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Panel on Administration of Justice and Legal Services

Background brief prepared by the Legislative Council Secretariat for the meeting on 22 May 2017

Launch of Hong Kong e-Legislation

Purpose

This paper provides information on the past discussions of the Panel on Administration of Justice and Legal Services ("the Panel") on the launch of Hong Kong e-Legislation.

Background

2. According to the information provided by the Administration¹, the hardcopy loose-leaf edition of the Laws of Hong Kong ("Loose-leaf Edition") has been the official source of consolidated Hong Kong legislation published under statutory authority for over 25 years. However, being a hardcopy publication, its update could take a few months. As a result, the Loose-leaf Edition does not reflect the current laws in a timely way. The Bilingual Laws Information System ("BLIS") was previously available to the public on the Internet since 1997, but it was for information only and did not have legal status. This situation was considered not adequate from either a user or an information technology perspective.

3. In view of the above, the Department of Justice ("DoJ") commissioned a consultant in May 2009 to conduct a feasibility study on the establishment of a verified, authenticated and searchable electronic database of Hong Kong Legislation ("Database"). The study concluded that a new system should replace BLIS. The plan was to develop a new Database to provide timely

¹ Source: LC Paper No. CB(4)430/16-17(01), LC Paper No. CB(4)486/13-14(03) and DoJ's press release on "Official launch of Hong Kong e-Legislation" issued on 20 February 2017.

electronic legislation data with legal status to the general public. The Database has been officially named as Hong Kong e-Legislation ("HKeL") in English and 「電子版香港法例」 in Chinese.

4. With the support of the Panel in April 2010, a new commitment of \$79,395,000 was approved by the Finance Committee in May 2010 to implement the Database. Furthermore, the Legislation Publication Ordinance (Cap. 614) ("LPO") was enacted in June 2011 to provide necessary statutory backing for the establishment of the Database and to give legal status to verified copies of legislation published in the Database.

5. A "Hong Kong Legislation Database User Liaison Group" comprising representatives from the Law Society of Hong Kong ("Law Society"), Hong Kong Bar Association ("Bar Association"), the Judiciary and the Legal Service Division of the Legislative Council Secretariat was set up in September 2013 to provide comments from the users' perspective.

6. As advised by the Administration in January 2017, HKeL would provide improved functionality². Users would be provided with more advanced viewing functions. For example, it would be possible for a user to decide to view legislation in either monolingual or bilingual mode. Moreover, in addition to the desktop version, there would also be a mobile version available to reflect the trend for users to view and search legislation using mobile phones, tablets and other portable devices. Research functionality would also be improved as HKeL was designed to allow a user to easily navigate both current and past versions of legislation through a new timeline feature and the introduction of a "point-in-time" search facilitates searches of legislation as at a particular point in time. Users would also be able to take advantage of a feature allowing them to stay up to date about changes to legislation by subscribing to email notifications.

7. The Legislation Publication Ordinance (Commencement) Notice 2016 was gazetted on 18 November 2016 to provide for the official launch of HKeL on 24 February 2017. According to DoJ, legislation published on HKeL will be progressively verified in the coming years and HKeL users will be able to print copies of verified legislation with legal status given under LPO. HKeL will therefore transform access to legislation by replacing the BLIS and gradually phasing out the Loose-leaf Edition³.

² LC Paper No. CB(4)430/16-17(01)

³ DoJ's press release on "Official launch of Hong Kong e-Legislation" issued on 20 February 2017

Past discussions

8. Major views and concerns expressed by members, the Bar Association and the Law Society at the meetings of the Panel on 26 April 2010 and 25 March 2014 regarding the progress of the project to implement the Database are summarized below.

9. Members and the two legal professional bodies were generally supportive of DoJ's project to implement the new Database, and were of the view that more value-added services should be introduced when implementing the Database, such as providing cross-references among different ordinances by means of hyperlinking, and providing a search function to facilitate members of the public in searching judgments handed down by court or the relevant case law in appropriate precedent cases in both Chinese and English.

10. The Administration responded that it was mindful of the wish of the public and legal practitioners for more value-added services. In fact, DoJ planned to have the new Database adopt the use of an open data format which would open up opportunities for third parties, such as legal publishers, to provide value-added services more easily. In addition, the Administration would first consider the possibility of developing a function for hyperlinking internal cross-references among different ordinances. As the project progressed, consideration might also be given to extending cross-referencing function to other information maintained by DoJ in the website of the new Database. DoJ would not be able to introduce external hyperlinking (e.g. to judgments) in the new Database in this project.

11. At the meeting on 25 March 2014, the Bar Association and the Law Society were concerned that how the Administration could ensure free access to Hong Kong legislation by individuals who had no access to the Internet. The Administration advised that a verified copy of Hong Kong legislation printed directly from the new Database in a format similar to the existing Loose-leaf Edition would be placed at certain major public libraries for free access by the general public. Members of the public might also contact the Information Services Department to purchase a verified copy of a piece of Hong Kong legislation on a print-on-demand basis. Alternatively, members of the community would be able to gain free access to the new Database via the Internet by making use of the computer facilities at public libraries.

12. In response to a member's suggestion that DoJ should take the opportunity to enhance the user-friendliness of its online services, such as enabling users of the new Database to perform data entry and print out the completed court forms directly from the system, the Administration responded that having regard to past experience with the constraints of the BLIS, DoJ

would endeavour to make available statutory forms in improved format for viewing and printing purposes.

13. A member expressed concern as to whether the design and functions of the new Database would catch up with the rapid advancement of information technology upon the completion of the entire project in 2020-2021. The Administration explained that as both the Chinese and English texts of legislation were to be captured in the new Database and the two texts were given equal authentic status, the nature and scope of the project was unprecedented. Indeed, there had been almost one-year delay due to the cancellation of the first tender and subsequent re-tender exercise. Moreover, the project involved a large volume of legislation data and many fine details in the verification and checking of the accuracy of the legislation across the whole consolidated text. Unlike the BLIS, the legislation data in the new Database was to be given legal status and hence, greater efforts had to be put in to reduce the risk of error. DoJ noted that projects of similar scale in other common law jurisdictions, such as New Zealand, could take more than 10 years to complete.

14. A member was concerned that as the giving of user requirement for the functions to be developed in the new Database had commenced some time before the start of the project due to the re-tender exercise, there might be a need for regular review and update on the technical requirements so as to catch up with the ever-changing environment. The Administration assured members that DoJ would keep a constant review of the project progress in this regard. As far as the technical requirements were concerned, DoJ had raised with the contractor the need to procure the latest versions of the software and hardware equipment as far as practicable for supporting the operation of the new Database.

15. Noting that the Hong Kong Legal Information Institute ("HKLII"), a project under a centre jointly established by the Department of Computer Science and Faculty of Law of the University of Hong Kong, had been offering a free and popular Internet facility providing the public with legal information relating to Hong Kong, as well as hyperlinks to previous judgments handed down by the court, a member queried about the need for a new Database under DoJ.

16. The Administration explained that if the future database supplied features that were not within DoJ's control, that would be a practical difficulty for DoJ. DoJ found it difficult to extend the database to also incorporate the HKLII. The HKLII website was different from those for a legislation database with legal status.

17. In reply to a member's enquiry, the Administration responded that it would explore the possibility of providing a simplified Chinese version in the Database albeit it would not be an official version.

Recent development

18. At the Panel meeting on 27 March 2017, members noted that subsequent to the launch of HKeL in February 2017, a number of users reflected that there were rooms for improvement regarding the functionality and effectiveness of the new database of Hong Kong's legislation. In this regard, the Administration agreed to brief members on this subject at the Panel meeting on 22 May 2017. Besides, a demonstration was conducted by representatives of DoJ on HKeL for Panel members on 17 May 2017 to facilitate the discussion of the subject on 22 May 2017.

Relevant papers

19. A list of the relevant papers is in **Appendix**.

Council Business Division 4
Legislative Council Secretariat
18 May 2017

Appendix

Background brief on launch of Hong Kong e-Legislation

List of relevant papers

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
10.6.2011	House Committee	Report of the Bills Committee on Legislation Publication Bill	CB(2)1999/10-11 http://www.legco.gov.hk/yr10-11/english/hc/papers/hc0610cb2-1999-e.pdf
26.4.2010	Panel on Administration of Justice and Legal Services	Administration's paper on "Proposal to implement a verified, authenticated and searchable electronic database of Hong Kong legislation"	CB(2)1349/09-10(08) http://www.legco.gov.hk/yr09-10/english/panels/ajls/papers/aj0426cb2-1349-8-e.pdf
		Minutes of meeting	CB(2)1887/09-10 http://www.legco.gov.hk/yr09-10/english/panels/ajls/minutes/aj20100426.pdf
25.3.2014		Administration's paper on "Project to implement a verified, authenticated, searchable electronic database of Hong Kong Legislation"	CB(4)486/13-14(03) http://www.legco.gov.hk/yr13-14/english/panels/ajls/papers/aj0325cb4-486-3-e.pdf
		Minutes of meeting	CB(4)714/13-14 http://www.legco.gov.hk/yr13-14/english/panels/ajls/minutes/aj20140325.pdf

Date of meeting	Meeting	Minutes/Paper	LC Paper No.
23.1.2017		Administration's information paper on "Launch of Hong Kong e-Legislation"	CB(4)430/16-17(01) http://www.legco.gov.hk/yr16-17/english/panels/ajls/papers/ajlscb4-430-1-e.pdf

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