
Statute Law (Miscellaneous Provisions) Bill 2014

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A BILL

To

Provide for miscellaneous amendments to various Ordinances 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 2014.
- (2) Subject to subsections (3) and (4), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Part 9 comes into operation on the expiry of one month after the day on which this Ordinance is published in the Gazette.
- (4) Divisions 1, 2 and 3 of Part 12 come into operation immediately after Division 4 of that Part comes into operation.

2. Enactments amended

The enactments specified in Parts 2 to 15 are amended as set out in those Parts.

Part 2

Amendments Relating to Sexual Offences

Division 1—Crimes Ordinance (Cap. 200)

3. **Section 118C amended (homosexual buggery with or by man under 21)**
 - (1) Section 118C, heading—
Repeal
“21”
Substitute
“16”.
 - (2) Section 118C—
Repeal
“21” (wherever appearing)
Substitute
“16”.
4. **Section 118F repealed (homosexual buggery committed otherwise than in private)**
Section 118F—
Repeal the section.
5. **Section 118H amended (gross indecency with or by man under 21)**
 - (1) Section 118H, heading—
Repeal
“21”

Substitute

“16”.

- (2) Section 118H—

Repeal

“21” (wherever appearing)

Substitute

“16”.

6. **Section 118J amended (gross indecency by man with man otherwise than in private)**

Section 118J(2)—

Repeal paragraph (a).

7. **Schedule 1 amended (other offences of which accused may be convicted)**

- (1) Schedule 1, item 2—

Repeal

“Homosexual buggery committed otherwise than in private (section 118F)”.

- (2) Schedule 1, item 4—

Repeal

“21” (wherever appearing)

Substitute

“16”.

- (3) Schedule 1—

Repeal item 6.

8. Schedule 2 amended (sexual offence provisions that have extra-territorial effect)

(1) Schedule 2, entry relating to section 118C—

Repeal

“21”

Substitute

“16”.

(2) Schedule 2—

Repeal the entry relating to section 118F.

(3) Schedule 2, entry relating to section 118H—

Repeal

“21”

Substitute

“16”.

Division 2—Consequential Amendments

Subdivision 1—Police Force Ordinance (Cap. 232)

9. Schedule 2 amended (offences specified as serious arrestable offences)

Schedule 2—

Repeal the entry relating to section 118F.

Subdivision 2—Child Care Services Ordinance (Cap. 243)

10. Schedule amended (offences relevant to meaning of *prohibited person*)

(1) The Schedule, paragraph 5, entry relating to section 118C—

Repeal

“21”

Substitute

“16”.

- (2) The Schedule, paragraph 5—

Repeal the entry relating to section 118F.

- (3) The Schedule, paragraph 5, entry relating to section 118H—

Repeal

“21”

Substitute

“16”.

**Subdivision 3—Post-Release Supervision of Prisoners Regulation
(Cap. 475 sub. leg. A)**

11. Schedule 1 amended (specified offences)

- (1) Schedule 1, item 4, entry relating to section 118C—

Repeal

“21”

Substitute

“16”.

- (2) Schedule 1, item 4—

Repeal the entry relating to section 118F.

**Subdivision 4—Social Workers Registration Ordinance
(Cap. 505)**

12. Schedule 2 amended (description of offences which disentitle persons from being or continuing to be registered social workers)

- (1) Schedule 2, item 2, entry relating to section 118C—

Repeal

“21”

Substitute

“16”.

- (2) Schedule 2, item 2—

Repeal the entry relating to section 118F.

- (3) Schedule 2, item 2, entry relating to section 118H—

Repeal

“21”

Substitute

“16”.

Part 3

Amendments to Anti-discrimination Legislation

Division 1—Sex Discrimination Ordinance (Cap. 480)

13. Section 2 amended (interpretation)

- (1) Section 2(1), Chinese text, definition of 僱用, paragraph (a)—

Repeal

“服務合約或學徒合約”

Substitute

“僱用合約或學徒訓練合約”.

- (2) Section 2(1), Chinese text, definition of 僱用, paragraph (b)—

Repeal

“親自執行任何工作或付出勞動力”

Substitute

“由個人親自進行任何工作或勞動”.

14. Section 12 amended (exception where sex is genuine occupational qualification)

- (1) Section 12(2)—

Repeal paragraph (g).

- (2) Section 12(4)—

Repeal

“, (g)”.

15. Section 19 amended (employment agencies)

- (1) Section 19(1), Chinese text—

Repeal

“在其” (wherever appearing)

Substitute

“在該介紹所就”.

- (2) Section 19(2), Chinese text—

Repeal

“僱傭”

Substitute

“僱用”.

- (3) Section 19(4)(a), Chinese text—

Repeal

“向其”

Substitute

“向該介紹所”.

- (4) Section 19(4), Chinese text—

Repeal

“該行” (wherever appearing)

Substitute

“該介紹所”.

16. Section 24 amended (other sexual harassment)

- Section 24(4), Chinese text—

Repeal

“該行”

Substitute

“該介紹所”。

17. Section 57 amended (acts done for purposes of protection of women)

(1) Section 57(1)(i)—

Repeal

“; or”

Substitute a full stop.

(2) Section 57(1)—

Repeal paragraph (ii).

(3) Section 57(2)(a)—

Repeal

“well;”

Substitute

“well.”.

(4) Section 57(2)—

Repeal paragraph (b).

(5) Section 57—

Repeal subsections (3) and (4).

18. Section 66 amended (review of Schedules 3 and 5)

(1) Section 66, heading—

Repeal

“Schedules 3 and”

Substitute

“Schedule”.

(2) Section 66(1)—

Repeal

“Schedules 3 and”

Substitute

“Schedule”.

(3) Section 66(2)—

Repeal paragraph (a).

19. Section 68 amended (protection of members of Commission, etc.)

(1) Section 68(1), English text—

Repeal

“shall be”

Substitute

“is”.

(2) Section 68(1), Chinese text—

Repeal

“犯有任何”

Substitute

“犯任何”.

(3) Section 68(1), Chinese text—

Repeal

“該等”

Substitute

“該”.

(4) Section 68(2), English text—

Repeal

“under”

Substitute

“by”.

- (5) Section 68(2), English text—

Repeal

“shall not”

Substitute

“does not”.

- (6) Section 68(2), Chinese text—

Repeal

“給予”

Substitute

“賦予”.

- (7) Section 68(2), Chinese text—

Repeal

“該項”

Substitute

“該”.

- (8) Section 68(3), English text—

Repeal

“The persons to whom subsection (1) applies are”

Substitute

“Subsection (1) applies to the following persons”.

- (9) Section 68(3)(a)—

Repeal

“any”

Substitute

“a”.

- (10) Section 68(3)(b)—

Repeal

“any”

Substitute

“an”.

(11) Section 68(3)(c)—

Repeal

“any”

Substitute

“a”.

20. Section 90 amended (amendment of Schedules)

Section 90(1)—

Repeal

“3,”.

21. Schedule 1 amended (educational establishments and their responsible bodies)

(1) Schedule 1, item 3—

Repeal

“Polytechnic” (wherever appearing)

Substitute

“Polytechnic University”.

(2) Schedule 1, English text, item 3—

Repeal

“the” (wherever appearing)

Substitute

“The”.

(3) Schedule 1, item 7—

Repeal

“College” (wherever appearing)

Substitute

“University”.

- (4) Schedule 1, item 8—

Repeal

“Polytechnic” (wherever appearing)

Substitute

“University”.

- (5) Schedule 1, English text, item 8—

Repeal

“Hong Hong”

Substitute

“Hong Kong”.

22. Schedule 3 repealed (provisions specified for purposes of section 12(2)(g))

Schedule 3—

Repeal the Schedule.

23. Schedule 5 amended (further exceptions to this Ordinance)

- (1) Schedule 5, English text, Part 1, section 1, definition of *relevant office*, paragraph (f)—

Repeal the semicolon

Substitute a full stop.

- (2) Schedule 5, Part 1, section 1—

Repeal the definition of *reproductive technology procedure*.

- (3) Schedule 5, Part 2, item 1, column 2, paragraph (a)—

Repeal

“, uniform, weight or equipment;”

Substitute

“or weight; or”.

- (4) Schedule 5, Part 2, item 1, column 2, paragraph (b)—

Repeal the semicolon

Substitute a full stop.

- (5) Schedule 5, Part 2, item 1, column 2—

Repeal paragraphs (c) and (d).

- (6) Schedule 5, Chinese text, Part 2, item 3, column 2, paragraph (a)(ii)—

Repeal

“服務合約或學徒合約”

Substitute

“僱用合約或學徒訓練合約”.

- (7) Schedule 5, Part 2, item 3, column 2, paragraph (a)(iii), after “any work”—

Add

“or labour”.

- (8) Schedule 5, Part 2—

Repeal items 4, 5 and 8.

Division 2—Disability Discrimination Ordinance (Cap. 487)

24. Long title amended

- (1) The long title, Chinese text, after “任何人”—

Add

“或其有聯繫人士”.

- (2) The long title, Chinese text—

Repeal

“他們”

Substitute

“該等人士”。

- (3) The long title, Chinese text—

Repeal

everything after “殘疾人士”

Substitute

“和其有聯繫人士的騷擾及中傷訂定條文、擴大平等機會委員會的職權以包括基於任何人或其有聯繫人士的殘疾而對該等人士的歧視，及就相關目的訂定條文。”。

25. Section 2 amended (interpretation)

- (1) Section 2(1), Chinese text, definition of *僱用*—

Repeal

“在以下合約下”

Substitute

“根據以下合約”。

- (2) Section 2(1), Chinese text, definition of *僱用*, paragraph (a)—

Repeal

“僱傭合約或學徒合約”

Substitute

“僱用合約或學徒訓練合約”。

26. Section 4 amended (unjustifiable hardship)

Section 4(a), Chinese text—

Repeal

“任何殘疾人士作出的處所提供”

Substitute

“殘疾人士提供任何便利”。

27. Section 12 amended (exception where absence of disability is genuine occupational qualification)

Section 12(5)(a), Chinese text—

Repeal

“已承諾在其遷離該處所時”

Substitute

“承諾，在其遷離該處所時，”。

28. Section 19 amended (employment agencies)

(1) Section 19(1), Chinese text—

Repeal

“在其” (wherever appearing)

Substitute

“在該介紹所就”。

(2) Section 19(5)(a), Chinese text—

Repeal

“向其”

Substitute

“向該介紹所”。

(3) Section 19(5), Chinese text—

Repeal

“該行” (wherever appearing)

Substitute

“該介紹所”.

29. Section 20 amended (discrimination against commission agents)

Section 20(4), Chinese text—

Repeal

“僱主” (wherever appearing)

Substitute

“主事人”.

30. Section 23 amended (other harassment)

Section 23(4), Chinese text—

Repeal

“該行”

Substitute

“該介紹所”.

31. Section 37 amended (educational establishments)

Section 37(2), Chinese text—

Repeal

“教職員”

Substitute

“職員”.

32. Section 64A added

After section 64—

Add

“64A. Protection of members of Commission etc.

- (1) No person to whom this subsection applies, acting in good faith, is personally liable in damages for any act done or default made in the performance or purported performance of any function, or the exercise or purported exercise of any power, imposed or conferred on the Commission under this Ordinance.
- (2) The protection conferred by subsection (1) on any person to whom that subsection applies in respect of any act or default does not in any way affect the liability of the Commission for that act or default.
- (3) Subsection (1) applies to the following persons—
 - (a) a member of the Commission or a committee;
 - (b) an employee of the Commission;
 - (c) a conciliator.”.

33. Section 73 amended (issue of enforcement notices)

- (1) Section 73(1)(b)—

Repeal

“or”.

- (2) After section 73(1)(b)—

Add

“(ba) a contravention of section 41; or”.

34. Section 84 amended (building approvals)

Section 84(3)(b), Chinese text—

Repeal

“Building (Planning) Regulations”

Substitute

“建築物(規劃)規例”.

**Division 3—Family Status Discrimination Ordinance
(Cap. 527)**

35. Section 2 amended (interpretation)

- (1) Section 2(1), Chinese text, definition of *僱用*, paragraph (a)—

Repeal

“服務合約或學徒合約”

Substitute

“僱用合約或學徒訓練合約”.

- (2) Section 2(1), Chinese text, definition of *僱用*, paragraph (b)—

Repeal

“親自執行任何工作或付出勞動力”

Substitute

“由個人親自進行任何工作或勞動”.

- (3) Section 2(1)—

Add in alphabetical order

“*committee* (小組委員會) has the same meaning as in the relevant Ordinance;”.

36. Section 15 amended (employment agencies)

- (1) Section 15(1), Chinese text—

Repeal

“該職業介紹所” (wherever appearing)

Substitute

“該介紹所就”.

- (2) Section 15(2), Chinese text—

Repeal

“僱傭”

Substitute

“僱用”.

- (3) Section 15(4)(a), Chinese text—

Repeal

“向其”

Substitute

“向該介紹所”.

- (4) Section 15(4), Chinese text—

Repeal

“該職業介紹所” (wherever appearing)

Substitute

“該介紹所”.

37. Section 46A added

After section 46—

Add

“46A. Protection of members of Commission etc.

- (1) No person to whom this subsection applies, acting in good faith, is personally liable in damages for any act done or default made in the performance or purported performance of any function, or the exercise or purported exercise of any power, imposed or conferred on the Commission under this Ordinance.
- (2) The protection conferred by subsection (1) on any person to whom that subsection applies in respect of any act or default does not in any way affect the liability of the Commission for that act or default.

- (3) Subsection (1) applies to the following persons—
- (a) a member of the Commission or a committee;
 - (b) an employee of the Commission;
 - (c) a conciliator.”.

38. Schedule 2 amended (further exceptions to this Ordinance)

- (1) Schedule 2, Chinese text, Part 2, item 1, column 2, paragraph (a)(ii)—

Repeal

“服務合約或學徒合約”

Substitute

“僱用合約或學徒訓練合約”.

- (2) Schedule 2, Part 2, item 1, column 2, paragraph (a)(iii), after “any work”—

Add

“or labour”.

Division 4—Race Discrimination Ordinance (Cap. 602)

39. Section 2 amended (interpretation)

- (1) Section 2(1), Chinese text, definition of 僱用, paragraph (a)—

Repeal

“服務合約或學徒合約”

Substitute

“僱用合約或學徒訓練合約”.

- (2) Section 2(1), Chinese text, definition of 僱用, paragraph (b)—

Repeal

“親自執行任何工作或付出勞動力”

Substitute

“由個人親自進行任何工作或勞動”.

40. Section 21 amended (employment agencies)

Section 21(1), Chinese text, after “該介紹所” (wherever appearing)—

Add

“就”.

41. Section 62 amended (protection of members of Commission, etc.)

(1) Section 62(1), Chinese text—

Repeal

“授予”

Substitute

“賦予”.

(2) Section 62(1), Chinese text—

Repeal

“犯有任何”

Substitute

“犯任何”.

(3) Section 62(2), English text—

Repeal

“shall not”

Substitute

“does not”.

(4) Section 62(2), Chinese text—

Repeal

“授予”

Substitute

“賦予”.

- (5) Section 62(3), English text—

Repeal

“The persons to whom subsection (1) applies are”

Substitute

“Subsection (1) applies to the following persons”.

- (6) Section 62(3)(a)—

Repeal

“any”

Substitute

“a”.

- (7) Section 62(3)(b)—

Repeal

“any”

Substitute

“an”.

- (8) Section 62(3)(b)—

Repeal

“or”.

- (9) Section 62(3)(c)—

Repeal

“any”

Substitute

“a”.

**Division 5—Related Amendments to Personal Data
(Privacy) Ordinance (Cap. 486)**

42. Section 2 amended (interpretation)

- (1) Section 2(1), Chinese text, definition of *僱用*—

Repeal

“在以下合約下”

Substitute

“根據以下合約”.

- (2) Section 2(1), Chinese text, definition of *僱用*, paragraph (a)—

Repeal

“僱傭”

Substitute

“僱用”.

- (3) Section 2(1), Chinese text, definition of *僱用*, paragraph (b)—

Repeal

“某”

Substitute

“任何”.

Part 4

Amendments Relating to Power of Lands Tribunal to Take Evidence from Persons in Lawful Custody

Division 1—Evidence Ordinance (Cap. 8)

43. Section 81 amended (warrant or order to bring up prisoner to give evidence)

(1) Section 81(2)—

Repeal

“or presiding officer appointed under the Labour Tribunal Ordinance (Cap. 25)”

Substitute

“, presiding officer appointed under the Labour Tribunal Ordinance (Cap. 25) or member of the Lands Tribunal referred to in section 4(1)(a), (b), (c) or (d) of the Lands Tribunal Ordinance (Cap. 17)”.

(2) Section 81(2)—

Repeal

“or Labour Tribunal” (wherever appearing)

Substitute

“, Labour Tribunal or Lands Tribunal”.

Division 2—Lands Tribunal Ordinance (Cap. 17)

44. Section 6A amended (appointment and powers of temporary members)

Section 6A(2), before “perform”—

Add

“exercise all the powers and”.

Part 5

Amendments Relating to Admissibility of Notarial Instruments

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

45. **Order 38, rule 9A added**

Order 38, after rule 9—

Add

“9A. Notarial instruments receivable in evidence in civil proceedings (O. 38, r. 9A)

- (1) A notarial instrument may be received in evidence in civil proceedings, without further proof, as duly authenticated unless the contrary is proved.
- (2) A reference in paragraph (1) to a notarial instrument is a reference to a document—
 - (a) evidencing and showing any notarial act of a notary public; and
 - (b) bearing the signature and the seal of the notary public.
- (3) In this rule—

notarial act (公證行為)—

- (a) means the exercise of any of the powers referred to in section 40B of the Legal Practitioners Ordinance (Cap. 159) by a notary public; but
- (b) does not include any notarial act done before a diplomatic or consular officer of the People’s Republic of China outside the People’s Republic of China as referred to in section 10 of the Oaths and Declarations Ordinance (Cap. 11);

notary public (公證人) means a person who, at the material time, is qualified to practise as a notary public under section 40D of the Legal Practitioners Ordinance (Cap. 159).”.

Division 2—Evidence Ordinance (Cap. 8)

46. Section 35A added

After section 35—

Add

“35A. Admissibility of notarial instruments in civil proceedings

- (1) A notarial instrument may be received in evidence in civil proceedings, without further proof, as duly authenticated unless the contrary is proved.
- (2) A reference in subsection (1) to a notarial instrument is a reference to a document—
 - (a) evidencing and showing any notarial act of a notary public; and
 - (b) bearing the signature and the seal of the notary public.
- (3) In this section—

notarial act (公證行為)—

- (a) means the exercise of any of the powers referred to in section 40B of the Legal Practitioners Ordinance (Cap. 159) by a notary public; but
- (b) does not include any notarial act done before a diplomatic or consular officer of the People’s Republic of China outside the People’s Republic of China as referred to in section 10 of the Oaths and Declarations Ordinance (Cap. 11);

notary public (公證人) means a person who, at the material time, is qualified to practise as a notary public under section 40D of the Legal Practitioners Ordinance (Cap. 159).”.

Division 3—Rules of the District Court (Cap. 336 sub. leg. H)

47. Order 38, rule 9A added

Order 38, after rule 9—

Add

“9A. Notarial instruments receivable in evidence in civil proceedings (O. 38, r. 9A)

- (1) A notarial instrument may be received in evidence in civil proceedings, without further proof, as duly authenticated unless the contrary is proved.
- (2) A reference in paragraph (1) to a notarial instrument is a reference to a document—
 - (a) evidencing and showing any notarial act of a notary public; and
 - (b) bearing the signature and the seal of the notary public.
- (3) In this rule—

notarial act (公證行為)—

- (a) means the exercise of any of the powers referred to in section 40B of the Legal Practitioners Ordinance (Cap. 159) by a notary public; but
- (b) does not include any notarial act done before a diplomatic or consular officer of the People’s Republic of China outside the People’s Republic of China as referred to in section 10 of the Oaths and Declarations Ordinance (Cap. 11);

notary public (公證人) means a person who, at the material time, is qualified to practise as a notary public under section 40D of the Legal Practitioners Ordinance (Cap. 159).”

Part 6

Amendments Relating to Admissibility of Evidence Obtained Pursuant to Request for Assistance in Criminal Matters

Division 1—Evidence Ordinance (Cap. 8)

48. **Section 77F amended (admissibility in criminal proceedings of evidence obtained pursuant to letter of request)**
- (1) Section 77F(2)(c)(i)(C)—
Repeal
“; and”
Substitute a semicolon.
 - (2) Section 77F(2)(c)(ii)—
Repeal the semicolon
Substitute
“; and”.
 - (3) After section 77F(2)(c)(ii)—
Add
“(iii) (if the deposition is an affidavit, affirmation or declaration relating to a request referred to in section 77G(4A)) the court is satisfied that no unfairness is likely to occur in the criminal proceedings referred to in subsection (1) consequent upon the deposition and that document being admitted in evidence;”.
49. **Section 77G amended (provisions supplementary to sections 77E and 77F)**
After section 77G(4)—

Add

“(4A) References in this Part to a deposition, to the extent that it is received by the Secretary for Justice pursuant to a request under section 9(1) of the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525), include references to an affidavit, affirmation or declaration made under an obligation to state the truth according to the law of the place where the affidavit, affirmation or declaration is made; and references to a deponent are to be construed accordingly.”.

Division 2—Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)

50. Section 9 amended (requests by Hong Kong for taking of evidence, etc.)

After section 9(2)—

Add

“(3) In this section, any reference to a deposition includes a reference to an affidavit, affirmation or declaration made under an obligation to state the truth according to the law of the place where the affidavit, affirmation or declaration is made.”.

Part 7

Amendment to Unsolicited Electronic Messages Ordinance (Cap. 593) Relating to Service of Specified Notice

51. Section 44 amended (service of notices for purposes of sections 34, 35, 36 and 38)

Section 44—

Repeal subsection (1)

Substitute

- “(1) A specified notice may be served on a person—
- (a) where the person is an individual, by delivering it to the person by hand; or
 - (b) by leaving it, or sending it by ordinary post or registered post to the person, at the person’s usual or last known place of abode or business.
- (1A) The notice is presumed to have been served, in the absence of evidence to the contrary—
- (a) if the notice is left at the person’s usual or last known place of abode or business, when it is so left; or
 - (b) if the notice is sent by ordinary post or registered post, on the second day after the day on which it is so sent.”.
-

Part 8

Amendments to Trade Descriptions Ordinance (Cap. 362) Relating to Standard of Proof for Defence

52. Section 12 amended (prohibited import and export of certain goods)

(1) Section 12(2)—

Repeal

everything after “offence”

Substitute a full stop.

(2) After section 12(2)—

Add

“(2A) Without limiting section 26, in any proceedings for an offence under this section, the person charged is entitled to be acquitted—

(a) if—

(i) sufficient evidence is adduced to raise an issue that the person charged—

(A) did not know;

(B) had no reason to suspect; and

(C) could not with reasonable diligence have ascertained,

that the goods are goods to which a false trade description or forged trade mark is applied; and

(ii) the contrary is not proved by the prosecution beyond reasonable doubt; or

(b) if the person proves that the goods are not intended for trade or business.”.

53. Section 26 amended (defence mistake, accident, etc.)

(1) Section 26—

Repeal subsection (1)**Substitute**

“(1) In any proceedings for an offence under this Ordinance, the person charged is, subject to subsection (2), entitled to be acquitted if—

(a) sufficient evidence is adduced to raise an issue that—

(i) the commission of the offence was due to—

(A) a mistake;

(B) reliance on information supplied to the person charged by another person;

(C) the act or default of another person;

(D) an accident; or

(E) some other cause beyond the control of the person charged; and

(ii) the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by—

(A) the person charged; or

(B) any person under the control of the person charged; and

(b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

(2) Section 26(2)—

Repeal

“the defence provided by subsection (1)”

Substitute

“the issue raised under subsection (1)(a)”.

- (3) Section 26(2)—

Repeal

“rely on that defence”

Substitute

“rely on that issue”.

- (4) Section 26(2), English text—

Repeal

“he”

Substitute

“the person charged”.

- (5) Section 26(2), English text—

Repeal

“his possession”

Substitute

“the possession of the person charged”.

- (6) Section 26—

Repeal subsections (3) and (4).

54. Sections 26AA and 26AAB added

After section 26—

Add

“26AA. Additional defence (supply of goods or service to which false trade description is applied etc.)

Without limiting section 26, in any proceedings for an offence under section 7(1)(a)(ii) or (b) or 7A(1)(b), the person charged is entitled to be acquitted if—

- (a) sufficient evidence is adduced to raise an issue that the person charged—
 - (i) did not know;
 - (ii) had no reason to suspect; and
 - (iii) could not with reasonable diligence have ascertained,
that the goods or service did not conform to the trade description, or that the trade description had been applied to the goods or service; and
- (b) the contrary is not proved by the prosecution beyond reasonable doubt.

26AAB. Additional defence (sale of goods to which forged trade mark is applied etc.)

Without limiting section 26, in any proceedings for an offence under section 9(2), the person charged is entitled to be acquitted if—

- (a) sufficient evidence is adduced to raise an issue that the person charged—
 - (i) did not know;
 - (ii) had no reason to suspect; and
 - (iii) could not with reasonable diligence have ascertained,
that a forged trade mark had been applied to the goods, or that a trade mark or mark so nearly resembling a trade mark as to be calculated to deceive had falsely been applied to the goods; and
 - (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.
-

Part 9

Amendments to Building Management Ordinance (Cap. 344) Relating to Declaration Requirement

55. Section 7 amended (application by management committee for registration of owners as a corporation)

(1) Section 7(3)(e)—

Repeal

“declaration”

Substitute

“statement”.

(2) Section 7(3)(e), Chinese text—

Repeal

“員聲明他”

Substitute

“員說明自己”.

56. Schedule 2 amended (composition and procedure of management committee)

(1) Schedule 2, paragraph 4(3)—

Repeal

“declaration”

Substitute

“statement”.

(2) Schedule 2, paragraph 4(5)—

Repeal

“declaration” (wherever appearing)

Substitute

“statement”.

- (3) Schedule 2, paragraph 4(6)—

Repeal

“declaration” (wherever appearing)

Substitute

“statement”.

- (4) Schedule 2, paragraph 4(7)—

Repeal

“declaration”

Substitute

“statement”.

- (5) Schedule 2, after paragraph 4(7)—

Add

- “(8) Where, after the commencement of Part 9 of the Statute Law (Miscellaneous Provisions) Ordinance 2014 (of 2014), a change occurs in any matter stated in a declaration lodged before the commencement under subparagraph (3) that was in force immediately before the commencement, the person who made the declaration must lodge a statement in accordance with subparagraph (5) or (7) as if that declaration were a statement lodged under subparagraph (3) on or after the commencement.”.
-

Part 10

Amendment to Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997)

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

Schedule 1—

Repeal item 29.

Part 11

Powers to Revoke and Restore Suspension of Solicitor's Practice or Foreign Lawyer's Registration Pending Decision of Solicitors Disciplinary Tribunal

Division 1—Legal Practitioners Ordinance (Cap. 159)

58. Section 8A amended (Council may examine documents if solicitor or foreign lawyer is unfit)

After section 8A(3)—

Add

- “(4) On an application—
- (a) made in writing by or on behalf of the solicitor or foreign lawyer; and
 - (b) supported by relevant documents,
- the Council may, if it is satisfied that the circumstances that gave rise to the suspension under subsection (3) no longer exist or otherwise considers appropriate, revoke the suspension at any time before the Solicitors Disciplinary Tribunal makes a decision.
- (5) The Council may, if it is satisfied that the circumstances that gave rise to the revocation under subsection (4) no longer exist or otherwise considers appropriate, restore the suspension at any time after the revocation but before the Solicitors Disciplinary Tribunal makes a decision.
- (6) The Council may take into account any of the factors set out in subsection (2)(a) to (f) in deciding whether to act under subsection (4) or (5).”.

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

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

Schedule 1, item 8, column 3, after new section 8A(5)—

Add

- “(6) On an application—
- (a) made in writing by or on behalf of the legal practice entity; and
 - (b) supported by relevant documents,
- the Council may, if it is satisfied that the circumstances that gave rise to the suspension under subsection (5) no longer exist or otherwise considers appropriate, revoke the suspension at any time before the Solicitors Disciplinary Tribunal makes a decision.
- (7) The Council may, if it is satisfied that the circumstances that gave rise to the revocation under subsection (6) no longer exist or otherwise considers appropriate, restore the suspension at any time after the revocation but before the Solicitors Disciplinary Tribunal makes a decision.
- (8) The Council may take into account any of the factors set out in subsection (2)(a) to (f) in deciding whether to act under subsection (6) or (7).”.
-

Part 12

Amendments Relating to Specification of Public Offices

Division 1—Specification of Public Offices (Cap. 1 sub. leg. C)

60. Title amended

The title, after “OFFICES”—

Add

“NOTICE”.

61. Paragraph repealed

The paragraph before the Schedule—

Repeal the paragraph.

62. Section 1 added

Before the Schedule—

Add

“1. Specification of public offices

A public office mentioned in column 1 of the Schedule is specified for the purposes of the Ordinance, or a provision of the Ordinance, mentioned in column 2 of the Schedule opposite to that public office.”.

63. Schedule substituted

The Schedule—

Repeal the Schedule

Substitute

“Schedule

[s. 1]

Specification of Public Offices

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Justice	Bankruptcy Ordinance (Cap. 6), paragraph (c) of the definition of <i>Registrar</i> in section 99A(7).
Chief Justice	Evidence Ordinance (Cap. 8), sections 27(2) and 29A(2).
Chief Justice	Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32), paragraph (c) of the definition of <i>Registrar</i> in section 222A(7).
Chief Justice	Juvenile Offenders Ordinance (Cap. 226), section 3A(2).
Chief Secretary for Administration	Rules of the High Court (Cap. 4 sub. leg. A), Order 69, rule 2, and Order 70, rule 3.
Chief Secretary for Administration	Evidence Ordinance (Cap. 8), sections 19A(1) and 40(5).
Chief Secretary for Administration	Immigration Ordinance (Cap. 115).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Air Passenger Departure Tax Ordinance (Cap. 140).
Chief Secretary for Administration	Registration of Persons Ordinance (Cap. 177), section 11.
Chief Secretary for Administration	Criminal Procedure Ordinance (Cap. 221), section 85(1).
Chief Secretary for Administration	Prison Rules (Cap. 234 sub. leg. A), rule 222(2).
Chief Secretary for Administration	Probation of Offenders Rules (Cap. 298 sub. leg. A), rule 42.
Chief Secretary for Administration	Basel Evangelical Missionary Society Incorporation Ordinance (Cap. 1002), section 6(2).
Chief Secretary for Administration	Scout Association of Hong Kong Ordinance (Cap. 1005), section 9(3).
Chief Secretary for Administration	Catholic Mission of Macao Incorporation Ordinance (Cap. 1006), section 5(2).
Chief Secretary for Administration	China Peniel Missionary Society Incorporation Ordinance (Cap. 1011), section 6(2).
Chief Secretary for Administration	Church of England Trust Ordinance (Cap. 1014), sections 3(2) and 4(1).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Daughters of Charity of the Canossian Institute Incorporation Ordinance (Cap. 1016), section 5(2).
Chief Secretary for Administration	Maryknoll Sisters of St. Dominic Incorporation Ordinance (Cap. 1019), section 5(2).
Chief Secretary for Administration	Hong Kong Chinese Christian Churches Union Incorporation Ordinance (Cap. 1025), section 3(1) and (2).
Chief Secretary for Administration	Irish Province of the Order of Franciscans Minor Incorporation Ordinance (Cap. 1028), section 5(2).
Chief Secretary for Administration	Jesuit Order (English Assistancy) Incorporation Ordinance (Cap. 1029), section 5(2).
Chief Secretary for Administration	Jesuit Order (Portuguese Province) Incorporation Ordinance (Cap. 1030), section 5(2).
Chief Secretary for Administration	Kowloon Union Church Incorporation Ordinance (Cap. 1032), section 6(2).
Chief Secretary for Administration	Petites Sœurs des Pauvres, St. Pern, Bretagne, Incorporation Ordinance (Cap. 1039), section 6(2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Pontifical Foreign Missions Institute Incorporation Ordinance (Cap. 1041), section 5(2).
Chief Secretary for Administration	Salesian Society Incorporation Ordinance (Cap. 1043), section 5(2).
Chief Secretary for Administration	Sisters of the Precious Blood Order Incorporation Ordinance (Cap. 1045), section 4(2).
Chief Secretary for Administration	Sœurs de Saint Paul de Chartres Incorporation Ordinance (Cap. 1046), section 5(2).
Chief Secretary for Administration	Chater (Cathedral and St. Andrew's) Endowment Funds Incorporation Ordinance (Cap. 1050), section 4(3).
Chief Secretary for Administration	Union Church Incorporation Ordinance (Cap. 1052), section 14(5).
Chief Secretary for Administration	Chinese Rhenish Church, Hong Kong Synod, Incorporation Ordinance (Cap. 1060), section 3(1) and (2).
Chief Secretary for Administration	Church of Christ in China, Wanchai Church, Incorporation Ordinance (Cap. 1063), section 6(3).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Chief Secretary for Administration	Daughters of Mary Help of Christians Incorporation Ordinance (Cap. 1070), section 6(2).
Chief Secretary for Administration	Hong Kong Baptist Church Incorporation Ordinance (Cap. 1078), section 10(1).
Chief Secretary for Administration	Congregation of Our Lady of Charity of the Good Shepherd of Angers at Hong Kong Incorporation Ordinance (Cap. 1084), section 6(2).
Chief Secretary for Administration	Education Scholarships Fund Ordinance (Cap. 1085), section 6(2).
Chief Secretary for Administration	Tsung Tsin Mission of Hong Kong Incorporation Ordinance (Cap. 1090), section 6(2).
Chief Secretary for Administration	Heung Yee Kuk Ordinance (Cap. 1097).
Chief Secretary for Administration	Abbot of the Order of Cistercians of the Strict Observance Incorporation Ordinance (Cap. 1107), section 6(2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Collector of Stamp Revenue	Betting Duty Ordinance (Cap. 108), sections 6GH(3), 6GI(5), 6GJ(1), 6GK(1), (3)(b) and (4), 6GL(2), (3) and (5), 6GM(1), 6GN(4) and (8)(b), 6GO(4)(a), 6L(2), 6M(3), 6N(4), 6O(1), 6P, 6Q, 6R(1), 6S(4) and (7)(b), 6T(4)(a), 6V(2), (4) and (6)(b), 6ZL(1), 6ZM(1), 6ZO(2), (3), (4) and (6)(a) and 7(3).
Collector of Stamp Revenue	Betting Duty Regulations (Cap. 108 sub. leg. A), regulation 3(4).
Commissioner for Labour	Factories and Industrial Undertakings Ordinance (Cap. 59), sections 7(4) and 9A.
Commissioner for Labour	Employees' Compensation Ordinance (Cap. 282).
Commissioner for Labour	Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360).
Commissioner for Transport	Ferry Services Ordinance (Cap. 104).
Commissioner for Transport	Ferry Services Regulations (Cap. 104 sub. leg. A).
Commissioner for Transport	Eastern Harbour Crossing Ordinance (Cap. 215).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel Regulations (Cap. 215 sub. leg. D).
Commissioner for Transport	Eastern Harbour Crossing Road Tunnel By-laws (Cap. 215 sub. leg. E).
Commissioner for Transport	Traffic Accident Victims (Assistance Fund) Ordinance (Cap. 229).
Commissioner for Transport	Public Bus Services Ordinance (Cap. 230).
Commissioner for Transport	Public Bus Services Regulations (Cap. 230 sub. leg. A).
Commissioner for Transport	Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237).
Commissioner for Transport	Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).
Commissioner for Transport	Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap. 272).
Commissioner for Transport	Motor Vehicles (First Registration Tax) Ordinance (Cap. 330).
Commissioner for Transport	Road Tunnels (Government) Ordinance (Cap. 368).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Road Tunnels (Government) Regulations (Cap. 368 sub. leg. A).
Commissioner for Transport	Kowloon-Canton Railway Corporation Ordinance (Cap. 372).
Commissioner for Transport	Kowloon-Canton Railway Corporation Regulations (Cap. 372 sub. leg. A).
Commissioner for Transport	Road Traffic Ordinance (Cap. 374).
Commissioner for Transport	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A).
Commissioner for Transport	Road Traffic (Driving Licences) Regulations (Cap. 374 sub. leg. B).
Commissioner for Transport	Road Traffic (Parking) Regulations (Cap. 374 sub. leg. C).
Commissioner for Transport	Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D).
Commissioner for Transport	Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E).
Commissioner for Transport	Road Traffic (Safety Equipment) Regulations (Cap. 374 sub. leg. F).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
Commissioner for Transport	Road Traffic (Village Vehicles) Regulations (Cap. 374 sub. leg. N).
Commissioner for Transport	Road Traffic (Parking on Private Roads) Regulations (Cap. 374 sub. leg. O).
Commissioner for Transport	Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).
Commissioner for Transport	Road Traffic (Driving-offence Points) Ordinance (Cap. 375).
Commissioner for Transport	Tate's Cairn Tunnel Ordinance (Cap. 393).
Commissioner for Transport	Tate's Cairn Tunnel Regulations (Cap. 393 sub. leg. A).
Commissioner for Transport	Tate's Cairn Tunnel By-laws (Cap. 393 sub. leg. B).
Commissioner for Transport	Tsing Sha Control Area Ordinance (Cap. 594).
Commissioner for Transport	Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner for Transport	Tsing Sha Control Area (Tolls, Fees and Charges) Regulation (Cap. 594 sub. leg. B).
Commissioner of Correctional Services	Training Centres Ordinance (Cap. 280).
Commissioner of Customs and Excise	Import and Export Ordinance (Cap. 60), sections 7, 12, 27(3) and (3B), 28(2A) and (10), 29A(1) and 33A(1)(b).
Commissioner of Customs and Excise	Import and Export (Registration) Regulations (Cap. 60 sub. leg. E).
Commissioner of Customs and Excise	Import and Export (Carriage of Articles) Regulations (Cap. 60 sub. leg. I), regulation 4.
Commissioner of Customs and Excise	Dutiable Commodities Ordinance (Cap. 109), except section 7.
Commissioner of Customs and Excise	Dutiable Commodities Regulations (Cap. 109 sub. leg. A).
Commissioner of Customs and Excise	Dutiable Commodities (Marking and Colouring of Hydrocarbon Oil) Regulations (Cap. 109 sub. leg. C), regulations 9 and 11.
Commissioner of Customs and Excise	Control of Chemicals Ordinance (Cap. 145).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner of Customs and Excise	Reserved Commodities Ordinance (Cap. 296), section 10.
Commissioner of Customs and Excise	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg. A), regulations 7A and 9(2).
Commissioner of Customs and Excise	Industrial Training (Clothing Industry) Ordinance (Cap. 318).
Commissioner of Customs and Excise	Trade Descriptions Ordinance (Cap. 362), sections 16(3), 16C(1), (2) and (3) and 30(2), (3) and (5).
Commissioner of Customs and Excise	Smoking (Public Health) Ordinance (Cap. 371), section 10A(4).
Commissioner of Customs and Excise	Copyright Ordinance (Cap. 528).
Commissioner of Customs and Excise	Prevention of Copyright Piracy Ordinance (Cap. 544).
Commissioner of Inland Revenue	Inland Revenue Ordinance (Cap. 112), sections 16B and 16C.
Commissioner of Mines	Mining Ordinance (Cap. 285), sections 13, 18, 20, 21, 31 and 37.

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Part 12—Division 1

Clause 63

C1475

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Commissioner of Mines	Dangerous Goods (Government Explosives Depots) Regulations (Cap. 295 sub. leg. D), regulations 3(2) and 7.
Director of Accounting Services	Waterworks Regulations (Cap. 102 sub. leg. A), regulation 50(2) and (3).
Director of Agriculture, Fisheries and Conservation	Forests and Countryside Ordinance (Cap. 96), sections 22(5) and 23.
Director of Agriculture, Fisheries and Conservation	Pesticides Ordinance (Cap. 133), except sections 5(4), 6(c), 10, 11 and 14.
Director of Agriculture, Fisheries and Conservation	Pesticides Regulations (Cap. 133 sub. leg. A).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) Ordinance (Cap. 139), sections 6, 7 and 10(2).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) Regulations (Cap. 139 sub. leg. A), regulations 30, 34, 35, 37, 44 and 51.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139 sub. leg. B), regulations 5(1) and (3) and 7.
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Keeping of Cattle, Sheep and Goats) Regulations (Cap. 139 sub. leg. C), regulations 4, 11(1) and 13.
Director of Agriculture, Fisheries and Conservation	Dairies Regulations (Cap. 139 sub. leg. D), regulations 3, 8, 9, 11, 15, 16(2), 18, 19(2)(f), 21(3), 26(1) and 29(2).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals and Birds) (Exhibitions) Regulations (Cap. 139 sub. leg. F), regulations 4(1) and (3), 6(a) and (b) and 8(1) and (3).
Director of Agriculture, Fisheries and Conservation	Public Health (Animals) (Boarding Establishment) Regulations (Cap. 139 sub. leg. I), regulations 5(1) and (3) and 7.
Director of Agriculture, Fisheries and Conservation	Public Health (Animals) (Riding Establishment) Regulations (Cap. 139 sub. leg. J), regulations 5(1) and (3) and 7.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Agriculture, Fisheries and Conservation	Wild Animals Protection Ordinance (Cap. 170), section 13.
Director of Agriculture, Fisheries and Conservation	Plant (Importation and Pest Control) Ordinance (Cap. 207).
Director of Agriculture, Fisheries and Conservation	Country Parks and Special Areas Regulations (Cap. 208 sub. leg. A), regulations 4(1) and (2)(a), 5(1) and (2)(b), 8(1), 9(1), 10(1)(a), (b), (c) and (d) and (2), 11(1), (2) and (3)(a), 13(2), 14, 15(4) and 18(5).
Director of Agriculture, Fisheries and Conservation	Marine Parks Ordinance (Cap. 476), section 22(1).
Director of Agriculture, Fisheries and Conservation	Marine Parks and Marine Reserves Regulation (Cap. 476 sub. leg. A), section 17.
Director of Agriculture, Fisheries and Conservation	Kadoorie Agricultural Aid Loan Fund Ordinance (Cap. 1080), section 7.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Buildings	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301), sections 5, 7(1), 13, 14(1), 15(1), (2)(c)(ii) and (8), 16(1), (3), (6), (8) and (9), 17, 18(2) and 20(g).
Director of Buildings as Building Authority	Buildings Ordinance (Cap. 123).
Director of Buildings as Building Authority	Mass Transit Railway (Land Resumption and Related Provisions) Ordinance (Cap. 276), section 15(1).
Director of Buildings as Building Authority	Education Ordinance (Cap. 279), section 12(1)(d).
Director of Buildings as Building Authority	Roads (Works, Use and Compensation) Ordinance (Cap. 370).
Director of Buildings as Building Authority	Kowloon-Canton Railway Corporation Ordinance (Cap. 372), section 35(1).
Director of Civil Engineering and Development	Ferry Services Ordinance (Cap. 104), sections 16(1)(a), 20(1) and 28(4).
Director of Civil Engineering and Development	Sand Ordinance (Cap. 147), sections 2 and 3.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Electrical and Mechanical Services	Evidence Ordinance (Cap. 8), section 28(1)(b)(i).
Director of Electrical and Mechanical Services	Tramway Ordinance (Cap. 107), sections 25 and 33.
Director of Electrical and Mechanical Services	Aerial Ropeways (Safety) Ordinance (Cap. 211).
Director of Electrical and Mechanical Services	Peak Tramway Ordinance (Cap. 265), section 14A.
Director of Electrical and Mechanical Services	Electricity Ordinance (Cap. 406).
Director of Environmental Protection	Waste Disposal Ordinance (Cap. 354), sections 16(1), 17, 19(1) and 36(3).
Director of Environmental Protection	Ozone Layer Protection Ordinance (Cap. 403).
Director of Environmental Protection	Environmental Impact Assessment Ordinance (Cap. 499).

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Clause 63

C1485

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Environmental Protection	Environmental Impact Assessment (Appeal Board) Regulation (Cap. 499 sub. leg. A).
Director of Health	Undesirable Medical Advertisements Ordinance (Cap. 231).
Director of Health	Animals (Control of Experiments) Ordinance (Cap. 340).
Director of Highways	Public Lighting Ordinance (Cap. 105).
Director of Highways	Tramway Ordinance (Cap. 107).
Director of Highways	Road Traffic Ordinance (Cap. 374).
Director of Highways	Road Traffic (Traffic Control) Regulations (Cap. 374 sub. leg. G).
Director of Highways	Road Traffic (Expressway) Regulations (Cap. 374 sub. leg. Q).
Director of Highways	Tsing Sha Control Area Ordinance (Cap. 594).
Director of Highways	Tsing Sha Control Area (General) Regulation (Cap. 594 sub. leg. A).
Director of Immigration	Immigration Ordinance (Cap. 115).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Intellectual Property	Director of Intellectual Property (Establishment) Ordinance (Cap. 412).
Director of Intellectual Property as Registrar of Designs	Registered Designs Ordinance (Cap. 522).
Director of Intellectual Property as Registrar of Designs	Registered Designs Rules (Cap. 522 sub. leg. A).
Director of Intellectual Property as Registrar of Patents	Patents Ordinance (Cap. 514).
Director of Intellectual Property as Registrar of Patents	Patents (Transitional Arrangements) Rules (Cap. 514 sub. leg. B).
Director of Intellectual Property as Registrar of Patents	Patents (General) Rules (Cap. 514 sub. leg. C).
Director of Intellectual Property as Registrar of Trade Marks	Trade Marks Ordinance (Cap. 559).
Director of Intellectual Property as Registrar of Trade Marks	Trade Marks Rules (Cap. 559 sub. leg. A).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Lands	Land (Miscellaneous Provisions) Ordinance (Cap. 28).
Director of Lands	Government Leases Ordinance (Cap. 40).
Director of Lands	Lands Resumption Ordinance (Cap. 124).
Director of Lands	Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126), section 7(3).
Director of Lands	Foreshore and Sea-bed (Reclamations) Ordinance (Cap. 127).
Director of Lands	Mining Ordinance (Cap. 285).
Director of Lands	Hong Kong Airport (Control of Obstructions) Ordinance (Cap. 301), sections 18(2), 20(g), 23(1) and (2), 24 and 25(2).
Director of Lands	Road Traffic Ordinance (Cap. 374), sections 123(3) and (4) and 124(1) and (2).
Director of Marine	Dangerous Goods (Shipping) Regulations (Cap. 295 sub. leg. C), regulations 3, 5(1), 6, 9, 12, 13, 14, 16, 17, 19 and 21.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director of Marine	Merchant Shipping (Safety) Ordinance (Cap. 369), sections 31, 38(4), 51(2) and (3), 57(2) and 63.
Director of Marketing	Agricultural Products (Marketing) Ordinance (Cap. 277).
Director of Marketing	Marine Fish (Marketing) Ordinance (Cap. 291).
Director of Social Welfare	Offences against the Person Ordinance (Cap. 212), section 44(4).
Director of Social Welfare	Reformatory Schools Ordinance (Cap. 225).
Director of Social Welfare	Juvenile Offenders Ordinance (Cap. 226).
Director of Social Welfare	Probation of Offenders Ordinance (Cap. 298).
Director-General of Civil Aviation	Air Passenger Departure Tax Ordinance (Cap. 140).
Director-General of Trade and Industry	Import and Export Ordinance (Cap. 60), sections 9(3), 33A(1)(b) and 36(2).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director-General of Trade and Industry	Import and Export (General) Regulations (Cap. 60 sub. leg. A), regulations 5AB(1), (2), (3), (4) and (5), 5AC(1) and (3), 5AD(1) and (2), 5AE(1)(c) and 6(3) and (4) and item 1 of Part 1 and item 13 of Part 4 of Schedule 5.
Director-General of Trade and Industry	Import and Export (Fees) Regulations (Cap. 60 sub. leg. B).
Director-General of Trade and Industry	Import and Export (Strategic Commodities) Regulations (Cap. 60 sub. leg. G), regulation 2.
Director-General of Trade and Industry	Export (Certificates of Origin) Regulations (Cap. 60 sub. leg. H), regulations 6(2), 7(1) to (4), 8(1) and (3), 9(2) and 11(1)(c).
Director-General of Trade and Industry	Import (Radiation) (Prohibition) Regulations (Cap. 60 sub. leg. K).
Director-General of Trade and Industry	Reserved Commodities Ordinance (Cap. 296), section 6.
Director-General of Trade and Industry	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296 sub. leg. A).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Director-General of Trade and Industry	Reserved Commodities (Control of Sales by Wholesale) Regulations (Cap. 296 sub. leg. B).
Financial Secretary	Legal Tender Notes Issue Ordinance (Cap. 65), section 3(2), (3) and (5).
Financial Secretary	Money Lenders Ordinance (Cap. 163), sections 33A and 33B.
Financial Secretary	Prison Rules (Cap. 234 sub. leg. A), rule 263.
Financial Secretary	Hong Kong Tourism Board Ordinance (Cap. 302), section 7(d).
Financial Secretary	Government Lotteries Ordinance (Cap. 334).
Financial Secretary	Customs and Excise Service (Welfare Fund) Regulation (Cap. 342 sub. leg. C), section 8.
Financial Secretary	The Hong Kong Association of Banks Ordinance (Cap. 364), section 12(1).
Financial Secretary	Trading Funds Ordinance (Cap. 430), sections 3(1) and 8(2).
Financial Secretary	Hong Kong Science and Technology Parks Corporation Ordinance (Cap. 565), sections 23(6) and 24.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Financial Secretary	Hong Kong Export Credit Insurance Corporation Ordinance (Cap. 1115), sections 12, 17(1) and 24(2).
Gas Authority	Gas Safety Ordinance (Cap. 51).
Insurance Authority	Insurance Companies Ordinance (Cap. 41).
Land Registrar	Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126), sections 11(1) and (3) and 12(1) and (3).
Land Registrar	Land Registration Ordinance (Cap. 128).
Land Registrar	Building Management Ordinance (Cap. 344).
Monetary Authority	Crimes Ordinance (Cap. 200), sections 103(1) and 104(1).
Permanent Secretary for Education	Post Secondary Colleges Ordinance (Cap. 320), sections 3, 8, 9, 11 and 12(2).
Principal Probation Officer	Probation of Offenders Rules (Cap. 298 sub. leg. A), rules 15, 20(2) and 21.
Registrar of Companies	Trustee Ordinance (Cap. 29).

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Registrar of Companies	Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32).
Registrar of Companies	Limited Partnerships Ordinance (Cap. 37).
Registrar of Companies	Registered Trustees Incorporation Ordinance (Cap. 306).
Registrar of Co-operative Societies	Co-operative Societies Ordinance (Cap. 33).
Registrar of Co-operative Societies	J. E. Joseph Trust Fund Ordinance (Cap. 1067), sections 3, 4, 5, 6 and 7.
Registrar of Credit Unions	Credit Unions Ordinance (Cap. 119).
Registrar of Money Lenders	Money Lenders Ordinance (Cap. 163).
Secretary for Constitutional and Mainland Affairs	Sex Discrimination Ordinance (Cap. 480), section 65(3) and sections 16(2) and (3) and 17(2) of Schedule 6.
Secretary for Constitutional and Mainland Affairs	Personal Data (Privacy) Ordinance (Cap. 486), section 14(6) and sections 2(2) and (3) and 3(2) of Schedule 2.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Secretary for Development	Buildings Ordinance (Cap. 123).
Secretary for Education	Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493), section 8(1)(a)(ii)(B).
Secretary for Education	Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance (Cap. 1150), sections 4(1)(g) and (2), 5(2)(e), (ea), (g) and (l), 9(1), 12(b), 13(1), (2) and (3) and 17.
Secretary for Home Affairs	Probate and Administration Ordinance (Cap. 10), sections 60B, 60C, 60D, 60E, 60F, 60G and 60K.
Secretary for Home Affairs	New Territories Ordinance (Cap. 97), sections 15, 16 and 18.
Secretary for Home Affairs	Books Registration Ordinance (Cap. 142).
Secretary for Home Affairs	Hotel and Guesthouse Accommodation Ordinance (Cap. 349), sections 19(1) and 20(1), (2)(b), (3)(b) and (4).
Secretary for Home Affairs	Clubs (Safety of Premises) Ordinance (Cap. 376).
Secretary for Home Affairs	New Territories Land (Exemption) Ordinance (Cap. 452), section 12.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Secretary for Home Affairs	Heung Yee Kuk Ordinance (Cap. 1097), section 3(2)(c) and (3) and paragraph 6 of the First Schedule and paragraph 5(2) of the Second Schedule.
Secretary for Labour and Welfare	Employees Retraining Ordinance (Cap. 423), sections 9(2) and (3) and 14(4).
Secretary for Security	Immigration Ordinance (Cap. 115), sections 29(1), (2) and (4), 32(2), (2A), (3) and (4)(a), 34(b) and 35(2).
Secretary for Security	Marriage Ordinance (Cap. 181), section 5J(7).
Secretary for Security	Essential Services Corps Ordinance (Cap. 197).
Secretary for Security	Public Order Ordinance (Cap. 245), section 31(6)(i).
Secretary for Security	Auxiliary Medical Service Ordinance (Cap. 517).
Secretary for Security	Civil Aid Service Ordinance (Cap. 518).
Secretary for Transport and Housing	Eastern Harbour Crossing Ordinance (Cap. 215).
Secretary for Transport and Housing	Merchant Shipping (Safety) Ordinance (Cap. 369), section 5.

Column 1	Column 2
Public office	Ordinance or provision of Ordinance
Secretary for Transport and Housing	Roads (Works, Use and Compensation) Ordinance (Cap. 370).
Secretary for Transport and Housing	Tate’s Cairn Tunnel Ordinance (Cap. 393).”.

Division 2—Repeal of Specifications of Public Offices

64. Repeal

All specifications made under section 43 of the Interpretation and General Clauses Ordinance (Cap. 1) before the commencement date of this Part (other than the one set out in section 1 of Schedule 3 to the Land Titles Ordinance (Cap. 585)) are repealed.

Division 3—Consequential Amendments to Land Titles Ordinance (Cap. 585)

65. Schedule 3 amended (consequential amendments)

- (1) Schedule 3, cross-heading before section 1, after “**Offices**”—
Add
“**Notice**”.
- (2) Schedule 3, section 1, after “**Offices**”—
Add

“Notice”.

- (3) Schedule 3, section 1—

Repeal paragraph (a).

Division 4—Validation in relation to Specifications

66. Validation in relation to specifications

- (1) In this section—

Cap. 1C Schedule (第1C章附表) means the Schedule to the Specification of Public Offices (Cap. 1 sub. leg. C);

loose-leaf edition (《活頁版》) means the loose-leaf edition of the laws published under the Laws (Loose-leaf publication) Ordinance 1990 (51 of 1990);

section 43 specification (第43條指明) means a specification made under section 43 of the Interpretation and General Clauses Ordinance (Cap. 1).

- (2) This section applies if—

- (a) a section 43 specification was made by a notice published in the Gazette after 31 December 1989 but before 1 July 1997; and
- (b) the Gazette notice did not add to the Cap. 1C Schedule an entry to describe the specification.
- (3) The Gazette notice for a section 43 specification is deemed to have amended the Cap. 1C Schedule by adding, in alphabetical order, an entry to describe the specification in the same terms in which the specification is described in the Gazette notice, and the amendment is deemed to have come into operation on the date on which the Gazette notice came into operation.

(4) If—

- (a) before 1 July 1997, an entry that describes a section 43 specification was purportedly added to the Cap. 1C Schedule as appearing in the loose-leaf edition; and
- (b) subsequently a piece of legislation purported to amend the entry without a corresponding amendment to the Gazette notice for the specification,

the specification in the Gazette notice is deemed to have been amended in the same terms in which the entry was purportedly amended, and the amendment to the specification is deemed to have come into operation on the date on which the amendment to the entry purported to come into operation.

Part 13

Validation in relation to Consolidated Instruments

67. Validation in relation to paragraphs 2 and 3 of Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice

(1) In this section—

Cap. 53 (《條例》) means the Antiquities and Monuments Ordinance (Cap. 53);

Cap. 53B (《公告》) means the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice (Cap. 53 sub. leg. B);

historical building declaration (歷史建築物宣布) means a declaration of a place to be a historical building under section 3 of Cap. 53;

loose-leaf edition (《活頁版》) means the loose-leaf edition of the laws published under the Laws (Loose-leaf publication) Ordinance 1990 (51 of 1990);

monument declaration (古蹟宣布) means a declaration of a place to be a monument under section 3 of Cap. 53.

(2) This section applies if—

(a) a monument declaration or historical building declaration was made by a notice published in the Gazette after 31 December 1989 but before the date on which this section comes into operation; and

(b) the Gazette notice—

(i) for a monument declaration, did not amend paragraph 2 of Cap. 53B by adding a subparagraph to describe the place; or

- (ii) for a historical building declaration, did not amend paragraph 3 of Cap. 53B by adding a subparagraph to describe the place.
- (3) The Gazette notice for a monument declaration is deemed to have amended paragraph 2 of Cap. 53B by adding at the end of that paragraph a subparagraph to describe the place in the same terms in which the place is described in the Gazette notice, and the amendment is deemed to have come into operation on the date on which the Gazette notice came into operation.
- (4) The Gazette notice for a historical building declaration is deemed to have amended paragraph 3 of Cap. 53B by adding at the end of that paragraph a subparagraph to describe the place in the same terms in which the place is described in the Gazette notice, and the amendment is deemed to have come into operation on the date on which the Gazette notice came into operation.
- (5) For the purposes of subsection (3), subparagraphs are to be added after paragraph 2(y) of Cap. 53B in the chronological order in which the Gazette notices came into operation, subject to the following—
 - (a) if more than one Gazette notice came into operation on the same date, the subparagraphs are to be added in the order in which the Gazette notices appear in the Gazette; and
 - (b) if more than one subparagraph is to be added by one Gazette notice, the subparagraphs are to be added in the order in which the monument declarations appear in the Gazette notice.
- (6) For the purposes of subsection (4), subparagraphs are to be added after paragraph 3(p) of Cap. 53B in the chronological order in which the Gazette notices came into operation, subject to the following—

- (a) if more than one Gazette notice came into operation on the same date, the subparagraphs are to be added in the order in which the Gazette notices appear in the Gazette; and
 - (b) if more than one subparagraph is to be added by one Gazette notice, the subparagraphs are to be added in the order in which the historical building declarations appear in the Gazette notice.
- (7) If—
- (a) before this section comes into operation, a subparagraph that describes the place declared to be a monument or historical building was purportedly added to paragraph 2 or 3 of Cap. 53B as appearing in the loose-leaf edition; and
 - (b) subsequently a piece of legislation purported to amend the subparagraph without a corresponding amendment to the Gazette notice for the declaration,
- the declaration in the Gazette notice is deemed to have been amended in the same terms in which the subparagraph was purportedly amended, and the amendment to the declaration is deemed to have come into operation on the date on which the amendment to the subparagraph purported to come into operation.

68. Validation in relation to the Schedule to the Country Parks (Designation) (Consolidation) Order

- (1) In this section—

Cap. 208 (《條例》) means the Country Parks Ordinance (Cap. 208);

Cap. 208B Schedule (第 208B 章附表) means the Schedule to the Country Parks (Designation) (Consolidation) Order (Cap. 208 sub. leg. B);

country park designation (郊野公園指定) means a designation of an area to be a country park under section 14 of Cap. 208.

- (2) This section applies if—
- (a) a country park designation of an area was made by an order published in the Gazette after 31 December 1989 and before the date on which this section comes into operation; and
 - (b) the Gazette order did not amend the Cap. 208B Schedule by adding an item to describe the area.
- (3) The Gazette order is deemed to have amended the Cap. 208B Schedule by adding at the end of the Schedule an item to describe the area in the same terms in which the area is described in the Gazette order, and the amendment is deemed to have come into operation on the date on which the Gazette order came into operation.
- (4) For the purposes of subsection (3), items are to be added after item 21 of Cap. 208B Schedule in the chronological order in which the Gazette orders came into operation.
-

Part 14

Standardization of References to Certain Customs and Excise Service Public Officers

Division 1—Import and Export Ordinance (Cap. 60)

69. Section 2 amended (interpretation)

- (1) Section 2, Chinese text, definition of 機場貨物轉運區, paragraph (b)—

Repeal

“香港”.

- (2) Section 2, Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

70. Section 2AA amended (approval of part of Airport Area as cargo transshipment area)

Section 2AA(1), Chinese text—

Repeal

“香港”.

Division 2—Weights and Measures Ordinance (Cap. 68)

71. Section 2 amended (interpretation)

- (1) Section 2, Chinese text, definition of 獲授權人員—

Repeal

“香港”.

- (2) Section 2, Chinese text, definition of 關長, paragraph (a)—

Repeal

“香港”。

- (3) Section 2, Chinese text, definition of **關長**, paragraph (b)—

Repeal

“香港海關任何副關長”

Substitute

“任何海關副關長”。

- (4) Section 2, Chinese text, definition of **關長**, paragraph (c)—

Repeal

“香港海關任何助理關長”

Substitute

“任何海關助理關長”。

72. Section 3 amended (application)

Section 3(2), Chinese text—

Repeal

“香港”。

73. Section 4 amended (appointment of authorized officers)

Section 4, Chinese text—

Repeal

“香港”。

74. Section 7 amended (declaration of equivalent units of measurements)

Section 7, Chinese text—

Repeal

“香港”。

75. Section 8 amended (reference standards of weights and measures)

(1) Section 8(1), Chinese text—

Repeal

“香港海關關長” (wherever appearing)

Substitute

“海關關長”.

(2) Section 8(2), Chinese text—

Repeal

“香港”.

76. Section 34 amended (name in which proceedings may be brought)

Section 34, Chinese text—

Repeal

“香港”.

77. Section 38 amended (power of Commissioner to amend Schedules)

Section 38, Chinese text—

Repeal

“香港”.

Division 3—Pension Benefits Ordinance (Cap. 99)

78. Schedule amended (Scheduled officers)

The Schedule, Chinese text, item (2), column headed “首長級”—

Repeal

“香港” (wherever appearing).

Division 4—Pension Benefits (Prescribed Ages) (Directorate Ranks) Notice (Cap. 99 sub. leg. C)

79. Schedule amended

The Schedule, Chinese text, item 2, column 3—

Repeal

“香港” (wherever appearing).

Division 5—Dutiable Commodities Ordinance (Cap. 109)

80. Section 2 amended (interpretation)

Section 2(1), Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

Division 6—Immigration Ordinance (Cap. 115)

81. Section 56A amended (exercise by customs officers of certain powers of immigration officers)

(1) Section 56A(1), Chinese text—

Repeal

“香港海關總監”

Substitute

“海關關長”.

(2) Section 56A(2), Chinese text—

Repeal

“香港海關總監”

Substitute

“海關關長”.

- (3) Section 56A(2), Chinese text—

Repeal

“總監所” (wherever appearing)

Substitute

“關長所”.

- (4) Section 56A(3), Chinese text—

Repeal

“香港海關總監”

Substitute

“海關關長”.

- (5) Section 56A(4), Chinese text—

Repeal

“香港海關總監”

Substitute

“海關關長”.

- (6) Section 56A(6), Chinese text—

Repeal

“香港海關總監”

Substitute

“海關關長”.

- (7) Section 56A(6), Chinese text—

Repeal

“則總監”

Substitute

“則關長”.

- (8) Section 56A(7), definition of *Commissioner of Customs and Excise*—

Repeal

“香港海關總監”

Substitute

“海關關長”.

- (9) Section 56A(7), Chinese text, definition of *海關關長*—

Repeal

“香港海關副總監”

Substitute

“海關副關長”.

- (10) Section 56A(7), Chinese text, definition of *海關關長*—

Repeal

“香港海關助理總監；”

Substitute

“海關助理關長。”.

- (11) Section 56A(7), Chinese text, definition of *海關人員*—

Repeal the full stop

Substitute a semicolon.

**Division 7—Public Revenue Protection Ordinance
(Cap. 120)**

- 82. Section 4 amended (restriction of delivery of dutiable goods)**

Section 4, Chinese text—

Repeal

“香港”.

Division 8—Dangerous Drugs Ordinance (Cap. 134)

83. Section 38B amended (Commissioner of Customs and Excise may seize and detain ship)

(1) Section 38B, Chinese text, heading—

Repeal

“香港”.

(2) Section 38B, Chinese text—

Repeal

“香港”.

84. Section 38C amended (magistrate may order arrest and detention of ship)

Section 38C(1), Chinese text—

Repeal

“香港”.

85. Section 38D amended (Registrar to order summons to be served on ship)

Section 38D(1), Chinese text—

Repeal

“香港”.

86. Section 38E amended (bail)

Section 38E(1), Chinese text—

Repeal

“香港”.

87. Section 38F amended (imposition of penalties in respect of ships carrying excessive quantities of drugs and consequential proceedings)

Section 38F(1), Chinese text—

Repeal

“香港”.

88. Section 38G amended (certificate as to finding of dangerous drugs etc.)

Section 38G, Chinese text—

Repeal

“香港” (wherever appearing).

89. Section 52 amended (powers of authorized officers)

(1) Section 52(2)(a), Chinese text—

Repeal

“香港”.

(2) Section 52(10), definition of *Commissioner of Customs and Excise*—

Repeal

“香港”.

90. Section 53A amended (surrender of travel document)

(1) Section 53A(1), Chinese text—

Repeal

“香港” (wherever appearing).

(2) Section 53A(7), Chinese text—

Repeal

“香港”.

- (3) Section 53A(7A), Chinese text—

Repeal

“香港”.

- (4) Section 53A(8), Chinese text—

Repeal

“香港”.

- (5) Section 53A(10), definition of *Commissioner of Customs and Excise*—

Repeal

“香港”.

91. Section 53B amended (application for return of travel document)

- (1) Section 53B(1), Chinese text—

Repeal

“香港”.

- (2) Section 53B(2), Chinese text—

Repeal

“香港”.

92. Section 53C amended (application for permission to leave Hong Kong)

- (1) Section 53C(1), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

(2) Section 53C(2), Chinese text—

Repeal

“香港”.

Division 9—Control of Chemicals Ordinance (Cap. 145)

93. Section 2 amended (interpretation)

(1) Section 2(1), Chinese text, definition of 關長—

Repeal

“香港海關關長”

Substitute

“海關關長”.

(2) Section 2(1), Chinese text, definition of 關長—

Repeal

“香港海關任何副關長”

Substitute

“任何海關副關長”.

Division 10—International Organizations and Diplomatic Privileges Ordinance (Cap. 190)

94. First Schedule amended

First Schedule, Chinese text, Part I, paragraph 4—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 11—The Food and Agriculture Organization
(Cap. 190 sub. leg. A)**

95. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 12—The Inter-governmental Maritime Consultative
Organization (Cap. 190 sub. leg. B)**

96. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 13—The International Atomic Energy Agency
(Cap. 190 sub. leg. C)**

97. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 14—The International Civil Aviation Organization
(Cap. 190 sub. leg. D)**

98. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 15—The International Labour Organization
(Cap. 190 sub. leg. E)**

99. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 16—The Organization for the Network of
Aquaculture Centres in Asia and the Pacific Notification
(Cap. 190 sub. leg. F)**

100. Paragraph 6 amended (exemption from taxes and rates)

Paragraph 6(2), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”。

**Division 17—The International Telecommunication Union
(Cap. 190 sub. leg. G)**

101. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”。

Division 18—The United Nations (Cap. 190 sub. leg. H)

102. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”。

**Division 19—The United Nations Educational, Scientific
and Cultural Organization (Cap. 190 sub. leg. I)**

103. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”。

**Division 20—The Universal Postal Union (Cap. 190
sub. leg. J)**

104. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 21—The World Health Organization (Cap. 190
sub. leg. K)**

105. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 22—The World Meteorological Organization
(Cap. 190 sub. leg. L)**

106. Article 5 amended

Article 5, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

Division 23—The Asian Development Bank (Cap. 190 sub. leg. M)

107. Article 6 amended

Article 6, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

Division 24—The Asia-Pacific Telecommunity Notification (Cap. 190 sub. leg. N)

108. Article 8 amended

Article 8, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

Division 25—The International Mobile Satellite Organization Notification (Cap. 190 sub. leg. P)

109. Article 6 amended

Article 6, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

Division 26—The International Telecommunications Satellite Organization Notification (Cap. 190 sub. leg. Q)

110. Article 6 amended

Article 6, Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

Division 27—Marine Fish (Marketing and Exportation) Regulations (Cap. 291 sub. leg. A)

111. Regulation 4E amended (production of export permit to designated officer; powers of designated officer)

Regulation 4E(5)(b), Chinese text—

Repeal

“香港海關關長” (wherever appearing)

Substitute

“海關關長”.

Division 28—Reserved Commodities Ordinance (Cap. 296)

112. Section 2 amended (interpretation)

(1) Section 2(1), Chinese text, definition of 關長—

Repeal

“香港海關關長”

Substitute

“海關關長”.

(2) Section 2(1), Chinese text, definition of **關長**—

Repeal

“香港海關任何副關長”

Substitute

“任何海關副關長”.

**Division 29—Industrial Training (Clothing Industry)
Ordinance (Cap. 318)**

113. Section 2 amended (interpretation)

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

Repeal

“香港” (wherever appearing).

114. Schedule 1 amended (clothing items)

Schedule 1, Chinese text, paragraph 1(a)—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 30—Protection of Non-Government Certificates of
Origin Ordinance (Cap. 324)**

115. Section 2 amended (interpretation)

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

Repeal

“香港” (wherever appearing).

Division 31—Customs and Excise Service Ordinance (Cap. 342)

116. Section 2 amended (interpretation)

- (1) Section 2, Chinese text, definition of *助理關長*—

Repeal

“香港”.

- (2) Section 2, Chinese text, definition of *副關長*—

Repeal

“香港”.

- (3) Section 2, Chinese text, definition of *關長*—

Repeal

“香港”.

117. Section 26 amended (transitional)

- (1) Section 26—

Renumber the section as section 26(1).

- (2) After section 26(1)—

Add

“(2) In any instrument, contract or legal proceedings issued, made or commenced before the commencement date of Part 14 of the Statute Law (Miscellaneous Provisions) Ordinance 2014 (of 2014)—

- (a) the titles of *香港海關關長* and *香港海關總監* are to be substituted by *海關關長*;
- (b) the titles of *香港海關副關長*, *副海關關長* and *香港海關副總監* are to be substituted by *海關副關長*; and

- (c) the titles of 香港海關助理關長, 助理海關關長 and 香港海關助理總監 are to be substituted by 海關助理關長.”.

Division 32—Trade Descriptions Ordinance (Cap. 362)

118. Section 2 amended (interpretation)

- (1) Section 2(1), Chinese text, definition of 關長—

Repeal

“香港海關關長”

Substitute

“海關關長”.

- (2) Section 2(1), Chinese text, definition of 關長—

Repeal

“香港海關的任何副關長”

Substitute

“任何海關副關長”.

Division 33—Trade Descriptions (Place of Manufacture) (Textile Made-up Articles) Order (Cap. 362 sub. leg. I)

119. Section 2 amended (interpretation)

- Section 2, Chinese text, definition of 協調制度編號—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 34—Smoking (Public Health) Ordinance
(Cap. 371)**

120. Section 10A amended (seizure and forfeiture)

(1) Section 10A(2), Chinese text—

Repeal

“香港”.

(2) Section 10A(4), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 35—Smoking (Public Health) (Notices) Order
(Cap. 371 sub. leg. B)**

121. Paragraph 3 amended (health warning and indication of tar and nicotine yields on packet or retail container of cigarettes)

Paragraph 3(8)(b), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

122. Paragraph 4A amended (health warning on retail container of cigar, pipe tobacco or cigarette tobacco (other than retail container containing one cigar))

Paragraph 4A(8), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”。

123. Paragraph 4AA amended (health warning on retail container containing one cigar)

Paragraph 4AA(6), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”。

Division 36—Toys and Children’s Products Safety Ordinance (Cap. 424)

124. Section 2 amended (interpretation)

(1) Section 2, Chinese text, definition of 關長—

Repeal

“副海關關長”

Substitute

“海關副關長”。

(2) Section 2, Chinese text, definition of 關長—

Repeal

“助理海關關長”

Substitute

“海關助理關長”。

**Division 37—Administrative Appeals Board Ordinance
(Cap. 442)**

125. Schedule amended

The Schedule, Chinese text, item 30—

Repeal

“香港”.

Division 38—Consumer Goods Safety Ordinance (Cap. 456)

126. Section 2 amended (interpretation)

(1) Section 2, Chinese text, definition of 關長—

Repeal

“副海關關長”

Substitute

“海關副關長”.

(2) Section 2, Chinese text, definition of 關長—

Repeal

“助理海關關長”

Substitute

“海關助理關長”.

**Division 39—Weapons of Mass Destruction (Control of
Provision of Services) Ordinance (Cap. 526)**

127. Section 2 amended (interpretation)

Section 2(1), Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 40—United Nations Sanctions (Iraq) Regulation
(Cap. 537 sub. leg. B)**

128. Section 1 amended (interpretation)

Section 1(1), Chinese text, definition of 關長—

Repeal

“香港”(wherever appearing).

**Division 41—United Nations Sanctions (Lebanon)
Regulation (Cap. 537 sub. leg. AC)**

129. Section 1 amended (interpretation)

Section 1, Chinese text, definition of 關長—

Repeal

“香港”(wherever appearing).

**Division 42—United Nations Sanctions (Democratic
People’s Republic of Korea) Regulation (Cap. 537
sub. leg. AE)**

130. Section 1 amended (interpretation)

Section 1, Chinese text, definition of 關長—

Repeal

“香港”(wherever appearing).

**Division 43—United Nations Sanctions (Iran) Regulation
(Cap. 537 sub. leg. AF)**

131. Section 1 amended (interpretation)

Section 1, Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 44—United Nations Sanctions (Somalia)
Regulation (Cap. 537 sub. leg. AN)**

132. Section 1 amended (interpretation)

Section 1, Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 45—United Nations Sanctions (Eritrea) Regulation
(Cap. 537 sub. leg. AR)**

133. Section 1 amended (interpretation)

Section 1, Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 46—United Nations Sanctions (Libya) Regulation
2011 (Cap. 537 sub. leg. AW)**

134. Section 1 amended (interpretation)

Section 1, Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 47—United Nations Sanctions (Afghanistan)
Regulation 2012 (Cap. 537 sub. leg. AX)**

135. Section 2 amended (interpretation)

Section 2, Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 48—Customs and Excise Service Children’s
Education Trust Fund Ordinance (Cap. 551)**

136. Section 2 amended (interpretation)

(1) Section 2, definition of *Commissioner*—

Repeal

“海關”.

(2) Section 2, Chinese text, definition of 受託人—

Repeal

“海關”.

137. Section 3 amended (establishment of the fund)

Section 3(3)(a), Chinese text—

Repeal

“海關”.

138. Section 4 amended (incorporation of Commissioner as trustee)

(1) Section 4, Chinese text, heading—

Repeal

“海關”.

(2) Section 4(1), Chinese text—

Repeal

“海關關長”

Substitute

“關長”.

139. Section 6 amended (establishment of committee)

Section 6(2)(b), Chinese text—

Repeal

“海關”.

Division 49—Consular Relations Ordinance (Cap. 557)

140. Section 5 amended (authorized refund of duties paid on hydrocarbon oils)

Section 5(1), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

Division 50—International Organizations (Privileges and Immunities) (Office of the Commission of the European Communities) Order (Cap. 558 sub. leg. A)

141. Section 4 amended (authorized refund of duties paid on hydrocarbon oils)

Section 4(1), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

**Division 51—Chemical Weapons (Convention) Ordinance
(Cap. 578)**

142. Section 2 amended (interpretation)

Section 2(1), Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 52—Anti-Money Laundering and Counter-Terrorist
Financing (Financial Institutions) Ordinance (Cap. 615)**

143. Section 26 amended (delegation of functions)

(1) Section 26(1), Chinese text—

Repeal

“香港海關關長”

Substitute

“海關關長”.

(2) Section 26(2), Chinese text—

Repeal

“香港”.

144. Section 51 amended (regulations)

Section 51, Chinese text—

Repeal

“香港”.

145. Schedule 1 amended (interpretation)

Schedule 1, Chinese text, Part 2, section 1, definition of 關長—

Repeal

“香港” (wherever appearing).

**Division 53—United Nations Sanctions (Sudan) Regulation
2013 (L.N. 145 of 2013)**

**146. Section 22 amended (power of authorized officers to enter and
detain vehicles)**

Section 22(4), Chinese text, definition of 關長—

Repeal

“香港” (wherever appearing).

Part 15

Miscellaneous Amendments

Division 1—Allowances to Jurors Order (Cap. 3 sub. leg. A)

147. Section 2 amended (allowances to jurors)

Section 2(1), Chinese text—

Repeal

“，按該人出任陪審員的每一天或不足一天的時間計，須為\$410”

Substitute

“是每天\$410，按該人出任陪審員的每一天(不足一天亦作一天論)計算”。

Division 2—Rules of the High Court (Cap. 4 sub. leg. A)

148. Order 24, rule 14A amended (use of documents)

Order 24, Chinese text, rule 14A—

Repeal

“已向法庭讀出或已由法庭閱讀，或已在公開法庭上被提述後”

Substitute

“已在公開法庭上，向法庭讀出、由法庭閱讀或被提述後”。

Division 3—Law Amendment and Reform (Consolidation) Ordinance (Cap. 23)

149. Section 20C amended (actions for loss of society or services)

(1) Section 20C(1)(a), English text—

Repeal

“preceding the date when”

Substitute

“before the date on which”.

- (2) Section 20C(1)(c)—

Repeal

“the deceased”

Substitute

“the injured person”.

- (3) Section 20C(1)(d)(i)—

Repeal

“the deceased in the same household immediately before the date of his death”

Substitute

“the injured person in the same household immediately before the date on which the cause of action accrued”.

- (4) Section 20C(1)(d)(ii)—

Repeal

“the deceased”

Substitute

“the injured person”.

- (5) Section 20C(1)(d), English text—

Repeal

“of the deceased”

Substitute

“of the injured person”.

- (6) Section 20C(1)(e)—

Repeal

“the deceased” (wherever appearing)

Substitute

“the injured person”.

- (7) Section 20C(1)(f)—

Repeal

“the deceased was at the date of his death”

Substitute

“the injured person was at the date on which the cause of action accrued”.

- (8) Section 20C(1)(f)—

Repeal

“treated the deceased”

Substitute

“treated the injured person”.

- (9) Section 20C(1)(g)—

Repeal

“the deceased”

Substitute

“the injured person”.

- (10) Section 20C(5), definition of *dependant*, paragraph (b)—

Repeal

“the deceased”

Substitute

“the injured person”.

Division 4—Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg. B)

150. Schedule 3 amended (contributions)

(1) Schedule 3—

Repeal

“[regs. 8A, 13 & 14]”

Substitute

“[regs. 8A, 13, 14 & 16]”.

(2) Schedule 3, Chinese text, Part 3, paragraph 5(a)—

Repeal

“上訴聆訊的日期”

Substitute

“上訴聆訊開始的日期”.

(3) Schedule 3, Chinese text, Part 3, paragraph 5(b)—

Repeal

“上訴聆訊的日期”

Substitute

“上訴聆訊開始的日期”.

Division 5—Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (Cap. 106 sub. leg. Z)

151. Section 6 amended (exemption for hybrid telecommunications apparatus)

Section 6(4), English text—

Repeal

“telecommunication apparatus”

Substitute

“telecommunications apparatus”.

Division 6—Immigration Ordinance (Cap. 115)

152. Section 17C amended (carrying and production of proof of identity)

Section 17C(4)—

Repeal

“section 17B(b)(ii)”

Substitute

“paragraph (b)(ii) of the definition of *proof of identity* in section 17B(1)”.

Division 7—Public Health and Municipal Services Ordinance (Cap. 132)

153. Section 113 amended (public and private cemeteries)

(1) Section 113(1)—

Repeal

“Parts 1 and III”

Substitute

“Part 1”.

(2) Section 113(2)—

Repeal

“Parts 2 and IV”

Substitute

“Part 2”.

Division 8—Banking (Capital) Rules (Cap. 155 sub. leg. L)

154. Section 311 amended (other offsetting)

- (1) Section 311(1)(a), Chinese text—

Repeal

“該持倉”

Substitute

“該等持倉會”.

- (2) Section 311(1)(b), Chinese text—

Repeal

“該持倉”

Substitute

“該等持倉”.

- (3) Section 311(1)(c), Chinese text—

Repeal

“該持倉”

Substitute

“該等持倉”.

Division 9—Legal Practitioners Ordinance (Cap. 159)

155. Section 74A amended (Standing Committee on Legal Education and Training)

- Section 74A(3)(a)(ix)—

Repeal

“The Federation for Continuing Education in Tertiary Institutions”

Substitute

“the Federation for Self-financing Tertiary Education”.

Division 10—Barristers (Admission) Rules (Cap. 159 sub. leg. AA)

156. Schedule 2 amended (forms)

Schedule 2, Form 2—

Repeal

“Approved this day of

[Signed]

Chief Justice”.

Division 11—Registration of Persons (Invalidation of Identity Cards) (Consolidation) Order (Cap. 177 sub. leg. C)

157. Registration of Persons (Invalidation of Identity Cards) (Consolidation) Order repealed

The Registration of Persons (Invalidation of Identity Cards) (Consolidation) Order (Cap. 177 sub. leg. C)—

Repeal the Order.

Division 12—Shipping and Port Control Ordinance (Cap. 313)

158. Section 17 amended (ships to anchor in ports)

Section 17(1), English text—

Repeal

“the Third Schedule”

Substitute

“Schedule 3”.

Division 13—Immigration Service Ordinance (Cap. 331)

159. Schedule 2 amended (scheduled offences)

Schedule 2, Part I, item 1, column 2—

Repeal

“section 11”

Substitute

“section 12”.

Division 14—District Court Ordinance (Cap. 336)

160. Section 79 amended (procedure and practice of the Court in its criminal jurisdiction)

Section 79(2), Chinese text—

Repeal

“《刑事訴訟程序條例》(第221章)附表2第I部所詳列的條文”

Substitute

“附表2第1部所詳列的《刑事訴訟程序條例》(第221章)的條文”。

161. Schedule 2 amended

Schedule 2, English text, Part 1—

Repeal

“the First Schedule”

Substitute

“Schedule 1”.

Division 15—Rules of the District Court (Cap. 336 sub. leg. H)

162. Order 24, rule 14A amended (use of documents)

Order 24, rule 14A—

Repeal

“by the Court or referred to in open court”

Substitute

“by the Court, or referred to, in open court”.

Division 16—Employees Compensation Assistance Ordinance (Cap. 365)

163. Section 8 amended (payments from the Fund)

Section 8(c), Chinese text—

Repeal

“貸款”

Substitute

“貸款”.

Division 17—Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369 sub. leg. N)

164. Schedule amended (International Regulations for Preventing Collisions at Sea 1972)

The Schedule, Chinese text, Annex I, paragraph 2(c)—

Repeal

“但不”

Substitute

“但”。

Division 18—Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E)

165. Regulation 2 amended (interpretation)

Regulation 2(1), Chinese text, definition of *左軚車輛*—

Repeal

“信訊”

Substitute

“信號”。

166. Schedule 14 amended (particulars to be contained in register of journeys)

(1) Schedule 14, Chinese text, item 7—

Repeal

“取得牌照持有人根據第46A(4)條”

Substitute

“根據第46A(4)條獲牌照持有人”。

(2) Schedule 14, Chinese text, item 7—

Repeal

“指定人士”

Substitute

“指定的人”。

**Division 19—Tate’s Cairn Tunnel By-laws (Cap. 393
sub. leg. B)**

167. Schedule amended

- (1) The Schedule, English text, Figure No. 23—

Repeal

“company”

Substitute

“Company”.

- (2) The Schedule, English text, Figure No. 24—

Repeal

“company” (wherever appearing)

Substitute

“Company”.

Division 20—Personal Data (Privacy) Ordinance (Cap. 486)

**168. Section 35K amended (data user must not provide personal data
for use in direct marketing without data subject’s consent)**

Section 35K(1)(b), Chinese text—

Repeal

“當事人”

Substitute

“資料使用者”.

Division 21—Securities and Futures Ordinance (Cap. 571)

169. Section 308 amended (interpretation of Part XV)

Section 308(1), Chinese text, definition of 股本衍生工具, paragraph (d)—

Repeal

“股票期權合約”

Substitute

“股票期貨合約”.

Division 22—Competition Ordinance (Cap. 619)

170. Schedule 5 amended (Competition Commission)

(1) Schedule 5, English text, section 20—

Repeal

“is the period—

(a) beginning”

Substitute

“is—

(a) the period beginning”.

(2) Schedule 5, section 21(a)—

Repeal

“Council;”

Substitute

“Council; and”.

171. Schedule 8 amended (consequential and related amendments)

(1) Schedule 8, Part 4—

Repeal section 14

Substitute

“14. Part 5C heading amended

The heading of Part 5C is amended by repealing “**Sections 7K, 7L, 7N and 7P**” and substituting “**Section 7Q**”.

- (2) Schedule 8, Part 4, section 15(2)—

Repeal

“repealing “7K, 7L, 7M or 7N” and substituting “7M or 7Q”.”

Substitute

“repealing “7K, 7L or 7N or any licence condition relating to any such section” and substituting “7Q or any licence condition relating to section 7Q”.”

- (3) Schedule 8, Part 4, section 16(1)—

Repeal

“repealing “7K, 7L, 7M or 7N” and substituting “7M or 7Q”.”

Substitute

“repealing “7K, 7L or 7N” and substituting “7Q”.”

- (4) Schedule 8, Part 4, after section 16(1)—

Add

“(1A) Section 32N(1) is amended by repealing “any such section” wherever it appears and substituting “that section”.”

- (5) Schedule 8, Part 4, section 18—

Repeal

“repealing “7K, 7L, 7M or 7N” and substituting “7M or 7Q”.”

Substitute

“repealing “7K, 7L or 7N” and substituting “7Q”.”.

**Division 23—Residential Properties (First-hand Sales)
Ordinance (Cap. 621)**

172. Section 71 amended (general requirements for advertisement)

Section 71(4), Chinese text—

Repeal

“的單位售價”

Substitute

“者”.

**Division 24—Buildings (Amendment) Ordinance 2011
(16 of 2011)**

173. Sections 32 to 36 repealed

Sections 32, 33, 34, 35 and 36—

Repeal the sections.

Explanatory Memorandum

The purpose of this Bill is to make miscellaneous amendments to various Ordinances.

2. The Bill is divided into 15 Parts.

Part 1

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

Part 2

4. Part 2 repeals and amends certain offence provisions in the Crimes Ordinance (Cap. 200) which were held by the courts as unconstitutional and provides for consequential amendments. This is to reflect the court rulings in *Leung T C William Roy v Secretary for Justice* (HCAL 160/2004 and CACV 317/2005) and the Court of Final Appeal's ruling in *Secretary for Justice v Yau Yuk Lung Zigo and Another* (FACC 12/2006).

Part 3

5. Part 3 makes various miscellaneous amendments to the Sex Discrimination Ordinance (Cap. 480) (***SDO***), the Disability Discrimination Ordinance (Cap. 487) (***DDO***), the Family Status Discrimination Ordinance (Cap. 527) (***FSDO***) and the Race Discrimination Ordinance (Cap. 602) (***RDO***).
6. Provisions are also added to the DDO and the FSDO to expressly provide protection from personal liability to members and employees of the Equal Opportunities Commission (***EOC***), members of a committee established by the EOC and conciliators in the performance or purported performance of any of the EOC's functions or in the exercise or purported exercise of any of the EOC's powers under the DDO and

FSDO. Similar protection is already provided under section 68 of the SDO and section 62 of the RDO.

Part 4

7. Part 4 amends section 81 of the Evidence Ordinance (Cap. 8) to empower any member of the Lands Tribunal referred to in section 4(1)(a), (b), (c) or (d) of the Lands Tribunal Ordinance (Cap. 17) (*LTO*) to issue a warrant or order to bring up a person in lawful custody before the Lands Tribunal to give evidence.
8. Amendment is also made to the LTO to make it clear that a temporary member of the Lands Tribunal shall exercise all the powers and perform all the duties of a member of the Lands Tribunal.

Part 5

9. Part 5 amends the Rules of the High Court (Cap. 4 sub. leg. A), the Evidence Ordinance (Cap. 8) and the Rules of the District Court (Cap. 336 sub. leg. H) to provide that a notarial instrument may be received in evidence in civil proceedings, without further proof, as duly authenticated unless the contrary is proved.

Part 6

10. Part 6 amends the Evidence Ordinance (Cap. 8) (*EO*) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) (*MLACMO*) by specifying that a deposition received by the Secretary for Justice pursuant to a request under section 9(1) of the MLACMO includes an affidavit, affirmation or declaration made under an obligation to state the truth according to the law of the place where the affidavit, affirmation or declaration is made. The effect of the amendment is that such an affidavit, affirmation or declaration, together with any

document or thing exhibited or annexed to it, received pursuant to such a request shall be admitted in the criminal proceedings concerned in Hong Kong as prima facie evidence of any fact stated in them.

11. It further provides that, in respect of a deposition which is an affidavit, affirmation or declaration having any document that falls within section 77F(2)(c) of the EO exhibited or annexed to it, for such deposition, together with any such document exhibited or annexed thereto, to be admitted in the criminal proceedings concerned in Hong Kong as prima facie evidence of any fact stated in the deposition and in the document, the court must be satisfied that no unfairness is likely to occur in those criminal proceedings consequent upon the deposition and the document being admitted in evidence in those criminal proceedings.

Part 7

12. Part 7 amends the Unsolicited Electronic Messages Ordinance (Cap. 593) (*UEMO*), mainly to add further modes of service under section 44 of the UEMO. At present, a notice required to be served on a person under section 34, 35, 36 or 38 of the UEMO has to be served by registered post under section 44 of the UEMO. The amendments provide that such notice may also be served by leaving it, or sending it by ordinary post to the person, at the person's usual or last known place of abode or business. If the person is an individual, it may also be served by delivering it to the person by hand.

Part 8

13. Part 8 amends certain defence provisions in the Trade Descriptions Ordinance (Cap. 362) (*TDO*) to make it clear that only an evidential burden (but not a persuasive burden) is imposed on the person charged who wishes to rely on any of the grounds set out in those defence provisions (i.e. sections 12(2A)(a), 26(1), 26AA and 26AAB) in any proceedings for the

offence concerned under the TDO. This is to reflect the Court of Final Appeal's rulings in *Lee To Nei v HKSAR* (FACC 5/2011) and *Lau Hok Tung and Others v HKSAR* (FACC 7/2011).

Part 9

14. Part 9 amends the Building Management Ordinance (Cap. 344) (**BMO**) mainly to provide that a person appointed as a member of a management committee of a building is required to make a statement (instead of a declaration under the existing regime) within 21 days after the appointment to state that the person is not ineligible for the appointment as specified in paragraph 4(1) (a) or (b) of Schedule 2 to the BMO.

Part 10

15. Part 10 repeals item 29 of Schedule 1 to the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) to retain the definition of **controlled trust** for the purposes of Part IIA of and Schedule 2 to the Legal Practitioners Ordinance (Cap. 159).

Part 11

16. Part 11 amends section 8A of the Legal Practitioners Ordinance (Cap. 159) to empower the Council of the Law Society to revoke and restore a suspension of a solicitor's practice or a foreign lawyer's registration pending a decision of the Solicitors Disciplinary Tribunal. Amendments are also made to the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) to provide for similar powers.

Part 12

17. Part 12 amends the Specification of Public Offices (Cap. 1 sub. leg. C) (**Cap. 1C**) in order to consolidate, update and rearrange

the specifications made under section 43 of the Interpretation and General Clauses Ordinance (Cap. 1). It also rectifies a technical consolidation irregularity in respect of Cap. 1C.

Part 13

18. Part 13 rectifies a technical consolidation irregularity in respect of the Antiquities and Monuments (Declaration of Monuments and Historical Buildings) (Consolidation) Notice (Cap. 53 sub. leg. B) and the Country Parks (Designation) (Consolidation) Order (Cap. 208 sub. leg. B).

Part 14

19. Part 14 makes amendments to various enactments in order to standardize the references to the Chinese titles of the “Commissioner of Customs and Excise”, “Deputy Commissioner of Customs and Excise” and “Assistant Commissioner of Customs and Excise”.

Part 15

20. Part 15 makes miscellaneous amendments of a minor or technical nature to the following enactments—
- (a) the Allowances to Jurors Order (Cap. 3 sub. leg. A);
 - (b) the Rules of the High Court (Cap. 4 sub. leg. A);
 - (c) the Law Amendment and Reform (Consolidation) Ordinance (Cap. 23);
 - (d) the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg. B);
 - (e) the Telecommunications (Telecommunications Apparatus) (Exemption from Licensing) Order (Cap. 106 sub. leg. Z);
 - (f) the Immigration Ordinance (Cap. 115);

- (g) the Public Health and Municipal Services Ordinance (Cap. 132);
- (h) the Banking (Capital) Rules (Cap. 155 sub. leg. L);
- (i) the Legal Practitioners Ordinance (Cap. 159);
- (j) the Barristers (Admission) Rules (Cap. 159 sub. leg. AA);
- (k) the Registration of Persons (Invalidation of Identity Cards) (Consolidation) Order (Cap. 177 sub. leg. C);
- (l) the Shipping and Port Control Ordinance (Cap. 313);
- (m) the Immigration Service Ordinance (Cap. 331);
- (n) the District Court Ordinance (Cap. 336);
- (o) the Rules of the District Court (Cap. 336 sub. leg. H);
- (p) the Employees Compensation Assistance Ordinance (Cap. 365);
- (q) the Merchant Shipping (Safety) (Signals of Distress and Prevention of Collisions) Regulations (Cap. 369 sub. leg. N);
- (r) the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374 sub. leg. E);
- (s) the Tate's Cairn Tunnel By-laws (Cap. 393 sub. leg. B);
- (t) the Personal Data (Privacy) Ordinance (Cap. 486);
- (u) the Securities and Futures Ordinance (Cap. 571);
- (v) the Competition Ordinance (Cap. 619);
- (w) the Residential Properties (First-hand Sales) Ordinance (Cap. 621);
- (x) the Buildings (Amendment) Ordinance 2011 (16 of 2011).