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香港特別行政區政府
政務司司長辦公室轄下行政署



The Government of
The Hong Kong Special Administrative Region
Administration Wing,
Chief Secretary for Administration's Office

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13 December 2017

Mr Lemuel Woo
Clerk to the Panel
Panel on Administration of Justice and Legal Services
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong

Dear Mr Woo,

**LegCo Panel on Administration of Justice and Legal Services
Review of Non-commencement of ordinances/
certain provisions of ordinances**

In response to the Panel's request, I attach at **Annex** a table which summarises the current position of those ordinances/certain provisions of ordinances which have been enacted for over three years (i.e. in or before 2014) but are not yet in operation.

After conducting a critical review, relevant bureaux have confirmed that **items 6, 11 and 12** would commence as specified in the table. As regards **items 1 to 5 and 7 to 10**, they would be brought into operation upon completion of the relevant preparatory work. In addition, after taking into account the policy considerations and prevailing circumstances, **items 13 to 15** are considered no longer necessary and will be repealed when the opportunity arises. For the remaining items, relevant bureaux will continue to keep the provisions under review with a view to commencing or repealing them as early as practicable.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Christine Wai'.

(Ms Christine Wai)

for Director of Administration

Encl.

Ordinances/provisions of ordinances enacted in 2014 or before but not yet in operation

A. Ordinances to be brought into operation

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
1	1995	(81 of 1995) Personal Data (Privacy) Ordinance (Cap. 486)	Section 33	Section 33 prohibits the transfer of personal data to places outside Hong Kong unless one of a number of specified conditions is met. The purpose of the cross-border transfer restriction is to ensure that the transferred personal data will be afforded a level of protection comparable to that under the Ordinance.	-	As the commencement of section 33 would have significant implications on the transfer of personal data to places outside Hong Kong, the Constitutional and Mainland Affairs Bureau commissioned a consultant to conduct a business impact assessment to study the compliance measures that data users would have to adopt in order to fulfil the requirements under section 33. After the completion of the business impact assessment, the Office of the Privacy Commissioner for Personal Data (PCPD) will further study the issues raised by the trades with regard to the implementation of section	Constitutional and Mainland Affairs Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						33. The Government will formulate the way forward in the light of the results of PCPD's study.	
2	1997	(94 of 1997) Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997	Sections 2 to 6, 15 and 21 (in respect of sections 1, 5 and 6 of Schedule 2 only)	The provisions (as amended by the Statute Law (Miscellaneous Provisions) Ordinance 2012) relate to the establishment of solicitor corporations and foreign lawyer corporations as legal practice entities.	-	The Law Society is empowered under section 73(1)(a)(i) of the Legal Practitioners Ordinance (Cap. 159) to prepare rules relating to the establishment of solicitors corporations and foreign lawyers corporations. The Law Society is now working on the proposed Solicitor Corporation Rules and Foreign Lawyers Corporation Rules ("the Rules") and the consequential amendments to various pieces of subsidiary legislation under Cap. 159 in consultation with the Department of Justice (DoJ) and other stakeholders. The provisions will be brought into force after completion	Department of Justice

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						of the Rules and the consequential amendments to Cap. 159.	
3	2000	(17 of 2000) International Organizations (Privileges and Immunities) Ordinance (Cap. 558)	Sections 6(a), 7(a), 9(a), 10, 11, 12 and 13	The provisions seek to repeal those provisions of International Organizations and Diplomatic Privileges Ordinance (Cap. 190) which deal with privileges and immunities notifications in respect of international organisations.	-	Cap. 558 was introduced to provide a framework to give effect in Hong Kong to the privileges and immunities conferred upon international organisations by international agreements. It seeks to gradually replace the relevant sections of Cap. 190. As and when the Central People's Government or the Hong Kong Special Administrative Region Government (HKSAR Government) concludes international agreements on additional privileges and immunities applicable to international organisations in Hong Kong, new orders under Cap. 558 will be made and the corresponding sections in Cap. 190 will be	Administration Wing

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						repealed.	
4	2003	(14 of 2003) Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003	Sections 2 and 3	<p>Section 2 of this Ordinance amends section 6 of the Legal Practitioners Ordinance (Cap. 159) to provide that the Law Society may require an applicant for the first issue of a solicitor's practising certificate to have successfully completed a mandatory course in practice management provided or approved by the Law Society.</p> <p>Section 3 relates to the establishment of solicitor corporations and foreign lawyer corporations as legal practice entities.</p>	-	<p>On section 2, the Law Society would like to allow more time for the mandatory Risk Management Education requirements, which are implemented in phases, to settle in with the profession before proceeding with another set of mandatory programme. The Law Society considers that section 2 should not take effect until the mandatory practice management course is in place.</p> <p>Section 3 will come into operation when section 4 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 commences (see item 2 above).</p> <p>DoJ made enquiry with the Law Society in October 2017 and was advised that</p>	Department of Justice

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						while the Law Society had taken some preparatory steps, there was not yet a fixed timetable for the implementation of the mandatory practice management course. Thus, the Law Society's position as described above remains the same.	
5	2007	(15 of 2007) Copyright (Amendment) Ordinance 2007	(a) Section 6(1) (insofar as it relates to the new section 25(1)(e) and (f)), (2) and (4) (b) Section 47(2) (insofar as it relates to paragraphs (e) and (f) of the new definition of rental right in section 198(1)) (c) Section 75 (insofar as it relates to Part 3 of	To add a new exclusive rental right for comic books.	-	Copyright owners are encouraged to work out a licensing scheme for comic books with relevant stakeholders so that the rental shops could carry on with their business in a lawful manner upon commencement of the relevant provisions. As there is no agreed arrangement on licensing scheme at this stage, the relevant provisions have not been brought into operation.	Commerce and Economic Development Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			the new Schedule 7 but only to the extent that Part 3 of the new Schedule 7 relates to the transitional provisions and savings in relation to the amendments effected by section 6 (insofar as it relates to the new section 25(1)(e) and (f))				
6	2009	(10 of 2009) Merchant Shipping (Safety) (Amendment) Ordinance 2009	Sections 3(1), (2), (3), (4) and (6), 4, 5, 9, 10, 11, 12, 14, 15, 16, 17, 30(8), 33, 34(1), 37, 42(3), 46(2) and 47 and Part 4	These provisions are mainly technical amendments made to bring the relevant requirements in line with the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention on Load Lines (ILLC). In addition, there are	The provisions related to the ILLC will come into operation in the 2017-18 legislative year. The remaining provisions related to SOLAS will come into operation in 2018-2019 legislative year.	The Government has taken time to prepare the subsidiary legislation in order to ensure consistency among provisions in the Ordinance as well as its subsidiary legislation for implementing SOLAS and ILLC.	Transport and Housing Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
				some other minor and consequential amendments.			
7	2011	(13 of 2011) Legislation Publication Ordinance (Cap. 614)	Sections 27 and 28	Sections 27 and 28 repeal the Laws (Loose-leaf Publication) Ordinance 1990 and the Revised Edition of the Laws Ordinance 1965 respectively.	-	We are progressively publishing verified copies of legislation on Hong Kong e-Legislation (HKeL). In parallel, the printed Loose-leaf Edition is being phased out (in the sense that chapters with verified copy published electronically on HKeL will be replaced by a single page (called a purple Checklist) that refers users to HKeL). We will bring the sections into operation after we have completed the verification programme.	Department of Justice
8	2011	(24 of 2011) Road Traffic (Amendment) Ordinance 2011	Section 14 (in respect of the new section 39N)	To empower a police officer who may require a person who is driving or attempting to drive, or is in charge of, a motor vehicle on	-	A suitable instrument for the Rapid Oral Fluid Test is still being identified by the Police.	Transport and Housing Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
				a road, to undergo a Rapid Oral Fluid Test to detect whether any specified illicit drug is present in his or her oral fluid.			
9	2012	(26 of 2012) Statute Law (Miscellaneous Provisions) Ordinance (SL(MP)O)	Division 1 of Part 8	The provisions contain amendments relating to legal practice entities under the Legal Practitioners Ordinance (Cap. 159) and are required to be made so as to enable the relevant provisions of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) to be brought into operation.	-	The Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) (“the 1997 Ordinance”) allows solicitors and foreign lawyers to incorporate their practices as solicitor corporations and foreign lawyer corporations respectively. SL(MP)O enacted in July 2012 makes various amendments to bring the relevant provisions relating to solicitor corporations up to date. For the reasons as specified in item 2 above, the relevant provisions under the 1997 Ordinance has not yet been brought into force.	Department of Justice

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						Pursuant to section 1(3) of the SL(MP)O, Division 1 of Part 8 of the SL(MP)O will come into operation on the day on which section 2 of the 1997 Ordinance comes into force.	
10	2012	(28 of 2012) Companies Ordinance (Cap. 622)	(a) in Part 2:- (i) Section 27(3), (4), (5) and (6) insofar as it relates to a director or reserve director; and (ii) Sections 47, 49, 50, 51 and 52 and Subdivision 2 of Division 7; (b) in Part 12:- (i) Section 643(1)(a)(ii), (2)(b) and (3)(b) insofar as it relates to a correspondence address; and (ii) Sections 643(5),	<u>Provisions (a) to (f)</u> The provisions seek to restrict the disclosure on the Companies Register of the residential address of a director and the identification number of any individual. <u>Provisions (g)</u> The provisions seek to take forward the uncertificated securities market initiative by allowing for uncertificated securities under Cap. 622.	-	<u>Provisions (a) to (f)</u> There was significant disagreement among relevant stakeholders during past discussions on the implementation of the new arrangement with respect to the inspection of directors' personal information on the Companies Register. The Government would reconsider the implementation of the relevant provisions if there is an apparent change of views and stances of the parties concerned. <u>Provisions (g)</u> The provisions are further	Financial Services and the Treasury Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			<p>644, 645(5), 647(4) and (5), 651 and 657(2)(g);</p> <p>(c) in Part 16:- Sections 791(4) and 802(4) and (5);</p> <p>(d) in Schedule 2:- Section 3(1)(a)(iii) and (2);</p> <p>(e) in Schedule 6:- Sections 3 and 4;</p> <p>(f) in Schedule 11:- Section 115; and</p> <p>(g) Section 908 & Schedule 8</p>			<p>amended by the Securities and Futures and Companies Legislation (Uncertificated Securities Market Amendment) Ordinance 2015, which will commence operation on a date to be appointed by the Secretary for Financial Services and the Treasury.</p>	
11	2013	(16 of 2013) Merchant Shipping (Seafarers) (Amendment) Ordinance 2013	All provisions, except section 1, 2(1), 3(11)(c), 4, 7(11), 10, 66, Division 12 of Part 2, and Subdivision 7 of Division 1 of Part 3	These provisions are mainly amendments made to bring the relevant requirements in line with the Maritime Labour Convention, 2006 (MLC) and the International Convention on	<p>The provisions related to STCW Convention have come into operation in 2016.</p> <p>The remaining provisions and the 14 pieces of subsidiary legislation under the Ordinance for implementing the MLC</p>	<p>The Government has taken time to prepare the subsidiary legislation in order to ensure consistency among provisions in the Ordinance as well as its subsidiary legislation for implementing MLC.</p> <p>Pending the official extension of MLC to Hong</p>	Transport and Housing Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
				Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW Convention).	are expected to commence operation in 2018.	Kong, the remaining provisions of Amendment Bill and the relevant subsidiary legislation will be commenced.	
12	2014	(6 of 2014) Securities and Futures (Amendment) Ordinance 2014	(a) Section 9 in so far as it relates to section 101A on the definitions of – (i) “deregistration”; (ii) “designated trading platform”; (iii) “notification”; (iv) “notification level”; (v) “notification requirement”; (vi) “notification rules”; (vii) paragraph (b) of “prescribed manner”; (viii) paragraph (c) of “prescribed	The provisions mainly provide for – (i) the trading obligation; (ii) the regulation of Systemically Important Participants; (iii) the introduction and transitional provisions for new and expanded regulated activities; (iv) the expansion of the definition of “Automated Trading Services” (trading limb); and (v) the expansion of insolvency override	Not earlier than 2019	In line with the international trend, the over-the-counter (OTC) derivatives regulatory regime is implemented in Hong Kong in phases. (i) To come into operation when the trading obligation is implemented. The Hong Kong Monetary Authority (HKMA) and the Securities and Futures Commission (SFC) are conducting further studies to see whether it is appropriate and if so, how best to implement the obligation. (ii) To come into operation when the Systemically Important Participants	Financial Services and the Treasury Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			<p>person”;</p> <p>(ix) “registered SIP”;</p> <p>(x) “SIP register”;</p> <p>(xi) “specific class”;</p> <p>(xii) paragraph (c) of “specified OTC derivative transaction”;</p> <p>(xiii) “systemically important participant”;</p> <p>(xiv) “trading obligation”; and</p> <p>(xv) “trading rules”;</p> <p>as well as sections 101D, 101K, 101O and 101R to 101Z;</p> <p>(b) Section 10;</p> <p>(c) Section 12(1);</p> <p>(d) Sections 18(2) to 18(4); 18(5) in so far as it relates to section 182(1)(db); and 18(6);</p>	<p>(by expanding the definition of “market contract”).</p>		<p>regime is implemented. The HKMA and the SFC intend to conduct analysis on data of the Hong Kong Trade Repository in H2 2018 (a year after the implementation of phase 2 reporting obligation on 1 July 2017) to come up with the appropriate threshold levels for Systemically Important Participants.</p> <p>(iii) To come into operation when the new and expanded regulated activities are introduced. The SFC will consult on further refinement to the new and expanded regulated activities as well as relevant codes, guidelines and rules amendments to support the regime for the new and expanded regulated activities.</p> <p>(iv) To come into operation</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			<p>(e) Section 27(2) in so far as it relates to the definition of paragraph (a) of “disciplinary power”;</p> <p>(f) Section 29;</p> <p>(g) Sections 31(2) to 31(4);</p> <p>(h) Sections 32(1) to 32(5);</p> <p>(i) Sections 34(2) and 34(4), as well as 34(5) in so far as section 101Y is concerned;</p> <p>(j) Sections 49 to 51;</p> <p>(k) Section 52(2) in so far as it relates to paragraph (c) of the definition of “market contract”, Section 52(3) in so far as it relates to the definitions of –</p> <p>(i) “advising on OTC</p>			<p>when the trading obligation is implemented. Please see (i) above.</p> <p>(v) To be reviewed after the SFC’s further consultation on the issue of insolvency override for authorized automated trading services providers after studying similar treatments in other jurisdictions.</p>	

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			derivative products”; (ii) “dealing in OTC derivative products”; (iii) “providing client clearing services for OTC derivative transactions”; (iv) “registered SIP”; (v) “SIP register”; and (vi) “trading obligation”; as well as section 52(5); (l) Sections 53(1) to 53(3), 53(5), 53(8), 53(15), 53(16), 53(20), and 53(21) in so far as it relates to paragraph (xia), sections 53(22) and 53(23);				

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
			(m) Sections 54(1) in so far as it relates to items 4G to 4M; 54(3); and 54(5) in so far as it relates to items 2C to 2F; and (n) Section 55				

B. Ordinances to be repealed

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
13	1962	(38 of 1962) Boilers and Pressure Vessels Ordinance (Cap. 56)	Sections 19, 20, 21, 31, 49(3) and 50(3)	The provisions seek to govern the safe use of pressurised fuel containers (commonly known as “kerosene stove”).	After taking into account the relevant policy considerations, the Labour and Welfare Bureau considers that the provisions are no longer required.	The provisions can be repealed when an opportunity arises.	Labour and Welfare Bureau
14	1995	(56 of 1995) Wills (Amendment) Ordinance 1995	Sections 8 (new Part IIA) and 10	The provisions seek to implement the “Convention Providing a Uniform Law on the Form of an International Will” concluded at Washington on 26 October 1973.	After taking into account the relevant policy considerations, the Home Affairs Bureau considers that the provisions are no longer required.	The provisions can be repealed when an opportunity arises.	Home Affairs Bureau
15	1999	(47 of 1999) Chinese Medicine Ordinance (Cap. 549)	(a) Section 90(8) (b) Section 158(4) (other than in so far as it relates to a listed Chinese	The provisions seek to provide for the interim arrangements pending the full implementation of the mandatory	Since the relevant provisions were put in place as transitional arrangements, the Food and Health Bureau	The provisions can be repealed when an opportunity arises.	Food and Health Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			<p>medicine practitioner)</p> <p>(c) Section 158(6) (in relation to a proprietary Chinese medicine which is compounded by or under the supervision of a person who continues to practise Chinese medicine by virtue of section 90(7) or which is individually prepared or compounded in accordance with a prescription given by such a person)</p> <p>(d) Section 164(a)(iii) (other than to the extent that new section 28(3)(h) of the Medical Registration</p>	<p>registration of Chinese medicine practitioners.</p>	<p>(FHB) considers that the provisions are no longer required.</p>		

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			<p>Ordinance (Cap. 161) relates to a Chinese medicine practitioner registered or listed under Cap. 549)</p> <p>(e) Section 165 (other than to the extent that new section 31 of Cap. 161 relates to any Chinese medicine practitioner registered or listed under Cap. 549)</p> <p>(f) Section 168(a) (other than to the extent that new section 5(1)(d) of the Undesirable Medical Advertisements Ordinance (Cap. 231) relates to Chinese medicine practitioners</p>				

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			<p>registered or listed under Cap. 549)</p> <p>(g) Section 170(a) (other than to the extent that new paragraph (f) of the definition of “clinic” in section 2 of the Medical Clinics Ordinance (Cap. 343) relates to a Chinese medicine practitioner registered or listed under Cap. 549)</p> <p>(h) Section 170(b) (other than in respect of new paragraph (c) of the definition of “medical treatment” in section 2 of Cap. 343, and new paragraph (d) of that definition</p>				

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Reason(s) for not having come into operation	Timetable to repeal the provisions	Responsible/ Instructing Bureau
			but only to the extent it relates to a Chinese medicine practitioner registered or listed under Cap. 549)				

C. Ordinances under review

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
16	1975	(55 of 1975) Labour Relations Ordinance (Cap. 55)	Part V (sections 35 to 37)	This part seeks to empower the Chief Executive in Council to make a cooling-off period order, where necessary and when there is a clear need, when a major labour dispute is seriously affecting the welfare and livelihood of the public.	-	When Cap. 55 was passed in 1975, it was decided in the then LegCo that while Part V should be legislated, it should be brought into operation only when there was a clear and publicly recognised need to do so. As Cap. 55 has laid down certain pre-requisites for the imposition of a cooling-off period and there are yet circumstances to warrant the move, Part V of Cap. 55 has not yet been brought into operation. LWB will continue to keep the commencement of Part V under review.	Labour and Welfare Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
17	1988	(75 of 1988) Noise Control Ordinance (Cap. 400)	Sections 7, 13(1)(b) and 14(3)	The provisions are “catch-all” type of provisions complementing those noise control-related provisions already in operation, empowering the relevant authority to control noise problems caused by construction work, industrial and commercial activities and noisy products unforeseen during the making of Cap. 400.	-	These provisions provide the necessary reserve power for the authority to deal with unforeseen circumstances in protecting people from being affected by noise disturbance. Subsidiary legislation is required to be made to supplement the implementation of these provisions. The Environment Bureau (ENB) will keep the issues in view and consideration will be given to bringing these sections into operation when there are specific circumstances in which the noise problem could not be adequately addressed under the existing control. Having regard to the control already in place, we do not see at present the need to bring the relevant provisions into operation.	Environment Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
18	1994	(105 of 1994) Sewage Services Ordinance (Cap. 463)	Section 3(5)	Section 3(5) seeks to empower the Water Authority to increase the amount of water deposit required to pay by a customer with a view to covering any charge due arising from sewage charge.	-	The Government has reviewed the amount of water deposit from time to time and considered that there is presently no need to increase it in the context of covering the payment arising from sewage charge. Nevertheless, the level of water deposit will remain subject to regular review in the context of section 3(5) of the Ordinance. ENB will consider bringing the section into operation as and when the need arises.	Environment Bureau
19	1995	(18 of 1995) Dumping at Sea Ordinance (Cap. 466)	Part V	Part V of Cap. 466 seeks to control marine pollution arising from maritime works activities related to dumping substances at sea.	-	All major maritime works that would be covered by Part V are already covered by the Environmental Impact Assessment Ordinance (Cap. 499) enacted in 1998. Other maritime works are also covered by relevant administrative measures. ENB will continue to	Environment Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						monitor the situation and keep under review the need for introducing Part V.	
20	1997	(48 of 1997) Estate Agents Ordinance (Cap. 511)	Sections 36, 37 and 44 to 48 (other than for the purposes of the application of those sections to and in relation to any property in Hong Kong used wholly or primarily for human habitation)	The provisions seek to provide for the regulation of the day-to-day practices of licensed estate agents in respect of property transactions.	-	<p>When the legislative proposal was introduced into LegCo, the Government made clear that the licensing and regulatory system would be introduced in a gradual and planned manner. In line with the policy intention, Cap. 511 was brought into operation in stages.</p> <p>Regulatory work on the estate agency practices for residential properties, in particular for uncompleted first-hand residential properties, is the area of primary concern to the public. Priority has therefore been given to regulation of estate agent practices in residential property transactions.</p>	Transport and Housing Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						The Transport and Housing Bureau does not have a definite timetable on extending the provisions to cover local non-residential properties and non-local properties, and will continue to keep in view the issue.	
21	1997	(82 of 1997) Nurses Registration (Amendment) Ordinance 1997	Section 5 to 8, 10 to 12, 14 to 19 and 24	The provisions seek to provide the Nursing Council with additional powers relating to the registration and enrolment of nurses, and the better control of nursing.	-	Subsidiary legislation is required to be made to supplement the implementation of the amended provisions. In addition, some additional amendments to the Nursing Registration Ordinance (Cap. 164) are also required in relation to the enabling provisions of Cap. 164 to make the relevant subsidiary legislation effective. FHB is conducting a strategic review on healthcare manpower planning and professional development which covers, among other things, the future development of the nursing	Food and Health Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						profession and for that matter the related legislation. FHB will take forward the legislative exercise as appropriate upon completion of the review.	
22	1997	(87 of 1997) Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525)	Sections 3, 11 and 15 of Schedule 3	The provisions seek to repeal those provisions on the enforcement of external confiscation orders related to drug trafficking, including those in the Drug Trafficking (Recovering of Proceeds) Ordinance (Cap. 405).	-	Cap. 525 does not apply to the provision or obtaining of assistance in criminal matters between Hong Kong and any other part of the Mainland. The relevant provisions in Cap. 405 are the only legal means to enforce external confiscation orders for drug cases issued by the Mainland authorities. Before a mutual legal assistance agreement could be concluded with the Mainland, repealing the relevant provisions in Cap. 405 by bringing into operation the provisions of Cap. 525 will render HKSAR Government unable to enforce an external	Security Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						confiscation order issued by a Mainland authority and will increase the risk of drug money flowing into Hong Kong. The Security Bureau will continue to keep the provisions under review.	
23	1997	(89 of 1997) Crimes (Amendment) (No. 2) Ordinance 1997	The Ordinance	<p>Apart from the adaptation and technical amendments, the Ordinance 1997 makes two substantive changes to the Crimes Ordinance :</p> <p>(a) deletion of treasonable offences, but leaving intact the offence of treason; and</p> <p>(b) qualifying the offence of sedition by including the element of “intention of causing violence of creating public</p>	-	<p>The Crimes (Amendment) (No. 2) Ordinance 1997 deals with treason and sedition, but does not address secession and subversion as required under Article 23 of the Basic Law (BL23).</p> <p>Offences under the Crimes (Amendment) (No. 2) Ordinance 1997 should preferably be dealt with in the context of BL23 legislation, although there is no specific timetable for the latter.</p>	Security Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
				disorder or a public disturbance”.			
24	2000	(47 of 2000) Human Reproductive Technology Ordinance (Cap. 561)	Section 33(4)(a)	Section 33(4) provides that an adult may enquire with the Council of Human Reproductive Technology (the Council) whether he/she was born out of reproductive technology procedures through donated gametes. Section 33(4)(a) provides that, apart from the information already prescribed in the Ordinance, the Secretary for Food and Health may also prescribe by regulations other information concerning the gamete donors that the adult may ask from the Council.	-	FHB and the Council on Human Reproductive Technology consider that no additional information other than those already prescribed by Cap. 561 is required at this stage because it takes 16 years for a person who was born out of reproductive technology procedures through donated gametes to become an adult and, thus, can make request for information. FHB will consider if any regulation has to be made at a later stage as and when changes in societal circumstances warrants it.	Food and Health Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
25	2000	(56 of 2000) Adaptation of Laws (No. 9) Ordinance 2000	Sections 9 and 10 of Schedule 1	The provisions seek to replace “Governor” and “Governor in Council” with “Chief Executive” and “Chief Executive in Council” respectively in sections 35 and 36 of the Labour Relations Ordinance (Cap. 55).	-	The provisions will be brought into operation when sections 35 and 36 of Cap. 55 commence (see item 16 above).	Labour and Welfare Bureau
26	2002	(4 of 2002) Dangerous Goods (Amendment) Ordinance 2002	The Ordinance	The Ordinance seeks to improve the regulatory framework of dangerous goods and bring it in line with commonly adopted international standards.	-	LegCo passed two pieces of subsidiary legislation under the Ordinance in 2012, namely the Dangerous Goods (Application and Exemption) Regulation 2012 and the Dangerous Goods (Shipping) Regulation 2012. Two other pieces of subsidiary legislation are still under review and drafting. The Ordinance could only come into operation upon the passage of all relevant subsidiary legislation. Commencement of the	Security Bureau

Item	Year in which ordinance was enacted	Ordinance	Provisions	Main purpose of the Provisions	Expected commencement date	Reason(s) for not having come into operation	Responsible/ Instructing Bureau
						provisions depends on progress of review of the relevant subsidiary legislation.	
27	2004	(26 of 2004) Land Titles Ordinance (Cap. 585)	The Ordinance	Cap. 585 seeks to introduce a system for registration of title to land in place of the deeds registration system now operating under the Land Registration Ordinance (Cap 128).	-	<p>Consultation with major stakeholders on the revised proposals for rectification and indemnity provisions, the options for bringing existing land under title registration, and the proposal of implementing title registration on new land first, is ongoing.</p> <p>Commencement of the Land Titles Ordinance depends on progress of the consultation and subsequent progress to amend legislation to give effect to changes to the new system.</p>	Development Bureau