

# A BILL

## To

Provide for the establishment of an electronic database of legislation and approval of a website on which the information in the database may be published and accessed; to give legal status to copies of the legislation published on an approved website; to provide for powers to make editorial amendments and revisions to Ordinances; to provide for additional editorial powers for preparation of the loose-leaf edition of the Laws of Hong Kong; to provide for related matters; and to make consequential amendments.

Enacted by the Legislative Council.

### Part 1

#### Preliminary

##### 1. Short title and commencement

- (1) This Ordinance may be cited as the Legislation Publication Ordinance.
- (2) Subject to subsection (3), this Ordinance comes into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.
- (3) This Part, Part 4 and Part 6, Division 1, Division 2 (except section 26), Division 4 (except sections 28 and 29) and Division 5 come into operation on the day on which this Ordinance is published in the Gazette.

##### 2. Interpretation

- (1) In this Ordinance—

*approved website* (認可網站) means a website approved under section 3(b);

~~*as-made Ordinance* (原版條例) means an Ordinance as originally enacted or made;~~

~~*authenticated copy* (經認證文本) see section 5(1);~~

~~*consolidated copyversion* (編訂文版本), in relation to an Ordinance, means a copyversion of the Ordinance showing its text as amended by that has incorporated all permitted amendments in forethat have taken effect as at a date specified in the copy particular time on a particular date;~~

*database* (資料庫) means the electronic database of the legislation applying in Hong Kong established under section 3(a);

*database instrument* (資料庫文書) means an Ordinance, the Basic Law, a national law applying in Hong Kong or an item of materials or information referred to in section 4(2)(c);

*editorial amendment* (編輯修訂) means an amendment to an Ordinance made under section 12(1) or (2);

*gazetted copy* (刊憲文本), in relation to an Ordinance, means a copy of the Ordinance as originally enacted or made, and published in the Gazette;

*official verification mark* (官方核證標記) means a symbol, word or statement, or a combination of any of them, specified by the Law Draftsman on an approved website for the purposes of Part 2;

*permitted amendment* (許可修訂), in relation to an Ordinance, means—

- (a) an amendment to the Ordinance made by another Ordinance;
- (b) an editorial amendment to the Ordinance; or
- (c) an amendment to the Ordinance made under section 2(2)(b), (d) or (e) 2A(1) of the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990);

verified copy (經核證文本)— see section 4A(1).

- (2) In this Ordinance, a reference to a database instrument as at a date specified in a copy or reproduction of a copy of the instrument includes, if a time on that date is specified in the copy or reproduction, a reference to the instrument as at that time on that date.

## Part 2

### Database of Legislation

#### 3. Establishment of database

The Secretary for Justice may—

- (a) establish and maintain an electronic database of the legislation applying in Hong Kong; and
- (b) approve a website on which the information in the database may be published and accessed.

#### 4. Contents of database

(1) The database is to contain—

- (a) consolidated ~~versions~~ copies of Ordinances that have been given chapter numbers under section 11(a);
- (aa) gazetted copies of Ordinances published in the Gazette on or after the date on which this Part comes into operation;
- (ab) the Basic Law;
- (b) national laws applying in Hong Kong; and
- (c) the record of editorial amendments compiled under section 15.

(2) The database may also contain—

- (a) bills to be introduced or introduced into the Legislative Council; and
- (b) ~~as-made Ordinances;~~ and
- (c) ~~other legislation;~~ materials and information that the Secretary for Justice considers useful to users of an approved website.

**4A. Status of verified copies of database instruments**

- (1) A copy of a database instrument—
- (a) that is published on or printed directly from an approved website; and
  - (b) that bears an official verification mark,
- is a verified copy of the instrument.
- (2) A verified copy of a database instrument is presumed, unless the contrary is proved, to correctly state the instrument as at the date specified in the copy.

**5. Status of authenticated copies of Ordinances**

- (1) A copy of an Ordinance is an authenticated copy of the Ordinance as at a particular time on a particular date if the copy is—
- (a) published on an approved website; and
  - (b) certified by the Law Draftsman to be the consolidated version of the Ordinance as at that time on that date.
- (2) An authenticated copy of an Ordinance as at a particular time on a particular date is presumed, unless the contrary is proved, to correctly state the Ordinance as at that time on that date.

**6. Status of copies of national laws published on approved website**

~~A copy of a national law applying in Hong Kong, as published on an approved website, is presumed, unless the contrary is proved, to correctly state the national law.~~

**7. Status of copies of as-made Ordinances published on approved website**

~~A copy of an as-made Ordinance, as published on an approved website, is presumed, unless the contrary is proved, to correctly state the Ordinance.~~

**8. Status of copies of other legislation published on approved website**

~~A copy of an item of legislation referred to in section 4(2)(c), as published on an approved website, is presumed, unless the contrary is proved, to correctly state the item of legislation.~~

**9. Publication of booklets of Ordinances**

- (1) ~~The Secretary for Justice may cause an authenticated copy of any Ordinance to be published in the form of a booklet.~~
- (2) ~~If a booklet of an authenticated copy of an Ordinance as at a particular time on a particular date published under subsection (1) contains the information and statement specified in subsection (3), the booklet is presumed, unless the contrary is proved, to correctly state the Ordinance as at that time on that date.~~
- (3) ~~The information and statement are—~~
- (a) ~~the particular time and date; and~~
  - (b) ~~a statement that the booklet is published under this section.~~

**10. Evidential provisions**

- (1) A website purporting to be an approved website is presumed, unless the contrary is proved, to be an approved website.
- (2) A document purporting to be ~~an authenticated a verified copy of an a database instrument~~ Ordinance as at a particular time on a particular date is presumed, unless the contrary is proved, to be ~~an authenticated a verified copy of the instrument~~ Ordinance as at that time on that date.
- (3) A document purporting to be a copy of a national law applying in Hong Kong published on an approved website is presumed, unless the contrary is proved, to be a copy of the national law so published.

- ~~(4) A document purporting to be a copy of an as made Ordinance published on an approved website is presumed, unless the contrary is proved, to be a copy of the Ordinance so published.~~
- ~~(5) A document purporting to be a copy of an item of legislation referred to in section 4(2)(c) published on an approved website is presumed, unless the contrary is proved, to be a copy of the item of legislation so published.~~
- ~~(6) A document purporting—~~
- ~~— (a) to be a booklet of a copy of an Ordinance published under section 9(1); and~~
- ~~— (b) to contain the information and statement specified in section 9(3);~~
- ~~is presumed, unless the contrary is proved, to be a booklet of an authenticated copy of the Ordinance so published.~~

## Part 2A

### Reproduction of Verified Copies of Database instruments

#### 10A. Interpretation

In this Part—

official booklet (官方單行本) means a booklet published under section 10B(1);

official storage medium (官方儲存器) means a storage medium published under section 10C(1);

storage medium (儲存器) means a medium—

- (a) in which electronic data relating to verified copies of database instruments are stored; and
- (b) from which verified copies of database instruments are capable of being reproduced.

#### 10B. Publication of official booklets

- (1) The Secretary for Justice may cause reproductions of verified copies of database instruments to be published in the form of booklets.
- (2) A reproduction of a verified copy of a database instrument contained in an official booklet is presumed, unless the contrary is proved, to correctly state the instrument as at the date specified in the reproduction.

#### 10C. Publication of official storage media

- (1) The Secretary for Justice may cause storage media to be published.
- (2) An electronic or printed reproduction of a verified copy of a database instrument accessed or printed directly from an

official storage medium is presumed, unless the contrary is proved, to correctly state the instrument as at the date specified in the reproduction.

#### **10D. Evidential provisions**

- (1) A document purporting to be a reproduction of a verified copy of a database instrument contained in an official booklet is presumed, unless the contrary is proved, to be such a reproduction.
- (2) A document purporting to be an electronic or printed reproduction of a verified copy of a database instrument accessed or printed directly from an official storage medium is presumed, unless the contrary is proved, to be such a reproduction.

## **Part 3**

### **Editorial Amendments and Record**

#### **Division 1**

#### **Editorial Powers**

##### **11. Powers to give chapter numbers etc.**

The Secretary for Justice may—

- (a) give a chapter number to an Ordinance and alter the short title or citation of the Ordinance; and
- (b) in the database, arrange the grouping and sequence of database instruments, Ordinances, national laws applying in Hong Kong, and other legislation contained in it.

##### **12. Powers to make editorial amendments**

~~(1) The Secretary for Justice may, in an Ordinance—~~

- ~~(aa) replace a reference to the short title or citation of another Ordinance that has been altered under section 11(a), by the altered short title or citation;~~
- (a) correct a grammatical, clerical or typographical error, or an error of a similar nature;
- (b) replace a reference to a date in the form of a description by the actual calendar date;
- (c) if it is necessary or expedient to do so, renumber provisions;
- (d) change the way of referring to or expressing a number, year, date, time, amount of money, penalty, quantity, or measurement or provision;

(e) alter the text of a provision to ~~give effect to~~reflect an amendment to the provision deemed to have been made by another provision under which the provision is deemed to be amended in a manner as specified in that other provision;

(f) replace a word or expression indicating gender or that could be taken to indicate gender to a gender neutral word or expression;

~~—(g) omit—~~

~~—(i) any the enacting, expired or spent provision; and~~

~~—(ii) any word, expression or provision that has expired, the operation of which is exhausted or spent or that is otherwise obsolete or redundant;~~

(h) amend the heading of a provision or a group of provisions to reflect the contents of the provision or the group of provisions;

(i) change the sequence of definitions, or of unnumbered items in a list or schedule;

~~—(ia) insert, after an item in a list appearing in the text of one official language, the equivalent of that item in the other official language;~~

(j) change the format, layout, printing style or any other presentational aspect; or

(k) make an amendment that is consequential on any amendment made under this section (other than this paragraph).

~~—(2) The Secretary for Justice may, in any item of subsidiary legislation, replace a general reference to another item of subsidiary legislation by—~~

~~—(a) the title or citation of that other item of subsidiary legislation;~~

~~—(b) its number among the subsidiary legislation of the year in which it was made; or~~

~~—(c) the chapter number given to it under section 11(a).~~

### 13. Editorial amendments not to change legal effect of Ordinances

Section 12 does not permit any editorial amendment that would change the legal effect of any Ordinance.

### 14. Effect of editorial amendments

(1) Subject to section 16, ~~a~~An Ordinance that is amended under section 12 has effect for all purposes, on and after the publication date, as if the amendment had been made by another Ordinance that commenced on the publication date.

(2) A copy of the amended Ordinance, as published on an approved website, must indicate in a suitable place the fact that it has been amended under section 12.

(3) In this section—

*publication date* (發布日期), in relation to an Ordinance amended under section 12, means the date on which a consolidated ~~version~~ copy of the Ordinance showing the amendment in its text that has incorporated the amendment is first published on an approved website.

## Division 2

### Record of Editorial Amendments

### 15. Secretary for Justice to compile record of editorial amendments

(1) The Secretary for Justice must compile a record containing—

- descriptions of editorial amendments made;
- the time and date on which each description of editorial amendments is entered in the record; and

- (c) other information that the Secretary for Justice considers useful to users of the record.
- (2) The record is to be kept in a form that the Secretary for Justice considers appropriate.

**16. Editorial amendments without effect if not contained in record**

An editorial amendment does not have effect unless the information relating to it as specified in section 15(1)(a) and (b) is contained in the record compiled under section 15.

**Part 4****Revisions to Ordinances****17. Powers to make revisions**

The Secretary for Justice may, by order in the Gazette—

- (a) make an alteration~~amendment~~ to an Ordinance for the purpose of securing ~~consistency~~-uniformity in expression within the Ordinance or with another Ordinance;
- (b) alter the form or arrangement of a section of an Ordinance, by transferring words, by combining it in whole or in part with another section or other sections of the Ordinance or by dividing it into subsections;
- (c) transfer a saving or transitional provision in an Ordinance to another Ordinance to which that provision ~~more properly belongs~~relates;
- (d) ~~divide~~organize the provisions of an Ordinance into, and assign numbers and headings to, groups of provisions, without changing the sequence of those provisions~~parts or divisions~~;
- ~~(da)~~ amend the heading of a provision or a group of provisions in an Ordinance to reflect the contents of the provision or the group of provisions;
- (e) if the name, title, location or address of a department, office, officer or place has changed, make an alteration to that name, title, location or address appearing in an Ordinance to reflect the change; ~~and~~
- ~~(ea)~~ amend an Ordinance to effect the replacement of a reference to a date in the form of a description by the actual calendar date;
- ~~(eb)~~ amend an Ordinance to effect the replacement of a general reference to another Ordinance by—

- (i) the short title or citation of that Ordinance;
- (ii) its number among the Ordinances of the year in which it was made; or
- (iii) the chapter number given to it under section 11(a);
- (ec) replace a word or expression in an Ordinance indicating gender or that could be taken to indicate gender by a gender-neutral word or expression;
- (ed) amend an Ordinance to change the way of referring to a provision; and
- (f) make an amendment to any Ordinance that is consequential on any amendment made under this section (other than this paragraph).

**18. Commencement of revision order**

An order made under section 17 is not to come into operation before the expiry of the period within which a resolution providing for the amendment of the order may be passed in accordance with section 34 of the Interpretation and General Clauses Ordinance (Cap. 1).

**Part 5****Additional Editorial Powers for Loose-leaf Edition****19. Laws (Loose-leaf Publication) Ordinance 1990 amended**

The Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) is amended as set out in sections 20 and 21.

**20. Section 2 amended (Publication of Ordinances, etc. in a loose-leaf edition)**

(1) Section 2—

**Repeal subsection (2)****Substitute**

“(2) The Secretary for Justice may in the loose-leaf edition—

      (a) give a chapter number to an Ordinance and alter the short title or citation of the Ordinance; and

      (b) arrange the grouping and sequence of legislation.”

(2) Section 2—

**Repeal subsection (7).**

(+)~~Section 2(2), Chinese text—~~

**Repeal paragraph (a)****Substitute**

“(a) 將法例按類集合及編排序列；”

(2) Section 2(2)(b)—

**Repeal**

“appears; and”

**Substitute**

“appears;”

(3) Section 2(2)(e)—



**Repeal the full stop****Substitute a semicolon.**~~(4) After section 2(2)(c) —~~**Add**~~“(d) change the sequence of definitions, or of items in a list or schedule, in any Ordinance; and~~~~(e) make editorial changes to the format, layout, printing style or any other presentational aspect of any Ordinance.”.~~~~(5) Section 2 —~~**Repeal subsection (7)****Substitute**~~“(7) If —~~~~(a) the short title or citation of an Ordinance is altered under subsection (2)(b), and any provision of any Ordinance is altered accordingly under that subsection;~~~~(b) the sequence of definitions, or of items in a list or schedule, in any Ordinance is changed under subsection (2)(d); or~~~~(c) an editorial change is made to any Ordinance under subsection (2)(e);~~~~the altered provision or changed Ordinance has effect for all purposes as if the alteration or change had been made by another Ordinance.”.~~**20A. Sections 2A and 2B added**

After section 2 —

**Add****“2A Power to make editorial amendments**~~(1) The Secretary for Justice may, in the loose-leaf edition—~~~~(a) replace a reference to the short title or citation of another Ordinance that has been altered under section 2(2)(a), by the altered short title or citation;~~~~(b) correct a grammatical, clerical or typographical error;~~~~(c) change the way of referring to or expressing a number, year, date, time, amount of money, quantity or measurement;~~~~(d) alter the text of a provision to reflect an amendment to the provision deemed to have been made by another provision;~~~~(e) omit any enacting, expired or spent provision;~~~~(f) change the sequence of definitions, or of unnumbered items in a list;~~~~(g) insert, after an item in a list appearing in the text of one official language, the equivalent of that item in the other official language;~~~~(h) change the format, layout, printing style or any other presentational aspect; and~~~~(i) make an amendment that is consequential on any amendment made under this subsection (other than this paragraph).~~~~(2) Subsection (1) does not permit any amendment that would change the legal effect of any Ordinance.~~~~(3) An Ordinance amended under subsection (1), as published in the loose-leaf edition, must indicate in a suitable place the fact that it has been amended under subsection (1).~~

**2B. Record of editorial amendments**

- (1) The Secretary for Justice must compile a record containing –
- (a) descriptions of editorial amendments made; and
  - (b) other information that the Secretary for Justice considers useful to users of the record.
- (2) The record is to be published—
- (a) in the loose-leaf edition; and
  - (b) in a form that the Secretary for Justice considers appropriate.
- (3) An Ordinance that is amended under section 2A(1) has effect for all purposes, on and after the effective date of the editorial amendment, as if the amendment had been made by another Ordinance that commenced on that date.
- (4) The effective date of an editorial amendment—
- (a) must not be a date which is earlier than the date on which the record containing a description of the amendment, as specified in subsection (1)(a), is first published under subsection (2); and
  - (b) must be specified in the record.
- (5) In this section –
- editorial amendment* (編輯修訂) means an amendment to an Ordinance made under section 2A(1).

**21. Section 3A added**

After section 3—

**Add****“3A. Omission of Ordinances**

- (1) The Secretary for Justice may omit an ~~authenticated~~ verified Ordinance from the loose-leaf edition.
- (2) ~~For the purposes of subsection (1), an Ordinance is authenticated if a copy of the Ordinance, as published on an approved website, is certified by the Law Draftsman to be the consolidated version of the Ordinance as at a particular time on a particular date.~~
- (2) For the purposes of subsection (1), an Ordinance is verified if a consolidated copy of the Ordinance, as published on an approved website, bears an official verification mark.
- (3) In this section—
- approved website* (認可網站) has the meaning given by section 2 of the Legislation Publication Ordinance ( of 2011);
- consolidated copyversion* (編訂文版本) has the meaning given by section 2 of the Legislation Publication Ordinance ( of 2011);
- official verification mark* (官方核證標記) has the meaning given by section 2 of the Legislation Publication Ordinance (... of 2011).”

**Part 6****Repeals and Consequential Amendments****Division 1****Enactments Amended****22. Enactments amended**

The enactments specified in Divisions 2, 3, 4, 5 and 6 are amended as set out in those Divisions.

**Division 2****Amendments to Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990)****23. Section 1 heading amended**

Section 1, heading—

**Repeal**

“Short title and commencement”

**Substitute**

“Short title”.

**24. Section 1 amended (Short title)**

Section 1—

**Repeal subsection (2).****25. Section 6 repealed (Reprint of Ordinances)**

Section 6—

**Repeal the section.****26. Laws (Loose-leaf Publication) Ordinance 1990 repealed**

The Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990)—  
**Repeal the Ordinance.**

**Division 3****Amendment to Revised Edition of the Laws Ordinance 1965 (53 of 1965)****27. Revised Edition of the Laws Ordinance 1965 repealed**

The Revised Edition of the Laws Ordinance 1965 (53 of 1965)—  
**Repeal the Ordinance.**

**Division 4****Amendments to Interpretation and General Clauses Ordinance (Cap. 1)****28. Section 13 amended (Citation of Ordinance)**

Section 13(1)—

**Repeal paragraph (c)****Substitute**

“(c) any chapter number lawfully given to it under the authority of—

(i) ~~any Ordinance providing for the issue of a revised or other edition of the laws of Hong Kong; or~~

(ii) the Legislation Publication Ordinance ( of 2011)  
or

(ii) any other Ordinance providing for the issue of a revised or other edition of the laws of Hong Kong.”.

29. **Section 98A repealed (Rectification of errors)**  
Section 98A—  
**Repeal the section.**
30. **Section 98B repealed (Power to substitute dates)**  
Section 98B—  
**Repeal the section.**
31. **Section 98C repealed (Power to substitute title of subsidiary legislation)**  
Section 98C—  
**Repeal the section.**
32. **Section 99 repealed (Reprint of Ordinances)**  
Section 99—  
**Repeal the section.**

### Division 5

#### Amendments to Official Languages Ordinance (Cap. 5)

33. **Section 4B amended (Publication in an official language of the text of an existing law enacted in the other)**  
Section 4B—  
**Repeal subsections (2) and (3).**
34. **Section 4D repealed (Secretary for Justice's power to achieve consistency)**  
Section 4D—  
**Repeal the section.**

### Division 6

#### Amendment to Criminal Procedure Ordinance (Cap. 221)

35. **Section 113C amended (Provision for fines for offences)**  
Section 113C—  
**Repeal subsection (5).**
-