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Ms Yvonne WONG  
Assistant Legal Adviser  
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1 Legislative Council Road  
Central, Hong Kong

Dear Ms WONG,

**Statute Law (Miscellaneous Provisions) Bill 2025**

Thank you for your letter dated 9 May 2025 (“**Letter**”).

2. In consultation with the following bureaux, departments and organisation,  
the Government’s response is set out at **Annex**:-

- (a) **On paragraph 1 of the Appendix to the Letter:** Transport and Logistics Bureau;
- (b) **On paragraphs 2 to 3 of the Appendix to the Letter:** Financial Services and the Treasury Bureau;
- (c) **On paragraphs 4 to 7 of the Appendix to the Letter:** Home and Youth Affairs Bureau and the Hong Kong Sheng Kung Hui;

- (d) **On paragraph 8 of the Appendix to the Letter:** Education Bureau; and
- (e) **On paragraph 9 of the Appendix to the Letter:** Transport and Logistics Bureau and Marine Department.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Hui', is written over the printed name.

( Jenny HUI )

Senior Government Counsel  
Constitutional and Policy Affairs Division

Encl.

c.c. : Legal Adviser  
Clerk to Bills Committee

#624370-v5

## **Annex**

### **Statute Law (Miscellaneous Provisions) Bill 2025 (“Bill”)**

#### **The Government’s Response to Assistant Legal Adviser’s letter dated 9 May 2025 (“Letter”)**

##### **On paragraph 1 of the Appendix to the Letter: Clause 1(2) and (3) – commencement**

1. The majority of the amendments made by the Bill are to come into operation on the expiry of 30 days beginning on the day on which the enacted Ordinance is published in the Gazette. In the light of the large number of amendments, the arrangement is to allow a reasonable period for editing, updating and publishing the amended legislation, ensuring that the public can access the updated copies of them on Hong Kong e-Legislation in a timely manner. Similar commencement arrangement can also be found in the Statute Law (Miscellaneous Provisions) Ordinance 2020 and Statute Law (Miscellaneous Provisions) Ordinance 2024.

2. With regard to clause 1(3) of the Bill, the Government is actively deliberating on whether a more concrete time frame can be provided and, if necessary, shall provide the Bills Committee with the draft relevant Committee stage amendment(s) for consideration.

##### **On paragraph 2 of the Appendix to the Letter: Part 15 – amendments to the Audit Ordinance (Cap. 122)**

3. Clauses 46 and 50(2) of the Bill propose to amend sections 5 and 10(2) of the Audit Ordinance (Cap. 122) respectively such that the employment of the Director of Audit (“the Director”) and all members of the Director’s staff would be subject to “the Public Service (Administration) Order, the government regulations, and such Ordinances as apply generally to public officers”.

4. Given that –

- (a) the term “government regulations” under the Audit Ordinance (Cap. 122) will be specifically defined under clause 41 of the Bill as “the administrative rules known as the Government

Regulations and other administrative rules or instruments regulating the public service”; and

- (b) “conditions of service” are matters which can generally be regulated under the Government Regulations,

the applicable terms adopted in the Official Solicitor Ordinance (Cap. 416) and that in the Audit Ordinance (Cap. 122) after adaptation, as mentioned in the question, are in essence similar. In other words, the Director and the Director’s staff will also be subject to relevant administrative rules and conditions of service as generally applicable to public officers.

**On paragraph 3 of the Appendix to the Letter: Part 15 – amendments to the Audit Ordinance (Cap. 122)**

5. When the Director of Audit audits the General Revenue Account pursuant to section 12 of the Audit Ordinance (Cap. 122), the transactions of the World Refugee Year Loan Fund will also be audited. As there is no need to conduct a separate audit of the said Fund, the said Fund is proposed to be repealed from Schedule 1 to the Audit Ordinance (Cap. 122).

**On paragraph 4 of the Appendix to the Letter: Part 61 – amendments to the Church of England Trust Ordinance (Cap. 1014) and its subsidiary legislation**

6. The amendments to Cap. 1014 and its subsidiary legislation were proposed in consultation with the Hong Kong Sheng Kung Hui (“HKSKH”). It is proposed that section 3(2) of Cap. 1014 be repealed because the giving and revoking of dormant commission by the Bishop of Victoria, Hong Kong (now the Archbishop of the Hong Kong Sheng Kung Hui (the “Archbishop”)) has become obsolete. During the Archbishop’s absence or incapacity, or if the Archbishop’s office is vacant, the Archbishop’s power can now be delegated in accordance with the relevant provisions in the Constitution of the HKSKH. It is therefore considered unnecessary to retain the Archbishop’s power to give or revoke dormant commission.

**On paragraph 5 of the Appendix to the Letter: Part 61 – amendments to the Church of England Trust Ordinance (Cap. 1014) and its subsidiary legislation**

7. “Diocesan Conference” as defined in section 2 is defunct; there is no longer an assembly composed solely of the clergy and the laity of the

English-speaking churches within the HKSKH. A “Diocesan Synod” (of one of the dioceses of the HKSKH) is not always an equivalent of the “Diocesan Conference” (of the Diocese of Victoria, Hong Kong, or what is now the entire HKSKH), and whether the former is a suitable replacement for the latter should be determined on a case-by-case basis.

8. In regulation 17(1)(d) of Cap. 1014A, it is suggested that “Diocesan Conference” be replaced by “Diocesan Synod” since a de facto function of an annual church meeting is to elect representatives to the Synod of the Diocese to which the English-speaking church concerned belongs.

9. In rule 13 set out in the Appendix to Cap. 1014A, it is suggested that “Diocesan Conference” be replaced by “Diocesan Synod” because the secretary of the Diocesan Conference and the secretary of the Diocesan Synod are considered to be close substitute, both organizations being an assembly of clergy and laity.

10. In section 8(2)(b) of Cap. 1014, however, “Diocesan Synod” is not to replace “Diocesan Conference”. As explained above, a Diocesan Synod is but a governing body of a constituent part (i.e. a diocese) of the HKSKH, while the Diocesan Conference was meant to be representative of all English-speaking churches situate in Hong Kong. The two organisations cannot be deemed to be equivalent. In the absence of an assembly to represent all English-speaking churches situate in Hong Kong, it is considered that the power to appoint two additional members conferred by section 8(2)(b) should appropriately rest with the Archbishop, who is the chief pastor of the HKSKH and the chairman of the trustees.

**On paragraph 6 of Appendix to the Letter: Part 61 – amendments to the Church of England Trust Ordinance (Cap. 1014) and its subsidiary legislation**

11. While Cap. 1014 envisages and permits the Bishop’s appointment of a commissary, in practice the Bishop, at least in the recent past, has never appointed a commissary to act for him or in his stead. Moreover, since the Constitution of the HKSKH already contains provisions regulating the delegation of the powers of the Archbishop of the Hong Kong Sheng Kung Hui (which is proposed to be denoted by “the Bishop” in Cap. 1014) if for whatever reason he cannot exercise those powers, the appointment of the Bishop’s commissary is therefore redundant and that the definition of and references to “commissary” should be removed from Cap. 1014.

**On paragraph 7 of the Appendix to the Letter: Part 61 – amendments to the Church of England Trust Ordinance (Cap. 1014) and its subsidiary legislation**

12. In section 15 of Cap. 1014, “Anglican Church” is considered to be a better option than “English-speaking Anglican Church” as a replacement for “Church of England”, for it will allow the religious services and ministrations of the wider Anglican Church, which surely includes the English-speaking Anglican Church, to be provided at prisons and hospitals.

13. In regulation 16 of Cap. 1014A, “Anglican Church” should be used instead of “English-speaking Anglican Church” because of what each of these two terms connotes. In regulation 16(5)(a), although a person can be said to be a member of the English-speaking Anglican Church, one cannot be said to be a member of “a Church in communion therewith” (i.e. a member of a Church in communion with the English-speaking Anglican Church). In ecclesiastical usage, one can be in communion with a bishop or with a bishop’s see, but one’s being in communion of a church in the sense of a place of worship is unheard of. Consequently, “English-speaking Anglican Church” as defined by Cap. 1014 will create bizarre meaning for regulations 16(5)(a) and 16(5)(b) (and also for regulation 16(5)(d)) if the term is adopted as a replacement for “Church of England”; “Anglican Church” would be the more appropriate and natural choice in this case.

14. By the same token, a person making the declaration as set out in regulation 16(5)(d) would have difficulty understanding the meaning of being “a member of the English-speaking Anglican Church” without referring to the definition of “English-speaking Anglican Church” in section 2 of Cap. 1014, if “English-speaking Anglican Church” was chosen as a substitute of “Church of England”. On the contrary, “a member of the Anglican Church” carries an apparent meaning—anyone claiming to be a member of the Anglican Church is in effect saying that he is a Christian following the tradition of that branch of Christianity called Anglicanism.

15. Thus, it is suggested that “Anglican Church” simpliciter be used without “English-speaking” as its prefix in section 15 of Cap. 1014 and regulation 16 of Cap. 1014A.

**On paragraph 8 of the Appendix to the Letter: Part 67 – amendment to the St. Paul’s College Council Incorporation Ordinance (Cap. 1102)**

16. What appears now in the St. Paul’s College Council Regulations (Cap. 1102A) was the first set of regulations reproduced in the Schedule to the St. Paul’s College Council Incorporation Ordinance (Cap. 1102) when that ordinance was enacted as Ord. No. 16 of 1962. In the process of the preparation and publication of a revised edition of the laws of Hong Kong, invoking powers under the Revised Edition of the Laws Ordinance 1965 (Cap. 642), the Schedule was separately published and assigned the number “Cap. 1102A” under the revised edition of the laws of Hong Kong 1964<sup>1</sup> and has since been retained in the Laws of Hong Kong without any updates. This is, however, despite the terms of section 6 of Cap. 1102 that those regulations may be changed or amended from time to time by the St. Paul’s College Council without any obligation to obtain the approval of the Chief Executive in Council or to have such regulations published. The way in which section 6(3) of Cap. 1102 is worded is strong indicia that the regulations of the Corporation have never been intended to be subsidiary legislation. In order to remove any doubt which may be created by section 11 of Cap. 642<sup>2</sup> as to the legal status of the set of regulations now appearing as Cap. 1102A under the Hong Kong e-Legislation and to clarify the position once and for all, it is proposed, after consultation with the HKSKH, that Cap. 1102A should be repealed and that a specific provision declaring the position should be added to section 6 of Cap. 1102.

**On paragraph 9 of the Appendix to the Letter: Part 68 – repeal of certain enactments**

17. The Mercantile Marine Assistance Fund Ordinance (Cap. 1001) and its subsidiary legislation, the Mercantile Marine Assistance Fund Regulation (Cap. 1001A), were enacted in 1933 to establish the Mercantile Marine Assistance Fund (“the Fund”), which provided financial assistance to qualified seafarers or their dependants who in the

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<sup>1</sup> In that process, section 8 of the principal ordinance was renumbered and revised as per marked-up hereunder:

“86. (1) The regulations ~~set forth in the Schedule hereto shall be the regulations~~ of the corporation, ~~but the same~~ may be changed or amended by the corporation at any time and from time to time in accordance with the provisions of the said regulations for the time being in force.”

<sup>2</sup> Section 11(2) reads, “... the revised edition shall be deemed to be and shall be without any question whatsoever in all courts of justice and for all purposes whatsoever the sole and only proper laws of Hong Kong in respect of all Ordinances contained therein.”

opinion of the Mercantile Marine Assistance Fund Committee (“the Committee”) were deserving and in need of such assistance. The Fund has been inactive since 1990 and the Committee became defunct on 1 April 1996 when the last beneficiary of the Fund passed away in March 1996. The welfare of seafarers is currently adequately protected by the Maritime Labour Convention, 2006, which is implemented in Hong Kong via the Merchant Shipping (Seafarers) Ordinance (Cap. 478) and its subsidiary legislation, while eligible seafarers and their dependants may apply for financial assistance from the Comprehensive Social Security Assistance Scheme if needed. As such, Cap. 1001 and Cap. 1001A are no longer required and can be repealed.

**On paragraph 10 of the Appendix to the Letter: Drafting issues**

18. The purpose of the amendment locations in this clause is to allow the reader to identify where the amendments to the existing provisions are to be made. As Part 1 of Schedule 2 to the Immigration Regulations (Cap. 115A) contains 1 section (as opposed to item) only and items 3, 4 and 19 only appear in Part 2, for the purposes of the proposed amendments in clause 29 of the Bill, the current amendment location is sufficiently clear.

**On paragraph 11 of the Appendix to the Letter: Drafting issues**

19. Thank you for the observation. A committee stage amendment will be moved to make the relevant amendment.

**June 2025**