

LC: Speech by SJ in moving the Second Reading of the
Legislation Publication Bill

Following is the speech (English translation) by the Secretary for Justice, Mr Wong Yan Lung, SC, in moving the Second Reading of the Legislation Publication Bill in the Legislative Council meeting today (October 20):

President,

I move that the Legislation Publication Bill be read a second time.

The Bill proposes to provide for the establishment of an electronic database of legislation and an approved website for public access to copies of legislation that have a legal status. The Bill also seeks to provide for powers to make editorial amendments and revisions to Ordinances; and to provide for additional editorial powers for preparation of the loose-leaf edition of the Laws of Hong Kong.

The Law Draftsman briefed the Legislative Council Panel on Administration of Justice and Legal Services on the modernised format and styles of legislation in December 2009 and obtained their support on the proposed electronic database of Hong Kong legislation in April 2010. The Finance Committee of the Legislative Council has also granted funding approval for the development of the new electronic database. We have also obtained support from the Bar Association and Law Society.

Section 20 of the Interpretation and General Clauses Ordinance requires Hong Kong legislation to be published in the Gazette, and section 98(1) of that Ordinance provides that a copy so published is deemed to be authentic.

The Department of Justice also arranges for the publication of a consolidated edition of the laws in the Loose-leaf Edition, which now comprises 48 volumes of 40,576 replaceable pages. Periodic issues of new or replacement pages incorporating new legislation or amendments to the texts are sent to subscribers, who need to substitute them for outdated pages. According to section 3 of the Laws (Loose-leaf Publication) Ordinance 1990, the Loose-leaf Edition is deemed to be correct unless the contrary is proved.

The Department of Justice also maintains an online

legislation database, known as the Bilingual Laws Information System (commonly known as BLIS), which is available free to the public on the internet. The database contains a consolidated version of legislation and other legislation-related materials.

The current arrangements of providing public access to law by the Loose-leaf Edition and BLIS have their respective limitations. The Loose-leaf Edition is the official source of consolidated and current Hong Kong legislation published under statutory authority. At present, changes to legislation are consolidated and printed as replacement pages for the Loose-leaf Edition twice a year. There is, therefore, always a time gap, which may be up to a few months, between the passage of the relevant legislative provisions and their incorporation in the Loose-leaf Edition. As regards BLIS, it is updated more frequently to provide the public with the most up-to-date consolidated Hong Kong legislation. However, it does not enjoy any status recognised by law and can only be for reference purpose.

Access to the law is a fundamental element of a jurisdiction that upholds the rule of law. We strongly believe that in the modern information technology age, the availability of an updated, reliable and searchable online consolidated legislation database with a legal status is a must.

Other leading jurisdictions have been improving the presentation of their legislation. In order for us to keep abreast with the current trend, the existing format and styles of our legislation are in need of modernisation and adjustments to improve the legislation's presentation and user-friendliness.

While we are able to introduce new format and styles in newly gazetted legislation, we have insufficient power to update existing legislation to the new format and styles. This may present difficulties when incorporating amendments in new format and styles into the texts of existing legislation. In order to ensure uniformity in appearance across the whole consolidated text as published, currently in the Loose-leaf Edition and in future in the Database and separate booklets, it will be necessary to provide for new editorial powers to bring the consolidated text into line with the current drafting styles of new legislation. The Bill also seeks to consolidate existing provisions for making minor and technical amendments to legislation which are currently scattered in various Ordinances, add some new editorial

powers, and streamline the procedures for making these changes.

Mr President, in addition to upholding the rule of law, a more user-friendly and modernised edition of Hong Kong legislation is conducive to the conduct of business activities and Hong Kong's development as a world class city. The Bill represents a major milestone in the publication of consolidated Hong Kong legislation.

Mr President, with these remarks, I would like to appeal to Members to support the Bill.

Ends/Wednesday, October 20, 2010