

LEGISLATIVE COUNCIL BRIEF

Legislation Publication Ordinance (Cap. 614)

Legislation Publication (Revision) Order 2013

INTRODUCTION

The Legislation Publication Ordinance (Cap. 614) (“LPO”) was enacted in June 2011. In exercise of the power conferred by section 17 of the LPO, the Secretary for Justice has made the Legislation Publication (Revision) Order 2013 (the “Order”) at the **Annex**. The purpose of the Order is to make amendments to various Ordinances to ensure that the relevant provisions are accurate, up-to-date and accord with current legislative drafting practices.

JUSTIFICATIONS

2. The revisions to Ordinances help enhance the readability of our legislation, secure uniformity in expression across the statute book and facilitate the substitution of words or expressions indicating gender or that could be taken to indicate gender with gender-neutral ones. The revision regime is an efficient mechanism to improve and modernize the statute book in accordance with the prevailing drafting conventions.

THE ORDER

3. The Order makes alterations to different Ordinances for the purpose of securing uniformity in expression. For example, “名信片” in section 2(1) of the Post Office Ordinance (Cap. 98) is substituted by “明

信片” for consistency with section 8 of the same Ordinance. The reference to “《牛奶場規例》” in section 21A of the Milk Regulation (Cap. 132 sub. leg. AQ) is replaced by “《奶場規例》” so as to accord with the Chinese citation of the Dairies Regulations (Cap. 139 sub. leg. D).

4. Amendments are made to the headings of sections 7 and 8 of the Sex Discrimination Ordinance (Cap. 480) and the heading of Part IX of the District Councils Ordinance (Cap. 547) to reflect the contents of the provisions grouped under those headings.

5. In addition, the Order replaces gender-specific references in the Crimes (Torture) Ordinance (Cap. 427) with gender-neutral references. It also amends that Ordinance to discontinue the use of “shall”, to accord with the current legislative drafting practices.

LEGISLATIVE TIMETABLE

6. The legislative timetable is as follows:

Publication in the Gazette	8 March 2013
Tabling in the Legislative Council	20 March 2013
Commencement	10 May 2013

IMPLICATIONS

7. The Order is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, environmental, sustainability, productivity, financial or civil service implications. The Order does not affect the binding effect of the Ordinances and subsidiary legislation being amended.

CONSULTATION

8. We briefed the Legislative Council Panel on Administration of Justice and Legal Services on 26 March 2012 and informed the Panel that revision Orders will be introduced on a regular basis.¹ All bureaux which have policy responsibilities over the affected legislation have been consulted.

PUBLICITY

9. A spokesperson will be available to answer enquiries.

ENQUIRIES

10. Any enquiries on this brief can be addressed to Ms. Leonora Ip, Senior Assistant Law Draftsman, Law Drafting Division, Department of Justice, at Tel. No. 2867 2405.

Department of Justice

4 March 2013

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¹ Please see paragraph 14 of LC Paper No. CB(2)1452/11-12(01)

Legislation Publication (Revision) Order 2013

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Legislation Publication (Revision) Order 2013

(Made by the Secretary for Justice under section 17 of the Legislation
Publication Ordinance (Cap. 614))

Part 1

Preliminary

1. Commencement

This Order comes into operation on 10 May 2013.

2. Enactments amended

The enactments specified in Parts 2, 3 and 4 are amended as set out
in those Parts.

Part 2**Amendments to Secure Uniformity in Expression****Division 1—Post Office Ordinance (Cap. 98)****3. Section 2 amended (interpretation)**Section 2(1), Chinese text, definition of ~~郵資印花~~**Repeal**

“名信片”

Substitute

“明信片”.

Division 2—Milk Regulation (Cap. 132 sub. leg. AQ)**4. Section 21A amended (prohibition of use by licensee of milk other than from licensed dairies)**

(1) Section 21A, Chinese text, heading—

Repeal

“牛”.

(2) Section 21A, Chinese text—

Repeal

“《牛奶場規例》”

Substitute

“《奶場規例》”.

(3) Section 21A, Chinese text—

Repeal

“的牛奶場”

Substitute

“的奶場”.

Division 3—Education Ordinance (Cap. 279)**5. Section 67 amended (Permanent Secretary may require interview or further information)**

(1) Section 67(c), English text, before “registration”—

Add

“the”.

(2) Section 67(d), English text—

Repeal

“to employ”

Substitute

“the employment of”.

Division 4—Merchant Shipping (Minimum Passenger Space) Regulations (Cap. 369 sub. leg. E)**6. Regulation 22 amended (ventilation, unberthed passenger accommodation)**

Regulation 22(6)(a), Chinese text—

Repeal

“調較”

Substitute

“調校”.

Division 5—Crimes (Torture) Ordinance (Cap. 427)**7. Section 3 amended (torture)**

Section 3(6), Chinese text—

Repeal

“終生”

Substitute

“終身”.

**Division 6—Post-Release Supervision of Prisoners
Ordinance (Cap. 475)****8. Section 22 amended (Chief Executive may give directions, etc.)**

Section 22(1)(b), Chinese text—

Repeal

“終生”

Substitute

“終身”.

**Division 7—United Nations Sanctions (Somalia) Regulation
(Cap. 537 sub. leg. AN)****9. Section 25 amended (disclosure of information or documents)**

Section 25(1)(c), Chinese text—

Repeal

“安理會”

Substitute

“安全理事會”.

Part 3**Amendments to Heading to Reflect Contents of
Provision or Group of Provisions****Division 1—Sex Discrimination Ordinance (Cap. 480)****10. Section 7 heading amended (discrimination against married,
etc. persons in employment field)**

Section 7, heading—

Repeal

“in employment field”.

**11. Section 8 heading amended (discrimination against pregnant
women in employment field)**

Section 8, heading—

Repeal

“in employment field”.

Division 2—District Councils Ordinance (Cap. 547)**12. Part IX heading amended (Chief Executive in Council to make
regulations and amend Schedule 4 or 5)**

Part IX, heading—

Repeal

“4 OR 5”

Substitute

“4, 5 OR 7”.

Part 4**Amendments to Secure Uniformity in Expression and
Gender-neutral Amendments to Crimes (Torture)
Ordinance (Cap. 427)****13. Section 2 amended (interpretation)**

- (1) Section 2(2), English text—

Repeal

“shall”

Substitute

“is to”.

- (2) Section 2(2), English text—

Repeal

“he acts (be he)”

Substitute

“the person acts (whether)”.

- (3) Section 2(3), English text—

Repeal

“shall not”

Substitute

“is not to”.

14. Section 3 amended (torture)

- (1) Section 3(1), English text—

Repeal

“his nationality”

Substitute

“the official’s or the person’s nationality”.

- (2) Section 3(1), English text—

Repeal

“he”

Substitute

“the official or the person”.

- (3) Section 3(1), English text—

Repeal

“his official duties”

Substitute

“his or her official duties”.

- (4) Section 3(2), Chinese text—

Repeal

“對他”.

- (5) Section 3(2), English text—

Repeal

“his nationality”

Substitute

“the person’s nationality”.

- (6) Section 3(2)(a), English text—

Repeal

“he”

Substitute

“the person”.

- (7) Section 3(2)(b), English text—

Repeal

“his official duties when he”

Substitute

“his or her official duties when he or she”.

- (8) Section 3(4), English text—

Repeal

“shall be”

Substitute

“is”.

- (9) Section 3(4)—

Repeal

“his to prove that he”

Substitute

“the person to prove that the person”.

- (10) Section 3(6), English text—

Repeal

“shall be”

Substitute

“is”.

15. Section 4 amended (Secretary for Justice’s consent required for prosecutions under section 3)

Section 4, English text—

Repeal

“shall”

Substitute

“must”.

Secretary for Justice

2013

Explanatory Note

The purpose of this Order is to make amendments to various Ordinances to ensure that the relevant provisions are accurate, up-to-date and accord with the current legislative drafting practices.

2. The Order is divided into 4 Parts. Part 1 provides for commencement.
3. Part 2 makes alterations to different Ordinances for the purpose of securing uniformity in expression.
4. Part 3 amends the headings of sections 7 and 8 of the Sex Discrimination Ordinance (Cap. 480) and the heading of Part IX of the District Councils Ordinance (Cap. 547) to reflect the contents of the provisions grouped under those headings.
5. Part 4 makes gender-neutral amendments to the Crimes (Torture) Ordinance (Cap. 427). It also amends that Ordinance to discontinue the use of “shall”, to accord with the current legislative drafting practices.