

Bills Committee on Legislation Publication Bill (the “Bill”)

Response to request for information by members on the Bill

At the meeting on 14 February 2011, the Bills Committee asked the Administration to provide written information to address the concerns raised by members on the Bill.

Status and availability of printed version of legislation

2. **Annex 1** is a table containing the relevant provisions on the status and availability of the electronic version as well as the printed version of legislation in a number of jurisdictions with electronic legislation database. All these jurisdictions (except Queensland whose database is for information only) accord equal status to the electronic version and printed version of legislation. The relevant provisions allow users to download authenticated printed versions from the database directly and provide for the availability of printed versions from other authorized sources.

Summary of relevant standards and guidelines

3. Below is a summary of the relevant parts of the standards and guidelines issued by the Office of the Government Chief Information Officer on information technology operation management and information security incident handling—

- (a) Defining continuity management framework – Bureaux and Departments (“B/Ds”) should set out the objectives, scope and management framework of continuity management.
- (b) Performing business impact analysis (BIA) – B/Ds should carry out analysis to evaluate the impact over time of disruption to critical business functions in order to determine the maximum tolerable downtime of IT services supporting the functions.
- (c) Performing risk analysis (RA) – B/Ds should conduct analysis to identify threats that could cause a disruption to business functions and to assess likelihood and impact of those threats on critical business functions and corresponding IT services supporting the functions.

- (d) Formulating continuity management strategy – B/Ds should formulate risk reduction and recovery strategies for supporting the critical business functions and determine the duration of time within which a business process must be restored after a disruption. The strategies and the duration of time should commensurate with the assessment results of the BIA and RA.
- (e) Developing continuity plan – B/Ds should develop detailed action plans for management of continuity and recovery of critical business functions and corresponding IT services supporting the functions.
- (f) Reviewing continuity plan for improvement – B/Ds should review the continuity plan regularly to ensure its workability by checking validity of the design (e.g. the assumptions, risk assessment, recovery strategies, etc.) against the actual business requirements, and by testing the recovery plan on a regular basis to ensure effectiveness and comprehensiveness of the recovery procedures.

Clarification of Clause 5 of the Bill

4. Clause 5 of the Bill empowers the Law Draftsman to certify the consolidated version of an Ordinance to be an authenticated copy of the Ordinance at a particular time on a particular date. The inclusion of the “time” element is to cater for those provisions which may not commence on the beginning of the date provided for. Users can access the authenticated copy of an Ordinance at any time. They can check the latest consolidated version of the Ordinance (which will state the time and date of commencement of the latest incorporated amendments) to ascertain the currency of that version.

5. To enable users to have convenient access to different versions of a principal ordinance as it is amended over time, the Database will contain consolidated versions of the ordinance incorporating amendments that have commenced operation at different dates. Indeed BLIS also contains historical and current versions of Ordinances. The difference between the Database and BLIS is that while copies of versions of Ordinances in BLIS are for information only, copies of some consolidated versions of Ordinances accessed from the Database are authenticated copies and carry legal status.

6. Clause 5 provides that only copies of Ordinances accessed from the database that have been certified by the Law Draftsman to be the consolidated versions of Ordinances as at a particular time on a particular date are authenticated copies of Ordinances. These copies carry “presumed to be correct status”. Copies of Ordinances that have not been so certified are for information only.

7. Assuming an Ordinance is authenticated and uploaded to the Database after its launch in 2015 and the Ordinance is subsequently amended in 2018, the Database will contain an authenticated current version as at 2018 and an authenticated past version in 2015. We would accumulate authenticated past versions of an Ordinance from 2015 onwards in the Database, which will not be removed.

8. We would include the past versions of legislation referred to in Clause 4(1)(a) and (b) of the Bill since 1 July 1997 in the Database for information.

Examples of special commencement arrangements

9. **Annex 2** is a set of examples with special commencement arrangements. Both the Dutiable Commodities (Amendment) Ordinance 2009 and the Public Revenue Protection Order 2009 came into operation at 11 a.m. on 25 February 2009. We have to be flexible in respect of the system design to include both date and time so as to cater for special commencement arrangements.

Clause 17 revision powers

10. **Annex 3** contains examples of the exercise of Clause 17 revision powers under the existing legislation. The legislative intent of Clause 17(e) is to make alteration to the text to reflect the change of the name, title, location or address of a department, office, officer or place. It enables a textual amendment to the text of the laws to reflect a change that has been effected and is not for the purpose of effecting the change of powers of a department or office.

Department of Justice
February 2011

Relevant provisions about the status and availability of electronic and print versions

Jurisdictions	Relevant Provisions	Electronic version	Print version
ACT, Australia	<p>Section 22 (Access to registered material at approved web site), Legislation Act 2001 (1) The parliamentary counsel must ensure, as far as practicable, that a copy of the material mentioned in section 19(1) and (2) (Contents of register) is accessible at all times on an approved web site. (2) Access is to be provided without charge by the Territory.</p> <p>Section 23 (Authorisation of versions by parliamentary counsel) The parliamentary counsel may authorise written or electronic versions of a law, republication or legislative material.</p> <p>Section 24 (Authorised electronic versions) (1) An electronic copy of a law, republication or legislative material is an authorised version if— (a) it is accessed at, or downloaded from, an approved web site in a format authorised by the parliamentary counsel; or (b) it is authorised by the parliamentary counsel and is in the format in which it is authorised by the parliamentary counsel.</p> <p>Section 25 (Authorised written versions) (1) A written copy of a law, republication or legislative material is an authorised version if— (a) it is a written copy produced directly from an authorised electronic version of the law, republication or legislative material; or (b) it is a written copy of another version of the law, republication or legislative material authorised by the parliamentary counsel.</p>	Official	Official

Jurisdictions	Relevant Provisions	Electronic version	Print version
Queensland, Australia	<p>Section 47 (Parliamentary Counsel to authorise reprints), Reprints Act 1992</p> <p>(1) The reprint of a law printed by the Government Printer must be authorised by the Parliamentary Counsel.</p> <p>(2) The Parliamentary Counsel may authorise the reprint of a law that is not in printed form.</p> <p>(3) A note that the Parliamentary Counsel has authorised a reprint must appear in the reprint in a suitable place.</p> <p>(4) A reprint purporting to have been authorised by the Parliamentary Counsel is taken to have been authorised by the Parliamentary Counsel unless the contrary is established.</p> <p>Section 48 (Reprint taken as correct etc.)</p> <p>(1) If—</p> <p>(a) a reprint of a law (including a law that has not been amended) is authorised by the Parliamentary Counsel; and</p> <p>(b) in the case of a reprint in printed form—the reprint is printed by the Government Printer; then—</p> <p>(c) the text of the law as at the reprint date is, in the absence of evidence to the contrary, taken to be shown correctly in the reprint; and</p> <p>(d) a court or person acting judicially must take judicial notice of a document or matter purporting to be such a reprint.</p>	For information	Official
NSW, Australia	<p>Section 45C (Publication on NSW legislation website), Interpretation Act 1987</p> <p>(5) The Parliamentary Counsel is to compile and maintain a database of legislation published on the NSW legislation website, and may certify the form of that legislation that is correct.</p> <p>Section 45D (Publication of paper reprints of legislation)</p> <p>(2) The Parliamentary Counsel may authorise legislation that has been amended to be reprinted, as so</p>	Official	Official

Jurisdictions	Relevant Provisions	Electronic version	Print version
	amended, under the authority of the Government, in the form certified as correct by the Parliamentary Counsel as at the date of the reprint.		
Federal, Canada	Section 31 (Official status of consolidations), Legislation Revision and Consolidation Act (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown. (2) In the event of any inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the <i>Publication of Statutes Act</i> , the original statute or amendment prevails to the extent of the inconsistency.	Official	Official
Ontario, Canada	Clause 35 (Official law), Legislation Act 2006 (1) A copy of a source law or a consolidated law is an official copy of that law if, (a) it is printed by the Queen's Printer or by an entity that is prescribed under clause 41(1)(a); (b) it is accessed from the e-Laws website in a form or format prescribed under clause 41(1)(b); or (c) it is prescribed under clause 41(1)(c) as an official copy. (2) Subsection (1) does not apply to a copy that is accompanied by a disclaimer to the effect that it is not intended as official. (3) In the case of a copy referred to in clause (1)(b), the copy is accompanied by a disclaimer if the disclaimer is on the e-Laws website when the copy is accessed. Clause 36 (Presumption, printed by Queen's Printer) Unless the contrary is proved, a copy of a source law or consolidated law purporting to be printed by the	Official	Official

Jurisdictions	Relevant Provisions	Electronic version	Print version
	<p>Queen's Printer or other prescribed entity was so printed.</p> <p>Clause 37 (Presumption, accessed from e-Laws) Unless the contrary is proved, a copy of a source law or consolidated law submitted with an oral or written statement to the effect that it was accessed from the e-Laws website in a form or format prescribed under clause 41(1)(b) was so accessed.</p> <p>Clause 38 (Official copies of source law as evidence) Unless the contrary is proved, an official copy of a source law is an accurate statement of that law.</p> <p>Clause 39 (Official copies of consolidated law as evidence) Unless the contrary is proved, an official copy of a consolidated law is an accurate statement of that law,</p> <ul style="list-style-type: none"> (a) in the case of an official copy described in clause 35(1)(a), on the consolidation date shown on the copy; (b) in the case of an official copy accessed from the e-Laws website in a form or format prescribed under clause 41(1)(b), during the period indicated on the e-Laws website in respect of the copy when the copy is accessed; (c) in the case of an official copy prescribed under clause 41(1)(c), on the date or during the period prescribed under clause 41(1)(d). <p>Clause 40 (e-Laws, provisions not in force)</p> <ul style="list-style-type: none"> (1) A source law or consolidated law published on the e-Laws website shall include provisions that have been enacted by the Legislature or filed under Part III (Regulations) or a predecessor of that Part, as the case may be, but that are not yet in force. (2) Where a provision that is not yet in force is included in a law published on the e-Laws website, the fact that it is not yet in force shall be indicated on the website, in the matter and to the extent directed by the Chief Legislative Counsel. 		

Jurisdictions	Relevant Provisions	Electronic version	Print version
	<p>Clause 41 (Regulations)</p> <p>(1) The Attorney General may make regulations,</p> <ul style="list-style-type: none"> (a) prescribing an entity for the purposes of clause 35(1)(a); (b) prescribing forms or formats, including print-outs, on-screen displays or other output of electronic data, for the purposes of clause 35(1)(b); (c) prescribing official copies for the purposes of clause 35(1)(c); (d) prescribing the date on or period during which a copy prescribed under clause (c) is an accurate statement of a consolidated law. <p>(2) A regulation made under clause (1)(b), (c) or (d) may be made with respect to,</p> <ul style="list-style-type: none"> (a) the manner in which a copy is created, recorded, transmitted, stored, authenticated, received, displayed or perceived; (b) the person, body or thing that created, recorded, transmitted, stored, authenticated, received, displayed or perceived the copy; and (c) any statement, mark or certification associated with the creation, recording, transmission, storage, authentication, reception, display or perception of the copy. 		
New Zealand	<p>Section 6 (Chief Parliamentary Counsel to arrange publication), Legislation Bill</p> <p>(1) The Chief Parliamentary Counsel must arrange for the publication of —</p> <ul style="list-style-type: none"> (a) copies of every Act enacted by Parliament after the commencement of this section; and (b) copies of all legislative orders made after the commencement of this section; and (c) any reprints of Acts and legislative orders, and any reprints of regulations made before the commencement of this section, issued by him or her in addition to reprints to which subsection (5) applies; and (d) reprints of Imperial enactments and Imperial subordinate legislation. <p>(2) A copy of every Act must be published in electronic form as soon as practicable after the Act is enacted.</p> <p>(3) A copy of every legislative order must be published in electronic form as soon as practicable after</p>	For information now but will become official in the future	Official

Jurisdictions	Relevant Provisions	Electronic version	Print version
	<p>the order is made.</p> <p>(4) The Governor-General may, by Order in Council,—</p> <p>(a) authorise or direct the Chief Parliamentary Counsel to arrange for the publication in printed form of any legislation or class of legislation specified in the order; and</p> <p>(b) specify conditions to which the authorisation or direction is subject.</p> <p>(5) When an Act or a legislative order is amended after the commencement of this section, the Chief Parliamentary Counsel—</p> <p>(a) must arrange for a reprint of the Act or legislative order to be published in electronic form so that an up-to-date version of the legislation is available in accordance with section 9 as soon as practicable; and</p> <p>(b) may also arrange for the reprint to be published in printed form.</p> <p>(6) All copies and reprints of legislation published under this section must include a statement that they are published under the authority of the New Zealand Government.</p> <p>(7) The Chief Parliamentary Counsel performs functions under this section subject to any directions given by the Attorney-General.</p> <p>(8) An Order in Council made under subsection (4) is a legislative order and a disallowable instrument for the purposes of this Act and must be presented to the House of Representatives under section 40.</p> <p>Section 7 (Designation of places where printed copies of legislation may be purchased)</p> <p>(1) The Attorney-General must, by notice in the Gazette or in some other manner, designate places where printed copies of legislation that are published under section 6 are available for purchase by members of the public.</p> <p>(2) Copies may be made available for purchase by members of the public not only at the places designated under subsection (1) but also at other places.</p>		

Jurisdictions	Relevant Provisions	Electronic version	Print version
	<p>Section 8 (Sale of copies of legislation)</p> <p>(1) The Chief Parliamentary Counsel must ensure that printed copies of legislation that are published under section 6 are available for purchase by members of the public at the places designated under section 7(1).</p> <p>(2) The price of printed copies of legislation must be reasonable, having regard to the actual cost of printing and making the copies available for sale.</p> <p>(3) When the repeal or expiry of an Act or the revocation or expiry of regulations or a legislative order takes effect, subsection (1) ceases to apply to that legislation.</p> <p>Section 9 (Availability of electronic versions of legislation)</p> <p>(1) The Chief Parliamentary Counsel must ensure that, as far as practicable, official electronic versions of legislation issued under section 17 are at all times able to be accessed at, or downloaded from, an Internet site maintained by or on behalf of the New Zealand Government.</p> <p>(2) Official electronic versions of legislation must be made available under this section free of charge.</p> <p>(3) This section applies to all enacted legislation other than legislation that ceased to be in force before the commencement of this section.</p> <p>(4) This section is subject to any regulations made under section 22.</p> <p>Section 17 (Electronic and printed official versions of legislation)</p> <p>(1) The Chief Parliamentary Counsel may issue—</p> <p>(a) official electronic versions of legislation; and</p> <p>(b) official printed versions of legislation</p> <p>(2) A printed version of legislation that is produced directly from an official version is also an official version.</p> <p>(3) An electronic or printed document that is identifiable as an official version of legislation in accordance with regulations made under section 22 must be treated as an official version unless the contrary is shown.</p>		

Jurisdictions	Relevant Provisions	Electronic version	Print version
	<p>(4) This section applies whether the legislation is enacted, made, printed or published before or after the commencement of this section.</p> <p>Section 18 (Legal status of official version)</p> <p>(1) An official version of legislation as originally enacted or made is taken to correctly set out the text of the legislation.</p> <p>(2) An official version that is a reprint—</p> <p>(a) is taken to correctly state, as at the date at which it is stated to be reprinted, the law enacted or made by the legislation reprinted and by the amendments (if any) to that legislation; and</p> <p>(b) is evidence that any changes made in the reprint are authorised by subpart 2.</p> <p>Section 22 (Regulations)</p> <p>The Governor-General may, by Order in Council, make regulations for 1 or more of the following purposes:</p> <p>(a) imposing requirements or conditions concerning the manner in which official versions of legislation in electronic form are to be made available to the public under section 9:</p> <p>(b) specifying features by which an electronic document or a printed document is identifiable as an official version for the purpose of section 17, including (without limitation) by—</p> <p>(i) imposing requirements or conditions as to the form of official versions of legislation:</p> <p>(ii) providing how official versions of legislation in an electronic form can be authenticated:</p> <p>(c) providing for any other matters contemplated by this subpart, necessary for its administration, or necessary for giving it full effect.</p>		

2009 年第 5 號條例

《應課稅品(修訂)條例》

香港特別行政區

2009 年第 5 號條例



行政長官
曾蔭權
2009 年 6 月 18 日

本條例旨在修訂《應課稅品條例》，以實施政府就 2009 至 2010 財政年度提出的財政預算案中調高各類煙草的稅率的建議。

[2009 年 2 月 25 日]

由立法會制定。

1. 簡稱

本條例可引稱為《2009 年應課稅品(修訂)條例》。

2. 生效日期

本條例當作自 2009 年 2 月 25 日上午 11 時起實施。

3. 修訂附表 1

《應課稅品條例》(第 109 章)附表 1 現予修訂，在第 II 部中——

- (a) 在第 1(a) 段中，廢除“\$804”而代以“\$1,206”；
- (b) 在第 1(b) 段中，廢除“每公斤 \$1,035”而代以“每公斤 \$1,553”；
- (c) 在第 1(c) 段中，廢除“每公斤 \$197”而代以“每公斤 \$296”；
- (d) 在第 1(d) 段中，廢除“每公斤 \$974”而代以“每公斤 \$1,461”。

DUTIABLE COMMODITIES (AMENDMENT)
ORDINANCE

Ord. No. 5 of 2009

A69

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 5 OF 2009



Donald TSANG
Chief Executive
18 June 2009

An Ordinance to amend the Dutiable Commodities Ordinance to give effect to the proposal in the Budget introduced by the Government for the 2009-2010 financial year to increase the rates of duty on various types of tobacco.

[25 February 2009]

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Dutiable Commodities (Amendment) Ordinance 2009.

2. Commencement

This Ordinance is deemed to have come into operation at 11 a.m. on 25 February 2009.

3. Schedule 1 amended

Schedule 1 to the Dutiable Commodities Ordinance (Cap. 109) is amended, in Part II—

- (a) in paragraph 1(a), by repealing “804” and substituting “1,206”;
- (b) in paragraph 1(b), by repealing “1,035/kg” and substituting “1,553/kg”;
- (c) in paragraph 1(c), by repealing “197/kg” and substituting “296/kg”;
- (d) in paragraph 1(d), by repealing “974/kg” and substituting “1,461/kg”.

2009 年第 27 號法律公告

《2009 年公共收入保障令》

(由行政長官在徵詢行政會議的意見後根據《公共收入保障條例》
(第 120 章) 第 2 條作出)

1. 生效日期

本命令於 2009 年 2 月 25 日上午 11 時生效。

2. 附表所列條例草案的實施

在本命令有效期內，附表所列的條例草案具有十足法律效力。

附表

[第 2 條]

本條例草案

旨在

修訂《應課稅品條例》，以實施政府就 2009 至 2010 財政年度提出的財政預算案中調高各類煙草的稅率的建議。

由立法會制定。

1. 簡稱

本條例可引稱為《2009 年應課稅品 (修訂) 條例》。

2. 生效日期

本條例當作自 2009 年 2 月 25 日上午 11 時起實施。

L.N. 27 of 2009

PUBLIC REVENUE PROTECTION ORDER 2009

(Made by the Chief Executive under section 2 of the Public Revenue Protection Ordinance (Cap. 120) after consultation with the Executive Council)

1. Commencement

This Order comes into force at 11 a.m. on 25 February 2009.

2. Operation of Scheduled Bill

The Bill set out in the Schedule has the full force and effect of law so long as this Order remains in force.

SCHEDULE

[s. 2]

A BILL

To

Amend the Dutiable Commodities Ordinance to give effect to the proposal in the Budget introduced by the Government for the 2009-2010 financial year to increase the rates of duty on various types of tobacco.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Dutiable Commodities (Amendment) Ordinance 2009.

2. Commencement

This Ordinance is deemed to have come into operation at 11 a.m. on 25 February 2009.

Examples of Clause 17 Revisions

Clause	Examples		Appendix
	Provisions	Revisions	
17(a)	Section 60B(4)(b)(ii) Probate and Administration Ordinance (Cap.10)	<p>“充分” is used as the Chinese rendition for “sufficient” in other similar provisions (e.g. sections 60D(1)(b)(ii) and 60E(4)(b)(ii)) in Cap.10.</p> <p>The Order is to substitute “足夠” by “充分” in the Chinese text for s.60B(4)(b)(ii) for consistency sake.</p>	1
17(b)	Section 11 Tramway Ordinance (Cap. 107)	Divide the section into two subsections for easy referencing.	2
17(c)	Bankruptcy Ordinance (Cap. 6)	Transfer the transitional and saving provisions in the Bankruptcy (Amendment) Ordinance 2005 to the Bankruptcy Ordinance.	3
17(d)	Tramway Ordinance (Cap. 107)	The Ordinance is currently divided by different cross headings. Divide the Ordinance into parts or divisions for easy referencing.	4
17(e)	Schedule 3 Education Ordinance (Cap. 279)	Update the addresses of schools set out in Schedule 3 to reflects the changes in addresses.	5

2006 年第 13 號法律公告

《法定語文(根據第 4D 條修改文本)(〈遺囑認證及遺產
管理條例〉中對“充分”的提述)令》

(在獲律政司司長依據《律政人員條例》(第 87 章)第 7 條
授權下由法律草擬專員根據《法定語文條例》
(第 5 章)第 4D 條作出)

1. 生效日期

本命令自 2006 年 3 月 17 日起實施。

《遺囑認證及遺產管理條例》

2. 從死者銀行戶口支用款項的證明書

《遺囑認證及遺產管理條例》(第 10 章)第 60B(4)(b)(ii) 條現予修訂，在中文文本
中，廢除“足夠”而代以“充分”。

法律草擬專員
嚴元浩

2006 年 1 月 9 日

註 釋

《法定語文條例》(第 5 章)第 4D 條賦權律政司司長在某條例的其中一種法定語文
文本的字、詞句或片語及另一字、詞句或片語均宣稱是另一種法定語文的同一文意下
的同一字、詞句或片語的相對應版本的情況下，對首述的法定語文文本作出形式上的
修改，使該文本內的有關的字、詞句或片語與上述的另一字、詞句或片語達致一致。
律政司司長已依據《律政人員條例》(第 87 章)第 7 條授權法律草擬專員作出上述形式
上的修改。

L.N. 13 of 2006

OFFICIAL LANGUAGES (ALTERATION OF TEXT UNDER
SECTION 4D) (REFERENCE TO “SUFFICIENT PROOF”
IN THE PROBATE AND ADMINISTRATION
ORDINANCE) ORDER

(Made by the Law Draftsman 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 17 March 2006.

Probate and Administration Ordinance

2. Certificate for releasing money from bank
account of deceased

Section 60B(4)(b)(ii) of the Probate and Administration Ordinance
(Cap. 10) is amended, in the Chinese text, by repealing “足夠” and substituting
“充分”.

Tony YEN
Law Draftsman

9 January 2006

Explanatory Note

Section 4D of the Official Languages Ordinance (Cap. 5) empowers the
Secretary for Justice to make formal alterations to the text of an Ordinance in
one official language to achieve consistency between a word, expression or
phrase with another word, expression or phrase 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. The
Secretary for Justice has authorized the Law Draftsman pursuant to section 7
of the Legal Officers Ordinance (Cap. 87) to make such formal alterations.

2. 本命令對《遺囑認證及遺產管理條例》(第 10 章) 的中文文本作出形式上的修改，在第 60B(4)(b)(ii) 條中，廢除“足夠”而代以“充分”，使該條的中文文本內與“sufficient proof”相對應的中文版本，與該條例第 60D(1)(b)(ii) 及 60E(4)(b)(ii) 條的中文文本內與“sufficient proof”相對應的中文版本達致一致。

2. This Order makes a formal alteration to the Chinese text of the Probate and Administration Ordinance (Cap. 10) by repealing “足夠” in section 60B(4)(b)(ii) and substituting “充分” so as to achieve consistency between the Chinese equivalent of “sufficient proof” in the Chinese text of that section and that in the Chinese text of sections 60D(1)(b)(ii) and 60E(4)(b)(ii) of the Ordinance.

- (b) 公司不得開掘或挖開任何道路或更改任何道路的水平線，但若獲得署長授權及在其監督下進行及使其滿意，則屬例外。

11. 工程的完成及道路的修復

- (1) 如公司已開掘或挖開任何道路的任何部分，則須履行以下的進一步義務，即——
- (a) 公司須在方便範圍內盡快完成因該項工程而開掘或挖開道路的有關工程，並(在構成、保養、翻新或更改、增建或移走電車軌道後)填平地面及修補路面，並修復道路以達到使署長滿意的良好狀況；
 - (b) 公司須在這期間安排在開掘或挖開道路的地方加設欄柵及派人看守，並於夜間提供適當照明。
- (2) 如公司沒有遵從本條的任何條文，則可處罰款 \$1,000；如屬持續的罪行，則可按初犯之日後過失持續的日數，另處罰款每日 \$250 (並且不損害強制執行特定履行本條例的規定或對此而提出的其他補救方法)。(由 1911 年第 30 號第 10 條修訂；由 1924 年第 5 號第 13 條及附表修訂；由 1939 年第 33 號附表修訂；由 1962 年第 48 號第 5 條修訂)

12. 有關建造電車軌道的進一步條文

除第 10 條的規定外，公司在將其為上述任何目的而開掘或挖開任何道路的意向以上述方式向署長作通知時，如署長提出要求，公司須向署長提交一份橫截面圖，顯示公司計擬開掘或挖開有關道路以建造、敷設、保養、翻新、更改、增建或移走電車軌道或工程設施的計擬進行方式，以及擬在工程中使用的材料的陳述書；而在所需的橫截面圖及陳述書(如有的話)已獲署長批准前，除非為了進行必需的修葺，否則公司不得開始建造、敷設、保養、翻新、更改、增建或移走該電車軌道或工程設施或兩者的任何部分；有關工程亦須在署長監督下進行及使其滿意，而凡有獲批准的橫截面圖及陳述書，有關工程亦須按照有關橫截面圖及陳述書進行。

(由 1924 年第 5 號第 8 條修訂；由 1962 年第 48 號第 6 條修訂)

- (b) it shall not open or break up or alter the level of any road except with the authority, under the superintendence and to the satisfaction of the Director.

11. Completion of works, and restoration of road

- (1) When the company has opened or broken up any portion of any road, it shall be under the following further obligations, namely—
- (a) it shall, with all convenient speed, complete the work on account of which it opened or broke up the same, and (subject to the formation, maintenance, renewal or alteration of, addition to, or removal of the tramway) fill in the ground and make good the surface and, to the satisfaction of the Director, restore the road to a good condition;
 - (b) it shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night.
- (2) If the company fails to comply with any of the provisions of this section it shall (without prejudice to the enforcement of specific performance of the requirements of this Ordinance or to any other remedy against it) be liable to a fine of \$1,000, and in case of a continuing offence to a further fine of \$250 for every day after the first on which the default continues. (Amended 30 of 1911 s. 10; 5 of 1924 s. 13 & Schedule; 33 of 1939 Schedule; 48 of 1962 s. 5)

12. Further provisions as to construction of tramway

In addition to the requirements of section 10, the company shall, when it gives notice as aforesaid to the Director of its intention to open or break up any road for any of the purposes aforesaid, lay before the Director, if so required by him, a cross section showing the proposed mode of constructing, laying down, maintaining, renewing, altering, adding to or removing the tramway or works in respect of which it proposes to open or break up such road, and a statement of the materials intended to be used therein; and the company shall not commence the construction, laying down, maintenance, renewal, alteration of, addition to or removal of such tramway or works, or any part thereof respectively, except for the purpose of necessary repairs, until the required cross section and statement, if any, have been approved by the Director; and the work shall be executed under the superintendence and to the satisfaction of the Director, and where there are an approved cross section and statement in accordance therewith.

(Amended 5 of 1924 s. 8; 48 of 1962 s. 6)

第 6 章

破產條例 *

本條例旨在修訂與破產有關的法律。

[1932 年 1 月 1 日]

第 I 部

簡稱及釋義

1. 簡稱

本條例可引稱為《破產條例》。

2. 釋義

在本條例中，除文意另有所指外——

“代名人”(nominee)指破產管理署署長或某名由於其經驗及資格而獲法院認為是履行第 20A、20D、20E 及 20G 條指明的代名人的職責的適當人選的人士；(由 1996 年第 76 號第 2 條增補)

“司法常務官”(Registrar)指高等法院司法常務官及高等法院的任何高級副司法常務官、副司法常務官或助理司法常務官；(由 1984 年第 47 號第 2 條代替。由 1998 年第 25 號第 2 條修訂；由 2005 年第 10 號第 167 條修訂)

“有抵押債權人”(secured creditor)指持有債務人財產或其中任何部分的按揭、押記或留置權的人，而所持有的按揭、押記或留置權是作為債務人欠持有人的債項的抵押者；

“自願安排”(voluntary arrangement)指任何清償債務人債項的債務重整協議或債務人事務的債務償還安排；(由 1996 年第 76 號第 2 條增補)

* 《2005 年破產(修訂)條例》(2005 年第 18 號)對本條例作出修訂。有關的過渡性及保留條文載於該修訂條例第 49 條。該條轉錄於本條例之後。

CHAPTER 6

BANKRUPTCY*

To amend the law relating to bankruptcy.

[1 January 1932]

PART I

SHORT TITLE AND INTERPRETATION

1. Short title

This Ordinance may be cited as the Bankruptcy Ordinance.

2. Interpretation

In this Ordinance, unless the context otherwise requires—

“affidavit”(誓章) includes statutory declaration, affirmation and attestation on honour;

“bailiff”(執達主任) includes any officer charged with the execution of a writ or other process;

“bankruptcy debt”(破產債項), in relation to a bankrupt, means—

(a) any debt or liability to which he is subject at the commencement of the bankruptcy; and

(b) any debt or liability to which he may become subject after the commencement of the bankruptcy (including after his discharge from bankruptcy) by reason of any obligation incurred before the commencement of the bankruptcy; (Added 76 of 1996 s. 2)

“court”(法院、法庭) means the Court of First Instance sitting in its bankruptcy jurisdiction; (Amended 92 of 1975 s. 59; 25 of 1998 s. 2)

* This Ordinance was amended by the Bankruptcy (Amendment) Ordinance 2005 (18 of 2005). The transitional and savings provisions contained in s. 49 of that Amendment Ordinance are reproduced at the end of the Ordinance.

註：《2005 年破產 (修訂) 條例》(2005 年第 18 號) 第 49 條內容如下——

“49. 過渡性及保留條文

(1) 儘管有本條例所載的規定，根據本條例作出的修訂 (第 12、19 及 32 條除外) 不適用於任何在生效日期前已提出破產呈請的個案，而該個案須繼續進行和予以處置，猶如本條例不曾制定一樣。

(2) 本條增補而非減損《釋義及通則條例》(第 1 章) 第 23 條。

(3) 就本條而言，*“生效日期” (commencement date) 指財經事務及庫務局局長根據本條例第 1(2) 條指定的日期。”。

* 生效日期：2007 年 12 月 10 日。

Note: Section 49 of the Bankruptcy (Amendment) Ordinance 2005 (18 of 2005) reads as follows—

“49. Transitional and savings provisions

(1) Notwithstanding anything contained in this Ordinance, the amendments effected under this Ordinance (except sections 12, 19 and 32) shall not apply to any case in which the bankruptcy petition was presented before the commencement date, and such case shall continue and be disposed of as if this Ordinance had not been enacted.

(2) This section is in addition to and not in derogation of section 23 of the Interpretation and General Clauses Ordinance (Cap. 1).

(3) For the purpose of this section, *“commencement date” (生效日期) means the day appointed by the Secretary for Financial Services and the Treasury under section 1(2) of this Ordinance.”.

* Commencement date: 10 December 2007.

核對表及指引
Check List and Instructions

電車條例
(第 107 章)
TRAMWAY ORDINANCE
(CAP. 107)

如欲確定此乃本成文法則的最新核對表及指引，請參閱第 I 冊內的總核對表及指引第 II 部所載本成文法則的核對表及指引的刊印期數，該刊印期數應與此頁右下角所示的刊印期數相同。

To verify that this is the latest Check List and Instructions for this enactment, please refer to the issue number of Check List and Instructions shown in Part II of the Master Check List and Instructions in Volume I.
Such issue number should be the same as the issue number shown at the lower right hand corner of this page.

如欲知悉本成文法則文本切合何時的法律情況，請參閱第 I 冊內的總核對表及指引第 I 部。
To determine how up to date the text of this enactment is, please see Part I of the Master Check List and Instructions in Volume I.

移去頁數
Withdraw pages

.....

加插頁數
Insert pages

.....

目前應有頁數
You should now have pages
1 - 32.....

刊印期數
Issue number
19

制定史

本為 1902 年第 10 號(第 107 章, 1950 年版) — 1902 年第 32 號, 1910 年第 12 號, 1911 年第 30 號, 1911 年第 50 號, 1911 年第 51 號, 1912 年第 1 號, 1912 年第 2 號, 1912 年第 8 號, 1912 年第 20 號, 1912 年第 21 號, 1912 年第 22 號, 1912 年第 43 號, 1913 年第 17 號, 1913 年第 246 號政府公告, 1915 年第 34 號, 1924 年第 5 號, 1937 年第 25 號, 1939 年第 33 號, 1946 年第 32 號, 1948 年第 20 號, 1950 年第 9 號, 1962 年第 48 號, 1964 年編正版, 1967 年第 30 號, 1969 年第 35 號, 1971 年第 54 號, 1972 年第 7 號, 1972 年第 41 號, 1972 年第 48 號, 1975 年第 78 號, 1977 年第 156 號法律公告, 1982 年第 76 號法律公告, 1982 年第 298 號法律公告, 1982 年第 75 號, 1986 年第 127 號法律公告, 1988 年第 9 號, 1989 年編正版, 1993 年第 8 號, 1995 年第(C)116 號法律公告(中文真確本), 1997 年第 80 號, 1999 年第 62 號

Enactment History

Originally 10 of 1902 (Cap. 107, 1950) — 32 of 1902, 12 of 1910, 30 of 1911, 50 of 1911, 51 of 1911, 1 of 1912, 2 of 1912, 8 of 1912, 20 of 1912, 21 of 1912, 22 of 1912, 43 of 1912, 17 of 1913, G.N. 246 of 1913, 34 of 1915, 5 of 1924, 25 of 1937, 33 of 1939, 32 of 1946, 20 of 1948, 9 of 1950, 48 of 1962, R. Ed. 1964, 30 of 1967, 35 of 1969, 54 of 1971, 7 of 1972, 41 of 1972, 48 of 1972, 78 of 1975, L.N. 156 of 1977, L.N. 76 of 1982, L.N. 298 of 1982, 75 of 1982, L.N. 127 of 1986, 9 of 1988, R. Ed. 1989, 8 of 1993, L.N. (C) 116 of 1995 (Chinese authentic version), 80 of 1997, 62 of 1999

尚未實施 —

第 6(7)條的代替 — 見 2004 年第 26 號第 104 條(附表 3 第 37 條)

The following are not yet in operation —

Replacement of s. 6(7) — see 26 of 2004 s. 104 (s. 37 of Schedule 3)

第 107 章

電車條例

目錄

條次

1. 簡稱
2. 釋義

電車軌道的建造

3. 電車軌道的建造及路線
4. 獲授權敷設雙軌道綫而敷設單軌道綫的權力，及再改回雙軌道綫的權力
5. 擴闊橋樑等的權力
6. 附加物
7. 電力
8. 敷設海水喉管的權力
9. 電車軌道軌距
10. 挖開道路的權力
11. 工程的完成及道路的修復
12. 有關建造電車軌道的進一步條文
13. 敷設有電車軌道的道路的修葺
14. 路軌的保養和水平線
15. 更改軌道
16. 為工程付款
17. 在有需要時可建設臨時電車軌道
18. 在建造工程時掘出的道路材料的應用
19. 對有關部門及人士的保障
20. 污水渠等的保護
21. 政府電纜電線或電報電纜電線的保護
22. 各部門等開掘道路的權利
23. 公司與其他部門或人士(署長除外)之間的異議
24. 公司與署長之間的異議
25. 電車軌道須經核證適宜作交通用途後方可開放

電車軌道使用不足

26. 公眾未充分獲得電車軌道的益處時的程序
27. 不遵從命令時的程序

電車軌道的中止使用

28. 電車軌道的中止使用

CHAPTER 107

TRAMWAY ORDINANCE

CONTENTS

Section

1. Short title
2. Interpretation

CONSTRUCTION OF TRAMWAY

3. Construction and route of tramway
4. Power to lay single line where double line authorized, and to reconvert into double line
5. Power to widen bridges, etc.
6. Attachment
7. Electricity
8. Power to lay down sea water pipes
9. Gauge of tramway
10. Power to break up roads
11. Completion of works, and restoration of road
12. Further provisions as to construction of tramway
13. Repair of roads on which tramway laid
14. Maintenance and level of rails
15. Alteration of track
16. Payment for works
17. Temporary tramways may be made when necessary
18. Application of road materials excavated in construction of works
19. Protection of departments and persons
20. Protection of sewers, etc.
21. Protection of Government or telegraph cables or lines
22. Rights of departments, etc., to open roads
23. Differences between company and others (other than the Director)
24. Differences between company and Director
25. Tramway not to be opened until certified fit for traffic

INSUFFICIENT USER OF TRAMWAY

26. Procedure when public not afforded full benefit of tramway
27. Procedure on non-compliance with order

DISCONTINUANCE OF TRAMWAY

28. Discontinuance of tramway

條次

- 公司無力清償債務
29. 如公司無力清償債務時的程序
- 電車的購買
30. 政府購買電車
- 動力
31. 動力
32. 電車廂的建造
33. 主管當局檢查電車廂等的權力
34. 在違反本條例下使用電力的罰則
- 35-37. (廢除)
- 規則
38. 行政長官會同行政會議訂立的規例
39. 公司訂立的規則
- 車輪及電車廂寬度
40. 車輪及電車廂寬度
- 出售的權力
41. 出售的權力
- 出租的權力
42. 出租的權力
- 按揭的權力
43. 按揭的權力
- 政府的權利
44. 軍情緊急時政府的權利
45. 在上述緊急情況下須繳付的車費等
46. (廢除)
- 電車軌道上的交通
47. 電車軌道上的交通
48. 公司可拒絕運載某些物品
49. (廢除)
- 車費
50. 乘客車費

Section

- INSOLVENCY OF COMPANY
29. Proceedings in case of insolvency of company
- PURCHASE OF TRAMWAY
30. Purchase by Government of tramway
- MOTIVE POWER
31. Motive power
32. Construction of cars
33. Powers to authorities to inspect cars, etc.
34. Penalty for using electric power contrary to Ordinance
- 35-37. (*Repealed*)
- RULES
38. Regulations made by the Chief Executive in Council
39. Rules made by the company
- WHEELS AND WIDTH OF CARS
40. Wheels and width of cars
- POWER TO SELL
41. Power to sell
- POWER TO LEASE
42. Power to lease
- POWER TO MORTGAGE
43. Power to mortgage
- RIGHTS OF GOVERNMENT
44. Rights of Government in military emergency
45. Fares, etc., to be paid in such emergency
46. (*Repealed*)
- TRAFFIC UPON THE TRAMWAY
47. Traffic upon tramway
48. Company may refuse to carry certain goods
49. (*Repealed*)
- FARES
50. Fares for passengers

條次

51. 車費率的修訂
 52. (廢除)
 53. 如電車廂客滿時，公司並非必須載客
 54. 乘客的行李
 55. 車費的繳付
 55A. 對租車服務及遊覽服務的豁免
- 業務的放棄
56. 放棄業務時須修復道路
- 罪行
57. 違反條例條文等
 58. 與電車廂或電車軌道有關的罪行
 59. 與乘客有關的罪行
 60. 扣留犯罪的人的權力
 61. 在電車上攜帶危險品的罰則
 62. 在電車軌道上使用裝上凸緣車輪的車廂等的罰則
- 雜項
63. 車費、收費及罰款的追討
 64. 須在 6 個月內就車費等提出起訴
 65. 公司須對其作為或過失所造成的一切損害負責
 66. 只取得道路的使用權
 67. 給予警方規管交通的權力
 68. 公眾權利的保留
 69. 滋擾
 70. 保留條款

Section

51. Alteration of the rates of fares
 52. (*Repealed*)
 53. If cars full, company not bound to carry
 54. Passengers' luggage
 55. Payment of fares
 55A. Exemption of hire service and tour service
- ABANDONMENT OF UNDERTAKING
56. On abandonment, road to be restored
- OFFENCES
57. Breach of provisions of Ordinance, etc.
 58. Offences concerning car or tramway
 59. Offences concerning passengers
 60. Power to detain persons who commit offences
 61. Penalty for bringing dangerous goods on tramway
 62. Penalty for using tramway with flange-wheeled carriages, etc.
- MISCELLANEOUS
63. Recovery of fares, charges and fines
 64. Fares etc., to be sued for within 6 months
 65. Company to be responsible for all damage through its act or default
 66. Right of user of roads only acquired
 67. Power to police to regulate traffic
 68. Rights of public reserved
 69. Nuisances
 70. Saving

2006 年第 272 號法律公告

L.N. 272 of 2006

《2006 年教育條例 (修訂附表 3) 公告》

(由教育統籌局局長根據《教育條例》(第 279 章)
第 40AC(1) 條訂立)

1. 生效日期

本公告自 2007 年 2 月 8 日起實施。

2. 指明學校

《教育條例》(第 279 章) 附表 3 現予修訂——

(a) 廢除——

“鳳溪第二中學 新界上水馬會道 15 號”；

(b) 在與“國際基督教優質音樂中學暨小學”有關的一項中，廢除“九龍深水埗順寧道 372 號”而代以“九龍鑽石山蒲崗村道 182 號”；

(c) 廢除——

“弘立書院 香港灣仔皇后大道東 373 號”

而代以——

“弘立書院 (a) 香港灣仔皇后大道東 373 號
(b) 香港銅鑼灣東院道 3 號”；

(d) 廢除——

“鳳凰國際學校 九龍深水埗東京街 5 號”；

(e) 加入——

“啟新書院 新界沙田馬鞍山恒明街 5 號”；

(f) 廢除——

“大埔三育中學 新界大埔大埔頭徑 2 號”；

EDUCATION ORDINANCE (AMENDMENT OF
SCHEDULE 3) NOTICE 2006

(Made by the Secretary for Education and Manpower under
section 40AC(1) of the Education Ordinance (Cap. 279))

1. Commencement

This Notice shall come into operation on 8 February 2007.

2. Specified schools

Schedule 3 to the Education Ordinance (Cap. 279) is amended——

(a) by repealing——

“Fung Kai No. 2 15 Jockey Club Road, Sheung Shui,
Secondary School New Territories”;

(b) in the item relating to “International Christian Quality Music Secondary and Primary School”, by repealing “372 Shun Ning Road, Sham Shui Po, Kowloon” and substituting “182 Po Kong Village Road, Diamond Hill, Kowloon”;

(c) by repealing——

“ISF Academy 373 Queen’s Road East, Wanchai,
Hong Kong”

and substituting——

“Independent Schools (a) 373 Queen’s Road East, Wanchai,
Foundation Academy Hong Kong

(b) 3 Eastern Hospital Road,
Causeway Bay, Hong Kong”;

(d) by repealing——

“Phoenix International 5 Tonkin Street, Shamshuipo,
School Kowloon”;

(e) by adding——

“Renaissance College No. 5 Hang Ming Street, Ma On Shan,
Shatin, New Territories”;

(f) by repealing——

“Tai Po Sam Yuk 2 Tai Po Tau Drive, Tai Po, New
Secondary School Territories”;

(g) 加入——

“滬江維多利亞學校

香港灣仔愛群道 30 號”。

教育統籌局局長
李國章

2006 年 12 月 4 日

註 釋

《教育條例》(第 279 章) (“該條例”) 附表 3 載有指明學校的名單。

2. 根據該條例第 40AC 條，除非某學校——

- (a) 是小學或中學；
- (b) 既非資助學校亦非已參加直接資助計劃的學校；
- (c) 是不設法團校董會學校；
- (d) 並非為牟利而營辦；
- (e) 的辦學團體並非牟利機構；
- (f) 有接受政府的任何津貼；及
- (g) 被教育統籌局常任秘書長認為屬財政健全，

否則不得在該條例附表 3 指明該學校。

3. 該條例容許指明學校按照該條例第 40BJ 至 40BN 條設立法團校董會。

4. 本公告修訂該條例附表 3 ——

- (a) 從該附表中刪去 3 間學校；
- (b) 更新列於該附表的一間學校英文名稱；
- (c) 更新列於該附表的 2 間學校地址；及
- (d) 在該附表中加入 2 間學校。

(g) by adding—

“Victoria Shanghai
Academy

30 Oi Kwan Road, Wanchai, Hong
Kong”.

Arthur K. C. LI
Secretary for Education and
Manpower

4 December 2006

Explanatory Note

Schedule 3 to the Education Ordinance (Cap. 279) (“the Ordinance”) contains a list of specified schools.

2. Under section 40AC of the Ordinance, a school shall not be specified in Schedule 3 to the Ordinance unless—

- (a) the school is a primary school or secondary school;
- (b) the school is neither an aided school nor a school which has joined the Direct Subsidy Scheme;
- (c) the school is a school without incorporated management committee;
- (d) the school is not operated for the purpose of making profit;
- (e) the sponsoring body of the school is not a profit-making organization;
- (f) the school receives any subsidy from the Government; and
- (g) the school is, in the opinion of the Permanent Secretary for Education and Manpower, financially sound.

3. The Ordinance allows a specified school to establish an incorporated management committee in accordance with sections 40BJ to 40BN of the Ordinance.

4. This Notice amends Schedule 3 to the Ordinance—

- (a) to delete 3 schools from that Schedule;
- (b) to update the English name of one school set out in that Schedule;
- (c) to update the addresses of 2 schools set out in that Schedule; and
- (d) to add 2 schools to that Schedule.