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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 22 June 2011

Legislation Publication Bill

Committee stage amendments

The Second Reading debate on the above Bill will be resumed at the Council meeting of 22 June 2011. Subject to the Bill receiving a Second Reading, the President has given permission for the Secretary for Justice to move amendments to the Bill at its Committee stage.

2. As directed by the President, the amendments are attached for Members' consideration.

(Ms Jessica CHAN)
for Clerk to the Legislative Council

Encl.

Legislation Publication Bill

Committee Stage

Amendments to be moved by the Secretary for Justice

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting “This” and substituting “Subject to subsection (3), this”.
1	By adding— “(3) This Part, Part 4 and Division 1, Division 2 (except section 26), Division 4 (except sections 28 and 29) and Division 5 of Part 6 come into operation on the day on which this Ordinance is published in the Gazette.”.
2	By deleting the clause and substituting— “2. Interpretation (1) In this Ordinance— <i>approved website</i> (認可網站) means a website approved under section 3(b);

consolidated copy (編訂文本), in relation to an Ordinance, means a copy of the Ordinance showing its text as amended by all permitted amendments that have taken effect as at a date specified in the copy;

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;

gazetted copy (刊憲文本), in relation to an Ordinance, means a copy of the Ordinance as originally enacted or made, and published in the Gazette;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

4(1)(a) By deleting “versions” and substituting “copies”.

4(1) By adding—

“(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;”.

4(2)(a) By adding “and” at the end.

4(2) By deleting paragraph (b).

4(2)(c) By deleting “legislation,”.

New By adding—

“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 to 9 By deleting the clauses.

10 By deleting subclauses (2) to (6) and substituting—

“(2) A document purporting to be a verified copy of a database instrument is presumed, unless the contrary is proved, to be a verified copy of the instrument.”.

New By adding immediately after clause 10—

“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.”.

11 By deleting everything after “may” and substituting—

“—

- (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.”.

12 By deleting the clause and substituting—

“12. Powers to make editorial amendments

The Secretary for Justice may, in an Ordinance—

- (a) 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;
- (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 section (other than this paragraph).”.

14(1) By deleting “An” and substituting “Subject to section 16, an”.

14(3) In the definition of *publication date*, by deleting “version of the Ordinance that has incorporated the amendment” and substituting “copy of the Ordinance showing the amendment in its text”.

17 By deleting paragraphs (a) to (f) and substituting—

“(a) make an alteration to an Ordinance for the purpose of securing 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 relates;
 - (d) organize the provisions of an Ordinance into, and assign numbers and headings to, groups of provisions, without changing the sequence of those provisions;
 - (e) 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;
 - (f) 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;
 - (g) amend an Ordinance to effect the replacement of a reference to a date in the form of a description by the actual calendar date;
 - (h) amend an Ordinance to effect the replacement of a general reference to another Ordinance by—
 - (i) the short title or citation of that other Ordinance;
 - (ii) its number among the Ordinances of the year in

which it was enacted or made; or

(iii) the chapter number given to it under section 11(a);

(i) 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;

(j) amend an Ordinance to change the way of referring to a provision; and

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

19 By adding “, 20A” after “20”.

20 By deleting subclauses (1) to (5) and substituting—

“(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).”.

New By adding—

“20A. Sections 2A and 2B added

After section 2—

Add

“2A. Power to make editorial amendments

(1) The Secretary for Justice may, in an Ordinance published 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 By deleting the proposed section 3A(1) and (2) and substituting—
- “(1) The Secretary for Justice may omit a verified Ordinance from the loose-leaf edition.
 - (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.”.
- 21 In the proposed section 3A(3), in the definition of *approved website*, by deleting “section 2” and substituting “section 2(1)”.
- 21 In the proposed section 3A(3), in the definition of *consolidated version*—
- (a) by deleting “*version* (編訂版本)” and substituting “*copy* (編訂文本)”;
 - (b) by deleting “section 2” and substituting “section 2(1)”;
 - (c) in the English text, by deleting the full stop and substituting a semicolon.
- 21 In the proposed section 3A(3), by adding—
- “*official verification mark* (官方核證標記) has the meaning given by section 2(1) of the Legislation Publication

Ordinance (of 2011).”.

Part 6, heading By adding **“Repeals and”** before **“Consequential Amendments”**.

28 In the proposed section 13(1)(c), by deleting subparagraphs (i) and (ii) and substituting—

- “(i) 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.”.