

立法會
Legislative Council

LC Paper No. LS9/16-17

**Paper for the House Committee Meeting
on 25 November 2016**

**Legal Service Division Report on
Subsidiary Legislation Gazetted on 18 November 2016**

Tabling in LegCo : Council meeting of 23 November 2016

Amendment to be made by : Council meeting of 14 December 2016 (or that of 11 January 2017 if extended by resolution)

Legislation Publication Ordinance (Commencement) Notice 2016 (L.N. 170)

Background

The Legislation Publication Ordinance (Cap. 614) was enacted in 2011. The main purposes of Cap. 614 are to establish an electronic database of the Hong Kong legislation ("Database"), give legal status to copies of the legislation published in the Database on an approved website and empower the Secretary for Justice ("SJ") to make editorial amendments and revisions to Ordinances. Before its enactment, a Bills Committee was formed to scrutinize the Legislation Publication Bill. Members may wish to refer to the report of the Bills Committee on the Legislation Publication Bill (LC Paper No. CB(2)1999/10-11) for further information.

L.N. 170

2. The commencement of Cap. 614 is divided into four phases. In the first two phases, certain provisions were brought into operation on the day the enacted Cap. 614 was published in the Gazette (i.e. 30 June 2011) and on 16 January 2012.

3. L.N. 170 implements the third phase of commencement whereby SJ appoints 24 February 2017 as the day on which the following provisions come into operation—

- (a) Part 2 – this Part provides for the establishment of the Database and the approved website for publishing copies of the legislation contained in the Database; and giving such published legislation legal status as verified copies of Ordinances;

- (b) Part 3 – this Part empowers SJ to publish the verified copies of Ordinances in the form of a booklet;
- (c) Part 4 – this Part empowers SJ to make editorial amendments to Ordinances but these editorial amendments must not change the legal effect of any Ordinance. It also imposes a duty on SJ to compile a record of editorial amendments in the form as specified in section 15 of Cap. 614. It further provides that an editorial amendment does not have effect unless it is recorded in the form as specified in section 15; and
- (d) Sections 22 and 29 – these sections are consequential and related amendments to the Laws (Loose-leaf Publication) Ordinance 1990 and the Interpretation and General Clauses Ordinance (Cap. 1) respectively.

4. The provisions of Cap. 614 that have not been brought into operation (i.e. sections 27 and 28) relate to repeal of the Laws (Loose-leaf Publication) Ordinance 1990 and the Revised Edition of the Laws Ordinance 1965 (53 of 1965). According to the Information Paper on the commencement arrangement of the Legislation Publication Bill (LC Paper No. CB(2)1344/10-11(03) issued by the Department of Justice in March 2011, the Administration would ensure that all the chapters in the Loose-leaf Edition have been authorized and transferred to the Database before commencing these provisions.

5. No LegCo Brief has been issued in respect of L.N. 170.

6. As advised by the Clerk to the Panel on Administration of Justice and Legal Services ("Panel"), the Panel has not been consulted on L.N. 170. At its meetings on 25 March 2014 and 26 January 2015, the Panel was respectively briefed by the Administration that the existing Bilingual Law Information System would retire when the Database was in public use and the existing Loose-leaf Edition would be phased out progressively according to the progress of the verification of legislation data targeted for completion by 2020-2021.

7. In response to the Legal Service Division's enquiries, the Administration informed us that it will report to the Panel before the Database is rolled out to the public at the earliest in the later part of the first quarter of 2017.

8. No difficulties have been identified in relation to the legal and drafting aspects of L.N. 170.

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23 November 2016