

LEGISLATIVE COUNCIL BRIEF

**Legal Officers Ordinance
(Chapter 87)**

**LEGAL OFFICERS ORDINANCE (AMENDMENT OF
SCHEDULE 1) ORDER 2005**

INTRODUCTION

A At the meeting of the Executive Council on 7 June 2005, the Council ADVISED and the Acting Chief Executive ORDERED that the Legal Officers Ordinance (Amendment of Schedule 1) Order 2005 at **Annex A** be made by the Acting Chief Executive to add under the heading of "Land Registry" the ranks of Deputy Principal Solicitor, Assistant Principal Solicitor and Solicitor of the Land Registry in Schedule 1 to the Legal Officers Ordinance.

JUSTIFICATIONS

2. With a view to making preparation for the implementation of the title registration system following the enactment of the Land Titles Ordinance on 7 July 2004, additional solicitors in the ranks of Deputy Principal Solicitor, Assistant Principal Solicitor and Solicitor have been appointed to the Land Registry. All officers in these ranks and the pre-existing senior solicitor rank are expected to take up the full range of legal duties, including appearing in court on behalf of the Land Registrar, the rights of which is normally exercised by a barrister; and taking oaths and certifying documents, the rights of which are normally exercised by a solicitor. For officers in these ranks to be able to exercise the full range of rights of both a barrister and a solicitor admitted under the provisions of the Legal Practitioners Ordinance, it is necessary to amend Schedule 1 to include officers in these ranks as legal officers.

3. Section 11 of the Legal Officers Ordinance provides for the Chief Executive to amend Schedule 1 by order.

THE ORDER

A 4. The Order at **Annex A** amends Schedule 1 to the Legal Officers Ordinance, under the heading of “Land Registry”, by repealing “Senior Solicitor, Land Registry” and substituting –

“Deputy Principal Solicitor, Land Registry.
Assistant Principal Solicitor, Land Registry.
Senior Solicitor, Land Registry.
Solicitor, Land Registry.”

This will allow solicitors in all ranks in the Land Registry to be legal officers for the purpose of the Legal Officers Ordinance. The existing provisions being amended are at **Annex B**.

B

LEGISLATIVE TIMETABLE

5. The legislative timetable will be -

Publication in the Gazette	17 June 2005
Tabling at the Legislative Council	22 June 2005
Commencement	2 December 2005

IMPLICATIONS OF THE PROPOSAL

6. The proposal has no financial and civil service implications. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no environmental, economic or sustainability implications.

PUBLIC CONSULTATION

7. No public consultation is necessary. The amendment is to confer on the officers in various legal ranks the same rights as the existing senior solicitor in the Land Registry. The aim is to facilitate the officers in the performance of their duties in the Land Registry, without affecting the public.

PUBLICITY

8. The amendment only affects the internal operations of the Land Registry and not the public, hence no publicity is considered necessary.

ENQUIRIES

9. Enquiries on this brief may be directed to Ms Jenny Lau, Assistant Secretary (Buildings)/Housing, Planning and Lands Bureau at telephone number 2848 6290 or fax number 2899 2916.

Housing, Planning and Lands Bureau
14 June 2005

**LEGAL OFFICERS ORDINANCE
(CHAPTER 87)**

**LEGAL OFFICERS ORDINANCE (AMENDMENT OF SCHEDULE 1)
ORDER 2005 : ANNEXES**

Annex A - Legal Officers Ordinance (Amendment of Schedule 1) Order
2005

Annex B - Legal Officers Ordinance (Chapter 87) Schedule 1

LEGAL OFFICERS ORDINANCE (AMENDMENT OF SCHEDULE 1) ORDER 2005

(Made under section 11 of the Legal Officers Ordinance (Cap. 87) after consultation with the Executive Council)

1. Commencement

This Order shall come into operation on 2 December 2005.

2. Schedule 1 amended

Schedule 1 to the Legal Officers Ordinance (Cap. 87) is amended, under the heading of "LAND REGISTRY", by repealing "Senior Solicitor, Land Registry." and substituting -

"Deputy Principal Solicitor, Land Registry.

Assistant Principal Solicitor, Land Registry.

Senior Solicitor, Land Registry.

Solicitor, Land Registry.".

Acting Chief Executive

2005

Explanatory Note

Under section 2 of the Legal Officers Ordinance (Cap. 87) ("the Ordinance"), an officer lawfully performing the functions of any of the officers designated in Schedule 1 to the Ordinance is a legal officer. This Order adds the officers of "Deputy Principal Solicitor, Land Registry", "Assistant Principal Solicitor, Land Registry" and "Solicitor, Land Registry" to that Schedule. (A legal officer has all the rights of a barrister and a solicitor admitted under the Legal Practitioners Ordinance (Cap. 159), in respect of the matters set out in section 4(1) of the Ordinance.)

Annex B

Chapter:	87	LEGAL OFFICERS ORDINANCE	Gazette Number	Version Date
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Schedule:	1		L.N. 87 of 2003	28/03/2003
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SCHEDULE 1

[sections 2, 3 & 11]

(Amended 42 of 2000 s. 26)

DEPARTMENT OF JUSTICE

Secretary for Justice.
Law Officer.
Director of Public Prosecutions.
Law Officer (Civil Law).
Law Draftsman.
Solicitor General.
Principal Government Counsel.
Deputy Director of Public Prosecutions.
Deputy Law Officer (Civil Law).
Deputy Law Draftsman.
Deputy Solicitor General.
Deputy Principal Government Counsel.
Senior Assistant Director of Public Prosecutions.
Senior Assistant Law Officer (Civil Law).
Senior Assistant Law Draftsman.
Senior Assistant Solicitor General.
Assistant Principal Government Counsel.
Assistant Director of Public Prosecutions.
Assistant Law Officer (Civil Law).
Assistant Law Draftsman.
Assistant Solicitor General.
Senior Government Counsel.
Government Counsel.
Assistant Government Counsel.

LANDS DEPARTMENT

Principal Solicitor, Legal Advisory and Conveyancing Office.
Deputy Principal Solicitor, Legal Advisory and Conveyancing Office.
Assistant Principal Solicitor, Legal Advisory and Conveyancing Office.
Senior Solicitor, Legal Advisory and Conveyancing Office.
Solicitor, Legal Advisory and Conveyancing Office.

COMPANIES REGISTRY

Deputy Principal Solicitor, Companies Registry.
Assistant Principal Solicitor, Companies Registry.
Senior Solicitor, Companies Registry.
Solicitor, Companies Registry.

LAND REGISTRY

Senior Solicitor, Land Registry.
(Replaced L.N. 129 of 1979. Amended L.N. 116 of 1980; 8 of 1993 s. 9; L.N. 291 of 1993 L.N. 373 of 1994; 11 of 1999 s. 3)