

立法會

Legislative Council

LC Paper No. LS 41/02-03

Paper for the House Committee Meeting on 24 January 2003

Legal Service Division Further Report on Admission and Registration (Amendment) (No. 2) Rules 2002 (L.N. 247 of 2002) Legal Practitioners (Risk Management Education) Rules (L.N. 248 of 2002) gazetted on 27 December 2002

The Legal Practitioners (Risk Management Education) Rules (L.N. 248 of 2002) provide for the establishment of the Risk Management Education Programme. The Admission and Registration (Amendment) (No. 2) Rules 2002 (L.N. 247 of 2002) are made mainly consequential upon the Legal Practitioners (Risk Management Education) Rules. Members will recall that, in relation to the Chinese rendition for the English term "organization" in the Legal Practitioners (Risk Management Education) Rules, the Law Drafting Division of the Department of Justice has agreed to amend it from "組織" to "機構" so as to achieve consistency in rendition in the Chinese texts of the Legal Practitioners (Risk Management Education) Rules and the Continuing Professional Development Rules (Cap. 159 sub. leg.).

2. At the House Committee meeting held on 10 January 2003, Members agreed to extend the scrutiny period of the two Rules to 26 February 2003 so as to allow time for the Legal Service Division to discuss with the Administration about the most appropriate way to effect the proposed amendment.

3. The Administration has now confirmed that the Law Draftsman would make an Order under section 4D of the Official Languages Ordinance (Cap. 5) to effect the proposed amendment. A copy of the draft Order is enclosed for Members' easy reference. Section 4D(1) provides that the Secretary for Justice may, by order in the Gazette, make formal alterations to the text of an Ordinance in one official language to achieve consistency between a word, expression or phrase in the text to which the alteration is made and a word, expression or phrase in the text of another Ordinance in the same official language, where both such words, expressions or phrases purport to be the equivalent of the same word, expression or phrase in the other official language in the same context. Under section 7 of the Legal Officers Ordinance (Cap. 87), the Secretary for Justice may authorize any legal officer to exercise and discharge any of the rights and duties which the Secretary for Justice is by any enactment (passed before the commencement of the Ordinance or passed after the commencement of the Ordinance which does not expressly provide that this

provision shall not apply thereto) entitled to exercise or required to discharge. The Secretary for Justice has authorized the Law Draftsman to make the order under section 4D.

4. The Order will come into operation on 4 April 2003.

5 Subject to the proposed amendment in the draft Order, the legal and drafting aspects of the two Rules are in order.

Encl

Prepared by

Lam Ping-man, Stephen
Assistant Legal Adviser
Legislative Council Secretariat
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LS/S/7/02-03

**OFFICIAL LANGUAGES (ALTERATION OF TEXT UNDER
SECTION 4D) ORDER 2003**

(Made under section 4D of the Official Languages Ordinance (Cap. 5)
on the authority of the Secretary for Justice pursuant to section 7 of
the Legal Officers Ordinance (Cap. 87))

1. Commencement

This Order shall come into operation on 4 April 2003.

2. Alteration of Chinese text

Section 4(3)(b)(i) and (ii) of the Legal Practitioners (Risk Management Education) Rules (L.N. 248 of 2002) is amended by repealing “組織” and substituting “機構”.

Law Draftsman

2003

Explanatory Note

This Order makes a formal alteration to the Chinese text of the Legal Practitioners (Risk Management Education) Rules (L.N. 248 of 2002) by repealing “組織” in section 4(3)(b)(i) and (ii) and substituting “機構” so as to achieve consistency between the Chinese equivalent for “organization” referred to in the Chinese text of the Rules and that in the Chinese text of the Continuing Professional Development Rules (Cap. 159 sub. leg.).