

DMA18424V6

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STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Secretary for Justice

Clause

Amendment Proposed

7

In the proposed section 12A -

- (a) in the heading, by deleting “**on sales or exchanges**”;
- (b) by deleting subsections (1) and (2) and substituting -

“(1) Where land is subject to any encumbrance, whether immediately realizable or payable or not, and the encumbrancer is out of the jurisdiction, cannot be found or is unknown, or if it is uncertain who the encumbrancer is, the court may, if it thinks fit, on the application of the party for the time being entitled to redeem the encumbrance, direct or allow payment into court of a sum of money sufficient to redeem the encumbrance and any interest thereon.

(2) Upon the redemption of the encumbrance and any interest thereon, the

court may, if it thinks fit, and either after or without any notice to the encumbrancer, as the court thinks fit, declare the land to be free from the encumbrance, and make any order for conveyance or vesting order as appropriate, and give directions for the retention and investment of the sum of money paid into court and for the payment or application of the income thereof, and for the payment of an amount certified by the court to be the reasonable costs of the applicant in making the application, such amount to be deducted from the sum of money paid into court.”;

(c) in subsection (3), by deleting “法庭” and substituting “法院” ;

(d) by adding -

“(4) In this section, “court” (法院) means the Court of First Instance unless the party to the application submit to the jurisdiction of the District Court.”.

By adding before paragraph (a) -

“(aa) by repealing “Subsection” and substituting “For the avoidance of doubt, subsection”;

14(b) By deleting ““; or”” and substituting “a semicolon”.

14(c) In the proposed paragraph (c), by deleting “time.”.” and substituting “time; or”.”.

14 By adding -

“(d) by adding -

“(d) any proceedings commenced after that time in respect of a conspiracy committed before and continuing after that time.”.”.

Schedule 2, In column 3 -

item 44 (a) in paragraph (a), by deleting everything after “廢除” and substituting ““City and New Territories Administration” 而代以 “Home Affairs Department”.”;

(b) in paragraph (b), by deleting everything after “廢除” and substituting ““City and New Territories Administration” 而代以 “Home Affairs Department” ° ”.

Schedule 2, By adding -

New	“91. Mutual Legal Assistance in Criminal Matters	In Schedule 2, in paragraph 1, repeal “構
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(Italy) Order (L.N. 21
of 2000)

成該罪行的同一作為或不
作為所構成的罪行或” and
substitute “該外地罪行或
由構成該外地罪行的同一
作為或不作為所構成的” .

92. Mutual Legal
Assistance in
Criminal Matters
(South Korea)
Order (L.N. 23 of
2000)

In Schedule 2, in paragraph 1,
repeal “構成該罪行的同一
作為或不作為所構成的罪
行或” and substitute “該外地
罪行或由構成該外地罪行的
同一作為或不作為所構
成的” .”.

Schedule 3, By adding -

“5A. Smuggling into China (Control) Specification (Cap. 242 sub.
leg.).”.