

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

**Information paper on the arrangements of publication
of legislation in both printed and electronic form
after the establishment of the Database**

At the meeting on 9 March 2011, the Bills Committee asked the Administration to elaborate on the arrangements for publishing legislation in both printed and electronic form after the establishment of the Database.

Publication of As Made Ordinance

2. Under Clause 2 of the Bill, the term “as made Ordinance” means an Ordinance as originally enacted or made. It covers Ordinances enacted by the Legislative Council (“LegCo”) and signed by the Chief Executive and subsidiary legislation as originally made by the authority under the terms of the enabling provisions. In gist, it refers to legislation published in the Gazette as required under section 20(1) of the Interpretation and General Clauses Ordinance (Cap. 1).

3. Section 98(1) of Cap. 1 states that “a copy of an Ordinance shall, if published in the Gazette, be deemed to be an authentic copy of that Ordinance as at the date of such publication”. In other words, “as made Ordinances” published in the Gazette enjoy an authentic status and serve as the fundamental version of the law.

4. The Administration will continue to publish each “as made Ordinance” in the Gazette. The Bill does not introduce any change to the publication requirement in section 20(1) of Cap. 1.

5. The following table compares the publication arrangements for “as made Ordinances” before and after the establishment of the Database. We wish to emphasize that the establishment of the Database will not affect the current requirement of publishing “as made Ordinances” in the Gazette and availability of printed copies of “as made Ordinances”.

Publication of As Made Ordinances
before and after the establishment of the Database

Items for Comparisons	As Made Ordinances (before)		As Made Ordinances (after)
Where does it come from?	Bill / amendment Bill (with CSAs if any) passed by the LegCo ↓ signed and promulgated by CE (Art 48(3) & 76, BL) ↓ published in the Gazette Legal Supplement No. 1 (s.20(1) of Cap.1)	Subsidiary legislation as originally made ↓ published in the Gazette Legal Supplement No. 2 (s.20(1) of Cap.1)	Same
Status	“Deemed to be an authentic copy” (for printed copy only) (s.98(1), Cap.1)		Same
Availability of printed copy	Government Gazette published every Friday as authentic copy (different arrangements in case of public holidays and except for Extraordinary Gazette)		Same
Availability of electronic copy	“E-Gazette” on the Government Logistics Department’s website for information		Same (but softcopies of “as made” legislation may also be included in the Database) (Clause 4(2)(b) of the Bill)

Publication of Consolidated Version of Ordinances

6. An Ordinance may be amended over time. In order to facilitate access by the public to the current version of the law, the Administration has been preparing consolidated versions of the law. In these versions (Loose-leaf Edition), amendments to a principal Ordinance are incorporated into the Ordinance textually by the Law Drafting Division (“LDD”) under the authority of the Laws (Loose-leaf Publication) Ordinance 1990 on behalf of the Secretary for Justice. A copy of the Ordinance with amendments incorporated becomes a consolidated version.

Availability of printed copy

7. The existing arrangement is to publish the consolidated version of Ordinances in the Loose-leaf Edition. Replacement pages are provided to subscribers on more or less half-yearly intervals for them to update their Loose-leaf Edition manually.

8. On the establishment of the Database, the public could obtain a printed copy of a consolidated version of Ordinances by the following means—

(a) Download from the Database

User could download and print an Ordinance from the Database directly. They could choose to print the current version as well as past versions of the Ordinance.

(b) Purchase from the Information Services Department (“ISD”)

The public could purchase a consolidated version of an individual Ordinance in booklet form and the version of Ordinance purchased could be as updated as at the date of order. To cater for the needs of the public, past versions will also be available for purchase. Subject to further changes within the Administration organisation, our current plan is as follows –

(i) Internet Order — through the online Government Bookstore or by email to puborder@isd.gov.hk.

(ii) Telephone Order — by phone to the Publications Sales Unit of the ISD.

- (iii) Fax / Mail Order — by fax after completing the order form from the ISD website.
 - (iv) In person — place order at the Government Publications Centre.
- (c) Subscribe for a DVD-Rom (or other storage media) from ISD

We will make available DVD-Rom (or other storage media) containing the whole set of Hong Kong legislation and other useful materials for purchase. It will be updated biannually with records of amendments for information.

- (d) Access from Public Libraries
- (i) The following major public libraries keep the current whole set of Hong Kong legislation and the Legal Supplements of the Gazette for public use: Hong Kong Central Library, City Hall Public Library, Kowloon Public Library, Sha Tin Public Library, Tsuen Wan Public Library and Tuen Mun Public Library. These libraries will make available the print version of the Ordinances in booklet form for public reference after the establishment of the Database.
 - (ii) All 66 static libraries under the management of the Leisure and Cultural Services Department will make available computer and printing facilities for the public to access the Database, read the DVD-Rom (or other storage media) free of charge and print legislation at their own costs.

Availability of electronic copy

9. The current BLIS will be replaced by the Database. Ordinances (including amending Ordinances) made or enacted after the establishment of the Database and consolidated into the Database will be given a “presumed to be correct” status, which is similar to the status of the Loose-leaf Edition. Consolidated versions of Ordinances before the establishment of the Database will be migrated to the Database for information.

10. The following table compares the publication arrangements of consolidated versions of Ordinances before and after the establishment of the Database. We wish to reiterate that the Administration will continue to publish legislation in printed form.

**Publication of Consolidated Versions of Ordinances
before and after the establishment of the Database**

Items for Comparisons	Consolidated Version of Ordinances (before)	Consolidated Version of Ordinances (after)
Where does it come from?	<p>Amendments to an Ordinance (made by legislation published in the Gazette) are incorporated into the Ordinance by LDD textually</p> <p style="text-align: center;">↓</p> <p>checked by LDD that the incorporation has been done accurately</p> <p style="text-align: center;">↓</p> <p>published in the Loose-leaf (s.2 of the 1990 Loose-leaf Ordinance)</p>	<p>Amendments to an Ordinance (made by legislation published in the Gazette) are incorporated into the Ordinance by LDD textually</p> <p style="text-align: center;">↓</p> <p>checked by LDD that the incorporation has been done accurately</p> <p style="text-align: center;">↓</p> <p><u>certified</u> by the Law Draftsman that the incorporation has been done accurately</p> <p style="text-align: center;">↓</p> <p>published in the Database (Clauses 2 & 5 of the Bill)</p>
Status	<p>“unless the contrary is proved deemed to be correct” (for the printed copy only)</p> <p>(s.3 of the 1990 Loose-Leaf Ordinance)</p>	<p>“presumed to be correct, unless the contrary is proved” (for both printed copy and electronic copy)</p> <p>(Clause 5(2) of the Bill)</p>

Availability of printed copy	<p>(1)Subscribe the whole-set of Loose-leaf and the replacement pages</p> <p>(2)Purchase booklets of individual Ordinances from ISD while stock lasts</p> <p>(3)Access from major public libraries</p>	<p>(1) Download and print from the Database</p> <p>(2) Purchase from ISD in either booklet or DVD-Rom (or other storage media) format</p> <p>(3) Access from major public libraries</p>
Lead time for updating the printed copy	6-9 months as the Loose-leaf is updated twice a year	<p>The printed copy (if printed from the Database directly) is as updated as the electronic copy.</p> <p>The printed copy (if purchased from ISD) is as updated as the electronic copy as at the date of order.</p>
Availability of electronic copy	BLIS (for information only)	Database (presumed to be correct unless the contrary is proved)
Lead time for updating the electronic copy	1-2weeks	About 5 working days

Department of Justice
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