

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2105/07-08

(These minutes have been  
seen by the Administration)

Ref : CB2/BC/4/07

**Bills Committee on Statute Law  
(Miscellaneous Provisions) Bill 2008**

**Minutes of the second meeting  
held on Friday, 2 May 2008, at 8:30 am  
in Conference Room A of the Legislative Council Building**

**Members present** : Hon Margaret NG (Chairman)  
Hon James TO Kun-sun  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon LI Kwok-ying, MH, JP  
Hon Ronny TONG Ka-wah, SC

**Member absent** : Hon Martin LEE Chu-ming, SC, JP

**Public Officers attending** : Item I

Department of Justice

Mr Michael Scott  
Senior Assistant Solicitor General

Ms Vicki LEE  
Senior Government Counsel  
Law Drafting Division

Ms Karmen KWOK  
Government Counsel  
Law Drafting Division

Ms Stella CHAN  
Senior Government Counsel (Ag.)  
Legal Policy Division

**Attendance  
by invitation** : Item I

The Law Society of Hong Kong

Ms Emily LAM  
Chairman of the Property Committee

Ms Angela LEE  
Member of the Property Committee

Ms Christine W S CHU  
Assistant Director of Practitioners Affairs

**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

Action

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**I. Meeting with the Administration**

[The Bill, Legislative Council Brief, LC Paper Nos. LS48/07-08, CB(2)1550/07-08(01) to (03) and CB(2)1734/07-08(01)]

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

Proposed amendments to various Ordinances containing offence provisions with the drafting formula "to the satisfaction of" an enforcement agency (Parts 2 to 4 of the Bill)

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Admin

2. The Administration was requested to provide the offence provisions with the drafting formula "to the satisfaction of" an enforcement agency in various Ordinances and Regulations to be amended under Parts 2 to 4 of the Bill and explain the general statutory requirement specified in these offence provisions.

Action  
Proposed amendments to the Conveyancing and Property Ordinance (CPO) (Cap. 219) (Part 6 of the Bill)

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- Admin 3. The Administration was requested to –
- (a) review the drafting of the proposed new section 13A(1) of CPO in the light of the proposed drafting put forward by the Law Society of Hong Kong;
  - (b) consider whether the word "original" should be added to the proposed new section 13A(1); and
  - (c) provide the Hong Kong Bar Association's written views on the drafting of the proposed amendments to CPO as well as views and comments received from consultees on the proposal, if any.

Clerk 4. The Chairman instructed the Clerk to seek the Bar Association's views on the drafting of the proposed amendments to CPO, if it had not provided written views to the Administration.

Law Society 5. Ms Angela LEE of the Law Society advised that the risk of the purchaser acquiring a defective title by reason of the existence of third party rights in or against the land was likely to be very remote, and that the rights or interests of the third parties would not be affected under the proposed new section 13A(4). At the Chairman's request, Ms Angela LEE of the Law Society agreed to provide members with the Counsel advice obtained by the Law Society and illustrative examples in this respect.

6. Assistant Legal Adviser 2 drew members' attention to the Administration's reply (LC Paper No. CB(2)1550/07-08(03)) to his letter dated 3 April 2008. The Administration advised that the proposed new section 13A of CPO would only apply to transactions in which the sale and purchase agreement was signed on or after the commencement of the proposed amendment. Therefore, the proposed new section 13A would have no effect on past transactions completed before commencement or on transactions in which the sale and purchase agreement had been signed before commencement but was completed after commencement. The Administration considered that there was no requirement for transitional provisions.

## **II. Any other business**

7. Members agreed that further meetings should be scheduled for May and June 2008. The Chairman said that members would be informed of the meeting dates in due course.

Action

8. There being no other business, the meeting ended at 9:41 am.

Council Business Division 2  
Legislative Council Secretariat  
28 May 2008

**Proceedings of the second meeting of the  
Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2008  
on Friday, 2 May 2008, 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>
<i>Agenda item I – Meeting with the Administration</i>			
000000 - 000800	Chairman	Opening remarks	
000801 - 001145	Chairman Admin	Offence provisions with the drafting formula "to the satisfaction of" an enforcement agency in various Ordinances to be amended under Parts 2 to 4 of the Bill, and the general statutory requirement specified in these offence provisions	<b>Admin to provide</b>
001146 - 001654	Ms Miriam LAU Chairman Mr LI Kwok-ying Mr James TO	Meeting schedule of the Bills Committee	
001655 - 003037	Chairman Admin	Background to and reasons for the proposals to amend the Conveyancing and Property Ordinance (CPO) (Part 6 of the Bill), and the implications of the proposed amendments  Administration to provide the Bar Association's written views on the drafting of the proposed amendments under Part 6 of the Bill, and views and comments received from other consultees, if any  Clerk to seek the Bar Association's views on the drafting of the proposed amendments under Part 6, if the latter had not provided its written views to the Administration	<b>Admin</b>  <b>Clerk</b>
003038 - 004337	Ms Angela LEE Chairman Admin Mr James TO Ms Miriam LAU	The Law Society's proposed drafting of new section 13A of CPO	<b>Admin to consider</b>
004338 - 004518	Chairman Ms Angela LEE	Meaning of intermediate root of title	
004519 - 010550	Chairman Ms Angela LEE Ms Miriam LAU Mr LI Kwok-ying	Risk of the purchaser acquiring a defective title by reason of the existence of third party rights in or against the land, and the protection of the interests and rights of the third parties as a result of the operation of the new section 13A of CPO	<b>Law Society to provide its legal advice and illustrative examples</b>
010551 - 011350	Chairman Admin Ms Angela LEE	Further discussion on the drafting of the proposed new section 13A of CPO	
011351 - 011554	Chairman	The Law Society's concern about the need for early enactment of Part 6 of the Bill	

<b>Time marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
011555 - 012012	ALA2 Chairman Admin	Need for transitional provisions for the proposed new section 13A of CPO	
<i>Any Other Business</i>			
012013 - 012022	Chairman Mr Ronny TONG	Way forward	

Council Business Division 2  
Legislative Council Secretariat  
28 May 2008