靈”;
 - (B) by repealing “聆” and substituting “靈”;
 - (ii) in the English version, by repealing “**Payment By Phone Service (PPS)**” and substituting “**PPS**”;
- (c) in paragraph 1(c), in the Chinese version, by repealing “聆” and substituting “靈”.

(2) Schedule 3 is amended, in Form 2, in the **PAYMENT INSTRUCTIONS**—

- (a) in paragraph 1(a)—
 - (i) in the Chinese version, by repealing “款服” and substituting “費服”;
 - (ii) in the English version, by repealing “Service”;
- (b) in paragraph 1(b)—
 - (i) in the Chinese version—
 - (A) by repealing “聆” and substituting “靈”;
 - (B) by repealing “聆” and substituting “靈”;
 - (ii) in the English version, by repealing “**Payment by Phone Service (PPS)**” and substituting “**PPS**”;
- (c) in paragraph 1(c), in the Chinese version, by repealing “聆” and substituting “靈”.

Fixed Penalty (Public Cleanliness Offences) Regulation

54. Payment of fixed penalty

Section 3(1)(d) of the Fixed Penalty (Public Cleanliness Offences) Regulation (Cap. 570 sub. leg. A) is amended by repealing “the Payment By Phone Service” and substituting “PPS”.

55. Schedule amended

(1) The Schedule is amended, in Form 1, in the **PAYMENT INSTRUCTIONS**—

- (a) in paragraph 1(a)—
 - (i) in the Chinese version, by repealing “款服” and substituting “費服”;
 - (ii) in the English version, by repealing “Service”;
- (b) in paragraph 1(b)—
 - (i) in the Chinese version—
 - (A) by repealing “聆” and substituting “靈”;
 - (B) by repealing “聆” and substituting “靈”;
 - (ii) in the English version, by repealing “**using Payment By Phone Service (PPS)**” and substituting “**Phone using PPS**”;
- (c) in paragraph 1(c)—
 - (i) in the Chinese version, by repealing “聆” and substituting “靈”;
 - (ii) in both the Chinese and English versions, by repealing “*http://www.info.gov.hk/tsy*” and substituting “*http://www.try.gov.hk*”;
- (d) in paragraph 2, in the Chinese version, by repealing “聆” and substituting “靈”.

(2) The Schedule is amended, in Form 2, in the **PAYMENT INSTRUCTIONS**—

- (a) in paragraph 1(a)—
 - (i) in the Chinese version, by repealing “款服” and substituting “費服”;
 - (ii) in the English version, by repealing “Service”;
- (b) in paragraph 1(b)—
 - (i) in the Chinese version—
 - (A) by repealing “聆” and substituting “靈”;
 - (B) by repealing “聆” and substituting “靈”;
 - (ii) in the English version, by repealing “**using Payment By Phone Service (PPS)**” and substituting “**Phone using PPS**”;
- (c) in paragraph 1(c)—
 - (i) in the Chinese version, by repealing “聆” and substituting “靈”;

- (ii) in both the Chinese and English versions, by repealing “*http://www.info.gov.hk/tsy*” and substituting “*http://www.try.gov.hk*”;
- (d) in paragraph 2, in the Chinese version, by repealing “聆” and substituting “靈”.

Division 3—Provisions relating to “use by” date

Food and Drugs (Composition and Labelling) Regulations

56. Offences and penalties

Regulation 5(1A) of the Food and Drugs (Composition and Labelling) Regulations (Cap. 132 sub. leg. W) is amended, in the Chinese text, by repealing “期前” and substituting “期或之前”.

57. Marking and labelling of prepackaged foods

(1) Schedule 3 is amended, in paragraph 4, in the heading, in the Chinese text, by repealing “前食” and substituting “或之前食”.

(2) Schedule 3 is amended, in paragraph 4(1)(b), by repealing “期前” and substituting “期或之前”.

(3) Schedule 3 is amended, in paragraph 4(3), by repealing “期前” and substituting “期或之前”.

(4) Schedule 3 is amended, in paragraph 4(3)(a), by repealing “期前” and substituting “期或之前”.

(5) Schedule 3 is amended, in paragraph 4(5), by repealing “期前” and substituting “期或之前”.

(6) Schedule 3 is amended, in paragraph 4(6), by repealing “前食” and substituting “或之前食”.

(7) Schedule 3 is amended, in paragraph 4(7), by repealing “前食” and substituting “或之前食”.

**Division 4—Provisions relating to substitution of English titles of
legislation appearing in the Chinese text**

Dangerous Drugs Ordinance

58. First Schedule amended

The First Schedule to the Dangerous Drugs Ordinance (Cap. 134) is amended, in Part II, in the proviso to paragraph 16B, in the Chinese text, by repealing “《Pharmacy and Poisons Regulations》” and substituting “《藥劑業及毒藥規例》”.

**Merchant Shipping (Prevention and Control of Pollution)
(Charges for Discharge of Polluting Waste) Regulation**

59. Interpretation

Section 2 of the Merchant Shipping (Prevention and Control of Pollution) (Charges for Discharge of Polluting Waste) Regulation (Cap. 413 sub. leg. I) is amended, in the Chinese text, in the definition of “有毒液體物質”, by repealing “《Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Regulations》” and substituting “《商船(控制散裝有毒液體物質污染)規例》”.

Coroners Ordinance

**60. Inquests in respect of deaths arising out of
certain civil aviation accidents or
merchant shipping casualties**

Section 18(a)(i) of the Coroners Ordinance (Cap. 504) is amended, in the Chinese text, by repealing “《Hong Kong Civil Aviation (Investigation of Accidents) Regulations》” and substituting “《香港民航(意外調查)規例》”.

**Division 5—Provisions relating to the commencement of the
Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendments) Ordinance 2006**

**Certification for Employee Benefits (Chinese Medicine)
(Miscellaneous Amendments) Ordinance 2006**

61. Short title and commencement

Section 1 of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006 (16 of 2006) is amended by adding—

- “(3) Without prejudice to subsection (2) and section 20 of the Interpretation and General Clauses Ordinance (Cap. 1), a notice—
- (a) may bring Part 3 into operation, while excepting section 15 in so far as that section relates to the adding of any or all of section 10AB(5), (6) and (10)(d) and (e) to the Employees’ Compensation Ordinance (Cap. 282); and
 - (b) may bring Part 4 into operation, while excepting section 25 in so far as that section relates to the adding of any or all of section 12AA(4), (5) and (9)(d) and (e) to the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360).”.

62. Transitional

Section 22 is amended, by repealing the new section 55(10) and substituting—

“(10) An amendment to this Ordinance made by any provision of Part 3 of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006 (16 of 2006) (“2006 Ordinance”) does not apply to claims for compensation or other rights, obligations or liabilities in respect of accidents happening before the commencement of that provision. The provisions of this Ordinance as were in force immediately before that commencement shall continue to apply with respect to claims for compensation or other rights, obligations or liabilities in respect of accidents happening before that commencement as if the amendment had not been made.

(11) Despite subsection (10), as soon as any provision of section 10AB(5), (6) and (10)(d) and (e) (“relevant provision”) has commenced, the relevant provision shall apply with respect to claims for compensation or other rights, obligations or liabilities in respect of accidents happening on or after the first commencement of section 10AB as far as cost of

medicines incurred on or after the commencement of the relevant provision is concerned.

(12) In subsection (11)—

- (a) the commencement of a provision of section 10AB means the day appointed for the coming into operation of section 15 of the 2006 Ordinance in so far as that section 15 relates to the adding of that provision of section 10AB;
- (b) the first commencement of section 10AB means, where different days are appointed for the coming into operation of section 15 of the 2006 Ordinance in so far as that section 15 relates to the adding of different provisions of section 10AB, the earliest of those days.”.

63. Section added

(1) Section 31 is amended by renumbering the new section 50 as section 51.

(2) Section 31 is amended, in the new section 51(1)—

- (a) by adding “any provision of” after “A reference in”;
- (b) by repealing “the 2006 Ordinance” and substituting “the provision of the 2006 Ordinance that amends that provision of this Ordinance”.

(3) Section 31 is amended, in the new section 51(2)—

- (a) by repealing “Section 12AA does not” and substituting “No provision in section 12AA shall”;
- (b) by repealing “the 2006 Ordinance” and substituting “that provision of section 12AA”.

(4) Section 31 is amended, in the new section 51, by adding—

“(2A) Despite subsection (2), as soon as any provision of section 12AA(4), (5) and (9)(d) and (e) (“relevant provision”) has commenced, the relevant provision shall apply for the purpose of determining the entitlement to cost of medicines that is incurred on or after the commencement of the relevant provision, regardless of when the medicines are prescribed.

(2B) In subsections (2) and (2A), the commencement of a provision of section 12AA means the day appointed for the coming into operation of section 25 of the 2006 Ordinance in so far as that section 25 relates to the adding of that provision of section 12AA.”.

(5) Section 31 is amended, in the new section 51(3)—

- (a) by adding “any provision of” before “the 2006 Ordinance”;

- (b) by adding “that provision of” before “that Ordinance” where it twice appears.

Division 6—Miscellaneous

Probate and Administration Ordinance

64. Inspection of safe deposit box and inventory of contents

Section 60D(11) of the Probate and Administration Ordinance (Cap. 10) is amended by adding “copy of the” before “inventory kept”.

Pawnbrokers Regulations

65. First Schedule amended

The First Schedule to the Pawnbrokers Regulations (Cap. 166 sub. leg. A) is amended, in Form 1, by repealing Note 4.

Merchant Shipping (Prevention of Pollution by Sewage) Regulation

66. Restriction on discharge of sewage into sea

Section 28(2) of the Merchant Shipping (Prevention of Pollution by Sewage) Regulation (Cap. 413 sub. leg. K) is amended by repealing “the other” and substituting “any other”.

Fugitive Offenders Ordinance

67. General restrictions on surrender

The Chinese text of section 5(1)(e) of the Fugitive Offenders Ordinance (Cap. 503) is repealed and the following substituted—

“(e) 假設該項罪行在香港發生，香港法律中關於曾就同一罪行獲裁定無罪或被定罪的法律便會不容許就該項罪行作出檢控、判刑或強制執行判刑。”

**Construction Industry Levy (Miscellaneous Amendments)
Ordinance 2004**

**68. Furnishing of information and production
of documents**

Section 34(c) of the Construction Industry Levy (Miscellaneous Amendments) Ordinance 2004 (3 of 2004) is amended, by adding “where it first appears” after ““being””.

Statute Law (Miscellaneous Provisions) Ordinance 2005

69. Interpretation

Section 169 of the Statute Law (Miscellaneous Provisions) Ordinance 2005 (10 of 2005) is amended, in the English text, by repealing “the Deputy” and substituting “any Deputy”.

PART 13

**AMENDMENTS TO ACHIEVE INTERNAL CONSISTENCY AND CONSISTENCY
BETWEEN THE ENGLISH AND CHINESE TEXTS**

Export (Certificates of Origin) Regulations

70. Interpretation

Regulation 2 of the Export (Certificates of Origin) Regulations (Cap. 60 sub. leg. H) is amended, in the definition of “country or territory of destination”, by adding “或地區” after “國家”.

Inland Revenue Ordinance

71. Exemption of charitable bodies

Section 88 of the Inland Revenue Ordinance (Cap. 112) is amended, in the Chinese text, by repealing “或信託，” and substituting “或慈善信託，”.

Consequential Amendments

Inland Revenue (Amendment) Ordinance 2004

72. Exemption of charitable bodies

Section 19 of the Inland Revenue (Amendment) Ordinance 2004 (12 of 2004) is repealed.

Land Registration Fees Regulations

73. Duty to grant exemption

Regulation 4(1) of the Land Registration Fees Regulations (Cap. 128 sub. leg. B) is amended, in the Chinese text, by repealing “、(b) 或 (c)” and substituting “或 (b)”.

Birth Certificate (Shortened Form) Regulations

74. Manner of compilation of short certificate and particulars to be contained therein

Regulation 5(2)(b) of the Birth Certificate (Shortened Form) Regulations (Cap. 174 sub. leg. A) is amended, in the Chinese text, by repealing “父親的” and substituting “母親的”.

Prison Rules

75. Removal from association

Rule 68B(5) of the Prison Rules (Cap. 234 sub. leg. A) is amended, in the Chinese text, by repealing “監督” and substituting “署長”.

Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation

76. Offences and penalties

(1) Section 32(7) of the Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (Cap. 541 sub. leg. K) is amended by repealing “, 23 and 24” and substituting “and 23”.

(2) Section 32(8) is amended by repealing “sections 23 and 24” and substituting “section 23”.

Companies Ordinance

77. Interpretation of Part XI

Section 341(1) of the Companies Ordinance (Cap. 32) is amended, in the definition of “pre-amended Ordinance”, in paragraph (c), in the Chinese text, by repealing “號) 第” and substituting “號) 附表 2 第”.

Aviation Security (Amendment) Ordinance 2005

78. Sections amended

Section 9(2)(a) of the Aviation Security (Amendment) Ordinance 2005 (14 of 2005) is amended, in the English text, by repealing “經營者” and substituting “operator”.