

CLASSIFICATION OF ORDINANCES

Classification of Ordinances

The 600-odd Ordinances on our statute books can be classified on the basis of whether they contain express provisions binding on or applicable to the “Government” or the “Crown”/“State”. The four categories are -

- (a) 17 Ordinances that expressly bind the “Government” (but are silent on the binding effect on the “State” organs in Hong Kong);
- (b) 36 Ordinances that are applicable to the “Government” in whole or in part;
- (c) 53 Ordinances that are expressed to bind, or apply to, the “Crown”; and
- (d) the other Ordinances which are silent as regards their binding effect or applicability to the HKSARG or the “State” organs in Hong Kong.

2. A list of the Ordinances in the first three categories is at Appendix. It should be noted that the number of Ordinances given for each category is not definitive and may need to be adjusted.

Department of Justice

14 October 1998

Classification of Ord

(A) **17 Ordinances that expressly bind the Government (but are silent on the binding effect on the State organs)**

	<u>Title</u>	<u>Chapter</u>	<u>Section</u>
1	Gas Safety Ordinance	Cap.51	s.3
2	Arbitration Ordinance	Cap.341	s.47
3	Ozone Layer Protection Ordinance	Cap.403	s.18
4	The Legislative Council Commission Ordinance	Cap.443	s.23
5	Dumping at Sea Ordinance	Cap.466	s.3
6	Marine Parks Ordinance	Cap.476	s.28
7	Sex Discrimination Ordinance	Cap.480	s.3
8	Mandatory Provident Fund Schemes Ordinance	Cap.485	s.3
9	Personal Data (Privacy) Ordinance	Cap.486	s.3
10	Disability Discrimination Ordinance	Cap.487	s.5
11	Plant Varieties Protection Ordinance	Cap.490	s.3
12	Environmental Impact Assessment Ordinance	Cap.499	s.3
13	Social Workers Registration Ordinance	Cap.505	s.3
14	Occupational Safety & Health Ordinance	Cap.509	s.5
15	Patents Ordinance	Cap.514	s.151
16	Registered Designs Ordinance	Cap.522	s.4
17	Family Status Discrimination Ordinance	Cap.527	s.3

(B) 36 Ordinances that are applicable to Government in whole or in part (but are silent on their applicability to the State organs)

	<u>Title</u>	<u>Chapter</u>	<u>Section</u>
1	Land Tribunal Ordinance	Cap.17	s.8
2	Surviving Spouses' and Children's Pensions Ordinance	Cap.79	s.3
3	Pensions Ordinance	Cap.89	s.2C s.21
4	Pensions Benefits Ordinance	Cap.99	s.17
5	Immigration Ordinance	Cap.115	s.37H
6	Stamp Duty Ordinance	Cap.117	s.42
7	Government Rights (Re-entry and Vesting Remedies) Ordinance	Cap.126	
8	Foreshore and Sea-bed (Reclamations) Ordinance	Cap.127	s.13(4)(b)
9	Eastern Harbour Crossing Ordinance	Cap.215	s.71
10	Public Bus Services Ordinance	Cap.230	s.23 s.25 s.25A
11	Loans (Asian Development Bank) Ordinance	Cap.271	s.5
12	Hong Kong Airport (Control of Obstructions) Ordinance	Cap.301	s.24
13	Pensions (Increase) Ordinance	Cap.305	s.3

14	Waste Disposal Ordinance	Cap.354	s.15B
15	Tate's Cairn Tunnel Ordinance	Cap.393	s.49
			s.54
16	Drug Trafficking (Recovery of Proceeds) Ordinance	Cap.405	s.27
17	Merchant Shipping (Prevention and Control of Pollution) Ordinance	Cap.413	s.7
18	Merchant Shipping (Registration) Ordinance	Cap.415	s.80
19	Western Harbour Crossing Ordinance	Cap.436	s.61
			s.67
20	Administrative Appeals Board Ordinance	Cap.442	s.22
21	Layout-design (Topography) of Integrated Circuits Ordinance	Cap.445	s.21
22	Organized and Serious Crimes Ordinance	Cap.455	s.29
23	Tai Lam Tunnel and Yuen Long Approach Road Ordinance	Cap.474	s.22
			s.54
			s.61
24	Airport Authority Ordinance	Cap.483	s.29
			s.40
			s.41
25	Costs in Criminal Cases Ordinance	Cap.492	s.18

26	New Territories Land Exchange Entitlements (Redemption) Ordinance	Cap.495	s.10
27	Tsing Ma Control Area Ordinance	Cap.498	s.25
28	Fire Safety (Commercial Premises) Ordinance	Cap.502	s.20
29	Fugitive Offenders Ordinance	Cap.503	s.24
30	Government Rent (Assessment And Collection) Ordinance	Cap.515	s.6 s.37
31	Auxiliary Medical Service Ordinance	Cap.517	s.13 s.22
32	Civil Aid Service Ordinance	Cap.518	s.13 s.22
33	Railways Ordinance	Cap.519	s.15 s.22 s.30 s.31 s.32
34	Outer Space Ordinance	Cap.523	s.8
35	Mutual Legal Assistance in Criminal Matters Ordinance	Cap.525	s.34
36	Copyright Ordinance	Cap.528	s.182 s.272

(C) **53 Ordinances that are expressed to bind, or apply to, the “Crown”**

	<u>Title</u>	<u>Chapter</u>	<u>Section</u>
1.	Interpretation and General Clauses Ordinance	Cap.1	s.2(2)
2.	High Court Ordinance	Cap.4	s.45 s.56
3.	Bankruptcy Ordinance	Cap.6	s.127
4.	Law Amendment and Reform (Consolidation) Ordinance	Cap.23	s.17 s.22E
5.	Recognition of Trusts Ordinance	Cap.76	s.3
6.	Government Rights (Re-entry and Vesting Remedies) Ordinance	Cap.126	
7.	Foreshore and sea-bed (Reclamations) Ordinance	Cap.127	s.11
8.	Public Health and Municipal Services Ordinance	Cap.132	s.86c
9.	Matrimonial Causes Ordinance	Cap.179	s.49
10.	Country Parks Ordinance	Cap.208	s.19
11.	Traffic Accident Victims (Assistance Fund) Ordinance	Cap.229	s.5
12.	Fixed Penalty (Traffic Contraventions) Ordinance	Cap.237	s.3
13.	Enforcement of Rights (Extension of Time) Ordinance	Cap.252	s.6
14.	Perpetuities and Accumulations Ordinance	Cap.257	s.3
15.	Peak Tramway Ordinance	Cap.265	s.7A

16.	Massage Establishments Ordinance	Cap.266	s.3
17.	Motor Vehicles Insurance (Third Party Risks) Ordinance	Cap.272	s.4
18.	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance	Cap.276	s.18
19.	Education Ordinance	Cap.279	s.9
20.	Merchant Shipping Ordinance	Cap.281	s.118
21.	Employees' Compensation Ordinance	Cap.282	s.4
22.	Misrepresentation Ordinance	Cap.284	s.7
23.	Mining Ordinance	Cap.285	s.14
24.	Hong Kong Airport (Regulations) Ordinance	Cap.292	s.9
25.	Dangerous Goods Ordinance	Cap.295	s.3
26.	Crown Proceedings Ordinance	Cap.300	
27.	Air Pollution Control Ordinance	Cap.311	s.42 s.44
28.	Civil Aviation (Aircraft Noise) Ordinance	Cap.312	s.9
29.	Shipping and Port Control Ordinance	Cap.313	s.52
30.	Occupiers Liability Ordinance	Cap.314	s.7
31.	Industrial Training (Construction Industry) Ordinance	Cap.317	s.3
32.	Lifts and Escalators (Safety) Ordinance	Cap.327	s.3

33.	District Court Ordinance	Cap.336	s.72 s.73B s.73C s.73D
34.	Small Claims Tribunal Ordinance	Cap.338	s.38
35.	Customs and Excise Service Ordinance	Cap.342	s.21
36.	Limitation Ordinance	Cap.347	s.7 s.12 s.37
37.	Waste Disposal Ordinance	Cap.354	s.32 s.36
38.	Water Pollution Control Ordinance	Cap.358	s.45 s.47
39.	Pneumoconiosis (Compensation) Ordinance	Cap.360	s.3
40.	Trade Descriptions Ordinance	Cap.362	s.301

41.	Roads (Works, Use and Compensation) Ordinance	Cap.370	s.4
			s.25
			s.26
			s.27
			s.42
42.	Road Traffic Ordinance	Cap.374	s.3
43.	Civil Liability (Contribution) Ordinance	Cap.377	s.8
44.	Hong Kong Bill of Rights Ordinance	Cap.383	s.7
45.	Noise Control Ordinance	Cap.400	s.29
			s.38
46.	Merchant Shipping (Prevention and Control of Pollution) Ordinance	Cap.413	s.3
			s.5
			s.6
47.	Merchant Shipping (Registration) Ordinance	Cap.415	s.6
48.	Occupational Retirement Schemes Ordinance	Cap.426	s.75
49.	Parent and Child Ordinance	Cap.429	s.6
50.	Merchant Shipping (Limitation of Shipowners Liability) Ordinance	Cap.434	s.26

51.	Land Drainage Ordinance	Cap.446	s.34
			s.35
			s.36
			s.49
52.	Occupational Deafness (Compensation) Ordinance	Cap.469	s.3
			s.14
53.	Carriage by Air Ordinance	Cap.500	s.19