

Notary
LP 3/00/8C XVI

BY FAX (21809928) AND BY POST

7 June 2002

Miss Doris Lo
Government Counsel
Department of Justice
Legal Policy Division,
1/F., High Block,
Queensway Government Offices,
66 Queensway, Hong Kong.

Dear Doris.

Statute Law (Miscellaneous Provisions) Bill 2001

I refer to your various faxed messages seeking the Society's comments on issues relating to Clause 126 of the above Bill as follows:

1. to explain why section 3 of the Legal Practitioners (Amendment) Ordinance (27 of 1998) (*"the Amendment Ordinance"*) has yet to come into operation;
2. the proposed Committee Stage Amendments ("CSAs"), to be made to:-
 - (a) amend the new Section 40A(4) of the Ordinance (*"the LPO"*) to replace the *"Chief Justice"* with *"Chief Judge"*;
 - (b) amend the new Section 40E(6) of the LPO along the line of Clause 105 so that the power of the Chief Justice under the subsection would be transferred to this Society.

On (1), the Society wishes to advise that Section 3 of the Amendment Ordinance has not yet come into operation, as the intention is for the new provisions of the LPO to become operative after the rules and regulations are in place. Since the Amendment Ordinance was enacted, the Council has worked closely with your Department to finalize the following 8 sets of rules. This has proven to be not an easy task but as you know, the 8 sets of Rules have just been finalized and we will be conducting a consultation exercise upon our members in the very near future.

On (2), the Council in principle accepts the proposed CSAs. However, as the proposed amendments to the new Section 40E(6) of the LPO will necessitate further revisions to the draft subsidiary rules and entail further delay of the operation of Section 3 of the Amendment Ordinance, the Council would prefer that this proposed CSAs be stalled for the moment. The Council confirms that it is happy with the arrangement under the existing new 40E(6) for the rule making power in relation to grounds on which the Society may refuse to issue a practising certificate to rest with the Chief Justice.

I trust that I have already dealt with the issues raised by you but in case you have any further query, please feel free to contact the undersigned at telephone no.28460525.

Yours sincerely,

Christine W.S. Chu
Hon. Secretary

c.c. Mrs. Percy Ma, clerk to the LegCo Panel on Administration of Justice
and Legal Services
Mr. Peter Mark, President
Mr. Lester Huang, Vice-President