

*Margaret Ng*  
*Member of Legislative Council*

*Room 116, New Henry House*  
*10 Ice House Street*  
*Hong Kong*  
*Tel: (852) 2537 2725 Fax: (852) 2801 7134*  
*E-mail: margaret@margaretny.com*  
*Website: <http://www.margaretny.com>*

**BY HAND**

26 April 2011

Mr. Gilbert Mo  
Deputy Law Draftsman  
Department of Justice  
8<sup>th</sup> – 9<sup>th</sup> floors, High Block  
Queensway Government Offices  
HONG KONG

Dear Mr. Mo

**Legislation (Publication) Bill –  
Remaining Issues/Clauses**

At the 1st meeting of the Bills Committee, the Administration has submitted CSAs on Clauses 1 to 10 of the Bill which I believe are largely supported by members as meeting the concerns expressed in the course of our deliberations.

However, issues still remain on the rest of the clauses of the bill, in special:

- (i) the editorial powers of the SJ (Clause 12 and relating clauses);
- (ii) the revision powers of the SJ (Clause 17 and relating clauses);
- (iii) repeal of the Revised Edition of the Laws, Ordinance 1965 (Clause 27) and the Laws (Loose-Leaf Publication) Ordinance 1990 (Clause 26).

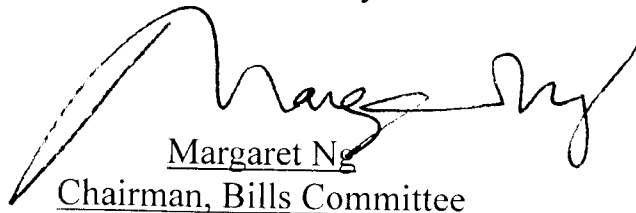
There is a broad consensus among members, which is supported by representations from professional and human rights bodies that the editorial and revision powers given to the SJ are too broad and their exercise could give rise to dispute and uncertainty. While the objection to the revision powers is more categorical than to some of the editorial powers, I do not see any ready support for the bill to resume its second reading any time soon unless the relevant clauses are significantly

amended.

Speaking for myself, I believe that once a bill, having gone through thorough and lengthy scrutiny of the legislature, in the course of which intense attention is increasingly paid to the working and presentation of the bill, the SJ should not later alter the text other than to rectify errors and strict inconsistencies. The power to make editorial amendments to rectify errors and inconsistencies are already provided under Cap.1 and the Laws (Loose-Leaf Publication) Ordinance and need little expansion. Editing for the purpose of effecting what the SJ believes would improve the presentation or ready apprehension of an Ordinance is a different matter and can be open to debate.

In the interest of time, and having reviewed the record, I am setting out in the attached document a list of proposals on the remaining clauses for the consideration of the Administration and members of the Bills Committee, with a view to discussing them in the next meeting. Your thoughts in the meantime will be greatly appreciated.

Yours sincerely



Margaret Ng  
Chairman, Bills Committee

c.c. Clerk of the Bills Committee

c.c. Legal Advisor of the Bills Committee

Enclosure /

**Proposals on Clauses 11 – 35  
(To be read with Blue Bill)**

<b>Clause</b>	<b>Description</b>	<b>Proposal/Remarks</b>
11	Power to give Chapter Numbers etc.	no comments
12	Editorial Powers	
(1)(a)		delete: unnecessary; already provided in s.98A(1) of Cap.1
(1)(b)		delete: already provided in s.98B(1) of Cap.1
(1)(c)		delete: new power; “renumbering” can be too Widely interpreted; not supported
(1)(d)		delete: new power; not supported
(1)(f)		delete: new power; not necessary; should be left to the legislature with respect to new legislation
(1)(g)		wording of s.2(2)(c) of Laws (Loose-Leaf Publication) Ordinance preferred
(1)(h)		delete: new power; not supported
(1)(i)		delete: new power; not supported
(1)(j)		delete: new power; not supported
(1)(h)		delete: new power; not supported
(2)(a)-(c)		delete: unnecessary; already in s.98C(1), Cap.1

13		No objection, but unnecessary if s.12 amended as proposed above
14		same as s.13 above
15		same as s.13 above
16		same as s.13 above
17	Revision Powers	
	(a)	adopt wording of s.5(c) of Revised Edition Ordinance
	(b)	delete: not supported
	(c)	delete: not supported
	(d)	no objection
	(e)	no objection
	(f)	delete: not supported (the Administration's understanding of "consequential" can be very broad)
18		no comments
19	Amendment of 1990 Ordinance	no comments
20 (2)	amending s.2(2)(b)	delete: see below
	(3)	amending s.2(2)(c)
	(4)	to add (d) and (c)
	(5)	amending s.2(7)
		delete: not supported

21	New Section 3A	requires CSA in view of Administrator's CSA on clauses 2, 5, 9 and 10
22	Enactments amended	to be amended in light of proposals below
26	Repeal of 1990 Ordinance (Loose-Leaf Edition)	delete: not consequential; not supported; 1990 Ordinance should be repealed at the appropriate time by way of an amendment (repeal) bill
27	Repeal of 1965 Ordinance (Revised Edition)	same as above
28	Amendment to Cap.1	need to clarify difference between (i) and (ii), if any
29-31	Repeal s.98A, 98B, 98C of Cap.1	delete: not supported; s.98A, 98B, 98C preferred to clause 12 of the Bill
33		no comments
35	Amendment to Cap.221	delete: not supported; s.113C(5) of Cap.221 preferred to Clause 12 of the Bill