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15 March 2002

Mr Paul Woo
Clerk to Bills Committee
Legislative Council Secretariat
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Urgent By Fax: 2509 9055

Dear Mr Woo,

Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2001

Meeting on 8 March 2002

Thank you for your letter of 12 March 2002 enclosing a copy of the draft minutes of meeting held on 8.3.2002. Please note that I have no comments on the draft minutes.

In paragraph 8 of the draft minutes, the Administration has been requested to provide a written response to explain the following. Our replies are set out below.

- (a) *the legislative procedure and the complications involved in separating Part XIV from other Parts of the Bill in the enactment process*

If a new bill containing the provisions of Part XIV of the Statute Law (Miscellaneous Provisions) Bill is prepared, the usual procedures for introducing a bill to the Legislative Council will have to be repeated for that bill. This involves, among other things, approval from the Committee on Legislative Priorities for its introduction, approval of the bill by the Executive Council,

publication of the bill in the Government Gazette and tabling of the bill before the Legislative Council.

The bill will then be examined by the Legislative Council and be taken through the first reading, second reading and third reading. Considering the nature of its provisions, a bills committee will need to be formed to examine the bill. When the new bill is enacted, the corresponding provisions in the Statute Law (Miscellaneous Provisions) Bill will have to be deleted by way of committee stage amendments.

Initiating a new bill takes time. Assuming that the Statute Law (Miscellaneous Provisions) Bill can be enacted within this legislative session, it is unlikely that the new bill can be passed sooner than the Statute Law (Miscellaneous Provisions) Bill.

- (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) where “consent” might be a relevant condition for defence (e.g. offences specified in sections 118A, 122, 123 and 125 of the Ordinance)?*

The reply to questions (b) and (c) requires the assembly of detailed and extensive information which cannot be completed before the meeting of the Bills Committee on 18 March 2002 (note, however, that question (c) has been covered among other matters in our letter dated 15 March 2002 to Ms Bernice Wong, Assistant Legal Adviser, LegCo Secretariat). We will, however, be able to forward a reply before the meeting scheduled for 28 March 2002.

The Chinese text of this letter will follow.

Yours sincerely,

(Michael Scott)
Senior Assistant Solicitor General

b.c.c. Miss Monica Law, SALD
Miss Doris Lo, GC

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