

**立法會**  
**Legislative Council**

LC Paper No. LS3/10-11

**Paper for the House Committee Meeting on 22 October 2010**

**Legal Service Division Report on  
Legislation Publication Bill**

**I. SUMMARY**

1. **Objects of the Bill**
  - (a) To establish an electronic database of legislation and an approved website for its publication and to treat such published legislation as authenticated copies of Ordinances; and
  - (b) To provide for editorial and law revision powers for the making of minor amendments to Ordinances.
  
2. **Comments**

The provision of authentic copies of Ordinances on an approved website is intended by the Administration to improve access to the law by making available an updated, reliable and searchable online consolidated legislation database with a legal status.

The present on-line legislation database (the Bilingual Laws Information System) and the Loose-leaf Edition of the Laws of Hong Kong now maintained by the Department of Justice have different limitations. There will be a gradual migration of the latter to the proposed new electronic database.

The Bill also takes the opportunity to confer on the Secretary for Justice additional powers to make editorial changes and minor revision to the Ordinances for the purpose of improving their presentation and user-friendliness.
  
3. **Public Consultation**

The Law Society and Bar Association have been briefed on the proposed new format and styles for legislation and the proposal relating to access of legislation and database and informed of the legislative proposal at various times in 2009 and 2010.
  
4. **Consultation with LegCo Panel**

The Panel on Administration of Justice and Legal Services was briefed on and expressed support for the modernized format and styles of legislation and the proposed electronic database in December 2009 and April 2010. Members also expressed some concerns and received assurances by the Administration in allaying their concerns.
  
5. **Conclusion**

The Bill makes important changes to the authentication, consolidation, presentation and publication of Ordinances and their accessibility. Members may wish to form a Bills Committee to study these changes in greater detail.

## **II. REPORT**

### **Objects of the Bill**

- (a) To establish an electronic database of legislation and an approved website for its publication and to treat such published legislation as authenticated copies of Ordinances; and
- (b) To provide for editorial and law revision powers for the making of minor amendments to Ordinances.

### **LegCo Brief Reference**

- 2. LDT 6064/IC issued by the Department of Justice on 5 October 2010.

### **Date of First Reading**

- 3. 20 October 2010.

### **Comments**

4. At present, legislation as made is published in the Government Gazette and deemed to be authentic as so published. To facilitate public access, all the Ordinances in force are published in a consolidated form in the Loose-Leaf Edition of the Laws of Hong Kong in accordance with the Laws (Loose-leaf Publication) Ordinance 1990 and updated in June and November each year. An on-line legislation database known as the Bilingual Laws Information System is maintained as an administrative measure and made available free to the public on the internet. It also contains a consolidated version of Ordinances and is updated more frequently, but is for reference only and does not have any legal status.

5. According to the LegCo Brief, there is a need to make available an updated, reliable and searchable online consolidated legislation database with a legal status since access to the law is a fundamental element of the rule of law.

6. The Bill proposes to establish an electronic database of Hong Kong legislation and an approved website on which to publish the legislation contained in the database. It also proposes to confer a legal status on such published legislation to make them authenticated copies of the published Ordinances, i.e. they are presumed to correctly state the law unless the contrary is proved. It also empowers the Secretary for Justice (SJ) to publish those copies in the form of a booklet. The Loose-leaf Edition will migrate gradually to and should eventually be replaced by the new database version.

7. In addition, the Bill proposes to empower SJ with new editorial and law revision powers to make minor amendments to Ordinances. As explained in the LegCo Brief, the existing format and styles of our legislation are in need of modernization and adjustments to improve its presentation and user-friendliness. While new format and styles may be introduced in newly gazetted legislation, there is insufficient power at present to update existing legislation to the new format and styles. In order to ensure uniformity in appearance across the whole consolidated text as published, currently in the Loose-leaf Edition and in future in the new database, it will be necessary to provide for new editorial powers to bring the consolidated text into line with the current drafting styles of new legislation. On the other hand, existing provisions for making minor and technical amendments to legislation now scattered in various Ordinances will be consolidated.

8. Consequential and related amendments will also be made to the Laws (Loose-leaf Publication) Ordinance 1990, Revised Edition of the Laws Ordinance 1965, Interpretation and General Clauses Ordinance (Cap. 1), Official Languages Ordinance (Cap. 5) and Criminal Procedure Ordinance (Cap 221).

### **Public Consultation**

9. The Law Society and Bar Association have been briefed on the proposed new format and styles for legislation and the proposal relating to access of legislation and database and informed of the legislative proposal at various times in 2009 and 2010.

### **Consultation with LegCo Panel**

10. The Panel on Administration of Justice and Legal Services was briefed on the modernized format and styles of legislation and the proposed authenticated electronic database on 15 December 2009 and 26 April 2010. Members in general supported changes to the document design of legislation. While members supported the introduction of the proposed database, they considered that it should also provide value-added services such as annotation service. The Administration advised that annotation of legislation was essentially a service to be provided by legal publishers. However, the database would adopt the use of an open data format to facilitate value-added services. As regards whether the exercise of the proposed new editorial powers would alter the effect of the legislation concerned, the Administration assured members that mechanisms would be put in place to ensure that any editorial changes would not make any such alteration and that would be written into the proposed Bill.

11. The financial proposal to establish the proposed electronic database was endorsed by the Finance Committee on 14 May 2010. When considering the financial proposal, members urged the Administration to be very careful in planning for the phasing out of the Loose-leaf Edition. The Administration assured members that it would not be phased out until the replacement electronic database had been authenticated and proved to be able to satisfy the needs of the legal community.

## **Conclusion**

12. The Bill makes important changes to the authentication, consolidation, presentation and publication of Ordinances and their accessibility. Members may wish to form a Bills Committee to study these changes in greater detail.

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