

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

**List of Outstanding issues  
(as at 22 May 2002)**

<b>The Bill</b>	<b>Discussed at meetings on</b>	<b>Outstanding issues</b>	<b>Remark</b>
Part I (Commencement)	9 May 2002	(a) The Administration's response to issue raised at the meeting on 9 May 2002 regarding commencement of Part X of the Bill will be considered at the meeting on 23 May 2002 (LC Paper No. CB(2)1984/01-02(01)).	(a) Clause by clause examination completed.
Part IV (Power of Court of Appeal and Appeal Committee to Award Cost)	18 April 2002 9 May 2002	(a) The Administration's response to issue raised at the meeting on 9 May 2002 regarding clause 9 will be considered at the meeting on 23 May 2002 (LC Paper No. CB(2)1984/01-02(01)).	(a) Clause by clause examination completed.
Part V (Marital Rape and Related Sexual Offences)	28 March 2002 18 April 2002	(a) 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 (LC Paper No. <u>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. The letters exchanged between legal adviser and the Administration have been circulated vide LC Paper Nos. CB(2)1913/01-02(01), (02) and (03) and will	

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		<p>be considered at the meeting on 23 May 2002;</p> <p>(b) The Administration's letter dated 21 May 2002 proposing a Committee Stage amendment to Part V will be considered at the meeting on 23 May 2002 (LC Paper No. CB(2)2032/01-02(02)). The Administration's letter also responds to a letter dated 23 April 2002 from Mr SIN Wai-man (issued under LC Paper No. CB(2)1708/01-02(01)); and</p> <p>(c) Another letter dated 21 May 2002 from Mr SIN Wai-man (LC Paper No. CB(2)2032/01-02(03)) will also be considered at the meeting on 23 May 2002.</p>	
Part VII (Power of Court to Order Repayment of Deposit)	4 April 2002 2 May 2002 9 May 2002	(a) The Administration's response to issues raised at the meeting on 9 May 2002 will be considered at the meeting on 23 May 2002 (LC Paper No. CB(2)1984/01-02(01)).	<p>(a) Clause by clause examination completed;</p> <p>(b) The Law Society prefers a model along the lines of Section 55 of the New South Wales Conveyancing Act 1919;</p> <p>(c) The Bar Association considers that the amendment proposed in Part VII is an unnecessary inroad into the principle of freedom of contract and would introduce unnecessary uncertainty to contractual rights;</p>

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			<p>(d) 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; and</p> <p>(e) The Administration does not support Hon Audrey EU's view to limit the discretion of the court to return a deposit to the purchaser to cases where transactions have fallen through because of a dispute on title.</p>
Part XI (Miscellaneous Amendments to Ordinances relating to Tertiary Institutions)	2 May 2002	(a) The Administration's response to issues raised at the meeting on 2 May 2002 will be considered at the meeting on 23 May 2002 (LC Paper No. CB(2)1879/01-02(01)).	(a) Clause by clause examination completed.
Part XIV (Amendments to Legal Practitioners Ordinance)	18 March 2002 (meeting with the Law Society)  28 March 2002  18 April 2002  9 May 2002	<p>(a) The Administration will provide response regarding clause 126 when advice from the Society of Notaries is available; and</p> <p>(b) The Administration's response to issues raised at the meeting on 9 May 2002 regarding clause 108 will be considered at the meeting on 23 May 2002 (LC Paper No. CB(2)1984/01-02(01)).</p>	<p>(a) Clause by clause examination completed;</p> <p>(b) 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; and</p> <p>(c) The rules to be made by the Council of the Law Society on the following would be subject to scrutiny of LegCo -</p>

<b>The Bill</b>	<b>Discussed at meetings on</b>	<b>Outstanding issues</b>	<b>Remark</b>
			<p>(i) the practice and procedure, fixed penalty and the Council's fixed investigation costs relating to the proposed alternative disciplinary procedure; and</p> <p>(ii) the conditions for issuing practising certificates to solicitors.</p>

Council Business Division 2  
Legislative Council Secretariat  
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