
Statute Law (Miscellaneous Provisions) Bill 2012

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A BILL

To

Provide for miscellaneous amendments to various Ordinances, for the repeal of various items of subsidiary legislation that have ceased to be in force, and for connected purposes.

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Statute Law (Miscellaneous Provisions) Ordinance 2012.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Division 1 of Part 8 comes into operation on the day on which section 2 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) comes into operation.

2. Enactments amended

The enactments specified in Parts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 (except Division 4 of Part 12) are amended as set out in those Parts.

Part 2

Amendments to Legal Practitioners Ordinance (Cap. 159)

Division 1—To Clarify that Employed Barristers are not Required to be Insured

3. Section 31C amended (employed barristers)

Section 31C(3), after “sections 29(2C) and 30”—

Add

“(except section 30(3)(b))”.

Division 2—To Repeal Provision Specifying that Decision of Court of Appeal is Final and Related Amendment

4. Section 40M amended (appeal and saving)

Section 40M(1)—

Repeal

“and the decision of the Court of Appeal on any such appeal shall be final”.

5. Section 40R amended (expenses of Notaries Public Disciplinary Tribunal and of Society of Notaries)

(1) Section 40R(1)(b)—

Repeal

“and any appeal under section 40M”

Substitute

“, the Court of Appeal and the Court of Final Appeal”.

(2) Section 40R(2)(c)—

Repeal

“or the Court of Appeal”

Substitute

“, the Court of Appeal or the Court of Final Appeal”.

**Division 3—Amendments Consequential to Repeal of
Finality Provisions in Sections 13(1) and 37B(1)**

**6. Section 25 amended (expenses of Solicitors Disciplinary Tribunal
and of Society)**

(1) Section 25(1)(b)—

Repeal

“and any appeal under section 13”

Substitute

“, the Court of Appeal and the Court of Final Appeal”.

(2) Section 25(2)(c)—

Repeal

“or the Court of Appeal”

Substitute

“, the Court of Appeal or the Court of Final Appeal”.

**7. Section 39 amended (expenses of Barristers Disciplinary Tribunal
and of Bar Council)**

(1) Section 39(1)(b)—

Repeal

“and any proceedings under section 37B”

Substitute

“, the Court of Appeal and the Court of Final Appeal”.

(2) Section 39(2)(c)—

Repeal

“or the Court of Appeal”

Substitute

“, the Court of Appeal or the Court of Final Appeal”.

8. Section 40P amended (automatic striking-off or suspension of notary public)

(1) Section 40P(3)(a)—

Repeal

everything after “struck off the roll of solicitors”

Substitute

“under section 12(2), the striking off of the name of the solicitor from the roll of solicitors is set aside in the final determination of any appeal under section 13, then, subject to any order made in respect of the notary public under section 40J(2), the Registrar must, as soon as is practicable after that determination, restore the name of the notary public to the register of notaries public.”.

(2) Section 40P(3)(b)—

Repeal

“as provided in subsection (2), an order is made by the Court of Appeal in proceedings under section 13 that the suspension be set aside”

Substitute

“under section 10(2)(b), the solicitor’s suspension from practice as a solicitor is set aside in the final determination of any appeal under section 13”.

Division 4—To Clarify that Foreign Lawyer or Firm must not Take Solicitor or Barrister into Partnership if They Hold Practising Certificate

9. Section 50B amended (offences in relation to foreign lawyers, foreign firms and Associations)

Section 50B(4)—

Repeal

everything after “foreign firm”

Substitute

“must not—

- (a) employ or take into partnership a solicitor who holds a practising certificate; or
- (b) employ or take into partnership a barrister who holds a practising certificate.”.

Division 5—Amendments Consequential to Repeal of Section 27A

10. Section 72 amended (power of Chief Justice to make rules)

(1) Section 72(a)(i)—

Repeal

“, 27 and 27A”

Substitute

“and 27”.

(2) Section 72(a)(ii)—

Repeal

“, 27 and 27A”

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Part 2—Division 5

Clause 10

C981

Substitute

“and 27”.

Part 3

Amendment to Administration of Estates by Consular Officers Ordinance (Cap. 191)

11. Section 3 amended (variation of Schedule)

Section 3—

Repeal

“may by order notified in the Gazette under the hand of the Chief Secretary for Administration”

Substitute

“in Council may by order published in the Gazette”.

Part 4

Amendment to Crimes Ordinance (Cap. 200)

12. Section 118O added

After section 118N—

Add

“118O. Abolition of presumption that boy under 14 incapable of sexual intercourse etc.

- (1) The presumption of law that a boy under the age of 14 is incapable of sexual intercourse, buggery or bestiality is abolished.
 - (2) Subsection (1) does not apply in relation to any act done before the commencement date of this section.
 - (3) For the purposes of subsection (2), if an act is alleged to have been done between 2 dates, one before and one after the commencement date of this section, the act is alleged to have been done before that commencement date.”.
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Part 5

Amendment to Customs and Excise Service Ordinance (Cap. 342)

- 13. Section 12 amended (subordinate officers)**
Section 12—
Repeal subsection (6).
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Part 6

Amendments to Toys and Children's Products Safety Ordinance (Cap. 424)

14. Section 2 amended (interpretation)

(1) Section 2—

Repeal the definition of *children's product standard*

Substitute

“*children's product standard* (兒童產品標準), in relation to a children's product, means a standard specified in column 2 of Schedule 2 opposite the children's product;”.

(2) Section 2—

Repeal the definition of *toy standard*

Substitute

“*toy standard* (玩具標準) means a standard specified in Schedule 1;”.

15. Schedule 1 amended (toy standards)

(1) Schedule 1—

Repeal

“Column 1”.

(2) Schedule 1—

Repeal column 2.

(3) Schedule 1, item 1(c)—

Repeal

“ISO 8124-3:1997”

Substitute

“ISO 8124-3:2010”.

- (4) Schedule 1—

Repeal item 1(d)

Substitute

“(d) IEC 62115 Edition 1.1
(2004-11) [IEC 62115 Edition 1:2003 consolidated
with amendment 1:2004]
(incorporating Amendment 2)
“Electric Toys—Safety””.

- (5) Schedule 1, item 2(a)—

Repeal

“BS EN 71-1:2005 + A8:2009”

Substitute

“BS EN 71-1:2011”.

- (6) Schedule 1, item 2(b)—

Repeal

“BS EN 71-2:2006 + A1:2007”

Substitute

“BS EN 71-2:2011”.

- (7) Schedule 1, item 2(d)—

Repeal

“BS EN 71-4:1998 + A3:2007”

Substitute

“BS EN 71-4:2009”.

- (8) Schedule 1, item 2(e)—

Repeal

**“BS EN 71-5:1993
BS 5665-5:1993
(incorporating Amendment No. 1)”**

Substitute

**“BS EN 71-5:1993 + A2:2009
BS 5665-5:1993”.**

- (9) Schedule 1, item 2(h)—

Repeal

**“BS EN 71-8:2003
(incorporating Amendment Nos. 1 and 2)”**

Substitute

“BS EN 71-8:2003 + A4:2009”.

16. Schedule 2 amended (children’s product standards)

- (1) Schedule 2—

Repeal column 3.

- (2) Schedule 2, item 2, column 2—

Repeal

“ASTM F977-07”

Substitute

“ASTM F977-11”.

- (3) Schedule 2, item 4, column 2—

Repeal

**“AS/NZS 4220:2003
“Bunk beds””**

Substitute

**“AS/NZS 4220:2010
“Bunk beds and other elevated beds””.**

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- (4) Schedule 2, item 6, column 2—
Repeal
“ASTM F1004-07”
Substitute
“ASTM F1004-10”.
- (5) Schedule 2, item 7, column 2—
Repeal
“ASTM F1169-07
“Standard specification for full-size baby crib””
Substitute
“ASTM F1169-10a
“Standard consumer safety specification for full-size baby
cribs””.
- (6) Schedule 2, item 8, column 2—
Repeal
“ASTM F404-08”
Substitute
“ASTM F404-10”.
- (7) Schedule 2, item 9, column 2—
Repeal
“AS/NZS ISO 8124.3:2003”
Substitute
“AS/NZS ISO 8124.3:2003
(incorporating Amendment No. 1)”.
- (8) Schedule 2, item 9, column 2—
Repeal
“ISO 8124-3:1997”
Substitute

“ISO 8124-3:2010”.

- (9) Schedule 2, item 11, column 2—

Repeal

“(a) BS EN 12227-1:1999

“Playpens for domestic use—Part 1: Safety requirements”

(b) BS EN 12227-2:1999

“Playpens for domestic use—Part 2: Test methods””

Substitute

“BS EN 12227:2010

“Playpens for domestic use—Safety requirements and test methods””.

- (10) Schedule 2, item 11, column 2—

Repeal

“ASTM F406-08a”

Substitute

“ASTM F406-11”.

- (11) Schedule 2, item 12, column 2—

Repeal

“ASTM F833-08”

Substitute

“ASTM F833-11”.

- (12) Schedule 2, item 12, column 2—

Repeal

“AS/NZS 2088:2000”

Substitute

“AS/NZS 2088:2009”.

Part 7

Amendments Relating to Editorial Powers

Division 1—Legislation Publication Ordinance (Cap. 614)

17. Section 11 amended (powers to give chapter numbers etc.)

Section 11(a), after “alter the”—

Add

“title,”.

18. Section 12 amended (powers to make editorial amendments)

(1) Section 12(a), before “short title” (wherever appearing)—

Add

“title,”.

(2) After section 12(a)—

Add

“(ab) insert, after a reference to the title, short title or citation of another Ordinance, the chapter number given to that other Ordinance under section 11(a) and, if another reference of any other kind to that other Ordinance appears after the reference to the title, short title or citation, omit that other reference;”.

(3) After section 12(g)—

Add

“(ga) if a word or expression is defined, or the construction of a reference to a word or expression is provided for, in the text of one official language, insert after that word or expression its equivalent in the other official language;”.

19. Section 17 amended (powers to make revisions)

Section 17(h)(i), after “the”—

Add

“title,”.

**Division 2—Laws (Loose-leaf Publication) Ordinance 1990
(51 of 1990)**

20. Section 2 amended (publication of Ordinances, etc. in a loose-leaf edition)

Section 2(2)(a), after “alter the”—

Add

“title,”.

21. Section 2A amended (power to make editorial amendments)

(1) Section 2A(1)—

Repeal

“published in the loose-leaf edition”.

(2) Section 2A(1)(a), before “short title” (wherever appearing)—

Add

“title,”.

(3) After section 2A(1)(a)—

Add

“(ab) insert, after a reference to the title, short title or citation of another Ordinance, the chapter number given to that other Ordinance under section 2(2)(a) and, if another reference of any other kind to that other Ordinance appears after the reference to the title, short title or citation, omit that other reference;”.

(4) After section 2A(1)(g)—

Add

“(ga) if a word or expression is defined, or the construction of a reference to a word or expression is provided for, in the text of one official language, insert after that word or expression its equivalent in the other official language;”.

Part 8

Amendments Relating to Legal Practice Entities

Division 1—Legal Practitioners Ordinance (Cap. 159)

22. Section 8AAA amended (additional powers of an inspector)

Section 8AAA(3)(a)—

Repeal

“law firm”

Substitute

“legal practice entity”.

23. Section 13A amended (publication of findings of Solicitors Disciplinary Tribunal)

Section 13A(1)—

Repeal

“solicitor” (wherever appearing)

Substitute

“legal practice entity”.

24. Section 27 amended (power of Court to admit barristers)

Section 27(2)(a), after “Hong Kong”—

Add

“or as a member or salaried employee of a solicitor corporation”.

25. Section 40N amended (winding-up, etc. of business of notaries public struck off or suspended)

(1) Section 40N(1)—

Repeal

“or firm of solicitors”

Substitute

“, firm of solicitors or solicitor corporation”.

(2) Section 40N(2)—

Repeal

“or firm of solicitors”

Substitute

“, firm of solicitors or solicitor corporation”.

26. Section 50B amended (offences in relation to foreign lawyers, foreign firms and Associations)

Section 50B(1)—

Repeal

“a barrister or a foreign lawyer”

Substitute

“a solicitor corporation, a barrister, a foreign lawyer or a foreign lawyer corporation”.

27. Section 72AA amended (power of Bar Council to make rules)

Section 72AA(b)—

Repeal

“solicitors and barristers”

Substitute

“barristers with solicitors and solicitor corporations”.

28. Section 73 amended (power of the Council to make rules)

Section 73(2A), after “Hong Kong firm”—

Add

“, as a member or an employee of a solicitor corporation,”.

29. Section 73A amended (indemnity rules)

Section 73A(8), after “Hong Kong firm”—

Add

“, as a member or an employee of a solicitor corporation,”.

30. Section 73D amended (power of Council of Society of Notaries to make rules)

Section 73D(1)(a)(iv)—

Repeal

“and solicitors and barristers respectively”

Substitute

“with solicitors, solicitor corporations and barristers”.

Division 2—Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997)

31. Section 2 amended (Part added)

Section 2, new Part IIAA—

Repeal new section 7L

Substitute

“7L. Companies Ordinance applies to solicitor corporations

(1) Except as provided in subsection (2), the Companies Ordinance (Cap. 32) applies in relation to a company that is a solicitor corporation.

- (2) For the purposes of section 114C(1) of the Companies Ordinance (Cap. 32), a member of a solicitor corporation is entitled to appoint as the member's proxy only a solicitor who is a member or employee of the corporation.”.

32. Section 5 amended (sections added)

- (1) Section 5, new section 39BA(1)—

Repeal

“an oversea”

Substitute

“a non-Hong Kong”.

- (2) Section 5, new section 39BA(3)—

Repeal

“an oversea” (wherever appearing)

Substitute

“a non-Hong Kong”.

- (3) Section 5, new section 39BA(3)—

Repeal

“oversea companies”

Substitute

“non-Hong Kong companies”.

- (4) Section 5, new section 39BA(8), definition of *oversea company*—

Repeal

““oversea company””

Substitute

“*non-Hong Kong company* (非香港公司)”.

33. Schedule 1 amended (consequential amendments to Legal Practitioners Ordinance)

- (1) Schedule 1, item 1—

Repeal column 3

Substitute

“Repeal everything after “admission” and substitute “, approval and registration of barristers and legal practice entities; for the employment of trainee solicitors and others by those entities; for the appointment and registration of notaries public; for regulating the practice of law, and for connected purposes.”.”.

- (2) Schedule 1, item 6, column 3, after paragraph (a)—

Add

“(ab) In the English text, repeal “unless he” and substitute “unless the entity”.”.

- (3) Schedule 1, after item 6—

Add

“6A. Section 8(2)(d) Repeal “solicitor, or foreign lawyer, or his firm” and substitute “legal practice entity”.”.

- (4) Schedule 1, English text, item 8, column 3, new section 8A(5)—

Repeal

“practise”

Substitute

“practice”.

- (5) Schedule 1, after item 13—

Add

- “13A. Heading of section 9A Repeal “**solicitor, foreign lawyer**” and substitute “**legal practice entity**”.”.
- (6) Schedule 1, item 17, column 3, new section 10(2D), before “if the Tribunal”—
Add
 “under section 39BA”.
- (7) Schedule 1, item 28, column 3, new section 26A(2A)(d)—
Repeal
 “an oversea”
Substitute
 “a non-Hong Kong”.
- (8) Schedule 1, after item 29—
Add
 “29A. Heading of section 26C Repeal “**solicitors or foreign lawyers**” and substitute “**legal practice entities**”.”.
- (9) Schedule 1—
Repeal item 32.
- (10) Schedule 1, item 33—
Repeal column 3
Substitute
 “Repeal and substitute—
 “(e) if the barrister is on the roll of solicitors or is a member of a solicitor corporation; or”.”.
- (11) Schedule 1, after item 37—
Add
 “37A. Heading of section 45 Add “**or solicitor corporation**” after “**solicitor**”.”.

(12) Schedule 1, item 42, column 2, after “50A”—

Add

“(1)”.

(13) Schedule 1—

Repeal item 43.

(14) Schedule 1, item 53, column 3, new section 53(1AA)—

Repeal paragraphs (a), (b) and (c)

Substitute

“(a) who is disqualified from practising as a solicitor because the person’s name has been struck off the roll of solicitors, or who is suspended from practising as a solicitor, or who is an undischarged bankrupt;

(b) who was a foreign lawyer whose registration was cancelled otherwise than under section 19 and who has not since been re-registered, or who is a foreign lawyer whose registration is suspended; or

(c) who is a person referred to in section 39A(1) who—

(i) has not been registered as a foreign lawyer under that section; and

(ii) is an undischarged bankrupt.”.

(15) Schedule 1, English text, item 67, column 3, after ““solicitor””—

Add

“where it twice occurs”.

(16) Schedule 1, item 97, column 3, paragraph (a), new section 73(1)(a)(i), after “such entities,”—

Add

“solicitor advocates,”.

(17) Schedule 1, item 102, column 3, new section 73(1B)(c)—

Repeal

“oversea”

Substitute

“non-Hong Kong”.

(18) Schedule 1, after item 103—

Add

“103A. Section 73A(2)(c)	Repeal “solicitors or any specified class of solicitors” and substitute “solicitors or solicitor corporations, or any specified class of solicitors or solicitor corporations,”.
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(19) Schedule 1, after item 105—

Add

“105A. Section 73A(3)(g)	Add “or solicitor corporations” after “solicitors”.
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(20) Schedule 1, after item 106—

Add

“106A. Section 74(3)(a)	Add “or solicitor corporations” after “solicitors”.
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(21) Schedule 1, English text, item 107, after ““solicitor””—

Add

“where it twice occurs”.

Part 9

Amendments to Ensure that Assistant Principal Solicitors in Intellectual Property Department are Eligible to be Appointed as Certain Judicial Officers

Division 1—High Court Ordinance (Cap. 4)

34. Section 9 amended (professional qualifications of judges)

Section 9(2)(x), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

35. Section 37AA amended (professional qualifications of Registrar, senior deputy registrars, deputy registrars and assistant registrars)

(1) Section 37AA(1)(b)(xii), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

(2) Section 37AA(2)(b)(xii), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

(3) Section 37AA(3)(b)(xii), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

(4) Section 37AA(4)(b)(xi), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

Division 2—Lands Tribunal Ordinance (Cap. 17)

36. Section 4 amended (constitution of Tribunal)

Section 4(3)(b)(x), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

Division 3—Labour Tribunal Ordinance (Cap. 25)

37. Section 4A amended (professional qualifications of presiding officers)

Section 4A(1)(b)(v), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

Division 4—Magistrates Ordinance (Cap. 227)

38. Section 5AA amended (professional qualifications of permanent magistrates)

Section 5AA(1)(b)(v), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

39. Section 5AB amended (professional qualifications of special magistrates)

Section 5AB(1)(b)(v), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

Division 5—District Court Ordinance (Cap. 336)

40. Section 5 amended (professional qualifications of District Judges)

Section 5(1)(b)(x), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

41. Section 14AA amended (professional qualifications of Registrar, deputy registrars and assistant registrars)

Section 14AA(1)(b)(ix), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

Division 6—Small Claims Tribunal Ordinance (Cap. 338)

42. Section 4AA amended (professional qualifications of adjudicators)

Section 4AA(1)(b)(v), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

Division 7—Coroners Ordinance (Cap. 504)

43. Section 3AA amended (professional qualifications of coroners)

Section 3AA(1)(b)(v), after “Assistant Director of Intellectual Property,”—

Add

“Assistant Principal Solicitor,”.

Part 10

Amendments to References to Acceptance of Advantages (Chief Executive’s Permission) Notice

Division 1—Fire Services Ordinance (Cap. 95)

44. Section 19B amended (what the Fund consists of)

Section 19B(h)—

Repeal

“the Acceptance of Advantages (Chief Executive’s Permission) Notice 2004”

Substitute

“the notice from time to time given by the Chief Executive for the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201)”.

Division 2—Police Force Ordinance (Cap. 232)

45. Section 39C amended (what the Police Welfare Fund consists of)

Section 39C(i)—

Repeal

“the Acceptance of Advantages (Chief Executive’s Permission) Notice 2004”

Substitute

“the notice from time to time given by the Chief Executive for the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201)”.

Division 3—Prisons Ordinance (Cap. 234)

46. Section 24F amended (what the Fund consists of)

Section 24F(g)—

Repeal

“the Acceptance of Advantages (Chief Executive’s Permission) Notice 2004”

Substitute

“the notice from time to time given by the Chief Executive for the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201)”.

**Division 4—Government Flying Service Ordinance
(Cap. 322)**

47. Section 15 amended (establishment of the fund)

Section 15(c)—

Repeal

“paragraph 8(2)(c)(iii) of the Acceptance of Advantages (Chief Executive’s Permission) Notice 2004”

Substitute

“the notice from time to time given by the Chief Executive for the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201)”.

Division 5—Immigration Service Ordinance (Cap. 331)

48. Section 16B amended (what the Fund consists of)

Section 16B(f)—

Repeal

“the Acceptance of Advantages (Chief Executive’s Permission) Notice 2004”

Substitute

“the notice from time to time given by the Chief Executive for the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201)”.

**Division 6—Customs and Excise Service Ordinance
(Cap. 342)**

49. Section 19B amended (what the Fund consists of)

Section 19B(h)—

Repeal

“the Acceptance of Advantages (Chief Executive’s Permission) Notice 2004”

Substitute

“the notice from time to time given by the Chief Executive for the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201)”.

Part 11

Amendments to Provisions Containing References to “Coliform Organisms”

Division 1—Frozen Confections Regulation (Cap. 132 sub. leg. AC)

50. Section 6 amended (bacteriological standard of frozen confections for sale)

Section 6—

Repeal

“coliform organisms”

Substitute

“coliform bacteria”.

Division 2—Milk Regulation (Cap. 132 sub. leg. AQ)

51. Section 6 amended (prohibition of sale of milk or milk beverage in certain cases)

(1) Section 6(1)(b)—

Repeal

“coliform organisms”

Substitute

“coliform bacteria”.

(2) Section 6(1)(c)—

Repeal

“coliform organisms”

Substitute

“coliform bacteria”.

52. Section 18 amended (prohibition of possession of contaminated or adulterated milk or milk beverage by licensees under this Part)

(1) Section 18(1)(b)—

Repeal

“coliform organisms”

Substitute

“coliform bacteria”.

(2) Section 18(1)(c)—

Repeal

“coliform organisms”

Substitute

“coliform bacteria”.

Division 3—Dairies Regulations (Cap. 139 sub. leg. D)

53. Regulation 2 amended (interpretation)

Regulation 2, definition of *bacteriological examination*—

Repeal

“coliform organisms”

Substitute

“coliform bacteria”.

54. Regulation 23 amended (restriction on use of milk from diseased animal)

Regulation 23(2)—

Repeal

“coliform organisms”

Substitute

“coliform bacteria”.

55. Schedule amended (form)

The Schedule—

Repeal

“Coliform Organisms”

Substitute

“coliform bacteria”.

Part 12

Miscellaneous Amendments and Repeals

Division 1—Amendments to Cross-references

Subdivision 1—Gas Safety (Installation and Use) Regulations (Cap. 51 sub. leg. C)

56. Regulation 27 amended (room-sealed gas water heaters)

Regulation 27(4), Chinese text—

Repeal

“設計”

Substitute

“規劃”.

Subdivision 2—Factories and Industrial Undertakings (Electricity) Regulations (Cap. 59 sub. leg. W)

57. Regulation 33 amended (saving)

Regulation 33(a)—

Repeal

“Handling) Regulations (Cap. 59 sub. leg.)”

Substitute

“and Container Handling) Regulations (Cap. 59 sub. leg. K)”.

Subdivision 3—Inland Revenue Ordinance (Cap. 112)

58. Section 23B amended (ascertainment of the assessable profits of a ship-owner carrying on business in Hong Kong)

Section 23B(12), Chinese text, definition of 船舶—

Repeal

“管理”

Substitute

“管制”.

Subdivision 4—Metrication Amendments (Dutiable Commodities Ordinance) Order (Cap. 214 sub. leg. D)

59. Paragraph 4 amended (continued use of “tonnage”)

Paragraph 4—

Repeal

“Merchant Shipping (Tonnage) Regulations (Cap. 415 sub. leg.)”

Substitute

“Merchant Shipping (Registration) (Tonnage) Regulations (Cap. 415 sub. leg. C)”.

Subdivision 5—Road Traffic (Multi-cycles) (Specification of Roads, Places, Traffic Signs and Road Markings) Notice (Cap. 374 sub. leg. R)

60. Schedule amended

The Schedule, Part II, Figure No. B1—

Repeal

“SCHEDULE 1”

Substitute

“SCHEDULE 2”.

Subdivision 6—Securities and Futures (Licensing and Registration) (Information) Rules (Cap. 571 sub. leg. S)

61. Section 2 amended (interpretation)

Section 2(1), Chinese text, definition of *刑事調查機構*—

Repeal

“《總督特派廉政專員公署條例》”

Substitute

“《廉政公署條例》”.

Division 2—Amendments to Achieve Consistency in Terminology and Consistency between English and Chinese Texts

Subdivision 1—Merchant Shipping (Seafarers) (Fees) Regulation (Cap. 478 sub. leg. AB)

62. Section 2 amended (interpretation)

Section 2, Chinese text, definition of *噸*—

Repeal

“Merchant Shipping (Registration) (Tonnage) Regulations”

Substitute

“商船(註冊)(噸位)規例”.

**Subdivision 2—Mandatory Provident Fund Schemes Ordinance
(Cap. 485)**

63. Section 16 amended (protection of accrued benefits)

(1) Section 16(1), Chinese text—

Repeal

“代表他”

Substitute

“代表計劃成員”。

(2) Section 16(1), Chinese text—

Repeal

“在違反上述規定下作出的宣稱的上述處置”

Substitute

“看來是以上所述的處置，如違反上述規定”。

**Subdivision 3—Environmental Impact Assessment Ordinance
(Cap. 499)**

64. Section 9 amended (prohibition against carrying out designated project unless environmental permit has been issued, etc.)

Section 9(2)(f), Chinese text—

Repeal

“Water Pollution Control (Sewerage) Regulation”

Substitute

“水污染管制(排污設備)規例”。

Subdivision 4—Registered Designs Ordinance (Cap. 522)

65. Section 5 amended (new designs are registrable)

Section 5(2)(b), Chinese text—

Repeal

“註冊”

Substitute

“發表”。

**Subdivision 5—Mutual Legal Assistance in Criminal Matters
Ordinance (Cap. 525)**

66. Schedule 2 amended (enforcement, etc. of external confiscation orders)

Schedule 2, Chinese text, section 10(7)—

Repeal

“在第 (6)(b) 款所述的期間屆滿之前，律政司司長可應由或代指明的地方的政府就該款所述的任何餘款而提出的申請，”

Substitute

“如在第 (6)(b) 款提述的期間屆滿前，訂明地方的政府或其代表就該款所提述的任何餘款提出申請，律政司司長可應申請”。

Division 3—Technical Amendments

Subdivision 1—Rules of the High Court (Cap. 4 sub. leg. A)

67. Order 54 amended (applications for writ of habeas corpus)

Order 54, rule 2(2)—

Repeal

“or notice”。

**Subdivision 2—Pension Benefits Regulations (Cap. 99
sub. leg. A)**

68. Regulation 15A amended (additional pension in respect of war service)

Regulation 15A(9), Chinese text, definition of 附加報酬—

Repeal

“該何”

Substitute

“任何”.

**Subdivision 3—Frozen Confections Regulation (Cap. 132
sub. leg. AC)**

69. Section 3 amended (interpretation)

Section 3, English text, definition of *ingredient*—

Repeal

“of”

Substitute

“or”.

Subdivision 4—Pawnbrokers Ordinance (Cap. 166)

70. Section 21 amended (prohibition on pawnbrokers when receiving goods in pawn)

Section 21(1)(c), Chinese text—

Repeal

“國家”

Substitute

““國家””.

**Subdivision 5—Air Pollution Control (Amendment) Ordinance
1993 (13 of 1993)**

71. Section 1 amended (short title and commencement)

Section 1(2)—

Repeal

“Secretary for Planning, Environment and Lands”

Substitute

“Secretary for the Environment”.

Division 4—Repeals

72. Enactments repealed

The enactments specified in the Schedule are repealed.

Schedule

[s. 72]

Enactments Repealed

1. Television (Period of Validity of Licence) (Television Broadcasts Limited) Order (Cap. 52 sub. leg. C).
2. Television (Period of Validity of Licence) (Asia Television Limited) Order (Cap. 52 sub. leg. D).
3. Television (Period of Validity of Licence) (Wharf Cable Limited) Order (Cap. 52 sub. leg. E).
4. Television (Royalty, Licence Fees and Spectrum Utilization Fees) Regulation (Cap. 52 sub. leg. F).
5. Television (Date of Renewal of Licence) (Asia Television Limited) Order 1995 (Cap. 52 sub. leg. G).
6. Television (Date of Renewal of Licence) (Television Broadcasts Limited) Order 1995 (Cap. 52 sub. leg. H).
7. Television (Advertising) Regulation (Cap. 52 sub. leg. I).
8. Television (Programmes) Regulation (Cap. 52 sub. leg. J).
9. Television (Date of Renewal of Licence) (Hong Kong Cable Television Limited) Order 2000 (Cap. 52 sub. leg. K).
10. Watchmen Regulations (Cap. 299 sub. leg. A).
11. Hong Kong Sports Institute By-laws (Cap. 309 sub. leg. A).
12. Declaration of Number of Proposed Districts and Specification of District Names Order (Cap. 366 sub. leg. G).

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13. Declaration of Districts Order 1994 (Cap. 366 sub. leg. H).
 14. Distribution of Number of Members Among Designated Bodies (Election Committee) (Legislative Council) Order 2000 (Cap. 542 sub. leg. H).
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Explanatory Memorandum

The objects of this Bill are to make miscellaneous amendments to various Ordinances and to repeal various items of subsidiary legislation that have ceased to be in force.

2. The Bill is divided into 12 Parts.

Part 1

3. Clause 1 sets out the short title and provides for commencement.

Part 2

4. Part 2 (clauses 3 to 10) amends the Legal Practitioners Ordinance (Cap. 159).
5. Clause 3 amends section 31C of the Legal Practitioners Ordinance (Cap. 159) to clarify that employed barristers are not required to be insured.
6. Clause 4 amends section 40M of the Legal Practitioners Ordinance (Cap. 159) to allow an appeal to be lodged with the Court of Final Appeal against any order made by a Notaries Public Disciplinary Tribunal. Clause 5 contains related amendments to section 40R of the Legal Practitioners Ordinance (Cap. 159).
7. Clauses 6, 7 and 8 contain amendments to sections 25, 39 and 40P of the Legal Practitioners Ordinance (Cap. 159) which are consequential to amendments made to sections 13(1) and 37B(1) of the Legal Practitioners Ordinance (Cap. 159) under the Statute Law (Miscellaneous Provisions) Ordinance 2005 (10 of 2005).

8. Clause 9 amends section 50B of the Legal Practitioners Ordinance (Cap. 159) to clarify that a foreign lawyer or foreign firm must not employ or take a solicitor or barrister into partnership if the solicitor or barrister holds a practising certificate.
9. Clause 10 contains amendments to section 72 of the Legal Practitioners Ordinance (Cap. 159) which are consequential to the repeal of section 27A of the Legal Practitioners Ordinance (Cap. 159) under the Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000).

Part 3

10. Part 3 (clause 11) amends section 3 of the Administration of Estates by Consular Officers Ordinance (Cap. 191) to streamline the gazettal requirement of orders made under that section.

Part 4

11. Part 4 (clause 12) adds a new section 118O to the Crimes Ordinance (Cap. 200) to implement the recommendation of the report of the Law Reform Commission of Hong Kong published in December 2010 on the abolition of the common law presumption that a boy under the age of 14 is incapable of sexual intercourse.

Part 5

12. Section 12(6) of the Customs and Excise Service Ordinance (Cap. 342) requires an officer under interdiction to seek the permission of the Commissioner of Customs and Excise before leaving Hong Kong. Part 5 (clause 13) repeals that section which may not be compatible with Article 31 of the Basic Law and Article 8(2) of the Hong Kong Bill of Rights set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383).

Part 6

13. Part 6 (clauses 14, 15 and 16) amends the Toys and Children's Products Safety Ordinance (Cap. 424). Clause 14 amends the definitions of *children's product standard* and *toy standard* in section 2 of that Ordinance and clauses 15 and 16 amend Schedules 1 and 2 to that Ordinance. The amendments are to facilitate the updating of the applicable safety standards specified for toys and children's products.

Part 7

14. Part 7 (clauses 17 to 21) amends the Legislation Publication Ordinance (Cap. 614) and the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) to facilitate the editorial work involved in preparing and updating the Laws of Hong Kong.
15. Clauses 17, 19 and 20 contain certain technical amendments to the Legislation Publication Ordinance (Cap. 614) and the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990).
16. Clauses 18 and 21 respectively amend section 12 of the Legislation Publication Ordinance (Cap. 614) and section 2A of the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) to empower the Secretary for Justice to, in an Ordinance—
- (a) insert after a reference to the title of another Ordinance the chapter number given to that other Ordinance; and
 - (b) insert after a definition its English or Chinese equivalent.

Part 8

17. Part 8 (clauses 22 to 33) amends the Legal Practitioners Ordinance (Cap. 159) and the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997).

18. Division 1 of Part 8 and clause 33 contain amendments to the Legal Practitioners Ordinance (Cap. 159) and Schedule 1 to the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997). The amendments relate to legal practice entities and are required to be made so as to enable the relevant provisions of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) to be brought into operation.
19. Division 2 of Part 8 contains amendments to the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997). Clause 31 repeals and re-enacts the new section 7L of the Legal Practitioners Ordinance (Cap. 159) as enacted by the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) to clarify the extent to which the Companies Ordinance (Cap. 32) is to apply to a solicitor corporation.
20. Clause 32 amends the new section 39BA of the Legal Practitioners Ordinance (Cap. 159) as enacted by the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) to update the reference to an oversea company.

Part 9

21. Part 9 (clauses 34 to 43) amends the following enactments by adding to the relevant provisions references to Assistant Principal Solicitors in the Intellectual Property Department so as to ensure that they are eligible to be appointed as certain judicial officers—
 - (a) the High Court Ordinance (Cap. 4) (clauses 34 and 35);
 - (b) the Lands Tribunal Ordinance (Cap. 17) (clause 36);
 - (c) the Labour Tribunal Ordinance (Cap. 25) (clause 37);

- (d) the Magistrates Ordinance (Cap. 227) (clauses 38 and 39);
- (e) the District Court Ordinance (Cap. 336) (clauses 40 and 41);
- (f) the Small Claims Tribunal Ordinance (Cap. 338) (clause 42);
- (g) the Coroners Ordinance (Cap. 504) (clause 43).

Part 10

22. Part 10 (clauses 44 to 49) amends the references in the following enactments to the title of a notice given by the Chief Executive for the purposes of section 3 of the Prevention of Bribery Ordinance (Cap. 201)—
- (a) the Fire Services Ordinance (Cap. 95) (clause 44);
 - (b) the Police Force Ordinance (Cap. 232) (clause 45);
 - (c) the Prisons Ordinance (Cap. 234) (clause 46);
 - (d) the Government Flying Service Ordinance (Cap. 322) (clause 47);
 - (e) the Immigration Service Ordinance (Cap. 331) (clause 48);
 - (f) the Customs and Excise Service Ordinance (Cap. 342) (clause 49).

Part 11

23. Part 11 (clauses 50 to 55) rectifies errors in the references to “coliform organisms” appearing in the following enactments—
- (a) the Frozen Confections Regulation (Cap. 132 sub. leg. AC) (clause 50);
 - (b) the Milk Regulation (Cap. 132 sub. leg. AQ) (clauses 51 and 52);

- (c) the Dairies Regulations (Cap. 139 sub. leg. D) (clauses 53 to 55).

Part 12

- 24. Part 12 (clauses 56 to 72) makes miscellaneous amendments of a minor nature to various enactments and repeals various enactments that have ceased to be in force.
- 25. Division 1 of Part 12 amends the following enactments to rectify errors in the references in certain provisions to other provisions—
 - (a) the Gas Safety (Installation and Use) Regulations (Cap. 51 sub. leg. C) (clause 56);
 - (b) the Factories and Industrial Undertakings (Electricity) Regulations (Cap. 59 sub. leg. W) (clause 57);
 - (c) the Inland Revenue Ordinance (Cap. 112) (clause 58);
 - (d) the Metrication Amendments (Dutiable Commodities Ordinance) Order (Cap. 214 sub. leg. D) (clause 59);
 - (e) the Road Traffic (Multi-cycles) (Specification of Roads, Places, Traffic Signs and Road Markings) Notice (Cap. 374 sub. leg. R) (clause 60);
 - (f) the Securities and Futures (Licensing and Registration) (Information) Rules (Cap. 571 sub. leg. S) (clause 61).
- 26. Division 2 of Part 12 amends the following enactments to achieve consistency in terminology and consistency between the English and Chinese texts of those enactments—
 - (a) the Merchant Shipping (Seafarers) (Fees) Regulation (Cap. 478 sub. leg. AB) (clause 62);
 - (b) the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (clause 63);
 - (c) the Environmental Impact Assessment Ordinance (Cap. 499) (clause 64);

- (d) the Registered Designs Ordinance (Cap. 522) (clause 65);
 - (e) the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) (clause 66).
27. Division 3 of Part 12 makes certain technical amendments to the following enactments—
- (a) the Rules of the High Court (Cap. 4 sub. leg. A) (clause 67);
 - (b) the Pension Benefits Regulations (Cap. 99 sub. leg. A) (clause 68);
 - (c) the Frozen Confections Regulation (Cap. 132 sub. leg. AC) (clause 69);
 - (d) the Pawnbrokers Ordinance (Cap. 166) (clause 70);
 - (e) the Air Pollution Control (Amendment) Ordinance 1993 (13 of 1993) (clause 71).
28. Division 4 of Part 12 (clause 72) repeals various items of subsidiary legislation set out in the Schedule that have ceased to be in force.