

立法會
Legislative Council

LC Paper No. CB(2)2688/11-12
(These minutes have been seen by
the Administration)

Ref : CB2/BC/6/11

**Bills Committee on
Statute Law (Miscellaneous Provisions) Bill 2012**

**Minutes of the second meeting
held on Tuesday, 29 May 2012, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Members present : Dr Hon Margaret NG (Chairman)
Hon James TO Kun-sun
Hon LAU Kong-wah, JP
Hon Tanya CHAN

Public Officers attending : Item I

Ms Adeline WAN
Senior Assistant Solicitor General
Department of Justice

Ms Alice CHOY
Senior Government Counsel
Department of Justice

Miss Emma WONG
Senior Government Counsel
Department of Justice

Miss Ida CHAN
Senior Government Counsel
Department of Justice

Clerk in attendance : Ms Amy YU
Chief Council Secretary (2)6

Action

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Judy TING
Council Secretary (2)6

Miss Meisy KWOK
Legislative Assistant (2)6

I. Meeting with the Administration

[LC Paper Nos. CB(2)2152/11-12(01) to (03), CB(2)2180/11-12(01), CB(3)663/11-12, CB(2)2077/11-12(01) and LP 3/00/12C]

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

2. The Bills Committee agreed to the Committee Stage amendments ("CSAs") to the Bill proposed by the Administration as set out in LC Paper No. CB(2)2180/11-12(01).

3. The Administration advised that it intended to resume the Second Reading debate on the Bill at the Council meeting of 13 June 2012. Members agreed that the Bills Committee would report its deliberations to the House Committee on 1 June 2012 supporting the resumption of the Second Reading debate on the Bill at the Council meeting of 13 June 2012. Members noted that the deadline for proposing CSAs to the Bill was Monday, 4 June 2012.

II. Any other business

4. There being no other business, the meeting ended at 9:08 am.

Council Business Division 2
Legislative Council Secretariat
16 August 2012

**Proceedings of the second meeting of the
Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2012
on Tuesday, 29 May 2012, at 8:30 am
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000832-001100	Chairman	Paper provided by the Security Bureau in response to issues raised by the Bills Committee at the last meeting [LC Paper No. CB(2)2152/11-02(03)]	
001111-002130	Chairman Administration	<p>Briefing by the Administration on its proposed Committee Stage amendments ("CSAs") relating to solicitor corporations to clause 33 of the Bill pursuant to the request of the Law Society of Hong Kong [LC Paper No. CB(2)2180/11-12(01)].</p> <p>The Administration explained that these CSAs were made to –</p> <ul style="list-style-type: none"> (a) remove the ambiguity that a solicitor corporation might act as principal to a trainee solicitor; (b) provide that, insofar as solicitor corporations were concerned, only a director of a solicitor corporation could employ a trainee solicitor or act as his principal; and (c) add the phrase "or the foreign lawyer"/"or a foreign lawyer" to section 67(3) of the Legal Practitioners Ordinance ("LPO") (Cap. 159) and section 67A of LPO as enacted by the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997) ("the 1997 Ordinance") (which had not come into operation) to achieve consistency with section 67(1) of LPO. 	
002131-002459	Chairman Administration	The Administration's explanation on its proposed CSAs to repeal the Hong Kong Airport (Control of Obstructions) (Consolidation) Order (Cap. 301A) and the Lifts and Escalators (Safety) (Fees) Regulations (Cap. 327A) [LC Paper No. CB(2) 2152/11-12(02)].	

002500-003750	Chairman Administration Assistant Legal Adviser 1 Mr James TO	<p>Discussions on whether the Chinese rendition ("看來是") of "purported" in the phrase "any purported disposition" in section 16(1) of the Mandatory Provident Fund Schemes Ordinance ("MPFSO") (Cap. 485), as amended in clause 63(2) of the Bill, accurately reflected the English text.</p> <p>The Administration advised that –</p> <p>(a) according to Jowitt's Dictionary of English Law, "one thing purports to be another when it seems to have been designed or constructed so as to appear to be it"; and</p> <p>(b) there were also a number of provisions in the existing Hong Kong legislation where "看來是" was used as the corresponding Chinese rendition of "purported/purporting/purports" such as sections 6H(7) and 18(4) of MPFSO.</p> <p>The legal adviser to the Bills Committee referred to Garner's Dictionary of Legal Usage in which the word "purport" was said to mean "to profess or claim falsely" or "to seem to be", which was consistent with the Administration's view.</p> <p>The Chairman considered that the Chinese rendition "看來是" did not convey the meaning of deliberate intent in the word "purported" and requested the Administration to further study the Chinese rendition of the word when a suitable occasion arises.</p>	
003751-003900	Chairman Administration Clerk	Legislative timetable	