

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1934/06-07  
(These minutes have been  
seen by the Administration)

Ref : CB2/BC/8/06

**Bills Committee on Statute Law  
(Miscellaneous Provisions) Bill 2007**

**Minutes of the first meeting  
held on Friday, 11 May 2007, at 8:30 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Margaret NG (Chairman)  
Hon Emily LAU Wai-hing, JP  
Hon LI Kwok-ying, MH, JP

**Members absent** : Hon James TO Kun-sun  
Hon LEUNG Kwok-hung  
Hon Ronny TONG Ka-wah, SC

**Public Officers attending** : Item II

Department of Justice

Mr Ian WINGFIELD  
Solicitor General  
Legal Policy Division

Mr Michael SCOTT  
Senior Assistant Solicitor General  
Legal Policy Division

Ms Rayne CHAI  
Senior Government Counsel  
Law Drafting Division

Ms Rosa PANG  
Senior Government Counsel  
Law Drafting Division

Ms Stella CHAN  
Government Counsel  
Legal Policy Division

**Clerk in attendance** : Miss Betty MA  
Chief Council Secretary (2) 4

**Staff in attendance** : Mr Timothy TSO  
Assistant Legal Adviser 2

Mr Chris LAI  
Senior Council Secretary (2) 7

Miss Maggie CHIU  
Legislative Assistant (2) 4

Action

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**I. Election of Chairman**

Ms Margaret NG was elected Chairman of the Bills Committee.

**II. Meeting with the Administration**

[Legislative Council Brief, the Bill, LC Paper Nos. LS64/06-07 and CB(2)1759/06-07(01) to (02)]

2. The Bills Committee deliberated (index of proceedings attached at **Annex**).

3. The Administration was requested to respond/provide information in relation to the following issues –

Admin

Proposed amendments to the Bankruptcy Ordinance (Cap. 6)  
(Part 2 of the Bill)

- (a) the judgment of the Court of Final Appeal (CFA)'s case, which ruled that section 30A(10)(b)(i) of the Bankruptcy Ordinance (Cap. 6) was unconstitutional;

Action

Proposed amendments to the Public Order Ordinance (Cap. 245) and Societies Ordinance (Cap. 151)  

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(Part 3 of the Bill)

- (b) the judgment of CFA in *Leung Kwok Hung v HKSAR [2005] 3 HKLRD 164*, which held that "public order (in the law and order sense)" should be severed from "public order (*ordre public*)" in sections 14(1), 14(5) and 15(2) of the Public Order Ordinance (Cap. 245); and
- (c) the grounds for proposing the amendments (e.g. whether the amendments were in conformity with the CFA's judgment), whether there was a change in policy by deleting the references to "*ordre public*" from the two Ordinances, and whether and how the proposed amendments, if enacted, would affect the rights of Hong Kong people, in particular the rights to assembly and demonstration.

4. The Chairman suggested and members agreed that the Secretary for Justice be requested to provide written response on the existing mechanism for reviewing the statute book and determining the need for introducing a Statute Law (Miscellaneous Provisions) Bill as well as the timetable for the adaptation of laws programme.

Clerk 5. To facilitate members' future discussion, the Chairman requested the Clerk to –

Proposed amendments to the Public Order Ordinance (Cap. 245) and the Societies Ordinance (Cap. 151)  

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(Part 3 of the Bill)

- (a) provide extract of the relevant articles of the United Nations International Covenant on Civil and Political Rights which contained the references to "public order (*ordre public*)"; and

Proposed amendments to the Legal Practitioners Ordinance (Cap. 159) :  
bankruptcy of solicitors  

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(Part 10 of the Bill)

- (b) request The Law Society of Hong Kong to advise the consultation taken with its members on the proposed amendments.

Action

6. Noting that the two legal professional bodies opposed to the proposed amendments to the Costs in Criminal Cases Ordinance (Cap. 492) (Part 7 of the Bill), members agreed that The Hong Kong Bar Association and The Law Society of Hong Kong and other parties which had been consulted by the Administration on the proposed amendments should be invited to provide views to the Bills Committee.

7. Members generally considered that the proposed amendments to the Public Order Ordinance (Cap. 245) and the Societies Ordinance (Cap. 151) (Part 3 of the Bill) were not merely textual amendments, but involved changes in policy. As there had not been public consultation on the Bill apart from Part 7, the Bills Committee agreed that a meeting should be held to receive public views on the Bill. A general notice inviting views on the subject would be posted on the Council's website. In line with the usual practice, the 18 District Councils would also be invited to submit views on the subject. Invitation letters would be issued to the parties concerned.

8. The Bills Committee agreed that it would first examine the policy aspects of the proposed amendments at the next meeting, followed by a clause-by-clause examination of the Bill. The Bills Committee further agreed that it would focus its discussion on the proposed amendments to the Public Order Ordinance (Cap. 245) and the Societies Ordinance (Cap.151) at the next meeting. Representatives from the Security Bureau should also be invited to attend the next meeting.

**III. Dates of next meetings**

9. Members agreed to schedule the next two meetings of the Bills Committee as follows –

- (a) 7 June 2007 at 8:30 am to meet with the Administration; and
- (b) 16 June 2007 at 9:30 am to meet with deputations and the Administration.

10. There being no other business, the meeting ended at 10:05 am.

**Proceedings of the first meeting of the  
Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2007  
on Friday, 11 May 2007, at 8:30 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
000000 - 000121	Ms Margaret NG Ms Emily LAU Mr LI Kwok-ying	Election of Chairman	
000122 - 000551	Chairman Ms Emily LAU Mr LI Kwok-ying	Date of the next two meetings  Invitation of public views on the Bill	
000552 - 001843	Chairman Admin	Briefing by the Administration on the LegCo Brief for the Statute Law (Miscellaneous Provisions) Bill 2007	
001844 - 001918	Chairman Admin	Proposed amendments to the Bankruptcy Ordinance (Cap. 6) (Part 2 of the Bill)	<b>Admin to provide the judgment of the Court of Final Appeal (CFA)'s case (para. 3(a) of the minutes of meeting)</b>
001919 - 002251	Chairman Admin	Proposed amendments to the Legal Practitioners Ordinance (Cap. 159): bankruptcy of solicitors (Part 10 of the Bill)  Chairman's concern about the consultation taken by the Law Society of Hong Kong with its members on the proposed amendments to Cap. 159	<b>Clerk to request The Law Society of Hong Kong to provide information (para. 5(b) of the minutes of meeting)</b>
002252 - 002912	Chairman Ms Emily LAU Admin	Discussion on the mechanism for reviewing the statute book and the implementation of the adaptation of laws programme	<b>Admin to provide written response (para. 4 of the minutes of meeting)</b>
002913 - 011900	Chairman Ms Emily LAU Mr LI Kwok-ying Admin	Proposed amendments to the Public Order Ordinance (Cap. 245) and the Societies Ordinance (Cap. 151) arising from CFA's judgment in <i>Leung Kwok Hung v HKSAR [2005] 3 HKLRD 164</i> (Part 3 of the Bill)  Discussion on members' concern and suggestions –  (a) the Chairman's concern about the grounds for proposing the amendments and whether the proposed amendments were in conformity with the CFA's judgment;	<b>Admin to provide the CFA judgment and response to members' concern (para. 3(b) and (c) of the minutes of meeting)</b>

Time marker	Speaker(s)	Subject(s)	Action required
		<p>(b) Ms Emily LAU's concern about the impact of the proposed amendments to the Public Order Ordinance on the rights of Hong Kong people and the application of the International Covenant on Civil and Political Rights (ICCPR) in Hong Kong; and</p> <p>(c) Mr LI Kwok-ying's view that the term "public order (<i>ordre public</i>)" should be defined with sufficient precision, instead of simply removing the references from the two Ordinances as proposed by the Administration</p>	<p><b>Clerk to provide relevant extract of ICCPR (para. 5(a) of the minutes of meeting)</b></p>
011901 - 012800	Chairman Ms Emily LAU Admin	Proposed amendments to the Costs in Criminal Cases Ordinance (Cap. 492) (Part 7 of the Bill) Consultation with The Hong Kong Bar Association on the proposed amendments	
012801 - 012953	Chairman Ms Emily LAU	Approach to be adopted by the Bills Committee in studying the Bill	
012954 - 013332	Chairman Ms Emily LAU Mr LI Kwok-ying Admin	List of deputations to be invited to give views on the Bill	