

For discussion  
on 25 March 2014

## **Legislative Council Panel on Administration of Justice and Legal Services**

### **Project to Implement a Verified, Authenticated, Searchable Electronic Database of Hong Kong Legislation**

#### **Purpose**

In April 2010, we sought Member's support for the implementation of a verified, authenticated and searchable electronic database of Hong Kong Legislation (*Database*) to (a) replace the existing Loose-leaf Edition and the Bilingual Laws Information System (*BLIS*) with an accurate and up-to-date online copy of Hong Kong legislation with legal status; and (b) introduce a Bill to give legal status to the Database (see LC Paper No. CB(2) 1349/09-10(08)). This paper briefs Members on the progress of the project to implement the Database in the past few years.

#### **Background**

2. At present, the Loose-leaf Edition is the official source of consolidated Hong Kong legislation published under statutory authority. However, being a hardcopy publication, its update (involving marking the amendments on the hardcopy for type-setting, proofreading, bulk printing and packaging for delivery etc.) could take a few months. As a result, the Loose-leaf Edition does not reflect the current laws in a timely fashion. BLIS is currently providing the public with free online consolidated Hong Kong legislation for reference purposes. However, BLIS lacks the capability to track changes down to field level and provide an audit log, which means that it lacks the essential security features for it to be given any legal status. An upgrade of BLIS under its current platform to meet this essential requirement has been found technically not feasible.

3. In view of the above, in May 2009, the Department of Justice (DoJ) commissioned a consultant to conduct a **Feasibility Study (FS)** on the establishment and maintenance of the Database. After considering the experience of overseas jurisdictions in the implementation of similar systems and the architecture of the existing BLIS, the study concluded that a new system should replace BLIS. The consultant recommended that the new system should make electronic legislation data with legal status available to the public and that the hardcopy of legislation should be printed from this single source of data.

4. The Database will provide the public with a website facilitating free and convenient access to accurate and timely updated Hong Kong legislation with legal status. Hong Kong legislation will be available in formats facilitating public access and data exchange. In addition, the Database will also support the laws compilation and publication operations of the Law Drafting Division (**LDD**) of DoJ in the following processes—

- (a) Legislation capture — capture of required information to facilitate compilation of consolidated Hong Kong legislation once legislation is gazetted.
- (b) Legislation compilation — consolidation, proof-reading and verification of Hong Kong legislation in the Database.
- (c) Online publication — generation and publication of Hong Kong legislation for online access by users.
- (d) Full chapter reprint — generation of full chapter reprint of Hong Kong legislation in a layout similar to the Loose-leaf Edition (or an improved layout) for online access by users.
- (e) Auditing and checking — auditing and checking of all updates made to the published Hong Kong legislation.

5. More importantly, the Database will bring about the following benefits—

- (a) Improved accuracy in compiling Hong Kong legislation

With a single source (i.e. the Database) for compiling Hong Kong legislation, any inconsistency arising from having two separate sources (i.e. the Loose-leaf Edition and the BLIS) will be avoided.

- (b) Timely dissemination of and free access to Hong Kong legislation with legal status

The lead time for updating Hong Kong legislation will be shortened significantly from the existing three to four weeks for the BLIS and up to 9 months of lead time for the Loose-leaf Edition for bulky issue, to five working days under the Database.

- (c) Effect on legal profession

Those in the legal fraternity, including members of the judiciary and the profession as well as the law enforcement agencies, will be able to conveniently and efficiently locate current and historical versions of Hong Kong legislation.

- (d) Effect on Hong Kong generally

The Database will offer free online access to Hong Kong legislation with legal status to the public anywhere, anytime. This will reflect the Government's commitment to providing the public with ready and convenient access to Hong Kong legislation and will greatly improve the image of Hong Kong. In addition, this is in line with the aspiration for Hong Kong to become the regional hub for legal services and dispute resolution, and with the Government's initiative to make Hong Kong a leading digital city.

- (e) Better leverage of technology to support value-added services

The Database will adopt a modular design, including the use of an open data format. This will open up opportunities for third parties, such as legal publishers, to provide value-added services more easily. The platform enables LDD of DoJ to integrate its other internal operations, for example the law drafting process, with the Database.

## **Major Developments**

### ***Funding Approval in May 2010***

6. With the support of this Panel in April 2010, we promptly submitted our proposal (see FCR(2010-11)12) to the Finance Committee of the Legislative Council for funding approval on a new commitment of \$79,395,000 to implement the Database. The proposal was considered and discussed in the Finance Committee meeting on 14 May 2010 and was endorsed by the Committee.

### ***Introduction of the Legislation Publication Bill in October 2010***

#### ***Passage and Enactment of the Bill in June 2011***

7. To provide the necessary statutory backing for the establishment of the Database, the Legislation Publication Bill was introduced to the Legislative Council on 20 October 2010. The main purposes of the Bill are to establish the Database, give legal status to copies of the legislation published in the Database, and empower the Secretary for Justice (SJ) to make editorial amendments and revisions to Ordinances. It also provides for additional editorial powers for the preparation of the Loose-leaf Edition and the retirement of the Loose-leaf Edition after the Database is fully implemented.

8. A Bills Committee was formed in October 2010, under the chairmanship of Dr. Honorable Margaret Ng, to study the Bill. The Bills Committee held a total of eight meetings with the DoJ and invited stakeholders (including the Bar Association, the Law Society and the Legal Service Division of the Legislative Council Secretariat) to give views on the Bill.

9. After considering the comments from the Members of the Bills Committee and the views of the stakeholders, a number of Committee Stage Amendments (CSAs) were proposed and moved by the Administration. The Second Reading debate on the Bill was resumed at the Legislative Council meeting of 22 June 2011 and it was finally enacted on 30 June 2011 as the Legislation Publication Ordinance (13 of 2011), which is now Cap. 614 in the Loose-leaf Edition.

### ***Tendering Exercises in June 2011 and April 2012***

10. On the enactment of the Legislation Publication Ordinance (Cap. 614) on 30 June 2011, we issued the tender for the Database (A3301762010) on the same date. At first, it was opened for a period of 6 weeks, with a tender closing date of 12 August 2011. After considering the request from a potential tenderer to have more time to prepare the tender documents because of the complexity of the project, the opening period was extended for 2 weeks. The tender closed on 26 August 2011.

11. On receiving the tender documents, we immediately started the tender evaluation process in accordance with the government standards and guidelines. Unfortunately, there were no conforming offers and with the approval of the Central Tender Board, the tender was cancelled on 19 January 2012.

12. On the cancellation of the first tender, we immediately started work for the re-tender exercise. We took the opportunity to review and update the tender as necessary to cover the software upgrades, and the web accessibility requirements, announced by the Administration in early 2012. Within only a few months, we managed to start the tendering process again and re-issue the tender (A3302362011) on 27 April 2012. The tender was opened for a period of 6 weeks, with a tender closing date of 8 June 2012. With the approval of the Central Tender Board on 19 December 2012, the contract was signed on 28 December 2012.

### **Implementation Plan for the Database**

13. According to the tender, we will implement the Database in two phases. Phase 1 mainly concerns the implementation of a new laws compilation and publication system for LDD's internal use. Upon Phase 1 completion in mid 2015, core functions and features, including legislation capture, legislation compilation, legislation retrieval, full chapter reprint of legislation, auditing and checking and bilingual language support etc. will be available in the Database for internal use. Phase 2 covers functions for use by the general public including online publication of legislation, dissemination of legislation-related information and legislation retrieval. It is expected that Phase 2 will be completed in 2016/17 at the earliest.

14. The existing BLIS will retire on the completion of Phase 2 when the new Database is in public use. Verification<sup>1</sup> of legislation will commence at the same time as the start of Phase 2 and is expected to take a couple of years to complete. The Loose-leaf Edition will phase out progressively according to the progress of the verification.

<b>Activity</b>	<b>Target Earliest Completion Date</b>
(a) Contract commencement	December 2012 (Completed)
(b) Phase 1	Mid 2015
(c) Phase 2	2016/17
(d) Verification of Legislation Data	2020/21

### **Progress of the Database Project**

#### ***Preparation***

15. As the business nature of law drafting is very unique and there are many fine details involved, a Database team comprising counsel grade colleagues, experienced law clerks and colleagues from the Information Technology Management Unit was set up in DoJ to manage the project closely. Training was provided for the Database team on Extensible Mark-up Language (XML) technology, XML editing tools and publishing software. To prepare the contractor for the project, briefing sessions were given on the legislative process, law drafting process and the laws compilation and publication practice before they started to work on the details of the user requirements.

#### ***System Analysis and Design (SA&D) for Phase 1***

16. We have just completed the SA&D for Phase 1. This stage includes the giving and review of user requirements for the components to be developed and completed in Phase 1. Regular meetings were held between the Database team and the contractor to discuss the functional details and specifications. During the process, we have taken the opportunity to review the existing compilation and publication practice to ensure a smooth transition to the new platform in the coming years.

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<sup>1</sup> Verification is a process to verify the legislation data in accordance with the Loose-leaf Edition in order for the copy printed out from the data to enjoy the same legal status as the Loose-leaf Edition.

### ***Establishment of a Hong Kong Legislation Database User Liaison Group***

17. We value users' views on the Database and a "Hong Kong Legislation Database User Liaison Group" (香港法例資料庫用戶聯絡組) (***Liaison Group***) comprising representatives from the Law Society of Hong Kong, Hong Kong Bar Association, Judiciary and the Legal Service Division of the Legislative Council Secretariat was set up in September 2013 to give suggestions on topics concerning the design and functions of the Database. The Liaison Group is to meet when there is major progress in the Database project of which the Group should be informed or when there are particular topics concerning users on which views of the Group should be sought.

18. The Liaison Group, chaired by the Deputy Law Draftsman (Bilingual Drafting & Administration) in his capacity as the Project Owner of the Database, held its first meeting on 9 September 2013. In the meeting, the Liaison Group considered and discussed the layout of the bilingual verified copy of legislation. Under section 5 of Legislation Publication Ordinance (Cap. 614), a verified copy of a piece of Hong Kong legislation is a copy that is published on or printed directly from the Database<sup>2</sup> and bearing an official verification mark. A verified copy is presumed, unless the contrary is proved, to correctly state the legislation as at the date specified in the copy. The legal status given to a verified copy of Hong Kong legislation is similar to that given to the Loose-leaf Edition.

### ***Layout of the Bilingual Verified Copy of Legislation***

19. We consulted the Group in two aspects, namely the paper size and the bilingual alignment of the bilingual verified copy. For paper size, A4 is proposed over other options, such as A5, A3 or B5, for several reasons. First, A4 paper is widely available on the market and supported by most common household or office printers. Second, when compared with other smaller paper sizes such as A5 or B5, A4 provides more space for the contents of Legislation. Text aside, some legislation contains diagrams or tables which might not fit into those smaller paper sizes without compromising the comprehensibility. Third, framing the contents of legislation for an A4 paper enables better utilization of paper resources. If the frame is formatted for printing on a smaller paper size,

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<sup>2</sup> Under section 3 of the Legislation Publication Ordinance (Cap. 614), the Secretary for Justice may establish and maintain an electronic database of Hong Kong legislation and approve a website on which the information in the database may be published and accessed.

although users might still be able to print the legislation on A4 paper, much space would be wasted on the margins.

20. With the choice of A4 paper size, we have prepared samples of five possible layouts for the Liaison Group's consideration. After considering various factors, we recommended the layout, which is similar to the existing loose-leaf pages published under the Laws (Loose-leaf Publication) Ordinance 1990 (51 of 1990) (*Loose-leaf Ordinance*), i.e. side-by-side alignment on a landscape-oriented A4-sized paper, to the Liaison Group. This approach ensured that corresponding bilingual texts would always be correctly placed on the same page and each page would be self-contained. This facilitates cross-referencing between the two texts, which is particularly relevant to users of Hong Kong legislation given the equal authentic status of the two texts. Moreover, by adopting the landscape-page option, each text can be accommodated in a column of which dimensions are similar to that of an A5 paper. The proportion between the length and width of such dimensions is more compatible with ordinary typographical arrangements of text.

21. With the support of the Liaison Group on the recommended layout of the bilingual verified copy of legislation, we have confirmed the design with the contractor in October 2013. Members of the Group have also provided us with other useful suggestions (e.g. chapter title search, print-on-demand service). We will actively consider whether they could be adopted in the Database taking into consideration the scope of the current tender/contract.

22. Looking ahead, we will start working on data conversion on current legislation data i.e. to convert the current legislation data in BLIS to the Database, in the coming months. Moreover, there will be a series of user acceptance tests on the functions developed under Phase 1 from end of 2014 to early 2015.

23. In parallel, we will continue making editorial amendments pursuant to the Loose-leaf Ordinance to update existing legislation to the new format and styles. This is to ensure a uniform appearance of Hong Kong legislation across the whole consolidated text as published, currently, in the Loose-leaf Edition and, in future, in the Database.



24. To keep abreast of the developments in laws compilation and publication in other common law jurisdictions and strengthen the ties with our counterparts, we also regularly attend the IT Forum organized by the Australasian Parliamentary Counsel Committee to exchange information and share views. Besides the delegates from different jurisdictions in Australia (e.g. Commonwealth, Queensland, Victoria, New South Wales, Tasmania), there are delegates from places such as Singapore, Scotland, London and New Zealand.

### **Conclusion**

25. Access to law is a fundamental element of a jurisdiction that upholds the rule of law. In the age of information technology, the availability of an updated, reliable and searchable online consolidated legislation database with legal status is a must. The Database is an important infrastructure for Hong Kong to become the regional hub for legal services and dispute resolution.

26. As the Database project is a prolonged exercise involving massive tasks and a large volume of legislation data, we will keep the Liaison Group informed on major progress of the project and solicit their views on particular topics concerning users. We will also report to this Panel at appropriate intervals before the formal launch of the Database.

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