

香港特別行政區政府
政務司司長辦公室轄下行政署



The Government of
The Hong Kong Special Administrative Region
Administration Wing,
Chief Secretary for Administration's Office

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: CSO/ADM CR 2/3231/07

Tel No. : 2810 3946

來函檔號 Your Ref.:

Fax No. : 2501 5779

31 October 2013

Miss Mary So
Clerk to the Panel on Administration
of Justice and Legal Services
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Miss So,

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 2010) but are not yet in operation.

After conducting a critical review, relevant bureaux have confirmed that **items 6 and 9** would commence as specified in the table. As regards **items 1 to 5 and 7 to 8**, 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 10 to 13** 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will be repealed when the opportunity arises.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 trailing flourish.

(Howard Lee)
for Director of Administration

Encl.

**Ordinances/provisions of ordinances enacted in 2010 or before but not yet in operation
(Position as at 25 October 2013)**

A. Ordinances to be brought into operation

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
1	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 to a place which has laws substantially similar to or serving the purposes as Cap.486; the section also provides that the Privacy Commissioner for Personal Data (PCPD) may specify such places by gazette.	-	As the commencement of section 33 would have significant implications on the transfer of personal data to places outside Hong Kong, Constitutional and Mainland Affairs Bureau is working with PCPD in mapping out the way forward, including, inter alia, the readiness of the PCPD to gazette places with legislation substantially similar to Cap. 486.	Constitutional and Mainland Affairs Bureau
2	1997	(94 of 1997)	Sections 2 to 6, 15	The provisions (as	-	The Law Society is	Department of

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
		Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997	and 21 (in respect of sections 1, 5 and 6 of Schedule 2 only)	amended by the Statute Law (Miscellaneous Provisions) Ordinance 2012) relate to the establishment of solicitor corporations and foreign lawyer corporations as legal practice entities.		empowered under section 73(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 proposed Solicitor Corporation Rules in consultation with Department of Justice (DoJ) and other stakeholders as well as the Panel on Administration of Justice and Legal Services of the Legislative Council (LegCo). The provisions will be brought into force after completion of the proposed Rules.	Justice

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
3	2000	(17 of 2000) International Organizations (Privileges and Immunities) Ordinance (Cap. 558)	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 (Cap. 190) which deal with privileges and immunities notifications in respect of international organisations.	-	Cap. 558 was introduced to provide a framework to give effect in Hong Kong to the privileges and immunities conferred upon international organisations by international agreements. It seeks to gradually replace the relevant sections of Cap. 190. As and when the Hong Kong Special Administrative Region Government (HKSAR Government) or the Central People's Government (CPG) concludes international agreements on additional privileges and immunities applicable to international organisations in Hong Kong, new orders under Cap. 558 will be made and the corresponding sections in Cap. 190 will	Administration Wing

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						be repealed.	
4	2003	(14 of 2003) Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003	Sections 2 and 3	<p>Section 2 of this Ordinance amends section 6 of the Legal Practitioners Ordinance (Cap. 159) to provide that the Law Society 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 legal practice entities.</p>	-	<p>On section 2, the Law Society would like to allow more time for the mandatory Risk Management Education (RME) requirements, 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</p>	Department of Justice

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						item 2 above).	
5	2003	(23 of 2003) Evidence (Miscellaneous Amendments) Ordinance 2003	Sections 12 to 19, 23 and 24	The provisions amend several ordinances to provide, among others, 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.	-	DoJ has obtained approval in principle from the relevant authorities on the 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 is liaising with court users with regard to some operational issues with a view to bringing the provisions into operation.	Department of Justice

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
6	2004	(18 of 2004) Construction Workers Registration Ordinance (Cap. 583)	<ul style="list-style-type: none"> (a) Section 3(2), (3) and (4) (b) Section 4 (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)) (d) Section 6(1) (in so far as it relates to the contravention of sections 3(2), (3) or (4)) (e) Section 6(2) (in so far as it relates to the contravention of section 5 (to the extent that it is in operation 	The provisions stipulate the requirement of registration of construction workers and related matters.	Two years after commencement of the amendment bill referred to in the next column.	<p>A phased approach has been adopted to implement the provisions in the Construction Workers Registration Ordinance (CWRO). The first phase covering most of the provisions of the Ordinance was implemented in 2007.</p> <p>As some stakeholders would encounter difficulties upon implementation of the remaining phase of provisions, it has yet to be in operation. As discussed with industry stakeholders, it was confirmed that amendments to CWRO are necessary to address the issues of concern prior to its implementation.</p>	Development Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			<p>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>In the past few years, Development Bureau discussed and worked together with industry stakeholders to formulate the proposed amendments to CWRO to facilitate implementation of the remaining phase of provisions. It is planned to introduce an amendment bill into LegCo in 2014.</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
7	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.	Transport and Housing Bureau (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.	<p>The Merchant Shipping (Limitation of Shipowners Liability) (Amendment) Ordinance 2005 (Amendment Ordinance) is to amend the limits of liability set out in the Merchant Shipping (Limitation of Shipowners Liability) Ordinance (Cap. 434) in respect of the loss of life and other claims of loss in the light of the latest requirements of the Convention on Limitation of Liability for Maritime Claims, 1976 as amended by the Protocol of 1996 (the 1996 Protocol).</p> <p>In August 2003, the then Economic Development and Labour Bureau (EDLB) wrote to the Office of the Commissioner of the</p>	Transport and Housing Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						<p>Ministry of Foreign Affairs (OCMFA) in the Hong Kong Special Administrative Region (HKSAR) to seek advice from CPG on the application of the 1996 Protocol to the HKSAR and to inform the CPG that the HKSAR Government was engaged in related legislative work for this purpose. OCMFA conveyed that the CPG has no objection. The Amendment Ordinance was introduced to the LegCo for scrutiny in January 2005. After its passage by LegCo and its gazettal in March 2005, the then EDLB informed the OCMFA in April of the same year that the legislative exercise was completed, and that the</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						<p>CPG could arrange for the deposit of the accession instrument with the International Maritime Organization (IMO) for the application of the 1996 Protocol to the HKSAR in accordance with Article 10 of the 1996 Protocol. After the re-organisation of the HKSAR Government Secretariat in 2007, the Secretary for Transport and Housing (STH) has taken over responsibility for the marine-related policy portfolio from the former Secretary for Economic Development and Labour. Over the years, THB has approached the OCMFA a number of times to express our wish that the CPG confirms with the IMO as soon as possible that the 1996</p>	

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						<p>Protocol would be applicable to the HKSAR. Besides, the marine authorities of both sides have followed up on the progress of the matter from time to time.</p> <p>The 1996 Protocol is an international agreement entered into by sovereign states. The People's Republic of China is not a party to the 1996 Protocol. Under Article 153 of the Basic Law, the application to the HKSAR of international agreements shall be decided by the CPG, in accordance with the circumstances and needs of the HKSAR, and after seeking the views of the Government of the HKSAR. As the Amendment Ordinance seeks to implement the</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						requirements of the 1996 Protocol through its amendment provisions on the shipowners' limits of liability, those amendment provisions would only commence operation after the 1996 Protocol has become applicable to the HKSAR and STH has specified the commencement date in the Gazette. The HKSAR Government will continue to follow up with the OCMFA on this matter.	
8	2007	(15 of 2007) Copyright (Amendment) Ordinance 2007	(a) Section 6(1) (insofar as it relates to the new section 25(1)(e) and (f)), (2) and (4)) (b) Section 47(2) (insofar as it relates to	To add a new exclusive rental right for comic books.	-	Copyright owners are encouraged to work out a licensing scheme for comic books with relevant stakeholders so that the rental shops could carry on with their business in a lawful manner upon	Commerce and Economic Development Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			<p>paragraphs (e) and (f) of the new definition of rental right in section 198(1))</p> <p>(c) Section 75 (insofar as it relates to Part 3 of the new Schedule 7 but only to the extent that Part 3 of the new Schedule 7 relates to the transitional provisions and savings in relation to the amendments effected by section 6 (insofar as it relates to the new section 25(1)(e) and (f))</p>			<p>commencement of the relevant provisions. As there is no agreed arrangement on licensing scheme at this stage, the relevant provisions have not been brought into operation.</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
9	2009	(10 of 2009) Merchant Shipping (Safety) (Amendment) Ordinance 2009	Sections 3(1), (2), (3), (4) and (6), 4, 5, 9, 10, 11, 12, 14, 15, 16, 17, 30(8), 33, 34(1), 37, 42(3), 43, 44(1), (2) and (4), 45, 46(2) and 47 and Part 4	These provisions are mainly technical amendments made to sections relating to “Interpretation”, “Issue or endorsement of certificate”, “Certificate of Convention ships not registered in Hong Kong”, “Issue and display of load line certificate” and “Valid Convention certificates” of the Ordinance to bring the relevant requirements in line with the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention on Load Lines (ILLC). In	The Government is preparing 10 pieces of subsidiary legislation under the Ordinance for implementing SOLAS and ILLC. After completion of law drafting and then enactment by LegCo, the 10 pieces of subsidiary legislation, together with the uncommenced provisions in the Ordinance, are expected to commence operation in 2015.	The Government has taken time to prepare the 10 pieces of subsidiary legislation in order to ensure consistency among provisions in the Ordinance as well as its subsidiary legislation for implementing SOLAS and ILLC.	Transport and Housing Bureau

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				in addition, there are some other minor and consequential amendments.			

B. Ordinances to be repealed

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
10	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, Labour and Welfare Bureau (LWB) considers that the provisions are no longer required.	The provisions can be repealed when an opportunity arises.	Labour and Welfare Bureau
11	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, Home Affairs Bureau considers that the provisions are no longer required.	The provisions can be repealed when an opportunity arises.	Home Affairs Bureau
12	1999	(47 of 1999) Chinese Medicine Ordinance	(a) Section 90(8), (b) Section 158(4) (other than in so far as it relates to	The provisions seek to provide for the interim arrangements pending the full implementation	Since the relevant provisions were put in place as transitional arrangements, Food	The provisions can be repealed when an opportunity arises.	Food and Health Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
		(Cap. 549)	<p>a listed Chinese medicine practitioner)</p> <p>(c) Section 158(6) (in relation to a proprietary Chinese medicine which is 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>(d) Section 164(a)(iii) (other than to the extent that new section 28(3)(h) of the</p>	of the mandatory registration of proprietary Chinese medicines, and Chinese medicine practitioners.	and Health Bureau (FHB) considers that the provisions are no longer required.		

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			<p>Medical Registration Ordinance (Cap. 161) relates to a Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549))</p> <p>(e) 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 Chinese Medicine Ordinance (Cap.</p>				

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			<p>549))</p> <p>(f) 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>(g) Section 170(a) (other than to the extent that new paragraph (f) of the definition of “clinic” in section 2 of the Medical Clinics Ordinance (Cap. 343) relates to a</p>				

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			<p>Chinese medicine practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549))</p> <p>(h) Section 170(b) (other than in respect of new paragraph (c) of the definition of “medical treatment” in 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</p>				

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			practitioner registered or listed under the Chinese Medicine Ordinance (Cap. 549))				
13	2010	(12 of 2010) Companies (Amendment) Ordinance 2010	Part 7	The Part amends the Companies Ordinance, the Companies (Winding-up) Rules (Cap.32 sub. leg. H) and the Securities and Futures Ordinance (Cap. 571) to remove obstacles to the introduction of paperless holding and transfer of shares and debentures.	Financial Services and the Treasury Bureau has identified and is following up other necessary amendments to the Securities and Futures Ordinance (Cap. 571), the new Companies Ordinance (Cap. 622) and the Stamp Duty Ordinance (Cap. 117) in order to enable the introduction of an uncertificated securities regime.	The provisions will be repealed upon the commencement of the new Companies Ordinance (Cap.622), targeted for the first quarter of 2014.	Financial Services and the Treasury Bureau

C. Ordinances under review

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
14	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 in the then LegCo that while Part V should be legislated, it should be brought into operation only when there was a clear and publicly recognised need to do so. As Cap. 55 has laid down certain pre-requisites for the imposition of a cooling-off period and there are yet circumstances to warrant the move, Part V of Cap. 55 has not yet been brought into operation. LWB will continue to keep the commencement of Part V under review.	-	Labour and Welfare Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
15	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. Environment Bureau (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. Bringing the provision into operation would depend on the need, having regard to the control already in place.	-	Environment Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
16	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 from time to time 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 remain 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.	-	Environment Bureau
17	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 sea.	All major maritime works that would be covered by Part V are already covered by the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499) enacted in 1998. Other maritime works are also covered by relevant administrative measures.	-	Environment Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
					ENB will continue to monitor the situation and keep under review the need for introducing Part V.		
18	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 habitation)	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 LegCo, the Administration made clear that the licensing and regulatory system would be introduced in a gradual and planned manner. In line with the policy intention, Cap. 511 was brought into operation in stages. 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	-	Transport and Housing Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
					<p>property transactions.</p> <p>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 the issue.</p>		
19	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	-	Food and Health Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
					the professional statutory bodies in the health sector. FHB is conducting a strategic review on healthcare manpower planning and professional development which covers, among other things, the future development of the nursing profession and for that matter the related legislation. FHB will take forward the legislative exercise as appropriate upon completion of the review.		
20	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.	-	Security Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
					<p>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 HKSAR Government unable to enforce an external confiscation order issued by a Mainland authority and will increase the risk of drug money flowing into Hong Kong. Security Bureau will continue to keep the provisions under review.</p>		
21	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</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)</p>	-	Security Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
				<p>offences, but leaving intact the offence of treason; and</p> <p>(b) qualifying the offence of sedition by including the element of “intention of causing violence of creating public disorder or a public disturbance”.</p>	<p>Ordinance 1997 should preferably be dealt with in the context of BL23 legislation, although there is no specific timetable for the latter.</p>		
22	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	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	-	Food and Health Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
				information already prescribed in the Ordinance, the Secretary for Food and Health may also prescribe by regulations other information concerning the gamete donors that the adult may ask from the Council.	for information. FHB will consider if any regulation has to be made at a later stage as and when changes in societal circumstances warrants it.		
23	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 14 above).	-	Labour and Welfare Bureau
24	2002	(4 of 2002) Dangerous Goods (Amendment) Ordinance 2002	The Ordinance	The Ordinance seeks to improve the regulatory framework of dangerous goods and	LegCo passed two pieces of subsidiary legislation under the Ordinance in 2012 including the Dangerous	-	Security Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
				bring it in line with commonly adopted international standards.	Goods (Application and Exemption) Regulation 2012 and Dangerous Goods (Shipping) Regulation 2012. The two other pieces of subsidiary legislation are still under review and subject to further drafting. The Ordinance could only come into operation upon the passage of all relevant subsidiary legislation. Commencement of the provisions depends on progress of the review of the relevant subsidiary legislation.		
25	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).	Consultation with major stakeholders is still underway. The consultation is related to various changes to the rectification, indemnity and conversion arrangements stipulated in existing provisions of the Ordinance for the new title registration	-	Development Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Expected commencement date	Responsible/ Instructing Bureau
					system. Commencement of the provisions depends on progress of the consultation and enactment of amending legislation to give effect to the necessary changes to the new system.		