

Information paper

Implementation of the Recommendations Made by the Law Reform Commission

This paper aims to report to the Legislative Council (“LegCo”) the progress of implementation of the recommendations made by the Law Reform Commission (“LRC”).

Background

2. Since 2012, the Secretary for Justice (“SJ”) has, as the Chairman of the LRC, reported the progress of implementation of the recommendations made by the LRC to the LegCo Panel on Administration of Justice and Legal Services (“AJLS Panel”) on an annual basis.

3. At the AJLS Panel meeting on 2 August 2022, SJ briefed members on the Government’s new mechanism for reporting to LegCo the progress of implementation of LRC recommendations. An information paper¹ setting out the new mechanism was also submitted to AJLS Panel in February 2024. Under the new mechanism, the Administration Wing of the Chief Secretary for Administration’s Office would coordinate detailed responses from the relevant policy bureaux and departments (“B/Ds”) on the progress of implementation of the recommendations in LRC reports. An information paper containing the consolidated responses would then be issued to all LegCo Members (instead of to the AJLS Panel) for information and follow-up on an annual basis. The new mechanism would better facilitate LegCo in following up with the relevant B/Ds on the progress of implementation of LRC’s recommendations.

¹ The relevant paper is CB(4)165/2024(01) “Information paper on the mechanism for the Government to report the progress of the implementation of LRC’s recommendations”.

Latest position

4. This information paper sets out the latest progress or updates as provided by the B/Ds on their consideration or implementation in relation to selected LRC reports. The table at **Appendix** lists out the progress or updates concerned by the following five categories according to their implementation status –

- (a) recommendations implemented in full;
- (b) recommendations implemented in part;
- (c) recommendations under consideration or in the process of being implemented;
- (d) recommendations rejected by the Government; and
- (e) recommendations in respect of which the Government has no plan to implement at this juncture.

5. The following sub-paragraphs highlight the more significant developments advised by the subject B/Ds since the issue of the last information paper in September 2024 –

- **Item 1: Substitute decision-making and advance directives in relation to medical treatment**

In its report released in 2006, LRC recommended that the Government should initially promote the concept of advance medical directives under the existing common law framework, and consider whether legislation was appropriate when there was greater public awareness of the concept. The Advance Decision on Life-sustaining Treatment Ordinance (Cap. 651) was enacted by the LegCo in November 2024, which is expected to take effect in around mid-2026. The Health Bureau is arranging training sessions for relevant organisations, coordinating with relevant stakeholders in updating relevant guidelines, and enhancing eHealth to support the implementation of the relevant ordinance.

- **Item 5: Sentencing and Related Matters in the Review of Sexual Offences**

The LRC Report suggested reviewing penalties for sexual offences, improving treatment and rehabilitation for offenders, and optimising the Sexual Conviction Record Check (SCRC) Scheme.

On the LRC's recommendation to expand the scope of the SCRC Scheme to cover all existing employees, self-employed persons and volunteers, the Security Bureau has expanded the scheme to cover prospective self-employed persons from 16 December 2024 as the first phase, and in reviewing the relevant experiences, it will consider expanding the scope to all volunteers by the end of 2025.

● **Item 6: Adverse possession**

In view of the broader and on-going reviews of the Land Titles Ordinance (Cap. 585), the LRC Report made recommendations applicable to Hong Kong when a registered title regime is in place. The Development Bureau welcomes LRC's recommendations, inter alia, to give certainty to private land ownership through appropriate means to complement the title registration regime. The Registration of Titles and Land (Miscellaneous Amendment) Bill 2025 was introduced into LegCo in February 2025 to implement the title registration system on newly granted land first, under which the laws of adverse possession will be dis-applied. The Bill was passed by the LegCo on 25 September 2025, and is expected to take effect in the first half of 2027.

6. Members who would like to follow up on individual LRC reports are invited to take the matter up with the subject B/Ds through the relevant LegCo Panels.

Administration Wing
Chief Secretary for Administration's Office
September 2025

Appendix

LATEST PROGRESS OR UPDATES ON IMPLEMENTATION STATUS OF REPORTS PUBLISHED BY THE LAW REFORM COMMISSION

This appendix provides the latest implementation status by relevant Bureaux and Departments in respect of the LRC's recommendations by listing out items with progress or updates since the information paper issued in September 2024.

The implementation status of LRC reports is categorised into the following five types in accordance with the established arrangement:

- (a) recommendations implemented in full;
- (b) recommendations implemented in part;
- (c) recommendations under consideration or in the process of being implemented;
- (d) recommendations rejected by the Government; and
- (e) recommendations in respect of which the Government has no plan to implement at this juncture.

Detailed updates to individual reports are set out below:

(a) Recommendations implemented in full

	Report (month and year of publication)	Responsible bureau	Implementing legislation or other relevant information, including response from the responsible bureau
1	Substitute decision- making and advance directives in relation to medical treatment (August 2006)	Health Bureau	Implemented by Advance Decision on Life-sustaining Treatment Ordinance (Cap. 651) (30 of 2024) (November 2024). The Advance Decision on Life-sustaining Treatment Ordinance is planned to take effect 18 months after its passage (i.e. around mid-2026).

(b) Recommendations implemented in part

	Report (month and year of publication)	Responsible bureau	Implementing legislation or other relevant information, including response from the responsible bureau
2	Guardianship and custody – Part 3: The family dispute resolution process (March 2003)	Home and Youth Affairs Bureau	The Report looks at various approaches which may be adopted in resolving family disputes, and focuses particularly on the use of mediation. The Report makes recommendations to strengthen family mediation services and to enhance the family litigation process. The Bureau has been assigned to co-ordinate inputs from relevant bureaux and departments in formulating a response to LRC's recommendations. With the implementation of the Civil Justice Reform, legal aid has been extended to cover mediation in civil proceedings since 2009. Between 2 April 2009 and 31 May 2025, the Legal Aid Department has approved funding for appointment of mediators in 2 293 matrimonial cases. In May 2012, the Judiciary issued a Practice Direction on Family Mediation which sets out the duty of the parties and their legal representatives to assist the Court in encouraging the parties to use mediation as an alternative dispute resolution procedure. Furthermore, a Practice Direction on Children's Dispute Resolution Pilot Scheme has come into effect since October 2012 and has been formalised as standard practice since April 2016. Parents wishing to seek mediation may approach the Integrated Mediation Office set up by the Judiciary for assistance. The Judiciary introduced the Family Court-annexed Mediation Scheme as a pilot scheme for a period of two years commencing from March 2024. The scheme intends to assist the divorcing parties to settle their disputes by adopting a collaborative approach among Family Judges and Masters, the Integrated Mediation Office and family mediators

	Report (month and year of publication)	Responsible bureau	Implementing legislation or other relevant information, including response from the responsible bureau
			at the court premises. Accredited family mediators have been engaged for provision of mediation services at the court premises as and when required on the hearing date. A Practice Direction on a pilot scheme for private adjudication of financial disputes in matrimonial and family proceedings came into effect on 19 January 2015 and has been further extended for another two years from 2024 to 2026. The scheme provides an alternative means for dispute resolution, which aims at furthering the objective of settlement facilitation. The research team commissioned by the Family Council completed a study on the provision of family mediation services in Hong Kong in late 2016. The Family Council has shared the study findings and recommendations with relevant bureaux/departments and organisations for their reference and follow up actions as appropriate.
3	Causing or Allowing the Death or Serious Harm of a Child or Vulnerable Adult (September 2021)	Labour and Welfare Bureau	The Government welcomes the recommendations in the LRC Report. The objective of the proposed new offence of “failure to protect” ¹ in the Report is in line with the Mandatory Reporting of Child Abuse Ordinance (the Ordinance) as they both mandate certain categories of persons to take reasonable steps to protect children from suffering serious harm. The Government notes that the LRC’s proposed new offence is relatively complex in the execution and in particular, whether a person owes a “duty of care” to the child in institutional settings. The enactment of the Ordinance in July 2024, which mandates 25 categories of professional practitioners in the

¹ The offence of “failure to protect” in respect of children refers to the failure to protect a child in cases where the child’s death or serious injury is caused by an unlawful act or neglect. The maximum penalty recommended by the Law Reform Commission is imprisonment of 20 years if the victim dies and 15 years if the victim suffers serious harm.

	Report (month and year of publication)	Responsible bureau	Implementing legislation or other relevant information, including response from the responsible bureau
			Schedule 1 to the legislation to report serious child abuse cases, signifies a milestone in child protection. The Government will continue to ensure the support measures on various fronts are in place properly before the commencement of the Ordinance in January 2026 and will monitor its effectiveness upon its implementation.
4	Privacy – Part 5: Civil liability for invasion of privacy (December 2004)	Constitutional and Mainland Affairs Bureau	The Report touches on the sensitive and controversial policy and political issues. There were mixed responses and very divergent views from different sectors of the community. To provide an avenue for civil compensation claims related to personal data privacy breaches, the Personal Data (Privacy) Ordinance (PDPO) was amended in 2012 to, inter alia, empower the Privacy Commissioner to grant legal assistance under section 66B of the PDPO. Through its legal assistance scheme, the Office of the Privacy Commissioner for Personal Data (PCPD) has been assisting eligible aggrieved individuals who suffer damage due to a data user's contravention of the requirement under PDPO to seek compensation. In April 2025, the PCPD published a new version of the information leaflet on the scheme to provide an overview of and further promote the scheme to the public. Additionally, the PCPD further encourages the use of alternative dispute resolution mechanisms (including conciliation and mediation) in negotiating settlements out of court. The PCPD will continue its work and monitor related developments.
5	Sentencing and Related Matters in the Review of Sexual Offences	Security Bureau	The Government is studying the recommendations contained in the two relevant LRC reports (the reports on Review of Substantive Sexual

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	(May 2022)		Offences and Sentencing and Related Matters in the Review of Sexual Offences), and will propose legislative amendments with reference to the development of relevant laws in other jurisdictions. The Government plans to commence consultation with relevant stakeholders on the proposed legislative amendments concerning the two reports in early 2026, and will submit the amendment proposals to the Legislative Council for consideration at a suitable juncture. In the report on Sentencing and Related Matters in the Review of Sexual Offences, the LRC recommended, among others, expanding the scope of the Sexual Conviction Record Check Scheme to cover existing employees, self-employed persons and volunteers. The Bureau agrees with the recommendation and expanded the scope to prospective self-employed persons from 16 December 2024 as the first phase. After reviewing the relevant experiences, the Bureau will consider expanding the scope to all volunteers by the end of 2025.
6	Adverse possession (October 2014)	Development Bureau	In consultation with the Lands Department ("LandsD") and the Land Registry ("LR"), the Bureau agrees with LRC's recommendation that the existing provisions on adverse possession should be retained under the current deeds registration system. The LRC recommended that the law of adverse possession under the registered land system should be recast upon implementation of the Land Titles Ordinance ("LTO") (Cap. 585) in future. As a matter of principle, the Bureau welcomes the suggestion to give certainty to private land ownership through appropriate

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			means to complement the title registration regime. In this regard, the Government introduced into the LegCo in February 2025 the Registration of Titles and Land (Miscellaneous Amendments) Bill 2025 (the Bill) to implement the title registration system on newly granted land first, which includes, as foreshadowed by the Government when briefing the Development Panel of the LegCo in December 2022 and January 2025, proposed amendments to dis-apply adverse possession laws on newly granted land to be covered by the title registration system in future, so as to dovetail with the principle of giving certainty to land title under the LTO. The Bill was passed by the LegCo on 25 September 2025, and is expected to take effect in the first half of 2027. The LRC Report suggests that the land boundary problem in the New Territories should be best dealt with together and in the context with the implementation of the LTO. Currently, LandsD administers a voluntary submission arrangement for authorised land surveyors to submit land boundary information under the Code of Practice of the Land Survey Ordinance (Cap. 473). The Bureau takes note of LRC's recommendation, and will keep in view the situation and the need for review. There are also recommendations in the LRC Report for legislative amendments to the Limitation Ordinance (Cap. 347) to clarify legal principles on adverse possession and overrule past judicial decisions. In general, the Government adopts a cautious approach on interfering with established legal principles and judicial decisions. At this stage, the Bureau does not see a pressing need to take forward the suggested legislative

	Report (month and year of publication)	Responsible bureau	Implementing legislation or other relevant information, including response from the responsible bureau
			amendments. The Bureau will however continue to keep in view the legal developments and review such need when and where necessary. The Bureau agrees with LRC's recommendation against devising a statutory presumption or assignment to the effect that the adverse possessor become liable under the covenants in the Government lease, and LRC's recommendation against changing the law on adverse possession on "Tso" land. The Bureau will continue to keep in view the development of the law on adverse possession in Hong Kong and overseas jurisdictions, and conduct review when and where necessary. For general public education, the Bureau has disseminated information on its website to promote the awareness of landowners of the implications if they sleep on their own rights, and on the importance of proper management and custody of their own land in protecting it from adverse possession by others.

(c) **Recommendations under consideration or in the process of being implemented**

	Report (month and year of publication)	Responsible bureau	Implementing legislation or other relevant information, including response from the responsible bureau
7	Guardianship and custody – Part 4: Child custody and access (March 2005)	Labour and Welfare Bureau	A series of recommendations were made on the arrangements in relation to child custody and access. These include recommendations that Hong Kong should apply joint parental responsibility model to family law having regard to the experience of overseas jurisdictions such as England and Wales and Australia. Some of these recommendations of the Report will fundamentally change the concept of “custody” underpinning the existing family law and have far-reaching implications. The Bureau prepared the draft Children Proceedings (Parental Responsibility) Bill in 2015 to follow up the majority of the LRC’s recommendations; and launched a public consultation in the same year. The consultation results showed that those in support of the proposed legislation considered that it was in line with some countries’ practices and could protect the child’s best interests. Those who opposed the proposed legislation considered that it could not help divorced parents in resolving conflicts, especially high-risk families with domestic violence background, but may cause more family problems and adversely affect the child’s development. Besides, the Legislative Council (LegCo) Panel on Welfare Services passed two motions in 2016 and 2017 respectively, requesting the Government not to introduce the proposed legislation into the LegCo at this stage, pending the provision of more support measures for separated/divorcing/divorced families. Hence, the Government shelved the legislative proposal and changed its focus on implementing a series of support measures to strengthen support for divorced families, including separated/divorcing/divorced parents and their children.

	Report (month and year of publication)	Responsible bureau	Implementing legislation or other relevant information, including response from the responsible bureau
			To keep abreast of the latest views of stakeholders, the Social Welfare Department conducted a questionnaire survey with the service users of its Specialised Co-parenting Support Centres and Integrated Family Service Centres in 2024. Results of the questionnaire survey indicated that the views of divorced parents on the subject remain diverse. In particular, more than 61% of the respondents opposed to allowing ex-spouses who do not live with their children to participate in major decisions affecting their children's welfare and future through legislation. The Government plans to launch a new and enhanced public education programme in 2026 to promote the concept of continuous joint responsibility of divorced parents for their children at various fronts of the community and to enable single parents to fully understand the current criteria of the court's judgments on custody orders, alleviating their concerns about the legislative proposal. After rolling out the public education programme for a period of time, the Government will evaluate the effectiveness of the enhanced public education programme and further consider whether the legislative proposal should be reintroduced.
8	Hearsay in criminal proceedings (November 2009)	Department of Justice	Following the legislative exercise of the Evidence (Amendment) Bill 2018 which lapsed in the Sixth Term of the LegCo, the Department is reviewing the matter as a whole with a view to revising and further improving the various legislative proposals to ensure that the new mechanism for admission of hearsay evidence in criminal proceedings will best ensure the administration of justice. The Government is committed to taking forward the legislative exercise with the aim of reintroducing an amendment bill

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			afresh in the Eighth Term of the LegCo.
9	Class actions (May 2012)	Department of Justice	The Government has established a cross-sector Working Group to study and consider the recommendations of the Report, comprising members representing stakeholders in the private sector, the relevant Government bureaux and departments, the two legal professional bodies and the Consumer Council, and a representative from the Judiciary whose role is confined to providing input to the deliberations from the perspective of interface with court operations. Thirty two meetings of the Working Group were held between 2013 and 2024. In addition, a sub-committee of the Working Group ('Sub-Committee') was formed to assist the Working Group on technical issues that might arise during its deliberations of the subject matter. The Sub-Committee has held thirty-three meetings between 2014 and 2019. On 31 December 2020, the Working Group, acting through its secretariat at the Department of Justice, announced that it intended to commission a consultancy study on the (potential and likely) economic and other related impacts on Hong Kong if a class action regime, starting with a pilot scheme restricted to consumer class actions only, is to be introduced. The consultancy contract was awarded to PricewaterhouseCoopers Advisory Services Limited on 26 August 2021. The Final Report of the consultancy study is still being finalised.
10	Charities (December 2013)	Home and Youth Affairs Bureau	The recommendations of the LRC Report on charities are relevant to the purviews of various Government bureaux and departments. Since many recommendations in the LRC Report carry significant implications on charities in Hong Kong in terms of their definition

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			and operation, the Government needs to consider the recommendations thoroughly and carefully. The Bureau has been tasked to co-ordinate inputs from relevant bureaux and departments in formulating a response to LRC's recommendations. In following up the co-ordination, the Bureau has taken into account the improvement measures recommended in the Director of Audit's Report No 68 (Audit Report) as well as in the Public Accounts Committee Reports No 68 and 68A (PAC Reports). With reference to the recommendations in the LRC Report, the Audit Report as well as the PAC Reports, the Government introduced and implemented a series of administrative measures relating to charitable fund-raising activities in 2018 and 2019 with a view to optimising the monitoring and supportive work relating to charitable fund-raising activities. The Government will continue to keep in view the need for legislative amendments as appropriate. Besides, in consultation with relevant bureaux and departments, the Bureau had made a detailed response at the LegCo meeting on 6 November 2024 in reply to Hon Carmen Kan's written question on "Monitoring of charitable institutions". The response pointed out the administrative measures that the Government introduced to enhance the transparency and accountability of charitable fund-raising activities. The relevant reply can be found at the following link: https://www.info.gov.hk/gia/general/202411/06/P2024110600240.htm.
11	Review of substantive sexual offences (December	Security Bureau	The LRC published a report on the Review of Substantive Sexual Offences in December 2019 and, subsequently in May 2022, a report on Sentencing and Related Matters in the Review of Sexual

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	2019)		Offences. The two reports cover the subjects of four consultation papers of the LRC in the past ten-odd years, including rape and other non-consensual sexual offences, sexual offences involving children and persons with mental impairment, miscellaneous sexual offences, and sentencing and related matters in the review of sexual offences. The two reports have extensive coverage and contain over 70 recommendations. The Government is studying the recommendations in the reports and will propose legislative amendments with reference to the development of relevant laws in other jurisdictions. The Government plans to commence consultation with relevant stakeholders on the proposed legislative amendments concerning the two reports in early 2026, and will submit the amendment proposals to the Legislative Council for consideration at a suitable juncture.

(d) Recommendations rejected by the Government

There are no changes to the items in this category.

(e) **Recommendations in respect of which the Government has no plan to implement at this juncture**

	Report (month and year of publication)	Responsible bureau	Response from the responsible bureau, or other relevant information
12	Insolvency - Part 2: Corporate rescue and insolvent trading (October 1996)	Financial Services and the Treasury Bureau	The Bureau conducted many rounds of consultations on whether and how Hong Kong should establish statutory corporate rescue procedures (CRP), and in 2020 introduced specific legislative proposal to key stakeholders, including LegCo members, business sector, professional sectors (including legal and accountancy sectors), labour sector etc. While the proposal received support from some stakeholders, especially the accountancy and legal sectors as well as some from the business sector, some other key stakeholders had reservations. The labour sector worried that the CRP might be abused resulting in shifting away assets or delaying other employee entitlements. Some were concerned that the provisional supervisors leading the CRP may not pay heed to labour's priorities when deriving the rescue plans. In addition, small and medium enterprises (SMEs) considered that since CRP was complex and costly, only large companies would be able to make use of it while their right as non-guaranteed creditors would be adversely affected as they, with lower bargaining power, might have to accept significant hair-cut to the debts originally owed to them as part of the rescue package. When formulating the legislative proposal, the Bureau had many rounds of in-depth discussion with stakeholders and made serious attempts to strike a balance between diverse interests. Nevertheless, quite a number of stakeholders and legislators asked for more time to study the proposal and assess its implications for their industries as they considered the proposal too complicated and brand new for the existing company insolvency system of Hong Kong. Some of them went so far

	Report (month and year of publication)	Responsible bureau	Response from the responsible bureau, or other relevant information
			as to express objection or strong reservation. In deciding the way forward, the Bureau will continue to listen to and consider the views of stakeholders, and welcome other suggestions from the professional sectors on the CRP or enhancing the existing corporate insolvency system.
13	Contracts for the supply of goods (February 2002)	Commerce and Economic Development Bureau	The LRC recommended, among others, extending the suppliers' implied undertakings which are currently applicable to contracts for the sale of goods as stipulated in the Sale of Goods Ordinance (Cap. 26) to all types of contracts for the supply of goods. In the course of considering the LRC's recommendations, the Bureau has noted that the relevant laws regarding contracts in the three jurisdictions (Australia, New Zealand and the United Kingdom) to which the LRC had made reference when formulating its recommendations have evolved over the past two decades with some having undergone significant changes. From the consumer protection perspective, the Bureau has accorded priority to the implementation of the Trade Descriptions Ordinance (Cap. 362) which deals with unfair trade practices. Notably, with a view to formulating appropriate strategies to strengthen the protection of consumers' rights and interests in Hong Kong, the Bureau is conducting an overall review of the TDO on the possible measures targeting, among others, prepayment contracts, taking into account factors such as the economic environment, operating situation of relevant industries as well as relevant complaint and enforcement statistics etc. In the light of the significant changes to the overseas consumer laws as referred

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			to by the LRC, the evolving developments of the business environment and consumer protection regime over the years and other competing policy initiatives and priorities, the Bureau does not intend to take forward the LRC's recommendations at this juncture, and will continue to monitor the latest developments of the relevant consumer laws overseas for assessment on the possible way forward in future.
14	Privacy – Part 4: Privacy and media intrusion (December 2004)	Constitutional and Mainland Affairs Bureau	The Report touches on a sensitive and controversial policy and political issues. There were mixed responses and very divergent views from different sectors of the community. Over the years, the Government has taken proactive measures to ameliorate the problem of media intrusion. These include amending the PDPO in October 2021 to curb “doxxing” acts, following which the Office of the PCPD has actively initiated criminal investigation and prosecution. As a result, the number of “doxxing” cases has significantly dropped by 90% compared to 2022. Further, certain news media which employed sensationalism and made exaggerated news reports that intrude privacy have in fact ebbed in recent years. In addition, the PCPD has stepped up promotion and education efforts for the news media sector, including publicizing points to note in relation to personal data privacy when conducting news activities, privacy-related issues encountered in media work, as well as case examples to illustrate the application of the relevant PDPO requirements in media reporting. In the light of the above efforts, the PCPD noted that the number of complaints against media organisations remained low in the past few years. Noting the sensitivity and intricacies of the issue, and that the intrusion problem has abated

	Report (month and year of publication)	Responsible bureau	Response from the responsible bureau, or other relevant information
			considerably given the political atmosphere has become more stable in these years, the Government has no concrete plan to implement the LRC recommendation at this juncture. The Government will however continue to monitor the situation and take appropriate action as and when necessary. Meanwhile, the PCPD will also continue with the promotion and education efforts on the relevant requirements and exemptions of the PDPO on news activities.

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