

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

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.: AW-325-005-005-015-002

Tel No. : 2810 3946

Fax No. : 2501 5779

來函檔號 Your Ref.:

18 March 2020

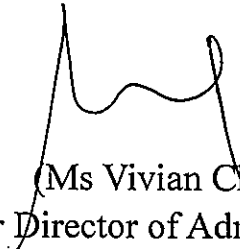
Mr Lemuel Woo  
Clerk to the Panel  
Panel on Administration of Justice and Legal Services  
Legislative Council Complex  
1 Legislative Council Road, Central  
Hong Kong

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 2016) but are not yet in operation. Relevant bureaux will continue to keep the ordinances / provisions under review with a view to commencing or repealing them as early as practicable.

Yours sincerely,



(Ms Vivian Cheung)  
for Director of Administration

Encl.

**Ordinances/provisions of ordinances enacted in 2016 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) has commissioned a consultant to conduct a further study on the issues regarding the	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
						implementation of section 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	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
						into force after completion 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>Department of Justice made enquiry with the Law Society in September 2019</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
						and was informed that the Council of The Law Society has not decided when to make the course compulsory. Thus, the Law Society's position as described above remains the same.	
5	2009	(10 of 2009) Merchant Shipping (Safety) (Amendment) Ordinance 2009	Sections 3(1), (2), (3) and (6), 4, 5, 9, 10, 11, 12, 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 some other minor and consequential amendments.	The provisions related to the ILLC have come into operation on 28 May 2018. The remaining provisions related to SOLAS will come into operation as soon as practicable.	The Government has enacted, repealed and extensively amended 21 items of subsidiary legislation under the Ordinance to implement the latest requirements of SOLAS. In view of the extent of amendments to the subsidiary legislation, the Government has taken time to ensure consistency between the remaining provisions in the Ordinance and its subsidiary legislation.	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
6	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.  We will review the repeal arrangement after we have completed the verification programme.	Department of Justice
7	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 road, to undergo a Rapid Oral Fluid Test (ROFT) to detect whether any specified illicit drug is present in his or her oral fluid.	-	The Police are identifying a suitable instrument for the ROFT and are seeking legal advice on this. We will introduce ROFT and bring the section into operation when a suitable device is validated for use in Hong Kong.	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
8	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.	-	<p>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 have not yet been brought into force.</p> <p>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 (see item 2 above).</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
9	2012	(28 of 2012) Companies Ordinance (Cap. 622)	<p>(a) in Part 2:-</p> <p>(i) Section 27(3), (4), (5) and (6) insofar as it relates to a director or reserve director; and</p> <p>(ii) Sections 47, 49, 50, 51 and 52 and Subdivision 2 of Division 7;</p> <p>(b) in Part 12:-</p> <p>(i) Section 643(1)(a)(ii), (2)(b) and (3)(b) insofar as it relates to a correspondence address; and</p> <p>(ii) Sections 643(5), 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><u>Provisions (a) to (f)</u></p> <p>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.</p> <p><u>Provisions (g)</u></p> <p>The provisions seek to take forward the uncertificated securities market initiative by allowing for uncertificated securities under Cap. 622.</p>	-	<p><u>Provisions (a) to (f)</u></p> <p>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.</p> <p><u>Provisions (g)</u></p> <p>The provisions are further 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</p>	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
			(d) in Schedule 2:- Section 3(1)(a)(iii) and (2); (e) in Schedule 6:- Sections 3 and 4; (f) in Schedule 11:- Section 115; and (g) Section 908 & Schedule 8			the Treasury.	
10	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	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”	To be confirmed	In line with the international trend, the over-the-counter (OTC) derivatives regulatory regime is being implemented in Hong Kong in phases. The respective reasons for specific provisions not having come into operation (as categorised by the main purpose of the provisions) are set out below –  (i) The relevant provisions will come into operation when the trading obligation is implemented. At	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>manner”;</p> <p>(viii) paragraph (c) of “prescribed 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</p>	<p>(trading limb); and</p> <p>(v) the expansion of insolvency override (by expanding the definition of “market contract”).</p>		<p>present, the Hong Kong Monetary Authority (HKMA) and the Securities and Futures Commission (SFC) are considering the implementation details of the obligation, including how best to implement the obligation. The implementation timetable is still under review.</p> <p>(ii) The relevant provisions will come into operation when the Systemically Important Participants regime is implemented. The implementation timetable is still under review.</p> <p>(iii) The relevant transitional provisions will come into operation when the new and expanded regulated activities are introduced. The SFC has consulted the public on further refinement to the new and expanded regulated</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>section 182(1)(db); and 18(6) except in so far as it relates to the new section 182(1)(db);</p> <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</p>			<p>activities as well as relevant codes, guidelines and rules amendments to support the regime for the new and expanded regulated activities, and will take forward the relevant legislative exercise in due course.</p> <p>(iv) The relevant provisions will come into operation when the trading obligation is implemented. Please see (i) above.</p> <p>(v) Implementation details to be determined after the SFC’s further consultation on the issue of insolvency override for authorized automated trading services providers and study on 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
			<p>“market contract”, Section 52(3) in so far as it relates to the definitions of –</p> <ul style="list-style-type: none"> <li>(i) “advising on OTC derivative products”;</li> <li>(ii) “dealing in OTC derivative products”;</li> <li>(iii) “providing client clearing services for OTC derivative transactions”;</li> <li>(iv) “registered SIP”;</li> <li>(v) “SIP register”; and</li> <li>(vi) “trading obligation”;</li> </ul> <p>as well as section 52(5);</p> <p>(1) Sections 53(2)(in so far as it relates to Type 11),</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>53(3), 53(5), 53(8), 53(15), 53(16), 53(20), and 53(21) in so far as it relates to paragraph (xia), certain parts under sections 53(22) and 53(23);</p> <p>(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</p> <p>(n) Section 55.</p>				
11	2015	(6 of 2015) Veterinary Surgeons Registration (Amendment) Ordinance 2015	All provisions	The provisions seek to strengthen the membership and streamline the modus operandi of the Veterinary Surgeons Board of Hong Kong (VSB), thereby enhancing the VSB's capacity in dealing	Not earlier than 2020	The Government has taken time to prepare the subsidiary legislation governing the election of registered veterinary surgeons as members of the VSB. Subject to passage of the proposed subsidiary legislation, provisions relevant to the conduct of	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
				with complaints and performing its statutory functions.		election will come into operation first and the election is expected to take place in 2020. As and when the elected members are in place, the amendment ordinance will be brought into full operation.	
12	2015	(15 of 2015) Electronic Health Record Sharing System (eHRSS) Ordinance (Cap. 625)	Section 3(3)(e); Section 3(5)(g); Section 3(5)(h); Division 4 of Part 2; Section 29; Divisions 2 and 3 of Part 3; Section 46;  Section 49(1)(g); Division 2 of Part 6; and Section 58(c).	The relevant provisions provide for the use of the sharing restriction feature of the eHRSS and the use of electronic health records (eHRs) for research and statistics purposes.	The provisions on sharing restriction are expected to come into operation in 2021 the earliest.	Sharing restriction is one of the features being developed under the five-year (2017-22) Stage Two Development of eHRSS. Subject to stakeholders' further views, we expect it can be launched in around 2021.  The research and statistics function under the eHRSS is meant to provide health data from both the public and private sectors for researchers' use. The eHRSS is still in its initial years of operation and we expect some time is needed	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
						to build up a critical mass of data (especially those from the private sector) that will be meaningful for research and statistical purposes.	
13	2016	(10 of 2016) Property Management Services Ordinance (Cap. 626)	Sections 3 to 41, 63 to 65, 66(1) and 67; and Schedules 1, 2 and 4	The sections and Schedules, if brought into operation, will – (a) empower the Property Management Services Authority (PMSA), which is a body corporate established under the Ordinance, to prescribe different services as property management services (PMSs), and to implement the licensing regime in regulating property	2020	The PMSA has taken time to prepare for the subsidiary legislation for the prescription of PMSs and the implementation of the licensing regime, and to consult stakeholders of the legislative proposals.	Home 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
				<p>management companies and practitioners; and</p> <p>(b) prohibit unlicensed activities upon the commencement of the licensing regime.</p>			
14	2016	(13 of 2016) Promotion of Recycling and Proper Disposal (Product Container) (Amendment) Ordinance 2016	The Ordinance	An Ordinance to amend the Product Eco-responsibility Ordinance to provide for the collection of a recycling levy on the containers of certain products; to amend the Waste Disposal Ordinance to regulate the disposal of such containers; and to provide for related matters, with a view to providing a regulatory framework for the producer responsibility scheme (PRS) on glass beverage containers.	After completion of the legislative work for the relevant subsidiary legislation, expected to be in 2020 or 2021 the earliest.	The Government has taken time to prepare the subsidiary legislation for the PRS. After completion of the relevant legislative work, the Government will be in the position to set out the commencement date for the full implementation of the scheme and the Ordinance.	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
15	2016	(23 of 2016) Financial Institutions (Resolution) Ordinance (Cap. 628)	Part 8 (sections 144 to 148)	This part relates to the clawback of remuneration including the application to the Court of First Instance for a clawback order applied by a resolution authority pursuant to section 145 against an officer of a within scope financial institution of which a resolution has been initiated.	-	This part should come into operation after the Chief Justice has made rules pursuant to section 145(8), regulating the practice and procedure of the Court in connection with applications made under section 145.	Financial Services and the Treasury Bureau
section 192	This section relates to the requirement of notifying the resolution authority of the intention to present a winding up petition of a within scope financial institution of the Ordinance or its holding company to the Court of First Instance.	This section should come into operation after the Chief Justice has made rules, pursuant to section 192(3), regulating the practice and procedure of the Court for giving effect to section 192(1) in relation to the presentation of a winding up petition.					

## 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
16	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
17	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
18	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)				
19	2016	(14 of 2016) Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016	Division 7 of Part 8 (sections 190-192)	Division 7 of Part 8 (sections 190-192) are technical provisions designed for use only in the scenario where the relevant provisions of the Insurance Companies (Amendment) Ordinance (12 of 2015) (IC(A)O) would be brought into operation before the commencement of the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016.	As the Companies (Winding Up and Miscellaneous Provisions) (Amendment) Ordinance 2016 (14 of 2016) commenced before the relevant provisions of the IC(A)O, the provisions in Division 7 of Part 8 need not come into operation.	The provisions can be repealed when an opportunity arises.	Financial Services and the Treasury 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
20	2016	(23 of 2016) Financial Institutions (Resolution) Ordinance (FIRO) (Cap. 628)	Division 10 of Part 15 (sections 228 to 232)	Division 10 contains technical provisions to make consequential amendments to the Insurance Companies (Amendment) Ordinance 2015 (IC(A)O) and the FIRO in relation to the renaming of Insurance Companies Ordinance (Cap. 41) as Insurance Ordinance (Cap. 41). It should only be adopted if the FIRO commences operation before certain provisions of the IC(A)O for the purpose of taking over the existing regulatory functions of the Office of the Commissioner of Insurance by the independent Insurance Authority (“Stage 2 Provisions”).	As Stage 2 Provisions of the IC(A)O commenced operation on 26 June 2017 (i.e. earlier than the commencement of the FIRO), it is not necessary to adopt division 10.	The provisions can be repealed when an opportunity arises.	Financial Services and the Treasury Bureau



**C. Ordinances under review**

<b>Item</b>	<b>Year in which ordinance was enacted</b>	<b>Ordinance</b>	<b>Provisions</b>	<b>Main purpose of the Provisions</b>	<b>Expected commencement date</b>	<b>Reason(s) for not having come into operation</b>	<b>Responsible/ Instructing Bureau</b>
21	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
22	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
23	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
24	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.	
25	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 stated 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 local residential properties, in particular 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 local residential property transactions.</p> <p>The Transport and Housing</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
						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.	
26	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 published the report on the strategic review on healthcare manpower planning and professional development in 2017. Ten recommendations have been made by the review, which covers, among other things,	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
						the future development of the nursing profession and for that matter the related legislation. FHB is actively taking forward the review recommendations in consultation with relevant stakeholders and will take forward the legislative exercise as appropriate.	
27	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	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
						operation the provisions of Cap. 525 will render HKSAR Government unable to enforce an external 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.	
28	1997	(89 of 1997) Crimes (Amendment) (No. 2) Ordinance 1997	The Ordinance	Apart from the adaptation and technical amendments, the Ordinance 1997 makes two substantive changes to the Crimes Ordinance :  (a) deletion of treasonable offences, but leaving intact the offence of treason; and  (b) qualifying the offence of sedition by including the	-	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).  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.	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
				element of “intention of causing violence of creating public disorder or a public disturbance”.			
29	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	-	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
				the gamete donors that the adult may ask from the Council.			
30	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 21 above).	Labour and Welfare Bureau
31	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	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
						into operation upon the passage of all relevant subsidiary legislation. Commencement of the provisions depends on progress of review of the relevant subsidiary legislation.	
32	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).	-	To enable early implementation of title registration system in Hong Kong, the proposal of implementing title registration on newly granted land first (viz. "new land first" proposal) is being actively pursued. Consultation with major stakeholders on the major issues for implementing the "new land first" proposal is ongoing.  Commencement of the Land Titles Ordinance depends on progress of the consultation on the "new land first" proposal and subsequent	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
						progress to amend legislation to give effect to changes to the new system.	
33	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 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	To add a new exclusive rental right for comic books.	-	The provision of a new exclusive rental right for comic books, as demanded by the comic book industry at that time, would need to be complemented by a licensing scheme to be worked out between copyright owners and relevant stakeholders (such as rental shops). In the absence of any agreed arrangement put forward by either side for such a licensing scheme, the relevant provisions have not been brought into operation. We will review the need to keep the relevant provisions, having regard to the latest circumstances of the trade and feedback from the industry.	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
			section 25(1)(e) and (f))				
34	2015	(5 of 2015) Securities and Futures and Companies Legislation (Uncertificated Securities Market Amendment) Ordinance 2015	(a) Section 2(2) and (3); (b) Part 2 (Except section 17(7)); (c) Part 3; and (d) Part 4	The Ordinance seeks to facilitate the establishment and implementation of an uncertificated securities market (USM) regime in Hong Kong.	-	<p>Since the enactment of the Ordinance, the Securities and Futures Commission (SFC), the Hong Kong Exchanges and Clearing Limited (HKEX) and the Federation of Share Registrars (FSR) continued to discuss with market participants on the technical details to implement the operational model for the USM regime. In the process, market participants raised some concerns about the operational model. In response to the feedback from the industry, the SFC, the HKEX and the FSR have proposed a revised model.</p> <p>Since the operational model for implementing the USM regime has been revised, we are reviewing whether the</p>	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
						provisions in the Securities and Futures and Companies Legislation (Uncertificated Securities Market Amendment) Ordinance 2015 still apply.	