

**立法會**  
**Legislative Council**

LC Paper No. LS30/12-13

**Paper for the House Committee Meeting  
on 15 March 2013**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 8 March 2013**

**Date of tabling in LegCo** : 20 March 2013

**Amendment to be made by** : 17 April 2013 (or 8 May 2013 if extended by resolution)

**Legislation Publication Ordinance (Cap. 614)  
Legislation Publication (Revision) Order 2013 (L.N. 28)**

The Order is made by the Secretary for Justice (SJ) under section 17 of the Legislation Publication Ordinance (Cap. 614) (LPO) to make amendments to various Ordinances and subsidiary legislation.

2. Section 17 of LPO empowers SJ to, among other things, make revisions to an Ordinance for the purpose of securing consistency in expression within the Ordinance or with another Ordinance, to amend the heading of a provision or a group of provisions in an Ordinance to reflect the contents of the provision or the group of provisions, or to replace a word or expression in an Ordinance indicating gender by a gender-neutral word or expression.

3. The Order comprises of 4 Parts. Part 1 provides for the commencement date. Parts 2 to 4 set out the proposed amendments to various Ordinances and subsidiary legislation. The Order seeks to -

- (a) make amendments to secure uniformity in expression within an Ordinance or with another Ordinance (Part 2 of the Order);
- (b) amend section headings to reflect contents of provision or group of provisions (Part 3 of the Order); and
- (c) discontinue the use of "shall" (Part 4 of the Order); and

- (d) replace a word or expression indicating gender by a gender-neutral word or expression (Part 4 of the Order).

A summary of the proposed amendments is at **Appendix**.

4. The Order will come into operation on 10 May 2013.

5. At the meeting of the Panel on the Administration of Justice and Legal Service (the Panel) held on 26 March 2012, members were informed by the Administration that certain minor amendments to various Ordinances to secure uniformity in expression or to replace a word indicating gender by a gender-neutral word could not be made by way of editorial power but would have to be made by way of subsidiary legislation. Such subsidiary legislation in the form of a revision order made by SJ under section 17 of LPO would be introduced on a regular basis. The first revision order was gazetted on 4 May 2012.

6. The Administration has not consulted the Panel on the Order.

7. Members may wish to refer to LegCo Brief (File Ref: LDT993/01/0) dated 4 March 2013 issued by the Department of Justice for further information.

**Telecommunications Ordinance (Cap. 106)**

**Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2012 (L.N. 190 of 2012)**

**Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2012 (Commencement) Notice (L.N. 29)**

8. The Notice made by the Director-General of Communications appoints 10 May 2013 as the day on which Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) (Amendment) Order 2012 (L.N. 190 of 2012) (the Amendment Order) comes into operation.

9. The Amendment Order amends the Telecommunications (Telecommunications Apparatus)(Exemption from Licensing) Order (Cap. 106 sub. leg. Z) to withdraw the licensing exemptions for selling, importing or exporting the Personal Handy Phone System (PHS) apparatus operating within the 1895 - 1906.1 MHz band and to provide transitional arrangement for the existing licensing exemptions in respect of the establishment or maintenance, and possession or use of such apparatus.

10. Under the Amendment Order, the licensing exemptions in respect of selling, importing or exporting the PHS apparatus will cease upon the commencement of the Amendment Order. The licensing exemptions in respect of the establishment or maintenance, and possession or use of such apparatus will be withdrawn after midnight on the date immediately before the third anniversary of the commencement date of the Amendment Order.

11. The Amendment Order was gazetted on 21 December 2012 and tabled at the Council meeting on 9 January 2013. A subcommittee was formed under the House Committee to study the Amendment Order. As advised by the Clerk to the Subcommittee, members of the Subcommittee generally supported the Amendment Order. The Subcommittee was advised of the Administration's proposal to commence the operation of the Amendment Order by around mid-May 2013. The Panel on Information Technology and Broadcasting has not been consulted on the Notice.

12. For further information, Members may wish to refer to the Report of the Subcommittee (LC Paper No. CB(4)363/12-13) and the LegCo Brief (File Ref: OFCA LM T4/11 in OFCA/R/R/111A/2 C) issued by the Office of the Communications Authority on 6 March 2013.

#### Concluding Remarks

13. No difficulties relating to the legal or drafting aspects of the above subsidiary legislation have been identified.

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14 March 2013

## Legislation Publication (Revision) Order 2013

## Summary of Proposed Amendments

Part 2 of the Order (Amendments to Secure Uniformity in Expression)

<i>Ordinance / Subsidiary Legislation</i>	<i>Section</i>	<i>Repeal</i>	<i>Substitute</i>	<i>Add</i>
1. Post Office Ordinance (Cap. 98)	s. 2(1)	名信片	明信片	
2. Milk Regulation (Cap. 132 sub. leg. AQ)	s. 21A	牛		
	s. 21A	《牛奶場規例》	《奶場規例》	
	s. 21A	的牛奶場	的奶場	
3. Education Ordinance (Cap. 279)	s. 67(c)			the
	s. 67(d)	to employ	the employment of	
4. Merchant Shipping (Minimum Passenger Space) Regulations (Cap. 369 sub. leg. E)	reg. 22(6)(a)	調較	調校	
5. Crimes (Torture) Ordinance (Cap. 427)	s. 3(6)	終生	終身	
6. Post-Release Supervision of Prisoners Ordinance (Cap. 475)	s. 22(1)(b)	終生	終身	
7. United Nations Sanctions (Somalia) Regulation (Cap. 537 sub. leg. AN)	s. 25(1)(c)	安理會	安全理事會	

Part 3 of the Order (Amendments to Heading to Reflect Contents of Provision or Group of Provisions)

<i>Ordinance / Subsidiary Legislation</i>	<i>Section</i>	<i>Repeal</i>	<i>Substitute</i>
1. Sex Discrimination Ordinance (Cap. 480)	s. 7	in employment field	
	s. 8	in employment field	
2. District Councils Ordinance (Cap. 547)	Part IX	4 OR 5	4, 5 OR 7

Part 4 of the Order (Amendments to Secure Uniformity in Expression and Gender-neutral Amendments to Crimes (Torture) Ordinance (Cap. 427))

<i>Ordinance / Subsidiary Legislation</i>	<i>Section</i>	<i>Repeal</i>	<i>Substitute</i>
Crimes (Torture) Ordinance (Cap. 427)	s. 2(2)	shall	is to
	s. 2(2)	he acts (be he	the person acts (whether
	s. 2(3)	shall not	is not to
	s. 3(1)	his nationality	the official's or the person's nationality
	s. 3(1)	he	the official or the person
	s. 3(1)	his official duties	his or her official duties
	s. 3(2)	對他	
	s. 3(2)	his nationality	the person's nationality
	s. 3(2)(a)	he	the person
	s. 3(2)(b)	his official duties when he	his or her official duties when he or she
	s. 3(4)	shall be	is
	s. 3(4)	his to prove that he	the person to prove that the person
	s. 3(6)	shall be	is
	s. 4	shall	must