

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

Information paper on the commencement arrangement of the Bill

In earlier meetings, members raised questions on the commencement arrangements of the Bill. We would like to elaborate the arrangements in a paper for members’ information.

Commencement on gazettal

2. We plan to commence the following provisions of the Bill on gazettal of the Ordinance if passed and will propose a Committee Stage amendment to Clause 1 for that purpose –

- (a) preliminary provisions (Part 1);
- (b) power to make revision to Ordinances (Part 4) and related consequential amendments (Divisions 4 and 5, Part 6); and
- (c) additional editorial powers for Loose-leaf Edition (Clause 20) and related consequential amendments to the Laws (loose-leaf Publication) Ordinance 1990 (Clauses 23 to 25).

3. Part 1 covers preliminary provisions of the Bill, including the short title, commencement and interpretation. Part 4 is about making revisions to Ordinances by orders which are subject to the scrutiny of the Legislative Council. As Part 4 consolidates some of the existing powers under the Interpretation and General Clauses Ordinance (Cap. 1) and the Official Languages Ordinance (Cap. 5), it is proposed that any related consequential amendments should commence at the same time as Part 4 of the Bill.

4. Clause 20 provides for additional editorial powers in relation to the Loose-leaf Edition. The additional powers are necessary to update existing texts of legislation in the Loose-leaf Edition to bring them into line with the new legislation format which has been in use since July 2010. These additional editorial powers include changing the sequence of definitions, or of items in a list or schedule, in any Ordinance and making editorial changes to the format, layout, printing style or any other presentation aspect of any Ordinance.

5. In order to tidy up the Laws (loose-leaf Publication) Ordinance 1990, we would also like to bring clauses 23 to 25 into operation on gazettal.

**Commencement on the establishment of the Database
(around year 2015/16)**

6. We are now preparing tender documents for the Database and they are targeted to be released before mid 2011. From experience of other common law jurisdictions, a number of years are required to build up the system and transfer data to the system. We therefore estimate that the Database would be available for use by the public around 2015/16.

7. To facilitate public access to the laws online, a phased approach would be adopted. When the Database is established, the Database team will input newly enacted legislation and incorporate newly enacted amendments to existing legislation in the Database. In addition, we will transfer the BLIS data to the Database on its establishment for information so that the public could make use of the improved display and search facilities of the Database in relation to the transferred BLIS data. When a consolidated version of an Ordinance is certified to have incorporated all permitted amendments, the consolidated version will become an authorized version.

8. We plan to commence the following provisions relating to the Database when the Database is available for use by the public—

- (a) establishment of the Database (Part 2);
- (b) exercise of editorial powers (Part 3) and related consequential amendments (Divisions 4 and 6, Part 6); and
- (c) omission of Ordinances from the Loose-leaf edition (Clause 21, Part 5).

9. A commencement notice, which is subject to the scrutiny of the Legislative Council, would be prepared to bring these provisions into operation.

Commencement after the Database is in full operation
(after year 2020)

10. We would ensure that all the chapters in the Loose-leaf Edition have been authorized and transferred to the Database before commencing the following provisions—

- (a) repeal of the Laws (Loose-leaf Publication) Ordinance 1990 (Clause 26, Part 6);
- (b) repeal of section 99 of Cap. 1 (Clause 32, Part 6); and
- (c) consequential amendments to the Revised Edition of the Laws Ordinance 1965 (53 of 1965) (Division 3, Part 6).

11. We will consult LegCo's Panel on Administration of Justice and Legal Services, the Hong Kong Bar Association and the Law Society of Hong Kong and other stakeholders before we seek to commence the above provisions. Views expressed would be duly considered and we will not table the commencement notice until we are satisfied that the arrangement is practicable.

Department of Justice
March 2011