

立法會
Legislative Council

LC Paper No. CB(2)1451/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/24/00

Legislative Council
Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2001

Minutes of the first meeting
held on Friday, 8 March 2002 at 10:45 am
in Conference Room A of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Hon Cyd HO Sau-lan
Hon James TO Kun-sun
Hon Mr Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members Absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
Hon Jasper TSANG Yok-sing, JP
- Public Officers Attending** : Mr Michael SCOTT
Senior Assistant Solicitor General
- Ms Monica LAW
Acting Senior Assistant Law Draftsman
- Mr Gavin SHIU
Senior Government Counsel, Prosecutions Division
- Miss Doris LO
Government Counsel, Legal Policy Division
- Clerk in Attendance** : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mr Paul WOO
Senior Assistant Secretary (2)3

I. Election of Chairman

Miss Margaret NG was elected Chairman of the Committee.

II. Meeting with the Administration

(The Bill; the LegCo Brief on the Bill and LC Paper Nos. LS136/00-01; CB(2)1270/01-02(02); 1290/01-02(01) and (02))

2. The Committee deliberated (index of proceedings attached at **Annex**).
3. The Committee agreed that a notice should be posted on the LegCo's website to invite interested organizations and members of the public to make written submissions on the Bill and if they so wished, appear before the Bills Committee to make oral representations.
4. Ms Audrey EU expressed the view that Part XIV of the Bill should be enacted as early as possible because of its urgent nature. Part XIV sought to amend the Legal Practitioners Ordinance (Cap. 159) and its subsidiary legislation, mainly -
 - (a) to introduce a new mechanism under which fines might be imposed upon solicitors who pleaded guilty to certain disciplinary offences, without the necessity to proceed to a full hearing of the Solicitors Disciplinary Tribunal; and
 - (b) to transfer to the Council of the Law Society the powers of the Chief Justice to prescribe grounds for refusal to issue a practising certificate and conditions that might be attached thereto.

Ms Audrey EU enquired whether it was possible to enact Part XIV ahead of the other Parts of the Bill so that it could be brought into operation earlier.

5. Ms Audrey EU also suggested that the Hong Kong Bar Association should be requested to comment on whether similar amendments as proposed in Part XIV of the Bill should be introduced for the Bar.

6. The Committee agreed that the two legal professional bodies should be invited to give views on the Bill and attend the next meeting to present their views specifically on Part XIV of the Bill.

7. Assistant Legal Adviser (ALA) pointed out that apart from Parts V, VII, X and XIV, the other Parts of the Bill contained miscellaneous amendments to various Ordinances which were largely of a technical or minor nature. To facilitate the Bills Committee's deliberation, the Chairman requested ALA to prepare a paper highlighting the major issues in the Bill for members' reference. She also pointed out that the policy issues in relation to the offence of marital rape (Part V) and the power of the court to order repayment of deposit (Part VII) had been discussed by the Panel on Administration of Justice and Legal Services previously. She requested the Clerk to prepare a brief in this respect for members' reference.

8. The Administration was requested to provide a written response to explain the following -

- (a) the legislative procedure and the complications involved in separating Part XIV from other Parts of the Bill in the enactment process;
- (b) how Parts V and VII of the Bill had addressed the concerns expressed by respondents in the relevant consultation exercises conducted by the Administration; and
- (c) on Part V of the Bill, why no amendments were considered necessary in respect of certain sexual offence provisions in Part XII of the Crimes Ordinance (Cap. 200) i.e. offences specified in sections 118A, 122, 123 and 125 of the Ordinance?

III. Date of next meetings

9. With a view to completing scrutiny of the Bill within the current legislative session, the following meetings were scheduled -

<u>Date</u>	<u>Time</u>
18 March 2002 (Monday)	8:30 am - 10:30 am
28 March 2002 (Thursday)	10:45 am - 12:45 pm
4 April 2002 (Thursday)	10:45 am - 12:45 pm
18 April 2002 (Thursday)	10:45 am - 12:45 pm

2 May 2002 (Thursday)	8:30 am - 10:30 am
9 May 2002 (Thursday)	8:30 am - 10:30 am
16 May 2002 (Thursday)	10:45 am - 12:45 pm

10. There being no other business, the meeting ended at 11:35 am.

Council Business Division 2
Legislative Council Secretariat
27 March 2002

**Proceedings of the first meeting of the Bills Committee on
Statute Law (Miscellaneous Provisions) Bill 2001 on
Friday, 8 March 2002 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000041	Ms Cyd HO/ Ms Audrey EU/ Miss Margaret NG	Election of Chairman of Committee	
000042-000238	Chairman	Introduction of the major aspects of the Bill	
000239-000306	Adm	-ditto-	
000307-000316	Chairman	-ditto-	
000317-000431	Adm	-ditto-	
000432-000502	Chairman	-ditto-	
000503-000554	Adm	-ditto-	
000555-000608	Chairman	-ditto-	
000609-000629	Adm	-ditto-	
000630-000712	Chairman	-ditto-	
000713-001022	ALA	Issues raised by ALA and the Administration's response (LC Paper Nos. CB(2)1270/01-02(02); 1290/01-02(01) and (02))	Adm (para. 8(c))
001023-001200	Chairman	Committee to conduct consultation on major parts of the Bill	
001201-001419	Ms Audrey EU	Consultation of the Bar Association on whether certain provisions in Part XIV of the Bill relating to solicitors should be introduced in respect of barristers	
001420-001422	Chairman	-ditto-	
001423-001524	Ms Emily LAU	Committee to conduct consultation on the Bill	
001525-001822	Chairman	(a) Parties to be consulted; and (b) Administration to explain whether and how views previously solicited by the Administration on marital rape and power of court to order repayment of deposit had been taken into account in drafting Parts V and VII of the Bill respectively	Adm (para. 8(b))
001823-001958	Ms Audrey EU	Whether Part XIV of the Bill could be enacted more expeditiously	
001959-002006	Chairman	Law drafting practice and legislative procedure	
002007-002019	Adm	-ditto-	
002020-002023	Chairman	-ditto-	
002024-002032	Adm	-ditto-	
002033-002107	Chairman	-ditto-	
002108-002128	Ms Emily LAU	Consultation on the Bill	
002129-002142	Chairman	-ditto-	
002143-002209	Ms Emily LAU	-ditto-	

002210-002542	Chairman	ALA and the Clerk to Committee to prepare papers to brief members on the major issues of the Bill at the next meeting	ALA / Clerk (para. 7)
002543-002609	Ms Audrey EU	Desirability and possibility to enact Part XIV of the Bill ahead of other Parts	
002610-002630	Chairman	-ditto-	
002631-002639	Ms Audrey EU	-ditto-	
002640-002645	Ms Audrey EU/ Chairman	-ditto-	
002646-002655	Ms Audrey EU	-ditto-	
002656-002724	Chairman	-ditto-	
002725-002752	Ms Audrey EU	-ditto-	
002753-003107	Chairman	-ditto-	
003108-003113	Ms Emily LAU	Committee to target completion of study of the Bill in good time	
003114-003232	Chairman	-ditto-	
003233-003339	Ms Emily LAU	-ditto-	
003340-003522	Chairman	(a) future meetings including meetings to receive views from interested parties; (b) Administration to advise on legislative procedure and implications for enacting certain parts of the Bill separately from others	Adm (para. 8(a))
003523-003537	Ms Cyd HO	Work schedule for the Committee if the Bill was to be passed within current legislative session	
003538-003546	Chairman	-ditto-	
003547-003605	Clerk	-ditto-	
003606-003644	Chairman	-ditto-	
003645-003652	Adm	-ditto-	
003653-003657	Chairman	-ditto-	
003658-003702	Ms Emily LAU	-ditto-	
003703-003722	Chairman	-ditto-	
003723-003733	ALA	-ditto-	
003734-004546	Chairman / members	Fixing of the next seven meetings of the Committee	

Note : The audio records of the above proceedings are kept at the LegCo Library

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Legislative Council Secretariat
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