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27 August 2010

Miss Flora Tai  
Clerk to the Panel on Administration  
of Justice and Legal Services  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Miss Tai,

**LegCo Panel on Administration of Justice and Legal Services**

**Review of Non-commencement of ordinances/  
certain provisions of ordinances**

In response to the Panel's request, I attach at **Annex** a table which summarises the current position of those ordinances/certain provisions of ordinances which have been enacted for over three years (i.e. in or before 2006) but are not yet in operation.

After conducting a critical review, relevant bureaux have confirmed that **items 2, 4, 6, 7, 10, 11 and 12** would commence as specified in the table. As regards **items 1, 3, 5, 8 and 9**, they would be brought into operation upon completion of the relevant preparatory work. In addition, after taking into account the policy considerations and prevailing circumstances, **items 13 to 15** are considered no longer necessary and will be repealed when the opportunity arises. For the remaining items, relevant bureaux will continue to keep the provisions

under review with a view to commencing or repealing them as early as practicable.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Howard Lee". The signature is fluid and cursive, with a prominent initial "H" and a long, sweeping underline.

( Howard Lee )

for Director of Administration

Encl.

**Ordinances/provisions of ordinances enacted in 2006 or before but not yet in operation  
(Position as at 30 June 2010)**

**A. Ordinances to be brought into operation**

<b>Item</b>	<b>Year in which ordinance was enacted</b>	<b>Ordinance</b>	<b>Provisions</b>	<b>Main purpose of the Provisions</b>	<b>Timetable to bring the provisions into operation</b>	<b>Responsible/ Instructing Bureau</b>
1	1993	13 of 1993 Air Pollution Control (Amendment) Ordinance 1993	The part of section 33 that enacts the specified process numbered 31 in Schedule 1 to the Air Pollution Control Ordinance (Cap. 311) (APCO)	This part seeks to bring certain categories of paint works under the control of Part IV of the APCO.	ENB will bring this part into operation once the reference to the “Secretary for Planning, Environment and Lands” therein has been replaced by “Secretary for Environment”.	ENB
2	1999	47 of 1999 Chinese Medicine Ordinance (Cap. 549)	(a) Sections 90(8), 119, 129, 143 and 144 (b) Section 150(1) (other than in so far as it relates to the contravention of sections 109, 110, 111, 131,	The provisions seek to provide for the interim arrangements pending the full implementation of the mandatory registration of proprietary Chinese medicines, and Chinese medicine	FHB will bring into operation sections 119, 129, 150(1), 155(1), 156(2) and 158(5) in December 2010, and sections 143 and 144 in December 2011. After taking into account the relevant policy	FHB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
			<p>134 and 142)</p> <p>(c) Section 155 (other than in so far as it relates to the contravention of sections 109, 110, 111, 131, 134, 142, 146(3) and (4), 153(3) and 154)</p> <p>(d) Section 156(2)</p> <p>(e) Section 158(4) (other than in so far as it relates to a listed Chinese medicine practitioner)</p> <p>(f) Section 158(5)</p> <p>(g) Section 158(6) (in relation to a proprietary Chinese medicine which is</p>	practitioners.	consideration, FHB considers that the remaining provisions are no longer required and can be repealed when an opportunity arises.	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
			<p>compounded by or under the supervision of a person who continues to practise Chinese medicine by virtue of section 90(7) or which is individually prepared or compounded in accordance with a prescription given by such a person)</p> <p>(h) Section 164(a)(iii) (other than to the extent that new section 28(3)(h) of the Medical Registration</p>			

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
			<p>Ordinance (Cap. 161) relates to a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549))</p> <p>(i) Section 165 (other than to the extent that new section 31 of the Medical Registration Ordinance (Cap. 161) relates to any Chinese medicine practitioner registered or listed under the</p>			

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
			<p>Chinese Medicine Ordinance (Cap. 549))</p> <p>(j) Section 168(a) (other than to the extent that new section 5(1)(d) of the Undesirable Medical Advertisements Ordinance (Cap. 231) relates to Chinese medicine practitioners registered or listed under the Chinese Medicine Ordinance (Cap. 549))</p> <p>(k) Section 170(a) (other than to the</p>			

<b>Item</b>	<b>Year in which ordinance was enacted</b>	<b>Ordinance</b>	<b>Provisions</b>	<b>Main purpose of the Provisions</b>	<b>Timetable to bring the provisions into operation</b>	<b>Responsible/ Instructing Bureau</b>
			<p>extent that new paragraph (f) of the definition of “clinic” in section 2 of the Medical Clinics Ordinance (Cap. 343) relates to a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549))</p> <p>(l) Section 170(b) (other than in respect of new paragraph (c) of the definition of “medical treatment” in</p>			



Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
			<p>section 2 of the Medical Clinics Ordinance (Cap. 343), and new paragraph (d) of that definition but only to the extent it relates to a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549))</p>			
3	2000	17 of 2000 International Organizations (Privileges and Immunities) Ordinance	Sections 6(a), 7(a), 9(a), 10, 11, 12 and 13	The provisions seek to repeal those provisions of International Organizations and Diplomatic Privileges Ordinance (IODPO)	In respect of those international organizations covered by the notifications under the IODPO (Cap. 190), new orders will be made under	Admin Wing

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
		(Cap. 558)		(Cap. 190) which deal with privileges and immunities notifications in respect of international organizations.	<p>the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) as and when additional privileges and immunities are granted to them in accordance with international agreements concluded by the HKSAR or applied to the HKSAR by the Central People's Government.</p> <p>The legislative intent and the very design of Cap. 558 is that upon the making of these new orders, the relevant notifications under the IODPO will be repealed. The remaining provisions of Cap. 558 will be</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
					brought into operation after all existing notifications under the IODPO are repealed.	
4	2000	69 of 2000 Building Management (Amendment) Ordinance 2000	Sections 10(a) and 12	The provisions seek to impose a requirement on owners' corporations (OCs) to procure third party risks insurance in relation to the common parts of the building and the property of the OCs.	The provisions will come into operation in January 2011.	HAB
5	2002	4 of 2002 Dangerous Goods (Amendment) Ordinance 2002	The Ordinance	The Ordinance seeks to improve the regulatory framework of dangerous goods and bring it in line with commonly adopted	SB will bring the Ordinance into operation upon the passage of the relevant subsidiary legislation, which will be tabled in LegCo for	SB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
				international standards.	scrutiny in the 2010-11 legislative session.	
6	2002	27 of 2002 United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)	Sections 5, 6, 8, 13, 14(2) and (3), 15, 17 and 18, and sections 3 and 14(1) (in so far as they relate to section 8).	The provisions seek to provide for the specification of terrorists/ terrorist associates/ terrorist property not designated by the United Nations, freezing and forfeiture of terrorist property and law enforcement powers under the Ordinance.	SB will table the relevant commencement notice in LegCo after the summer recess. SB intends to bring the provisions into operation in early 2011.	SB
7	2004	21 of 2004 United Nations (Anti-Terrorism Measures) (Amendment) Ordinance 2004	(a) Sections 5, 7, 12, 13, 14(1), 15, 16, 17, 18, 21(2) and 23 (b) Section 14(3) in so far as it relates to the addition of section 14(7E),	Ditto.	Ditto.	SB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
			<p>(7F), (7G), (7H), (7I) and (7J) of the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575)</p> <p>(c) Section 21(1) in so far as it relates to sections 5, 6, 13, 17 and 18 of the United Nations (Anti-Terrorism Measures) Ordinance</p>			
8	2004	29 of 2004 Human Organ Transplant (Amendment)	Section 3, 4(a) & (b), 4(c) (in relation to the definition of “Appeal Board”), 5, 7 (except	The provisions seek to provide for an exemption mechanism for certain organ	FHB will bring the provisions into operation upon the passage of the relevant subsidiary	FHB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
		Ordinance 2004	in relation to the new sections 3A, 3B and 3C), 8, 9, 10, 11, 12 (except in relation to the new section 9), 13, 16, 17, 18, 19, 20, 21 and 22	products from the prohibition of commercial dealings in human organs intended for transplant under the Human Organ Transplant Ordinance (Cap. 465).	legislation, which will be tabled in LegCo for scrutiny in the 2010-11 legislative session.	
9	2005	1 of 2005 Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005	Sections 2(b), 11, 12, 14(a) and (b)(i) and 20	The provisions seek to give effect to the 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (Protocol) of the International Maritime Organization.	THB will bring the provisions concerned into operation once the notification procedures to the International Maritime Organization on the implementation of the Protocol have been completed.	THB
10	2005	16 of 2005 Undesirable Medical Advertisements	Sections 2, 3, 4, 5, 6, 7, 8, 10 and 12	The provisions seek to extend the prohibition of undesirable health claims in	FHB will bring the provisions into operation about 6 months after section 119 of the Chinese	FHB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
		(Amendment) Ordinance 2005		advertisements to all orally consumed products, except those customarily consumed as food or drink.	Medicine Ordinance (Cap. 549) is in operation (see item 2 above).	
11	2006	6 of 2006 Waste Disposal (Amendment) Ordinance 2006	Sections 2, 3, 4(b), 5, 6, 14, 15, 20, 21 and 24 (in so far as it relates to the new Schedule 8)	The provisions seek to bring "clinical waste" under the purview of Waste Disposal Ordinance (Cap. 354) and to provide for implementation of the Clinical Waste Control Scheme.	ENB will bring sections 2, 4(b), 14, 15, 20, 21 and 24 (in so far as it relates to the new Schedule 8) into operation in November 2010. The remaining provisions of Waste Disposal (Amendment) Ordinance 2006 will take effect when the Clinical Waste Control Scheme is fully implemented in early 2011.	ENB
12	2006	16 of 2006 Certification for Employee	(a) Section 15 (in so far as it relates to the addition of	Section 10AB(5) of the ECO and section 12AA(4) of the PMCO	LWB will bring the provisions into operation when the relevant sections	LWB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to bring the provisions into operation	Responsible/ Instructing Bureau
		Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006	<p>section 10AB(5) and (10)(e) to the Employees' Compensation Ordinance (Cap. 282)) (ECO)</p> <p>(b) Section 25 (in so far as it relates to the addition of section 12AA(4) and (9)(e) to the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) (PMCO))</p>	<p>govern the reimbursement of medical expenses in respect of proprietary Chinese medicine (pCm) prescribed by registered Chinese medicine practitioners.</p> <p>Section 10AB(10)(e) of the ECO and section 12AA(9)(e) of the PMCO stipulate the requirements on the prescription of pCms.</p>	of the Chinese Medicine Ordinance (Cap. 549) and Chinese Medicine Regulation (Cap. 549F) come into operation (see item 2 above).	



**B. Ordinances to be repealed**

<b>Item</b>	<b>Year in which ordinance was enacted</b>	<b>Ordinance</b>	<b>Provisions</b>	<b>Main purpose of the Provisions</b>	<b>Timetable to repeal the provisions</b>	<b>Responsible/ Instructing Bureau</b>
13	1962	38 of 1962 Boilers and Pressure Vessels Ordinance (Cap. 56)	Sections 19, 20, 21, 31, 49(3) and 50(3)	The provisions seek to govern the safe use of pressurised fuel containers (commonly known as “kerosene stove”).	After taking into account the relevant policy considerations, LWB considers that the provisions are no longer required and can be repealed when an opportunity arises.	LWB
14	1990	51 of 1990 Laws (Loose-leaf Publication) Ordinance 1990	Section 6	Section 6 seeks to repeal section 99 of the Interpretation and General Clauses Ordinance (Cap. 1) which gives statutory authority to the practice of reprinting individual ordinances.	DoJ will repeal section 6 in the context of a bill to give legal status to the electronic database of Hong Kong legislation targeted for introduction into LegCo in the 2010-11 legislative session.	DoJ

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Timetable to repeal the provisions	Responsible/ Instructing Bureau
15	1995	56 of 1995 Wills (Amendment) Ordinance 1995	Sections 8 (new Part IIA) and 10	The provisions seek to implement the Convention Providing a Uniform Law on the Form of an International Will concluded at Washington on 26 October 1973.	After taking into account the relevant policy considerations, HAB considers that the provisions are no longer required and will be repealed when an opportunity arises.	HAB

**C. Ordinances under review**

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
16	1975	55 of 1975 Labour Relations Ordinance (Cap. 55)	Part V	This part seeks to empower the Chief Executive in Council to make a cooling-off period order, where necessary and when there is a clear need, when a major labour dispute is seriously affecting the welfare and livelihood of the public.	When Cap. 55 was passed in 1975, it was decided by the Legislative Council that while Part V of Cap. 55 should be legislated, it should be brought into operation only when there was a clear and publicly recognised need to do so. As there has not been any major labour dispute warranting the imposition of a cooling-off period, Part V of Cap. 55 has not yet been brought into operation. LWB will continue to keep the commencement of Part V under review.	LWB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
17	1988	75 of 1988 Noise Control Ordinance (Cap. 400)	Sections 7, 13(1)(b) and 14(3)	The provisions are “catch-all” type of provisions complementing those noise control-related provisions already in operation, empowering the relevant authority to control noise problems caused by construction work, industrial and commercial activities and noisy products unforeseen during the making of Cap. 400.	These provisions provide the necessary reserve power for the authority to deal with unforeseen circumstances in protecting people from being affected by noise disturbance. Subsidiary legislation is required to be made to supplement the implementation of these provisions. ENB will keep the issues in view and consideration will be given to bringing these sections into operation when there are specific circumstances in which the noise problem could not be adequately addressed under the existing control.	ENB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
18	1994	105 of 1994 Sewage Services Ordinance (Cap. 463)	Section 3(5)	Section 3(5) seeks to empower the Water Authority to increase the amount of water deposit required to pay by a customer with a view to covering any charge due arising from sewage charge.	The Administration has reviewed the amount of water deposit and considered that there is presently no need to increase it in the context of covering the payment arising from sewage charge. Nevertheless, the level of water deposit will be subject to regular review in the context of section 3(5) of the Ordinance. ENB will consider bringing the section into operation as and when the need arises.	ENB
19	1995	18 of 1995 Dumping at Sea Ordinance (Cap. 466)	Part V	Part V of Cap. 466 seeks to control marine pollution arising from maritime works activities related to dumping substances at	All major maritime works that would be covered by Part V are already covered by the Environmental Impact Assessment Ordinance (EIAO)	ENB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
				sea.	(Cap. 499) enacted in 1998. Other maritime works are covered by administrative measures similar to the framework of Cap. 499. ENB will continue to keep under review the need for introducing Part V, taking into account the control already in place under the Cap. 499.	
20	1995	81 of 1995 Personal Data (Privacy) Ordinance (Cap. 486)	Section 33	Section 33 seeks to prohibit a data user from transferring personal data to a place outside Hong Kong except in specified circumstances.	As the commencement of section 33 would have significant implications on the transfer of personal data to places outside Hong Kong, CMAB is working with the Privacy Commissioner for Personal Data (PCPD) in mapping out the way forward, taking into account the relevant	CMAB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
					factors, including the need for consulting stakeholders to assess the readiness of the community for the operation of section 33, the relevant international developments, the need for preparing guidelines to facilitate compliance, and the readiness of the PCPD to gazette places with legislation substantially similar to Cap. 486.	
21	1997	48 of 1997 Estate Agents Ordinance (Cap. 511)	Sections 36, 37 and 44 to 48 (other than for the purposes of the application of those sections to and in relation to any property in Hong Kong used wholly or primarily for human	The provisions seek to provide for the regulation of the day-to-day practices of licensed estate agents in respect of property transactions.	When the legislative proposal was introduced into the Legislative Council, the Administration made clear that the licensing and regulatory system would be introduced in a gradual and planned manner. In line	THB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
			habitation)		<p>with the policy intention, Cap. 511 was brought into operation in stages.</p> <p>Regulatory work on the estate agency practices for residential properties, in particular for uncompleted first-hand residential properties, is the area of primary concern to the public. Priority has therefore been given to regulation of estate agent practices in residential property transactions. THB does not have a definite timetable on extending the provisions to cover local non-residential properties and non-local properties, and will continue to keep in view</p>	



Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
					the issue.	
22	1997	82 of 1997 Nurses Registration (Amendment) Ordinance 1997	Section 5 to 8, 10 to 12, 14 to 19 and 24	The provisions seek to provide the Nursing Council with additional powers relating to the registration and enrolment of nurses, and the better control of nursing.	Subsidiary legislation is required to be made to supplement the implementation of the amended provisions. In addition, some additional amendments to the Nursing Registration Ordinance (Cap. 164) are also required in relation to the enabling provisions of Cap. 164 to make the relevant subsidiary legislation effective. FHB is now considering how to take forward the legislative exercise in the light of the current overall review of the professional statutory bodies in the health sector.	FHB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
23	1997	87 of 1997 Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)	Sections 3, 11 and 15 of Schedule 3	The provisions seek to repeal those provisions on the enforcement of external confiscation orders related to drug trafficking, including those in the Drug Trafficking (Recovering of Proceeds) Ordinance (Cap. 405).	Cap. 525 does not apply to the provision or obtaining of assistance in criminal matters between Hong Kong and any other part of the Mainland. The relevant provisions in Cap. 405 are the only legal means to enforce external confiscation orders for drug cases issued by the Mainland authorities. Before a mutual legal assistance agreement could be concluded with the Mainland, repealing the relevant provisions in Cap. 405 by bringing into operation the provisions of Cap. 525 will render HKSARG unable to enforce an external confiscation order issued	SB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
					by a Mainland authority and will increase the risk of drug money flowing into Hong Kong. SB will continue to keep the provisions under review.	
24	1997	89 of 1997 Crimes (Amendment) (No. 2) Ordinance 1997	The Ordinance	<p>Apart from the adaptation and technical amendments, the Ordinance 1997 makes two substantive changes to the Crimes Ordinance :</p> <p>(a) deletion of treasonable offences, but leaving intact the offence of treason; and</p> <p>(b) qualifying the offence of sedition</p>	<p>The Crimes (Amendment) (No. 2) Ordinance 1997 deals with treason and sedition, but does not address secession and subversion as required under Article 23 of the Basic Law (BL23). Offences under the Crimes (Amendment) (No. 2) Ordinance 1997 should preferably be dealt with in the context of BL23 legislation, although there is no specific timetable for the latter.</p>	SB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
				by including the element of “intention of causing violence of creating public disorder or a public disturbance”.		
25	1997	94 of 1997 Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997	Sections 2 to 6, 15 and 21 (in respect of sections 1, 5 and 6 of Schedule 2 only)	The provisions relate to the establishment of solicitor corporations and foreign lawyer corporations as practice entities.	The Law Society is empowered under S73(1)(a)(i) of the Legal Practitioners Ordinance (Cap. 159) to prepare rules relating to the establishment of solicitors corporations and foreign lawyers corporations. The Law Society is now working on the draft rules in consultation with DoJ and other stakeholders including the Judiciary. The Provisions will be	DoJ

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
					brought into force after completion of the relevant rules.	
26	2000	47 of 2000 Human Reproductive Technology Ordinance (Cap. 561)	Section 33(4)(a)	Section 33(4) provides that an adult may enquire with the Council of Human Reproductive Technology (the Council) whether he was born out of reproductive technology procedures through donated gametes. Section 33(4)(a) provides that, apart from the information already prescribed in the Ordinance, the Secretary for Food and Health may also	FHB and the Council on Human Reproductive Technology consider that no additional information other than those already prescribed by the Ordinance is required at this stage because it takes 16 years for a person who was born out of reproductive technology procedures through donated gametes to become an adult and, thus, can make request for information. FHB will consider if any regulation has to be made at a later stage as and when changes in societal circumstances	FHB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
				prescribe by regulations other information concerning the gamete donors that the adult may ask from the Council.	warrants it.	
27	2000	56 of 2000 Adaptation of Laws (No. 9) Ordinance 2000	Sections 9 and 10 of Schedule 1	The provisions seek to replace “Governor” and “Governor in Council” with “Chief Executive” and “Chief Executive in Council” respectively in sections 35 and 36 of the Labour Relations Ordinance (Cap. 55).	The provisions will be brought into operation when sections 35 and 36 of Cap. 55 commence (see item 16 above).	LWB
28	2003	14 of 2003 Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003	Sections 2 and 3	Section 2 of this Ordinance amends section 6 of the Legal Practitioners Ordinance (Cap. 159) to provide that the Law Society	On section 2, the Law Society would like to allow more time for the mandatory Risk Management Education (RME) requirements,	DoJ

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
				<p>may require an applicant for the first issue of a solicitor's practising certificate to have successfully completed a mandatory course in practice management provided or approved by the Law Society.</p> <p>Section 3 relates to the establishment of solicitor corporations and foreign lawyer corporations as practice entities.</p>	<p>which are implemented in phases, to settle in with the profession before proceeding with another set of mandatory programme. The Law Society considers that section 2 should not take effect until the mandatory practice management course is in place.</p> <p>Section 3 will come into operation when section 4 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 commences (see item 25 above).</p>	
29	2003	23 of 2003 Evidence (Miscellaneous	Sections 12 to 19, 23 and 24	The provisions amend several ordinances to provide, among others,	DoJ has obtained approval in principle from the relevant authorities on the	DoJ

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
		Amendments) Ordinance 2003		that in criminal proceedings, a witness outside Hong Kong may give evidence to the court via live TV link; and a court or tribunal outside Hong Kong may obtain evidence by the examination of a witness in Hong Kong via live TV link.	requisite subsidiary legislation, namely the Live Television Link (Witnesses Outside Hong Kong) Rules; and the Rules of the High Court (Amendment) Rules for bringing the outstanding provisions into operation. DoJ consulted the Bar Association and the Law Society in early November 2009 on the Rules. Whilst the Bar Association has confirmed it has no further comments, the Law Society has raised a number of questions on the Rules in February 2010. DoJ is presently reviewing those questions and will liaise with the Law Society further before seeking final approval of the Rules from	



Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
					the relevant authorities.	
30	2004	18 of 2004 Construction Workers Registration Ordinance (Cap. 583)	<p>(a) Section 3(2), (3) and (4)</p> <p>(b) Section 4</p> <p>(c) Section 5 (in so far as it relates to employing a person to personally carry out on a construction site construction work in contravention of sections 3(2), (3) or (4))</p> <p>(d) Section 6(1) (in so far as it relates to the contravention of sections 3(2), (3) or (4))</p>	The provisions stipulate the requirement of registration of construction workers and related matters.	<p>A phased approach has been adopted to implement the provisions in the Construction Workers Registration Ordinance. The first phase covering most of the provisions of the Ordinance was implemented in 2007.</p> <p>As regards the remaining phases, several issues, such as difficulties encountered by some workers to register against specific trades, scope of applicability of the Ordinance and small number of registered workers in some trades, have been identified affecting the</p>	DEVB

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
			<p>(e) Section 6(2) (in so far as it relates to the contravention of section 5 (to the extent that it is in operation under paragraph (c)))</p> <p>(f) Section 6(4)(in so far as it relates to the contravention of sections 3(2), (3) or (4) or the contravention of section 5 (to the extent that it is in operation under paragraph (c)))</p> <p>(g) Sections 6(8)(b), (c) and (d)</p> <p>(h) Sections 48(1)(b), (c) and (d)</p>		<p>implementation of the remaining provisions. In view of these issues, the Construction Workers Registration Authority (established under the Ordinance for the administration of the Ordinance comprising representatives from government and key stakeholders of the construction industry) deliberated in December 2009 and agreed that the implementation of the remaining provisions should not commence until these issues have been resolved through suitable legislative amendments to the Ordinance. DEVB is now working with the</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reasons for not having brought the provisions into operation	Responsible/ Instructing Bureau
					Authority in a comprehensive review on the relevant provisions of the Ordinance to facilitate the implementation of the remaining phases.	
31	2004	26 of 2004 Land Titles Ordinance (Cap. 585)	The Ordinance	The Ordinance seeks to introduce a system for registration of title to land in place of the deeds registration system now operating under the Land Registration Ordinance (Cap 128).	DEVB is discussing with the Legislative Council Joint Subcommittee on Amendments to Cap. 585 and the relevant stakeholders regarding some legal and policy issues on the implementation of the land title registration system under the Ordinance.	DEVB