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(Attn : Ms Agnes Cheung
Senior Government Counsel)

Dear Agnes,

Legal Practitioners (Amendment) Bill 1999

I refer to our telephone conversation on 15 May 2000 discussing the 10th draft of Committee Stage amendments to the captioned Bill.

Thank you for explaining the policy intent over the phone. On further consideration, I would suggest the following :

1. Clause 1 be amended along the following lines -
 - (a) In subsection (2), by deleting "section 15" and substituting "sections 7A(1) and 15".
 - (b) By adding -

"(3) Sections 7, 7A(2), 8, 9, 10(b), 11(a) and 16 shall come into operation on a day to be appointed by the Secretary for Justice by notice in the Gazette, which shall not be before 1 November 2000."

The above suggestion would make it clear that only sections 7A(1) and 15 would commence immediately on publication of the Bill in the Gazette as an Amendment Ordinance. Sections 7 and 7A(2), together with the related sections as set out in the proposed clause 1(3), would commence on a day to be appointed, not earlier than 1 November 2001. The remainder of the Amendment Ordinance would come into operation on a day to be appointed.

2. a new clause be added to repeal section 72B and Schedule 1 of the principal Ordinance -

The suggested new clause is consequential to the repeal of section 27A proposed in the new clause 7A. There is no legal reason for Schedule 1 or section 72B (which relates to the power to amend Schedule 1) to remain in the principal Ordinance. In my view, amending cross references to Schedule 1 in other Ordinances does not involve a change in policy and should be made without difficulty. I would therefore suggest that consequential amendments be made in this Bill to the Legal Officers Ordinance (Cap. 87), the Bankruptcy Ordinance (Cap. 6), the Legal Aid Ordinance (Cap. 91) and the Director of Intellectual Property (Establishment) Ordinance (Cap. 412).

3. in section 74B proposed in the new clause 17, would the Administration consider -

- (a) adding "or registered or offered a place to pursue" after "enrolled" following the words used in the Medical Registration (Transitional Provisions) Ordinance 1997?
- (b) qualifying that the external course of studies is offered *in Hong Kong* in subsection (c)?

Yours sincerely,

(Bernice Wong)
Assistant Legal Adviser

c.c. D of J

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