

LCQ7: Ordinances or provisions enacted but not yet in operation

Following is a question by the Hon Lam San-keung and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (May 18):

Question:

Regarding those ordinances/provisions of ordinances which have been enacted by this Council but are not yet in operation due to various reasons (such ordinances/provisions), will the Government inform this Council:

(1) of the current number of such ordinances/provisions, and set out, by the year in which they were enacted, the titles of such ordinances/provisions as well as the reasons for their not having come into operation and the details thereof;

(2) whether the Government has currently put in place a dedicated organisation to urge the policy bureaux responsible for such ordinances/provisions to implement such ordinances/provisions as soon as possible;

(3) whether it has plans to expedite the implementation of such ordinances/provisions; if so, of the details; and

(4) whether a mechanism is currently in place to review if such ordinances/provisions should be implemented or repealed; if so, of the details; if not, whether it will study establishing such a mechanism?

Reply:

President,

My consolidated reply to the questions raised by the Hon Lam San-keung is as follows:

Policy bureaux/departments (B/Ds) have been closely monitoring the position of the ordinances/provisions of ordinances which have been enacted by the Legislative Council but are not yet in operation. Since 2008, the Government has submitted reports to the Panel on Administration of Justice and Legal Services regularly, setting out the ordinances which have been enacted for over three years with provisions yet to come into operation, reasons for their non-commencement and the progress, for Members' reference. There are currently a total of 33 ordinances enacted in 2019 or before containing provisions that are yet to come into operation. The titles of these ordinances, the provisions concerned and reasons for not bringing them into operation yet are set out in the Annex.

At present, relevant B/Ds will keep the ordinances/provisions under

review from time to time. They will take into account the latest development, actual circumstances and policy needs with a view to commencing them as early as practicable so as to meet the demands of the society. It would be most prudent to allow the relevant B/Ds to decide the commencement dates of the ordinances/provisions upon review of the actual circumstances and policy needs.