

**STATUTE LAW (MISCELLANEOUS PROVISIONS) ORDINANCE 2005**

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**HONG KONG SPECIAL ADMINISTRATIVE REGION**

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ORDINANCE No. 10 OF 2005



Donald TSANG  
Chief Executive  
7 July 2005

An Ordinance to provide for miscellaneous amendments to various Ordinances and for connected purposes.

[8 July 2005]

Enacted by the Legislative Council.

**PART 1**

**PRELIMINARY**

**1. Short title**

This Ordinance may be cited as the Statute Law (Miscellaneous Provisions) Ordinance 2005.

**2. Commencement**

(1) This Ordinance, except Division 1 of Part 5, shall come into operation on the day on which it is published in the Gazette.

(2) Division 1 of Part 5 shall come into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.



**PART 2**

**AMENDMENTS RELATING TO THE TRANSFER OF  
FUNCTIONS AND POWERS**

**Division 1—To transfer to the Secretary for the Civil Service  
certain functions of the Chief Secretary for Administration  
relating to the pensions of public officers**

**Widows and Orphans Pension Ordinance**

**3. Contributors to other schemes**

Section 4(3) of the Widows and Orphans Pension Ordinance (Cap. 94) is amended by repealing “Chief Secretary for Administration” where it twice appears and substituting “Secretary for the Civil Service”.

**Pension Benefits Ordinance**

**4. Power to amend Schedule**

Section 34 of the Pension Benefits Ordinance (Cap. 99) is amended by repealing “Chief Secretary for Administration” and substituting “Secretary for the Civil Service”.

**Division 2—To transfer to the Director of the Chief Executive’s  
Office the function of the Chief Secretary for Administration  
to administer the Oath of Secrecy to the Clerk and  
Deputy Clerk to the Executive Council**

**Oaths and Declarations Ordinance**

**5. Oaths of Clerk and Deputy Clerk  
to the Executive Council**

Section 20 of the Oaths and Declarations Ordinance (Cap. 11) is amended by repealing “Chief Secretary for Administration” and substituting “Director of the Chief Executive’s Office”.

**Division 3—To transfer to the Administrative Appeals Board  
the function of the Chief Executive in Council to determine  
appeals under the Medical Clinics Ordinance**

**Medical Clinics Ordinance**

**6. Right of appeal**

Section 12(1) of the Medical Clinics Ordinance (Cap. 343) is amended by repealing “or within such further time as the Chief Executive in Council may allow, appeal against it by way of petition to the Chief Executive in Council.” and substituting “, appeal against it to the Administrative Appeals Board.”.

**Administrative Appeals Board Ordinance**

**7. Schedule amended**

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended by adding—

- “62. Medical Clinics Ordinance (Cap. 343)
- (a) A refusal by the Registrar of Clinics under section 8 to grant or renew an exemption in respect of a clinic.
  - (b) A cancellation by the Registrar of Clinics under section 8 of an exemption granted in respect of a clinic.
  - (c) An order by the Registrar of Clinics under section 11 to refuse an application for the registration of a clinic or to cancel the registration of a clinic.”.

**Division 4—To transfer to the Chief Judge from the Chief Justice  
the chairmanship of certain Rules Committees**

**High Court Ordinance**

**8. Rules Committee**

Section 55 of the High Court Ordinance (Cap. 4) is amended—

- (a) in subsection (1)—

- (i) in paragraph (a), by repealing “Chief Justice” and substituting “Chief Judge of the High Court, who shall be chairman”;
- (ii) in paragraphs (b) and (c), by repealing “Chief Justice” and substituting “Chief Judge of the High Court”;
- (b) in subsection (1A), by repealing “Chief Justice” and substituting “Chief Judge of the High Court”.

### **Criminal Procedure Ordinance**

#### **9. Rules and orders as to practice and procedure**

Section 9(1)(a), (b), (c) and (h) of the Criminal Procedure Ordinance (Cap. 221) is amended by repealing “Chief Justice” and substituting “Chief Judge”.

### **District Court Ordinance**

#### **10. District Court Rules Committee**

Section 17 of the District Court Ordinance (Cap. 336) is amended—

- (a) in subsection (1), by repealing “Chief Justice” where it twice appears and substituting “Chief Judge”;
- (b) in subsection (3), by repealing “Chief Justice” and substituting “Chief Judge”;
- (c) in subsection (4), by repealing “Chief Justice” and substituting “Chief Judge”.

**Division 5—To transfer to the Chief Judge certain rule-making and related powers of the Chief Justice under certain Ordinances**

### **High Court Ordinance**

#### **11. Rules concerning deposit, etc. of moneys, etc. in High Court**

Section 57(1) of the High Court Ordinance (Cap. 4) is amended by repealing “Chief Justice” and substituting “Chief Judge of the High Court”.

## **Matrimonial Causes Ordinance**

### **12. Hearing of petition**

Section 15(5) of the Matrimonial Causes Ordinance (Cap. 179) is amended by repealing “Chief Justice” and substituting “Chief Judge”.

### **13. Rules**

Section 18B is amended by repealing “Chief Justice” and substituting “Chief Judge”.

### **14. Rules**

Section 54(1) and (2) is amended by repealing “Chief Justice” and substituting “Chief Judge”.

## **Matrimonial Causes Rules**

### **15. Practice to be observed in District Court**

Rule 122 of the Matrimonial Causes Rules (Cap. 179 sub. leg. A) is amended by repealing “Chief Justice” and substituting “Chief Judge”.

## **Criminal Procedure Ordinance**

### **16. Chief Judge to make rules**

Section 79D of the Criminal Procedure Ordinance (Cap. 221) is amended by repealing “Chief Justice” and substituting “Chief Judge”.

### **17. Application for dismissal of charges contained in a notice of transfer**

Section 79G(8) is amended by repealing “Chief Justice” and substituting “Chief Judge”.

## **District Court Ordinance**

### **18. Suitors' Funds Rules**

Section 73(1) of the District Court Ordinance (Cap. 336) is amended by repealing "Chief Justice" and substituting "Chief Judge".

## **Evidence (Miscellaneous Amendments) Ordinance 2003**

### **19. Part added**

Section 17 of the Evidence (Miscellaneous Amendments) Ordinance 2003 (23 of 2003) is amended, in the new section 79L of the Criminal Procedure Ordinance (Cap. 221), by repealing "Chief Justice" and substituting "Chief Judge".

## **Saving Provisions**

### **20. Saving provisions**

(1) Notwithstanding the amendment made by section 11 to section 57(1) of the High Court Ordinance (Cap. 4), any rules made under section 57(1) of that Ordinance which are in force immediately before the date of commencement of section 11 shall on and after that date continue in force as if they were made by the Chief Judge under section 57(1) of that Ordinance as amended by section 11.

(2) Notwithstanding the amendment made by section 12 to section 15(5) of the Matrimonial Causes Ordinance (Cap. 179), any orders made under section 15(5) of that Ordinance which are in force immediately before the date of commencement of section 12 shall on and after that date continue in force as if they were made by the Chief Judge under section 15(5) of that Ordinance as amended by section 12.

(3) Notwithstanding the amendment made by section 14 to section 54(1) and (2) of the Matrimonial Causes Ordinance (Cap. 179), any rules made under section 54(1) or (2) of that Ordinance which are in force immediately before the date of commencement of section 14 shall on and after that date continue in force as if they were made by the Chief Judge under section 54(1) or (2) of that Ordinance as amended by section 14.

(4) Notwithstanding the amendment made by section 15 to rule 122 of the Matrimonial Causes Rules (Cap. 179 sub. leg. A), any directions issued under rule 122 of those Rules which are in force immediately before the date of commencement of section 15 shall on and after that date continue in force as if they were issued by the Chief Judge under rule 122 of those Rules as amended by section 15.

(5) Notwithstanding the amendment made by section 16 to section 79D of the Criminal Procedure Ordinance (Cap. 221)—

- (a) any rules made under section 79D of that Ordinance which are in force immediately before the date of commencement of section 16 shall on and after that date continue in force as if they were made by the Chief Judge under section 79D of that Ordinance as amended by section 16;
- (b) any directions given under section 79D of that Ordinance which are in force immediately before the date of commencement of section 16 shall on and after that date continue in force as if they were given by the Chief Judge under section 79D of that Ordinance as amended by section 16.

(6) Notwithstanding the amendment made by section 17 to section 79G(8) of the Criminal Procedure Ordinance (Cap. 221)—

- (a) any rules made under section 79G(8) of that Ordinance which are in force immediately before the date of commencement of section 17 shall on and after that date continue in force as if they were made by the Chief Judge under section 79G(8) of that Ordinance as amended by section 17;
- (b) any directions given under section 79G(8) of that Ordinance which are in force immediately before the date of commencement of section 17 shall on and after that date continue in force as if they were given by the Chief Judge under section 79G(8) of that Ordinance as amended by section 17.

(7) Notwithstanding the amendment made by section 18 to section 73(1) of the District Court Ordinance (Cap. 336), any rules made under section 73(1) of that Ordinance which are in force immediately before the date of commencement of section 18 shall on and after that date continue in force as if they were made by the Chief Judge under section 73(1) of that Ordinance as amended by section 18.

PART 3

AMENDMENTS RELATING TO THE CHANGE OF NAME, THE  
ENHANCEMENT OF OPERATIONAL EFFICIENCY AND THE  
REFINEMENT OF STATUTORY PROVISIONS

**Division 1—To change the Chinese name of the Convocation of The Chinese  
University of Hong Kong from “評議會” to “校友評議會”**

**The Chinese University of Hong Kong Ordinance**

**21. Definitions**

Section 2(1) of The Chinese University of Hong Kong Ordinance (Cap. 1109) is amended, in the definition of “Council”, “Senate”, “Convocation”, “Faculties”, “Schools of Studies” and “Boards of Studies”, by adding “校友” before “評議會”.

**22. Provision for Council, Senate  
and Convocation**

Section 6 is amended by adding “校友” before “評議會”.

**23. Composition and function of  
the Convocation**

Section 9 is amended by adding “校友” before “評議會”.

**24. Statutes**

Section 13(1)(i) is amended by adding “校友” before “評議會”.

**25. Members of the University**

Statute 3 of the Statutes of The Chinese University of Hong Kong in Schedule 1 is amended, in paragraph (m), by adding “校友” before “評議會”.

**26. The Council**

Statute 11 is amended, in paragraph 1(n), by adding “校友” before “評議會” where it twice appears.

## 27. The Convocation

Statute 18 is amended—

- (a) in the heading, by adding “校友” before “評議會”;
- (b) in paragraph 1—
  - (i) by adding “校友” after “設有”;
  - (ii) by repealing “評議會由” and substituting “由”;
  - (iii) by adding “校友” after “列”;
- (c) in paragraph 2, by adding “校友” before “評議會” wherever it appears;
- (d) in paragraph 3, by adding “校友” before “評議會”;
- (e) in paragraph 3A, by adding “校友” before “評議會”;
- (f) in paragraph 3B, by adding “校友” before “評議會”;
- (g) in paragraph 4, by adding “校友” before “評議會” where it twice appears;
- (h) in paragraph 5, by adding “校友” before “評議會”;
- (i) in paragraph 7(1) and (2), by adding “校友” before “評議會” wherever it appears;
- (j) in paragraph 8, by adding “校友” before “評議會” where it twice appears;
- (k) in paragraph 9, by adding “校友” before “評議會” where it twice appears;
- (l) in paragraph 10, by adding “校友” before “評議會” where it twice appears.

### Saving Provision

## 28. Saving provision

Where the term “評議會” referred to in section 6 of The Chinese University of Hong Kong Ordinance (Cap. 1109) as in force immediately before the date of commencement of section 22 is used in or in relation to any instrument, contract or legal proceeding that is in force or pending immediately before that date, then, on and after that date, the term “校友評議會” shall be deemed to be substituted therefor, and the instrument, contract or legal proceeding, as the case may be, shall be construed accordingly.



## **Consequential Amendments**

### **Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice**

#### **29. First Schedule amended**

The First Schedule to the Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B) is amended, in item 2, by adding “校友” before “評議會”.

## **Sex Discrimination Ordinance**

#### **30. Educational establishments and their responsible bodies**

Schedule 1 to the Sex Discrimination Ordinance (Cap. 480) is amended, in item 2, by adding “校友” before “評議會”.

## **Family Status Discrimination Ordinance**

#### **31. Educational establishments and their responsible bodies**

Schedule 1 to the Family Status Discrimination Ordinance (Cap. 527) is amended, in item 2, by adding “校友” before “評議會”.

### **Division 2—To enhance the powers and operational efficiency of the Legal Aid Services Council**

## **Legal Aid Services Council Ordinance**

#### **32. Section added**

The Legal Aid Services Council Ordinance (Cap. 489) is amended by adding—

##### **“4A. Power of the Council**

The Council may do all such things as are necessary to enable it to exercise its functions under this Ordinance, and in particular may enter into, carry out, assign or accept the assignment of, vary or rescind any contract, agreement or other obligation.”.

**33. Section added**

The following is added—

**“5A. Staff of the Council**

The Council may appoint such persons as it requires to exercise and perform its functions, powers and duties under this Ordinance.”.

**34. Reports**

Section 12(1) is repealed and the following substituted—

“(1) The Council shall submit an annual report to the Chief Executive within 9 months of the end of each financial year, or such longer period as the Chief Executive may allow.”.

**Division 3—To refine certain provisions in the Trade Marks Ordinance  
to reflect the original intention of those provisions**

**Trade Marks Ordinance**

**35. Claim to priority**

Section 41(1) of the Trade Marks Ordinance (Cap. 559) is amended by repealing “beginning on” and substituting “after”.

**36. Alteration of registered trade mark**

Section 55(2) is amended—

- (a) by repealing “owner’s name or address” and substituting “name or address of the owner or any previous owner”;
- (b) by repealing “該擁有人” and substituting “該註冊商標的擁有人”.

**Division 4—To amend the definition of “deception”  
in the Theft Ordinance**

**Theft Ordinance**

**37. Obtaining property by deception**

Section 17(4) of the Theft Ordinance (Cap. 210) is amended, in the definition of “deception”—

- (a) by adding “(whether by any act or omission)” after “conduct”;
- (b) by repealing “or opinions”.

**Division 5—To require consent for the prosecution of  
conspiracies to commit offences regarding which  
consent to prosecution is necessary**

**Crimes Ordinance**

**38. Restriction on the institution  
of proceedings**

Section 159D of the Crimes Ordinance (Cap. 200) is amended—

- (a) by renumbering it as section 159D(1);
- (b) by adding—

“(2) Any prohibition imposed by any enactment on the institution of proceedings for any offence otherwise than by, or on behalf or with the consent of, the Secretary for Justice or any other person also applies in relation to proceedings instituted under section 159A for conspiracy to commit that offence.”.

**Division 6—To prohibit a person who is required to surrender  
his travel document from leaving Hong Kong, etc.**

**Dangerous Drugs Ordinance**

**39. Surrender of travel document**

Section 53A of the Dangerous Drugs Ordinance (Cap. 134) is amended—

- (a) by adding—

“(4A) Subject to subsection (8), a person to whom a notice under subsection (1) is addressed shall not leave Hong Kong, whether or not the notice has been served on him under subsection (3), before the expiry of a period of 3 months from the date of the notice unless—

- (a) an application made under section 53B(1) for the return of a travel document is granted; or
  - (b) an application made under section 53C(1) for permission to leave Hong Kong is granted.”;
- (b) in subsection (5), by repealing “thereupon”;

(c) by adding—

“(7A) Subject to subsection (8), a travel document surrendered to the Commissioner of Police or the Commissioner of Customs and Excise in compliance with a notice under subsection (1) may be detained for a period of 3 months from the date of the notice unless an application made under section 53B(1) for the return of the travel document is granted.”;

(d) in subsection (8)—

(i) by repealing everything before “for not more than” and substituting—

“(8) The period of 3 months referred to in subsections (4A) and (7A) may be extended”;

(ii) by repealing “further detention” and substituting “extension”;

(e) in subsection (10), by adding “and sections 53B and 53C” after “In this section”.

#### **40. Section added**

The following is added—

##### **“53C. Application for permission to leave Hong Kong**

(1) Without prejudice to section 53B, a person on whom a notice under section 53A(1) is served may at any time make written application to the Commissioner of Police or the Commissioner of Customs and Excise, as the case may be, for permission to leave Hong Kong and every such application shall contain a statement of the grounds on which it is made.

(2) Before determining an application under subsection (1), the Commissioner of Police or the Commissioner of Customs and Excise may require that any matter of fact relied on in the application shall be substantiated by statutory declaration.

(3) Any person aggrieved by the refusal of an application under subsection (1) may, within 14 days of being informed of such refusal, appeal to a magistrate against that refusal and the magistrate may, upon considering the grounds of the application and any evidence which may be adduced in relation thereto by or on behalf of either party, order that the person be permitted to leave Hong Kong.

(4) The decision of a magistrate in relation to an appeal under this section shall be final.”.

## Prevention of Bribery Ordinance

### 41. Surrender of travel document

Section 17A of the Prevention of Bribery Ordinance (Cap. 201) is amended—

(a) by adding—

“(3A) Subject to subsection (6), a person to whom a notice under subsection (1) is addressed shall not leave Hong Kong, whether or not the notice has been served on him under subsection (2), before the expiry of a period of 6 months from the date of the notice unless—

(a) an application made under section 17B(1) for the return of a travel document is granted; or

(b) an application made under section 17BA(1) for permission to leave Hong Kong is granted.”;

(b) in subsection (4), by repealing “thereupon be arrested and taken before a magistrate” and substituting “be arrested and taken before a magistrate by a police officer or by a person appointed in that behalf by the Commissioner”;

(c) by adding—

“(5A) Subject to subsection (6), a travel document surrendered to the Commissioner in compliance with a notice under subsection (1) may be detained for a period of 6 months from the date of the notice unless an application made under section 17B(1) for the return of the travel document is granted.”;

(d) in subsection (6)—

(i) by repealing everything before the proviso and substituting—

“(6) The period of 6 months referred to in subsections (3A) and (5A) may be extended for a further period of 3 months if a magistrate, on application by the Commissioner, is satisfied that the investigation could not reasonably have been completed before the date of such application and authorizes such extension.”;

(ii) in the proviso, by repealing “who surrendered the document” and substituting “to whom the relevant notice is addressed”.

## 42. Return of travel documents

Section 17B is amended—

(a) by repealing subsection (5) and substituting—

“(5) A recognizance referred to in subsection (4) shall be subject to the conditions that—

(a) the applicant shall further surrender his travel document to the Commissioner at such time as may be specified; and

(b) the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified.”;

(b) in subsection (6), by repealing “subject to such conditions as to the further surrender of the travel document and the appearance of the applicant at any time and place in Hong Kong as may be specified.” and substituting—

“subject to the conditions that—

(a) the applicant shall further surrender his travel document to the Commissioner at such time as may be specified; and

(b) the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified.”;

(c) by repealing subsection (7) and substituting—

“(7) Where a travel document is returned to the applicant under this section subject to a condition imposed under subsection (5)(a) or (6)(a), then after the time specified under that subsection, the provisions of section 17A(3A) shall continue to apply in respect of the applicant and the provisions of section 17A(5A) shall continue to apply in respect of the travel document surrendered by the applicant pursuant to the condition as if no return had been made to the applicant under this section.”.

## 43. Section added

The following is added—

**“17BA. Permission to leave Hong Kong**

(1) Without prejudice to section 17B, a person on whom a notice under section 17A(1) is served may at any time make application in writing to the Commissioner or to a magistrate or both for permission to leave Hong Kong, and every such application shall contain a statement of the grounds on which it is made.

(2) A magistrate shall not consider an application made under subsection (1) unless he is satisfied that reasonable notice in writing of it has been given to the Commissioner.

(3) The Commissioner or a magistrate shall only grant an application made under subsection (1) where the Commissioner or the magistrate, as the case may be, is satisfied that having regard to all the circumstances, including the interests of the investigation referred to in section 17A(1), a refusal to grant the application would cause unreasonable hardship to the applicant.

(4) Before an application is granted under this section—

(a) the applicant may be required to—

- (i) deposit such reasonable sum of money with such person as may be specified;
- (ii) enter into such recognizance with such sureties, if any, as may be specified; or
- (iii) deposit such a sum of money and enter into such a recognizance as may be specified;

(b) any such applicant or surety may be required to deposit such property or document of title thereto with such person as may be specified for retention by that person until such time as any recognizance entered into under this subsection is no longer required or is forfeited.

(5) A recognizance referred to in subsection (4) shall be subject to a condition that the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified.

(6) An application under this section may be granted either without condition or subject to a condition that the applicant shall appear at such time and place in Hong Kong as may be specified and at such other time and place in Hong Kong thereafter as may be further specified.

(7) Where a person is permitted to leave Hong Kong under this section subject to a condition imposed under subsection (5) or (6), then after the time specified under that subsection or (if applicable) after the last of such times, the provisions of section 17A(3A) shall continue to apply in respect of the person as if the person had not been permitted to leave Hong Kong under this section.

- (8) Proceedings before a magistrate under this section—
- (a) shall be conducted in chambers; and
  - (b) shall be deemed to be proceedings which a magistrate has power to determine in a summary way within the meaning of sections 105 and 113(3) of the Magistrates Ordinance (Cap. 227) and, accordingly, Part VII of that Ordinance (which relates to appeals) shall apply, with the necessary modifications, to appeals against an order of a magistrate under this section.

(9) Anything to be specified in respect of an applicant under this section shall be specified by notice in writing served personally on the applicant.”.

**44. Further provisions relating to security, appearance, etc.**

Section 17C is amended by adding—

“(1A) Where a person granted an application under section 17BA fails to comply with the requirement of any condition imposed under that section, any deposit made or recognizance entered into under that section may be forfeited by a magistrate on application by the Commissioner or under section 65 of the Magistrates Ordinance (Cap. 227).”.

**Division 7—To empower the courts to award costs to the defendant or prosecutor on the other party’s unsuccessful application for a certificate under the Hong Kong Court of Final Appeal Ordinance**

**Costs in Criminal Cases Ordinance**

**45. Section added**

The Costs in Criminal Cases Ordinance (Cap. 492) is amended by adding—

**“9B. Defence costs on unsuccessful application by prosecutor for a certificate of Court of Appeal or Court of First Instance**

Where the prosecutor unsuccessfully applies to the Court of Appeal or the Court of First Instance for a certificate under section 32(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), and the Court of Appeal or the Court of First Instance, as the case may be, is satisfied that the application is without merit, the Court of Appeal or the Court of First Instance, as the case may be, may order that costs be awarded to the defendant.”.



**46. Section added**

The following is added—

**“13B. Prosecution costs on unsuccessful application  
by defendant for a certificate of Court of  
Appeal or Court of First Instance**

Where a defendant unsuccessfully applies to the Court of Appeal or the Court of First Instance for a certificate under section 32(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), and the Court of Appeal or the Court of First Instance, as the case may be, is satisfied that the application is without merit, the Court of Appeal or the Court of First Instance, as the case may be, may order that costs be awarded to the prosecutor.”.

**Division 8—To repeal provisions in certain Ordinances providing that  
the decision of the Court of Appeal on an appeal is final**

**Professional Accountants Ordinance**

**47. Appeals**

Section 41(2) of the Professional Accountants Ordinance (Cap. 50) is repealed.

**Related Amendments**

**48. Interpretation**

Section 2 is amended—

(a) by renumbering it as section 2(1);

(b) by adding—

“(2) For the purposes of sections 27(4)(b), 28D(10)(b)(i), 35(3) and 38(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

(a) when the appeal to the Court of Appeal is withdrawn or abandoned;

(b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;

- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of;
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(3) In subsection (2)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—

- (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

#### **49. Removal from register of certain persons**

Section 27(4)(b) is amended by repealing “an appeal under section 41, before a decision of the Court of Appeal affirming the order” and substituting “an appeal made to the Court of Appeal against the order under section 41, before the appeal is finally determined”.

#### **50. Qualification for registration of company as corporate practice**

Section 28D(10)(b) is amended—

- (a) by repealing “unless” and substituting “before”;
- (b) in subparagraph (i), by repealing “there is an appeal as regards the relevant removal, the appeal has been withdrawn or the relevant direction under this section was confirmed on appeal” and substituting “an appeal is made to the Court of Appeal as regards the removal under subsection (9)(d)(ii), the appeal is finally determined”.

#### **51. Disciplinary powers of Disciplinary Committee**

Section 35(3) is amended—

- (a) by repealing “, or of any such order as varied on appeal by the Court of Appeal, as the case may be,” and substituting “or, if the order is varied on appeal, the order as so varied”;
- (b) in the proviso, by repealing “an appeal under section 41, before the decision of the Court of Appeal on such appeal” and substituting “an appeal made to the Court of Appeal against the order under section 41, before the appeal is finally determined”.

## **52. Provisions relating to orders of the Disciplinary Committee**

Section 38(2) is amended by repealing “or in the case of an appeal under section 41 before the decision of the Court of Appeal on such appeal” and substituting “or, in the case of an appeal made to the Court of Appeal against the order under section 41, before the appeal is finally determined”.

## **Dentists Registration Ordinance**

### **53. Appeals**

Section 23(2) of the Dentists Registration Ordinance (Cap. 156) is repealed.

## **Related Amendments**

### **54. Interpretation**

Section 2 is amended—

- (a) by repealing—  
“在本條例中”  
and substituting—  
“(1) 在本條例中”;

- (b) by adding—

“(3) For the purposes of sections 18(5) and 22(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal;or

- (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(4) In subsection (3)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

**55. Disciplinary inquiries by the Council**

Section 18(5) is amended—

- (a) by repealing “after the decision of the Court of Appeal affirming or varying such order” and substituting “after the appeal is finally determined”;
- (b) by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”.

**56. Provisions relating to orders of the Council**

Section 22(2) is amended by repealing “and in the case of an appeal shall await the decision of the Court of Appeal” and substituting “or, in the case of an appeal made to the Court of Appeal against the order under section 23, before the appeal is finally determined”.

**Legal Practitioners Ordinance**

**57. Appeal and saving**

Section 13(1) of the Legal Practitioners Ordinance (Cap. 159) is amended by repealing “and the decision of the Court of Appeal on any such appeal shall be final”.

**58. Appeal to Court of Appeal**

Section 37B(1) is amended by repealing “and the decision of the Court of Appeal is final”.

**Related Amendments**

**59. Publication of findings of Solicitors  
Disciplinary Tribunal**

Section 13A is amended—

- (a) by renumbering it as section 13A(1);
- (b) in subsection (1)—
  - (i) by repealing “the Solicitors Disciplinary Tribunal or the Court of Appeal, on an appeal under section 13, otherwise orders,” and substituting “the Court of Final Appeal, the Court of Appeal or the Solicitors Disciplinary Tribunal otherwise orders,”;

- (ii) by repealing “or after completion of such an appeal” and substituting “or, if such an appeal has been made, after the appeal is finally determined”;
- (c) by adding—
  - “(2) For the purposes of subsection (1), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—
    - (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
    - (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
    - (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
      - (i) when the application is withdrawn or abandoned;
      - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
      - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
    - (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
      - (i) when the application is withdrawn, abandoned or refused; or
      - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.
  - (3) In subsection (2)—
    - “application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;
    - “specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

### **Medical Registration Ordinance**

#### **60. Appeals against orders of the Council**

Section 26(2) of the Medical Registration Ordinance (Cap. 161) is repealed.

#### **Related Amendments**

#### **61. Interpretation**

Section 2 is amended—

- (a) by renumbering it as section 2(1);
- (b) by adding—

“(2) For the purposes of sections 21(5), 21A(2) and 25(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—



- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(3) In subsection (2)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or

- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

## **62. Disciplinary powers of Council**

Section 21(5) is amended—

- (a) by adding “to the Court of Appeal” after “may be made”;
- (b) by repealing “after a decision affirming or varying such order” and substituting “after the appeal is finally determined”;
- (c) in paragraph (a), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”.

## **63. Powers of Council in relation to fitness to practise of medical practitioners**

Section 21A(2) is amended—

- (a) by adding “to the Court of Appeal” after “may be made”;
- (b) by repealing “after a decision affirming or varying such order” and substituting “after the appeal is finally determined”;
- (c) by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”.

## **64. Orders of the Council**

Section 25(2) is amended by repealing “and in the case of an appeal shall await the decision of the Court of Appeal” and substituting “or, in the case of an appeal made to the Court of Appeal against the order under section 26, before the appeal is finally determined”.

## Midwives Registration Ordinance

### 65. Appeals

Section 15(2) of the Midwives Registration Ordinance (Cap. 162) is repealed.

### Related Amendments

### 66. Interpretation

Section 2 is amended by adding—

“(3) For the purposes of sections 10(8)(b) and 14(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(4) In subsection (3)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

## 67. Disciplinary powers of Council

Section 10 is amended—

- (a) in subsection (6)—
  - (i) by repealing “and the order is not reversed by the Court of Appeal under section 15”;
  - (ii) by adding “or, if the order is varied on appeal, the order as so varied” before “in the Gazette”;
- (b) in subsection (7)—
  - (i) by repealing “and the order is not reversed by the Court of Appeal under section 15”;
  - (ii) by adding “or, if the order is varied on appeal, the order as so varied” before “in the Gazette”;
- (c) by repealing subsection (8)(b) and (c) and substituting—
  - “(b) if such an appeal has been made, the date on which the appeal is finally determined.”.

## **68. Provisions relating to orders of Council**

Section 14(2) is amended by repealing “an appeal against such order, until after the determination of the appeal” and substituting “an appeal made to the Court of Appeal against the order under section 15, before the appeal is finally determined”.

## **69. Appeals**

Section 15(1) is amended by adding “or order” after “the decision”.

## **Nurses Registration Ordinance**

## **70. Appeals**

Section 22(1) of the Nurses Registration Ordinance (Cap. 164) is amended by repealing “and the decision of the Court of Appeal shall be final”.

## **Related Amendments**

## **71. Interpretation**

Section 2 is amended—

- (a) by renumbering it as section 2(1);
- (b) by adding—

“(2) For the purposes of sections 17(6) and 21(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal;or

- (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(3) In subsection (2)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

## **72. Disciplinary powers of the Council**

Section 17(6) is amended—

- (a) by repealing “after the decision of the Court of Appeal affirming or varying such order” and substituting “after the appeal is finally determined”;
- (b) by repealing “or the order as so varied, as the case may be,” and substituting “or, if the order is varied on appeal, the order as so varied”.

## **73. Provisions relating to orders of the Council**

Section 21(2) is amended by repealing “an appeal against such order, until after the determination of such appeal” and substituting “an appeal made to the Court of Appeal against the order under section 22, before the appeal is finally determined”.

## **74. Appeals**

Section 22(1) is amended—

- (a) by adding “or an order” after “a decision”;
- (b) by repealing “the decision of the Council” and substituting “the decision or the order, as the case may be”;
- (c) in paragraph (c), by adding “或命令” after “決定”.

### **Supplementary Medical Professions Ordinance**

## **75. Appeals to Court of Appeal**

Section 25(2) of the Supplementary Medical Professions Ordinance (Cap. 359) is repealed.

### **Related Amendments**

## **76. Interpretation**

Section 2 is amended by adding—

“(4) For the purposes of sections 22(2) and 24(2), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(5) In subsection (4)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or



- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

#### **77. Disciplinary powers of board**

Section 22(2) is amended—

- (a) by repealing “after the decision of the Court of Appeal affirming or varying such order” and substituting “after the appeal is finally determined”;
- (b) in paragraph (a), by repealing “or the order as so varied, as the case may be, publish the order” and substituting “publish the order or, if the order is varied on appeal, the order as so varied”;
- (c) in paragraph (b), by repealing “or the order as so varied, as the case may be, publish the order” and substituting “publish the order or, if the order is varied on appeal, the order as so varied”.

#### **78. Provisions relating to decisions and orders of boards**

Section 24(2) is amended—

- (a) by adding “to the Court of Appeal” before “against the decision”;
- (b) by repealing “or while the appeal awaits determination by the Court of Appeal” and substituting “or, if such an appeal has been made, before the appeal is finally determined”.

### **Architects Registration Ordinance**

#### **79. Appeal to Court of Appeal**

Section 29(5) of the Architects Registration Ordinance (Cap. 408) is repealed.

## Related Amendments

### 80. Interpretation

Section 2 is amended—

- (a) by renumbering it as section 2(1);
- (b) by adding—

“(2) For the purposes of sections 27(2) and 28(1), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of;
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(3) In subsection (2)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)——

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

## **81. Removal of name from the register**

Section 20(3) is amended by adding “the Court of Final Appeal,” before “the Court of Appeal”.

## **82. Service of orders of inquiry committee**

Section 27(2) is amended—

- (a) by repealing “28 days” and substituting “3 months”;
- (b) by repealing “, and in the event of an appeal under section 29 or until the time therefor has expired shall await the decision of the Court of Appeal” and substituting “or, in the case of an appeal made to the Court of Appeal against the order under section 29, before the appeal is finally determined”.

### **83. Publication of disciplinary orders**

Section 28(1) is amended—

- (a) by repealing “an appeal under section 29 against an order of an inquiry committee under section 24(1)(a) to (e) may be made, or where in the case of an appeal the order is affirmed or varied or the appeal is abandoned” and substituting “an appeal may be made to the Court of Appeal under section 29 against an order of an inquiry committee made under section 24(1)(a), (b), (c), (d) or (e) or, if such an appeal has been made, after the appeal is finally determined”;
- (b) in paragraph (a), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”;
- (c) in paragraph (b), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”.

### **84. Appeal to Court of Appeal**

Section 29 is amended—

- (a) in subsection (1), by adding “or order” after “decision”;
- (b) in subsection (2), by adding “or order” after “decision”;
- (c) in subsection (3), by repealing “a decision” and substituting “an order”.

## **Engineers Registration Ordinance**

### **85. Appeal to Court of Appeal**

Section 28(5) of the Engineers Registration Ordinance (Cap. 409) is repealed.

## **Related Amendments**

### **86. Interpretation**

Section 2 is amended—

- (a) by renumbering it as section 2(1);
- (b) by adding—

“(2) For the purposes of sections 26(2) and 27(1), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of;
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(3) In subsection (2)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—

- (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
- (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

**87. Removal of name from the register**

Section 19(3) is amended by adding “the Court of Final Appeal,” before “the Court of Appeal”.

**88. Service of orders of inquiry committee**

Section 26(2) is amended—

- (a) by repealing “28 days” and substituting “3 months”;
- (b) by repealing “, and in the event of an appeal under section 28 or until the time therefor has expired shall await the decision of the Court of Appeal” and substituting “or, in the case of an appeal made to the Court of Appeal against the order under section 28, before the appeal is finally determined”.

**89. Publication of disciplinary orders**

Section 27(1) is amended—

- (a) by repealing “an appeal under section 28 against an order of an inquiry committee under section 23(1)(a) to (e) may be made, or where in the case of an appeal the order is affirmed or varied or the appeal is abandoned” and substituting “an appeal may be made to the Court of Appeal under section 28 against an order of an inquiry committee made under section 23(1)(a), (b), (c), (d) or (e) or, if such an appeal has been made, after the appeal is finally determined”;
- (b) in paragraph (a), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”;
- (c) in paragraph (b), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”.

## **90. Appeal to Court of Appeal**

Section 28 is amended—

- (a) in subsection (2), by adding “or order” after “decision”;
- (b) in subsection (3), by repealing “a decision” and substituting “an order”.

## **Surveyors Registration Ordinance**

## **91. Appeal to Court of Appeal**

Section 28(5) of the Surveyors Registration Ordinance (Cap. 417) is repealed.

## **Related Amendments**

## **92. Interpretation**

Section 2 is amended—

- (a) by renumbering it as section 2(1);
- (b) by adding—
  - “(2) For the purposes of sections 26(2) and 27(1), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(3) In subsection (2)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or



- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

### **93. Removal of name from the register**

Section 19(3) is amended by adding “the Court of Final Appeal,” before “the Court of Appeal”.

### **94. Service of orders of inquiry committee**

Section 26(2) is amended by repealing “, and in the event of an appeal under section 28 or until the time therefor has expired shall await the decision of the Court of Appeal” and substituting “or, in the case of an appeal made to the Court of Appeal against the order under section 28, before the appeal is finally determined”.

### **95. Publication of disciplinary orders**

Section 27(1) is amended—

- (a) by repealing “an appeal under section 28 against an order of an inquiry committee under section 23(1)(a) to (e) may be made, or where in the case of an appeal the order is affirmed or varied or the appeal is abandoned” and substituting “an appeal may be made to the Court of Appeal under section 28 against an order of an inquiry committee made under section 23(1)(a), (b), (c), (d) or (e) or, if such an appeal has been made, after the appeal is finally determined”;

- (b) in paragraph (a), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”;
- (c) in paragraph (b), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”.

## 96. Appeal to Court of Appeal

Section 28 is amended—

- (a) in subsection (2), by adding “or order” after “decision”;
- (b) in subsection (3), by repealing “a decision” and substituting “an order”.

## Planners Registration Ordinance

## 97. Appeal to Court of Appeal

Section 28(5) of the Planners Registration Ordinance (Cap. 418) is repealed.

## Related Amendments

## 98. Interpretation

Section 2 is amended—

- (a) by renumbering it as section 2(1);
- (b) by adding—

“(2) For the purposes of sections 26(2) and 27(1), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;

- (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal;  
or
- (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or
  - (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(3) In subsection (2)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

- (a) in the case of an application for leave to appeal made to the Court of Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or
  - (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or
- (b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—
  - (i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or

- (ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

### **99. Removal of name from the register**

Section 19(3) is amended by adding “the Court of Final Appeal,” before “the Court of Appeal”.

### **100. Service of orders of inquiry committee**

Section 26(2) is amended by repealing “, and in the event of an appeal under section 28 or until the time therefor has expired shall await the decision of the Court of Appeal” and substituting “or, in the case of an appeal made to the Court of Appeal against the order under section 28, before the appeal is finally determined”.

### **101. Publication of disciplinary orders**

Section 27(1) is amended—

- (a) by repealing “an appeal under section 28 against an order of an inquiry committee under section 23(1)(a) to (e) may be made, or where in the case of an appeal the order is affirmed or varied or the appeal is abandoned” and substituting “an appeal may be made to the Court of Appeal under section 28 against an order of an inquiry committee made under section 23(1)(a), (b), (c), (d) or (e) or, if such an appeal has been made, after the appeal is finally determined”;
- (b) in paragraph (a), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”;
- (c) in paragraph (b), by repealing “or the order as varied on appeal” and substituting “or, if the order is varied on appeal, the order as so varied”.

### **102. Appeal to Court of Appeal**

Section 28 is amended—

- (a) in subsection (2), by adding “or order” after “decision”;
- (b) in subsection (3), by repealing “a decision” and substituting “an order”.

## Land Survey Ordinance

### 103. Appeal from decisions of the Committee

Section 18(1) of the Land Survey Ordinance (Cap. 473) is amended by repealing “and the decision of the Court of Appeal is final”.

### 104. Appeals from decisions or orders of the Disciplinary Board

Section 27(1) is amended by repealing “and the decision of the Court of Appeal is final”.

## Related Amendments

### 105. Removal of name from the register

Section 15(1)(*d*) is amended by repealing “a Disciplinary Board or the Court of Appeal” and substituting “the Court of Final Appeal, the Court of Appeal or a Disciplinary Board”.

### 106. Reinstatement of name after removal

Section 16(3) is amended by adding “the Court of Final Appeal or” before “the Court of Appeal”.

### 107. Publication of disciplinary orders

Section 26 is amended—

(*a*) by repealing subsection (1) and substituting—

“(1) Where a Disciplinary Board makes an order under section 25(1), then—

(*a*) subject to paragraphs (*b*) and (*c*), after the expiry of the period prescribed by Order 59, rule 4 of the Rules of the High Court (Cap. 4 sub. leg. A) for serving notice of appeal against the order;

(*b*) subject to paragraph (*c*), if the Court of Appeal on an application made within the period referred to in paragraph (*a*) extends that period, after the expiry of the period as so extended; or

- (c) if an appeal is made within the period referred to in paragraph (a) or the extended period referred to in paragraph (b) to the Court of Appeal against the order under section 27, after the appeal is finally determined,

the Committee—

- (d) shall publish a copy of the order or, if the order is varied on appeal, the order as so varied in at least 1 English and 1 Chinese language newspaper circulating daily in Hong Kong; and
- (e) may publish the order or, if the order is varied on appeal, the order as so varied in any other publication or manner as the Committee thinks fit.”;

(b) by adding—

“(4) For the purposes of subsection (1)(c), an appeal to the Court of Appeal shall be deemed to be finally determined when the earliest of the following events occurs, whichever is applicable in the circumstances—

- (a) when the appeal to the Court of Appeal is withdrawn or abandoned;
- (b) when the specified period expires without an application for leave to appeal having been made to the Court of Appeal;
- (c) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Appeal—
  - (i) when the application is withdrawn or abandoned;
  - (ii) if the application is refused, when the specified period expires without an application for leave to appeal having been made to the Court of Final Appeal; or
  - (iii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of; or
- (d) if, before the expiry of the specified period, an application for leave to appeal is made to the Court of Final Appeal—
  - (i) when the application is withdrawn, abandoned or refused; or

- (ii) if the application is granted, when the appeal to the Court of Final Appeal is withdrawn, abandoned or disposed of.

(5) In subsection (4)—

“application for leave to appeal” (上訴許可申請) means an application made to the Court of Appeal or the Court of Final Appeal under section 24 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) for leave to appeal to the Court of Final Appeal from a judgment of the Court of Appeal;

“specified period” (指明限期)—

(a) in the case of an application for leave to appeal made to the Court of Appeal, means—

(i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or

(ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Appeal extends that period, the period as so extended; or

(b) in the case of an application for leave to appeal made to the Court of Final Appeal, means—

(i) subject to subparagraph (ii), the period of 28 days within which the notice of motion referred to in section 24(4) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) is required to be filed; or

(ii) if, on an application made within the 28-day period referred to in subparagraph (i), the Court of Final Appeal extends that period, the period as so extended.”.

## **108. Appeals from decisions or orders of the Disciplinary Board**

Section 27 is amended—

- (a) in subsection (1), by adding “or order” after “with the decision”;
- (b) in subsection (2), by adding “or order” after “decision”.