

Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2001

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

| The Bill | Discussed at meetings on | Outstanding issues | Remark |
|---|---------------------------------|---|---|
| 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> |

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| | | | <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
22 May 2002