

Legislation Publication Ordinance

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 13 OF 2011

L.S.

Donald TSANG
Chief Executive
29 June 2011

An Ordinance 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.

[30 June 2011]

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 5 and Division 1, Division 2 (except section 27), Division 4 (except sections 29 and 30) and Division 5 of Part 7 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);

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)(b);

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gazetted copy (刊憲文本), in relation to an Ordinance, means a copy of the Ordinance as originally enacted or made, and published in the Gazette;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 5(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.
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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 copies of Ordinances that have been given chapter numbers under section 11(a);
- (b) gazetted copies of Ordinances published in the Gazette on or after the date on which this Part comes into operation;
- (c) the Basic Law;
- (d) national laws applying in Hong Kong; and
- (e) 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) other materials and information that the Secretary for Justice considers useful to users of an approved website.

5. 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.

6. 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 a verified copy of a database instrument is presumed, unless the contrary is proved, to be a verified copy of the instrument.
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Part 3

Reproduction of Verified Copies of Database Instruments

7. Interpretation

In this Part—

official booklet (官方單行本) means a booklet published under section 8(1);

official storage medium (官方儲存器) means a storage medium published under section 9(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.

8. 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.

9. 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.

10. 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.
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Part 4

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.

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).

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, 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 copy of the Ordinance showing the amendment in its text 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—
 - (a) descriptions of editorial amendments made;
 - (b) 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 5

Revisions to Ordinances

17. Powers to make revisions

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

- (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).

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 6

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, 21 and 22.

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).

21. 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).”.

22. Section 3A added

After section 3—

Add

“3A. Omission of Ordinances

- (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.
 - (3) In this section—
approved website (認可網站) has the meaning given by section 2(1) of the Legislation Publication Ordinance (13 of 2011);
consolidated copy (編訂文本) has the meaning given by section 2(1) of the Legislation Publication Ordinance (13 of 2011);
official verification mark (官方核證標記) has the meaning given by section 2(1) of the Legislation Publication Ordinance (13 of 2011).”
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Part 7

Repeals and Consequential Amendments

Division 1

Enactments Amended

23. 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)

24. Section 1 heading amended

Section 1, heading—

Repeal

“Short title and commencement”

Substitute

“Short title”.

25. Section 1 amended (Short title)

Section 1—

Repeal subsection (2).

26. Section 6 repealed (Reprint of Ordinances)

Section 6—

Repeal the section.

27. 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)**

28. 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)**

29. 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) the Legislation Publication Ordinance (13 of 2011); or
- (ii) any other Ordinance providing for the issue of a revised or other edition of the laws of Hong Kong.”.

30. Section 98A repealed (Rectification of errors)

Section 98A—

Repeal the section.

31. Section 98B repealed (Power to substitute dates)

Section 98B—

Repeal the section.

32. Section 98C repealed (Power to substitute title of subsidiary legislation)

Section 98C—

Repeal the section.

33. Section 99 repealed (Reprint of Ordinances)

Section 99—

Repeal the section.

Division 5

Amendments to Official Languages Ordinance (Cap. 5)

34. 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).

- 35. 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)

- 36. Section 113C amended (Provision for fines for offences)**

Section 113C—

Repeal subsection (5).