

Chapter:	5	OFFICIAL LANGUAGES ORDINANCE	Gazette Number	Version Date
----------	---	-------------------------------------	----------------	--------------

		Long title		30/06/1997
--	--	-------------------	--	------------

To provide for the official languages of Hong Kong, and for their status and use.

[15 February 1974]

(Originally 10 of 1974)

Section:	1	Short title		30/06/1997
----------	---	--------------------	--	------------

This Ordinance may be cited as the Official Languages Ordinance.

Section:	2	Interpretation		30/06/1997
----------	---	-----------------------	--	------------

In this Ordinance, unless the context otherwise requires-

"Bilingual Laws Advisory Committee" (雙語法例諮詢委員會) means the Committee established under section 4C;
(Added 17 of 1987 s. 2)

"court" (法院、法庭) means any court, and also means any board, tribunal or person having by law the power to hear, receive and examine evidence on oath.

Section:	3	Official languages and their status and use		30/06/1997
----------	---	--	--	------------

(1) The English and Chinese languages are declared to be the official languages of Hong Kong for the purposes of communication between the Government or any public officer and members of the public and for court proceedings. (Amended 51 of 1995 s. 2)

(2) The official languages possess equal status and, subject to the provisions of this Ordinance, enjoy equality of use for the purposes set out in subsection (1).

Section:	4	Enactment of Ordinances in both official languages	26 of 1999	01/07/1997
----------	---	---	------------	------------

Remarks:

Adaptation amendments retroactively made - see 26 of 1999 s. 3

- (1) All Ordinances shall be enacted and published in both official languages.
- (2) Nothing in subsection (1) shall require an Ordinance to be enacted and published in both official languages where that Ordinance amends another Ordinance and-
 - (a) that other Ordinance was enacted in the English language only; and
 - (b) no authentic text of that Ordinance has been published in the Chinese language under section 4B(1).
- (3) Nothing in subsection (1) shall require an Ordinance to be enacted and published in both official languages where the Chief Executive in Council- (Amended 26 of 1999 s. 3)
 - (a) is of the opinion that a Bill is urgent and its enactment as an Ordinance in both official languages will occasion unreasonable delay; and
 - (b) directs that the Bill shall be presented to the Legislative Council in one of the official languages.
- (4) Nothing in this section shall be construed as restricting the use of Chinese words in the English text of an Ordinance or of English words in the Chinese text of an Ordinance.
- (5) This section shall not extend to subsidiary legislation.

(Replaced 17 of 1987 s. 3)

Section:	4A	Making of bilingual subsidiary legislation in both official languages	26 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 26 of 1999 s. 3

(1) The Chief Executive in Council may, by order in the Gazette, direct that subsidiary legislation- (Amended 26 of 1999 s. 3)

- (a) of any class or description specified in the order; and
- (b) made after the date on which the order takes effect,

shall be made and published in both official languages.

(2) An order under subsection (1) may be made subject to such exceptions or qualifications as may be stated therein.

(3) Nothing in subsection (1) shall prevent any subsidiary legislation which is not specified in an order under that subsection being made and published in both official languages.

(Added 17 of 1987 s. 3)

Section:	4B	Publication in an official language of the text of an existing law enacted in the other	13 of 2011	30/06/2011
----------	----	--	------------	------------

(1) Where an Ordinance has been enacted in one official language, the Chief Executive in Council may, by order in the Gazette made after consultation with the Bilingual Laws Advisory Committee, declare that the authentic text of that Ordinance in the other official language shall be as specified in the order.

(2-3) (Repealed 13 of 2011 s. 34)

(4) (Repealed 46 of 1994 s. 2)

(Added 17 of 1987 s. 3. Amended 26 of 1999 s. 3)

Section:	4C	Bilingual Laws Advisory Committee	26 of 1999	01/07/1997
----------	----	--	------------	------------

Remarks:

Adaptation amendments retroactively made - see 26 of 1999 s. 3

(1) There shall be a Bilingual Laws Advisory Committee which shall-

- (a) advise the Chief Executive in Council whenever consulted by him under section 4B(1), which advice may include recommendations as to the sequence in which authentic texts of Ordinances should be declared under section 4B(1); and
- (b) perform such other functions as the Chief Executive in Council may from time to time direct,

in relation to the publication of laws in the official languages.

(2) The Bilingual Laws Advisory Committee shall consist of a chairman and other members appointed by the Chief Executive, who shall hold office for such period as the Chief Executive may determine.

(3) The members of the Bilingual Laws Advisory Committee appointed under subsection (2) shall include-

- (a) a legal officer, as defined in section 2 of the Legal Officers Ordinance (Cap 87);
- (b) a practising solicitor appointed after consultation with the president of the Law Society of Hong Kong;
- (c) a practising barrister appointed after consultation with the chairman of the Hong Kong Bar Association; and
- (d) not less than 2 persons, not being public officers, who in the opinion of the Chief Executive have appropriate language skills.

(4) A member of the Bilingual Laws Advisory Committee may resign at any time by notice in writing addressed to the Chief Executive.

(5) The Bilingual Laws Advisory Committee shall meet as often as may be necessary for the discharge of its functions under subsection (1) or as the chairman may direct.

(6) The procedure of the bilingual Laws Advisory Committee shall be such as the chairman may determine and, subject thereto, the Committee-

- (a) may establish sub-committees to assist the Committee in the discharge of its functions;
- (b) may appoint as members of any such sub-committee suitably qualified persons to assist such sub-committee; and
- (c) may consult with such other persons as the Committee may deem fit.

(Added 17 of 1987 s. 3. Amended 26 of 1999 s. 3)

Section:	4D	(Repealed 13 of 2011 s. 35)	13 of 2011	30/06/2011
----------	----	------------------------------------	------------	------------

Section:	5	Judicial proceedings	21 of 1999	11/06/1999
----------	---	-----------------------------	------------	------------

(1) A judge, magistrate or other judicial officer may use either or both of the official languages in any proceedings or a part of any proceedings before him as he thinks fit. (Amended 21 of 1999 s. 24)

(2) The decision of a judge, magistrate or other judicial officer under subsection (1) is final.

(3) Notwithstanding subsection (1), a party to or a witness in any proceedings or a part of any proceedings may-

(a) use either or both of the official languages; and

(b) address the court or testify in any language.

(4) Notwithstanding subsection (1), a legal representative in any proceedings or a part of any proceedings may use either or both of the official languages. (Amended 21 of 1999 s. 24)

(5) The Chief Justice may make rules and issue practice directions to regulate the use of the official languages in the courts.

(Replaced 51 of 1995 s. 3)

Section:	6	(Repealed 21 of 1999 s. 25)	21 of 1999	11/06/1999
----------	---	------------------------------------	------------	------------

Schedule:		SCHEDULE (Repealed 51 of 1995 s. 4)		30/06/1997
-----------	--	--	--	------------