

立法會
Legislative Council

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Tel : 2869 9640

Date : 13 January 2010

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting on 20 January 2010

Legal Practitioners (Amendment) Bill 2009

Committee Stage Amendments

The Second Reading debate on the above Bill will be resumed on 20 January 2010. Subject to the bill receiving a Second Reading, the President has given permission for the Secretary for Justice to move amendments to the Bill at its Committee stage.

2. As directed by the President, the amendments are attached for Members' consideration.

(Desmond LAM)
for Clerk to the Legislative Council

Encl.

LEGAL PRACTITIONERS (AMENDMENT) BILL 2009

COMMITTEE STAGE

Amendments to be moved by the Secretary for Justice

<u>Clause</u>	<u>Amendment Proposed</u>
4	<p>(a) In the proposed section 39E(3), by deleting “the following members appointed by the Chief Justice”.</p> <p>(b) By deleting the proposed section 39E(3)(a) and substituting – “(a) a chairperson appointed by the Chief Justice, who must be an eligible person;”.</p> <p>(c) In the proposed section 39E(3)(b), by deleting “10 other members” and substituting “9 other members appointed by the Chief Justice,”.</p> <p>(d) In the proposed section 39E(3)(b)(iii), by adding “and” at the end.</p> <p>(e) By deleting the proposed section 39E(3)(b)(v).</p> <p>(f) In the proposed section 39E(3), by adding – “(c) one other member selected by the chairperson from among the members of the panel appointed by the Chief Justice under subsection (5).”.</p> <p>(g) In the proposed section 39E(4)(b), by deleting “Bar Council” and substituting “Hong Kong Bar Association”.</p> <p>(h) In the proposed section 39E(5), by deleting “subsection (3)(b)(v)” and substituting “subsection (3)(c)”.</p> <p>(i) In the proposed section 39E(5), by deleting “appointment” and substituting “selection”.</p>

- (j) In the proposed section 39F, in the heading, by adding “**or of panel appointed under section 39E(5)**” after “**Board**”.
- (k) In the proposed section 39F(1), by deleting everything after “Board” and substituting “or of the panel appointed under section 39E(5) holds office for a term not exceeding 3 years, but may be reappointed or reselected.”.
- (l) In the proposed section 39F(2), by adding “or of the panel appointed under section 39E(5)” after “Board”.
- (m) In the proposed section 39F(3), by adding “or of the panel appointed under section 39E(5)” after “Board”.
- (n) In the proposed section 39F(4)(b), by deleting “Bar Council” and substituting “Hong Kong Bar Association”.
- (o) In the proposed section 39G(1), by adding before paragraph (a) –
 - “(aa) one must be the chairperson of the Board or a member appointed under section 39E(3)(b)(i);”.
- (p) In the proposed section 39G, by adding –
 - “(1A) At a meeting of the Assessment Board –
 - (a) subject to paragraph (b), the chairperson of the Board must preside; or
 - (b) if the chairperson is not present at the meeting, a member of the Board appointed under section 39E(3)(b)(i) and nominated by the chairperson must preside.”.
- (q) In the proposed section 39G(4), by deleting “the chairperson of” and substituting “the person presiding at the meeting of”.

- (r) In the proposed section 39K, by adding –
- “(1A) For the purposes of subsection (1), if the class of proceedings in respect of which the applicant is applying for higher rights of audience is that specified in section 39H(2)(c), the Assessment Board may grant the application –
- (a) without modifications to the class of proceedings to which the application relates; or
- (b) only in respect of a class of proceedings specified in section 39H(2)(a) or (b).”.
- (s) In the proposed section 39K(2)(a)(ii), by adding “grants the application under subsection (1A)(b) or” after “if it”.
- (t) In the proposed section 39L(1)(b), by deleting “for which the application is made” and substituting “in respect of which the Board is to grant the application”.
- (u) In the proposed section 39L(1)(c), by deleting “for which the application is made” and substituting “in respect of which the Board is to grant the application”.
- (v) In the proposed section 39M(3), by adding “grant the application under section 39K(1A)(b) or to” after “proposes to”.
- (w) In the proposed section 39N(a), by deleting “for which the application has been made” and substituting “in respect of which the Board has granted the application”.
- (x) In the proposed section 39O(2)(c)(ii), by deleting

“otherwise”.

- (y) In the proposed section 39P(1), by deleting everything after “an application” and substituting “in respect of any higher rights of audience, the Council must issue to the person by whom the application has been made a certificate in respect of those rights.”.

5 In the proposed section 45A, in the Chinese text, by deleting “看來” where it twice appears and substituting “其意” .

6(3) In the proposed section 50A(2), in the Chinese text, by deleting “某律師看來是以律師身分行使任何較高級法院出庭發言權 (但該律師並非根據第 III B 部享有該等權利) 的情況下，代某當事人行事，並已經或將會就他如此行事期間作出的任何事情，代表該” and substituting “並非根據第 III B 部享有任何較高級法院出庭發言權的律師，在其意是以律師身分行使該等權利的情況下，已經或將會就他於如此行事期間作出的任何事情，代表其”.