

Trade Descriptions (Unfair Trade Practices) (Amendment) Bill 2012

**List of follow-up actions arising from the discussion
at the meeting on 15 May 2012**

1. The Administration was requested to consider:
 - (a) amending the conjunction between the proposed section 13D(3)(a) and 13D(3)(b) under clause 13 of the Trade Descriptions (Unfair Trade Practices) (Amendment) Bill 2012 ("the Bill") by replacing "and" with "or", to reflect the legislative intent that the circumstances specified in subsection (3) were not meant to be cumulative;
 - (b) amending the expression "該損害" in the Chinese rendition of the proposed Committee Stage amendment (CSA) to the proposed section 13D(3)(b)(ii), in view of the deletion of the proposed section 13D(5) from which the expression "該損害" was quoted;
 - (c) proposing a CSA to explain the legal status and legislative effect of the notes used in the Bill, by making reference to the CSAs on the use of a note in clause 2 of the Competition Bill to be proposed by the Administration, and whether the note under the proposed section 7A under clause 8 of the Bill should be removed or converted to one of general application in order to avoid doubts about the scope of application of the proposed section 21A; and
 - (d) proposing CSAs to replace "the directors" with "all the directors" in the definitions of "principal officer" and "shadow director" under the proposed section 20(3) for clarity purpose, and to replace the expression "一眾董事" with "所有董事" in the Chinese rendition accordingly.