

**Responses to issues raised by the Bills Committee
during the clause-by-clause examination
(Position as at 31 March 2000)**

	Comments of the Bills Committee	Responses	Draft CSA
(1)	<u>Clause 14 (section 26) Officers illegally demanding fees</u> – to consider the need to retain the section as conduct described in the section should be covered by the Prevention of Bribery Ordinance and referred to ICAC for investigation	In the light of Members' comments, we agree that section 26 of the District Court Ordinance could be repealed as the Prevention and Bribery Ordinance is applicable to officers of the court. We shall move a CSA to repeal the section.	Page 5 of the Annex
(2)	<u>Clause 17-18 (sections 29-30) Rescuing goods/Assaulting officers</u> – to clarify whether a person is only liable to imprisonment but not a fine on conviction of indictment under proposed section 29(b) and 30(b)	We are seeking legal advice on this point and will revert to the Bills Committee as soon as possible.	---

	Comments of the Bills Committee	Responses	Draft CSA
(3)	<u>Clause 20 (section 32) General jurisdiction in actions of contract, quasi-contract and tort</u> – to consider the proposal of Messrs Munro, Claypole & Reeves to take into account paid employee compensation in deciding whether the District Court should have jurisdiction over a claim.	We agree with the suggestion that employees’ compensation paid to the plaintiff under the Employees’ Compensation Ordinance should be taken into account when deciding whether the District Court should have jurisdiction over a claim. We shall move a CSA to amend section 32 to this effect	Page 6 of the Annex
(4)	<u>Clause 39 (section 71A) Registrar may apply for an order</u> – to reconsider the drafting of proposed section 71A	The policy intention is that proposed section 71A should have the same effect as section 40 of the High Court Ordinance (HCO). We shall move a CSA to revise the section along the line of the relevant section in HCO.	Page 13 of the Annex
(5)	<u>Clause 39 (section 71B) Protection of the Registrar</u> – to reconsider the drafting of proposed section 71B	The policy intention is that proposed section 71B should have the same effect as section 39 of the HCO. We shall move a CSA to revise the section along the line of the relevant section in HCO.	Pages 13 & 14 of the Annex