

**Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2001**

**List of Outstanding issues  
(as at 8 May 2002)**

<b>The Bill</b>	<b>Discussed at meetings on</b>	<b>Outstanding issues</b>	<b>Remark</b>
Part III (Enforcement of Compensation Order)	18 April 2002	<ul style="list-style-type: none"> <li>• The Administration's response to issues raised at the meeting on 18 April 2002 will be considered at the meeting on 9 May 2002 (LC Paper No. CB(2)1796/01-02(01))</li> </ul>	<ul style="list-style-type: none"> <li>• Clause by clause examination completed.</li> </ul>
Part IV (Power of Court of Appeal and Appeal Committee to Award Cost)	18 April 2002	<ul style="list-style-type: none"> <li>• The Administration's response to issues raised at the meeting on 18 April 2002 will be considered at the meeting on 9 May 2002 (LC Paper No. CB(2)1796/01-02(01))</li> </ul>	<ul style="list-style-type: none"> <li>• Clause by clause examination completed.</li> </ul>
Part V (Marital Rape and Related Sexual Offences)	28 March 2002  18 April 2002	<ul style="list-style-type: none"> <li>• The Administration's proposed "minimalist" amendment to simplify Part V of the Bill by way of a newly proposed section 118(3A) of the Crimes Ordinance was considered at the meeting on 18 April 2002 (<u>LC Paper No. CB(2)1619/01-02(01)</u>). The Bills Committee has requested the Administration to review the amendment in consultation with legal adviser, having regard to the implications on section 149 and item 1 of the Schedule to the Ordinance.</li> <li>• The Administration's response to Mr SIN Wai-man's letter dated 23 April 2002 (issued under LC Paper No. CB(2)1708/01-02(01)) is awaited.</li> </ul>	

<b>The Bill</b>	<b>Discussed at meetings on</b>	<b>Outstanding issues</b>	<b>Remark</b>
Part VI (Consideration of Bail Application)	18 April 2002	<ul style="list-style-type: none"> <li>Administration's response to issues raised at the meeting on 18 April 2002 will be considered at the meeting on 9 May 2002 (LC Paper No. CB(2)1796/01-02(01)).</li> </ul>	<ul style="list-style-type: none"> <li>Clause by clause examination completed.</li> </ul>
Part VII (Power of Court to Order Repayment of Deposit)	4 April 2002 2 May 2002	<ul style="list-style-type: none"> <li>The Administration's letter dated 8 May 2002 (LC Paper No. CB(2)1842/01-02(04)) will be considered at the meeting on 9 May 2002.</li> <li>The Bar Association's paper dated 6 May 2002 (LC Paper No. CB(2)1842/01-02(03)) will be considered at the meeting on 9 May 2002.</li> </ul>	<ul style="list-style-type: none"> <li>The Law Society prefers a model along the lines of Section 55 of the New South Wales Conveyancing Act 1919.</li> <li>The Consumer Council maintains its support for giving the court power to order return of deposit, subject to the court's discretion being sufficiently defined.</li> </ul>
Part X (Non-Immunity Clauses)	4 April 2002 18 April 2002	<ul style="list-style-type: none"> <li>The Administration's response to issue raised at the meeting on 18 April 2002 will be considered at the meeting on 9 May 2002 (LC Paper No. CB(2)1796/01-02(01)).</li> </ul>	<ul style="list-style-type: none"> <li>Clause by clause examination completed.</li> <li>The Administration will introduce a CSA relating to section 2 of Schedule 1 to the Occupational Deafness (Compensation) Ordinance (Cap. 469).</li> </ul>
Part XI (Miscellaneous Amendments to Ordinances relating to Tertiary Institutions)	2 May 2002	<ul style="list-style-type: none"> <li>The Administration's response to issues raised at the meeting on 2 May 2002 is awaited.</li> </ul>	

<b>The Bill</b>	<b>Discussed at meetings on</b>	<b>Outstanding issues</b>	<b>Remark</b>
Part XIV (Amendments to Legal Practitioners Ordinance)	18 March 2002 (meeting with the Law Society)  28 March 2002  18 April 2002	<ul style="list-style-type: none"> <li>• The Administration will provide response regarding clause 126 when advice from the Society of Notaries is available.</li> <li>• The Administration's response to issues raised at the meeting on 18 April 2002 will be considered at the meeting on 9 May 2002 (LC Paper No. CB(2)1796/01-02(01))</li> </ul>	<ul style="list-style-type: none"> <li>• Clause by clause examination completed.</li> <li>• Both the Law Society and the Administration have agreed to replace the word "shall" with "may" in proposed new section 9(6) (clause 107). A CSA is required.</li> <li>• The rules to be made by the Council of the Law Society on the following would be subject to scrutiny of LegCo - <ul style="list-style-type: none"> <li>(a) the practice and procedure, fixed penalty and the Council's fixed investigation costs relating to the proposed alternative disciplinary procedure; and</li> <li>(b) the conditions for issuing practising certificates to solicitors.</li> </ul> </li> </ul>
Part XV (Miscellaneous Amendments)	2 May 2002	<ul style="list-style-type: none"> <li>• The Administration's response to issues raised at the meeting on 2 May 2002 will be considered at the meeting on 9 May 2002 (LC Paper No. CB(2)1842/01-02(02)).</li> </ul>	