

Annex XVII

URBAN RENEWAL AUTHORITY BILL

COMMITTEE STAGEAmendments to be moved by the Secretary for Planning and Lands

<u>Clause</u>	<u>Amendment Proposed</u>
2	In the definition "project", in paragraphs (c) and (d) by deleting "of the description mentioned in" and substituting "prepared in accordance with".
6	(a) In subclause (1), by deleting "by way of development".
	(b) In subclause (2) -
	(i) in paragraph (e), by deleting "or repair" and substituting ", repair, preserve or restore";
	(ii) by deleting paragraph (k) and substituting -
	"(k) subject to section 25, grant, sell, convey, assign, surrender, yield up, demise, let, license, transfer or otherwise dispose of any land or building, messuages, tenements, vessels, goods and chattels for the time being owned or held by the Authority on such terms and conditions as the Authority thinks fit;" .

ClauseAmendment Proposed

- 7
- (a) In subclause (1), by deleting "Deputy Chairman³, if any" and substituting "Managing Director".
- (b) By deleting subclause (5) and substituting -
- "(5) A member of the Board of the Authority, including the Chairman and the Managing Director, who is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in a contract made or proposed to be made by a servant or an agent or a partner of the Authority, or, by a body corporate established by the Authority which is brought up for consideration by the Board, shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the meeting of the Board, and the member shall not without the permission of the Chairman, and in the case of the Chairman, the permission of the majority of the members present at the meeting, take any part in any deliberation of the Board with respect to that contract and shall not in any event vote on any question concerning it."
- (c) In subclause (6), by deleting "neither required to withdraw from the relevant meeting nor permitted to vote" and substituting "not required to withdraw from the relevant meeting".
- 9
- By deleting "Chairman" where it twice appears and substituting "Managing Director".

ClauseAmendment Proposed

16 By deleting the clause and substituting -

"16. Authority to keep proper accounting records and to prepare financial statements

(1) The Authority shall keep such accounting records as correctly explain its financial transactions and financial position and so that -

- (a) true and fair financial statements can be prepared from time to time; and
- (b) those statements can be conveniently and properly audited in accordance with section 16B.

(2) The Authority shall ensure that the following financial statements are prepared as soon as practicable and in any case not later than 3 months after the end of each financial year -

- (a) an income and expenditure account that gives a true and fair view of the Authority's income and expenditure for that year;
- (b) a balance sheet as at the end of that year that gives a true and fair view of the Authority's financial position as at the end of that year.

(3) The Authority shall ensure that the financial statements comply with any accounting standards notified to the Authority in writing by the Financial Secretary.

ClauseAmendment Proposed**16A. Authority to appoint auditor**

(1) The Authority shall appoint an auditor to audit the accounts of the Authority.

(2) As soon as practicable after a vacancy occurs in the office of auditor, the Authority shall appoint another auditor to fill the vacancy.

16B. Authority's financial statements to be audited

(1) Not later than 3 months after the end of each financial year, the Authority shall submit the financial statements prepared for that year to the Authority's auditor for auditing.

(2) As soon as practicable after receiving the financial statements submitted by the Authority, the Authority's auditor shall audit those statements and prepare an auditor's report on audit of those statements.

(3) The auditor's report shall state whether or not the financial statements are, in the opinion of the Authority's auditor, properly drawn up so as to give a true and fair view of the matters referred to in section 16(2) and in compliance with the accounting standards, if any, notified under section 16(3) and, if not, the reasons for that opinion.

(4) The Authority's auditor is entitled -

(a) to have access at all reasonable times to the Authority's accounting records; and

ClauseAmendment Proposed

- (b) to require the Managing Director, the executive directors and any member of the staff of the Authority to provide the auditor with such explanations and information as the auditor considers necessary for the purpose of conducting the audit.

(5) As soon as practicable after completing the audit and preparing the auditor's report, the Authority's auditor shall -

- (a) attach the report to, or endorse the report on, the financial statements that were audited; and
- (b) deliver those statements and the report to the Authority.

(6) The Authority shall, as soon as practicable and in any case not later than 6 months after the end of each financial year, furnish -

- (a) a report of the affairs of the Authority for that year;
- (b) a copy of the audited financial statements thereof; and
- (c) the auditor's report on audit of those statements,

to the Financial Secretary who shall cause the same to be tabled in the Legislative Council."

ClauseAmendment Proposed

New By adding in Part V -

"17A. Urban renewal strategy

(1) The Secretary may prepare from time to time an urban renewal strategy for the purposes of this Part relating to the carrying out of urban renewal.

(2) The Secretary shall consult the public before finalizing the urban renewal strategy prepared under subsection (1) in such manner as he may determine. The Secretary need not consult the public before revising or amending the urban renewal strategy prepared under that subsection if he considers that such revision or amendment is of a minor, technical or insignificant nature.

(3) In the course of consultation under subsection (2), the Secretary need not disclose information which, in his opinion, would not be in the public interest to disclose."

18 (a) By deleting subclause (3)(a) and substituting -

"(a) shall follow any guidelines set out in an urban renewal strategy prepared under section 17A(1) in relation to the implementation of those proposals and projects;"

(b) In subclause (4)(a), by deleting "with or without amendments".

19(5)(a) By deleting "with or without amendments".

20(1) By deleting "one month" and substituting "2 months".

ClauseAmendment Proposed

21 (a) By deleting subclauses (3) and (4) and substituting -

"(3) The Authority shall consider all objections and shall, not later than 3 months after the expiration of the publication period, submit -

- (a) the development project;
- (b) the Authority's deliberations on the objections;
- (c) any objections which are not withdrawn; and
- (d) an assessment by the Authority as to the likely effect of the implementation of the development project including, in relation to the residential accommodation of persons who will be displaced by the implementation of the development project, an assessment as to whether or not, insofar as suitable residential accommodation for such persons does not already exist, arrangements can be made for the provision of such residential accommodation in advance of any such displacement which will result as the development project is implemented,

to the Secretary for his consideration.

ClauseAmendment Proposed

(4) The Secretary shall consider the development project and any objections which are not withdrawn and determine, consequent upon those objections, whether -

- (a) to authorize the Authority to proceed with the development project without any amendment;
- (b) to make an amendment to the development project to meet an objection raised under subsection (1); or
- (c) to decline to authorize the development project."

(b) By deleting subclauses (6), (7) and (8) and substituting -

"(6) Where the Secretary makes an amendment to a development project under subsection (4)(b) to meet an objection raised under subsection (1), he shall order the Authority to publish in the Gazette notice of the amendment to the development project. Where the amendment appears to the Secretary to affect any land, other than that of the objector, the Secretary shall serve notice in writing of that amendment on the owner of that other land or give such other notice by advertisement or otherwise as he deems desirable and practicable to the owner of that other land to inform that owner of the amendment.

(7) The owner of the other land mentioned in subsection (6) who wishes to object to the

ClauseAmendment Proposed

amendment made by the Secretary under subsection (4)(b) shall send to the Secretary a written statement of that objection within -

- (a) 14 days in the case of an owner of the land included in the original development project submitted to the Secretary under subsection (3); or
- (b) 2 months in the case of an owner of the land affected by the amendment made by the Secretary under subsection (4)(b) and not included in the original development project submitted to the Secretary under subsection (3),

after the service or giving of notice by the Secretary under subsection (6). The Secretary shall consider the written statement to determine, in view of that objection, whether to authorize the Authority to proceed with the development project with or without the amendment made by the Secretary or, whether to decline to authorize the development project and shall serve notice in writing of that determination on the owner who made the objection.

(8) Where the Secretary makes an amendment to a development project under subsection (4)(b) with amendments which include an expansion of the boundaries of the project, the commencement date of the implementation of the part of the project concerning the land not included in the original development project submitted to the Secretary under subsection (3) shall be the date when notice was published in the Gazette under subsection

ClauseAmendment Proposed

(6). The commencement date of the implementation of the part of the project concerning the land included in the original development project submitted to the Secretary under subsection (3) shall remain as provided under section 20(2).".

(c) In subclause (9), by adding "(a)" after "(4)".

(d) By adding -

"(10) Where the Secretary declines to authorize a development project under subsection (4)(c) or (7), he shall order the Authority to publish in the Gazette notice of withdrawal of the project. The Authority shall serve notice in writing of that decision on the owner of the land or give such other notice by advertisement or otherwise as the Authority deems desirable and practicable to the owner of the land to inform that owner of the decision. Any such withdrawal shall be without prejudice to the preparation of a new project and the publication thereof under section 20.".

New

By adding in Part V -

"23A. Appeal Board

(1) The Chief Executive may appoint a panel of persons ("the Appeal Board panel") whom he considers suitable to sit as members of an Appeal Board to hear an appeal under section 23B.

(2) The Chief Executive shall not appoint -

ClauseAmendment Proposed

- (a) a director of the Board of the Authority;
- (b) an employee of the Authority; or
- (c) a public officer,

to the Appeal Board panel.

(3) In subsection (2), "public officer" (公職人員) does not include a judge of the Court of First Instance, a recorder of the Court of First Instance, a deputy judge of the Court of First Instance or a District Judge.

(4) The Chief Executive may appoint a member of the Appeal Board panel as Chairman of the panel and may appoint one or more members as Deputy Chairmen of the panel as he thinks fit.

(5) The Chief Executive may appoint a public officer to be the secretary to the Appeal Board panel who at the same time serves as the secretary to an Appeal Board.

(6) Members of the Appeal Board panel shall be appointed for a term not exceeding 3 years but shall be eligible for reappointment.

(7) Members of the Appeal Board panel may resign at any time by notice in writing given to the Chief Executive.

(8) On receipt of a notice of appeal, the secretary to the Appeal Board panel shall notify the Chairman of the panel who shall, subject to subsections (9), (10), (15) and (20), nominate an Appeal Board to hear the appeal.

ClauseAmendment Proposed

(9) The Chairman of the Appeal Board panel shall not nominate an Appeal Board to hear an appeal or act as its Chairman if he has a direct or indirect interest in the appeal.

(10) A Deputy Chairman of the Appeal Board panel designated for the purpose by the Chairman of the panel shall, in the absence of the Chairman of the panel, or if the Chairman of the panel has a direct or indirect interest in an appeal, nominate an Appeal Board to hear the appeal.

(11) Subsection (9) shall apply to a Deputy Chairman of the Appeal Board panel as it applies to the Chairman of the panel.

(12) A member of the Appeal Board panel shall not be nominated to an Appeal Board to hear an appeal or act as its member if he has a direct or indirect interest in the appeal.

(13) Subject to subsections (9), (10), (12), (15) and (20), the Chairman or a Deputy Chairman and 4 other members of the Appeal Board panel shall constitute an Appeal Board to hear an appeal.

(14) Subject to subsections (9), (10), (15) and (20), the Chairman or a Deputy Chairman of the Appeal Board panel shall act as the Chairman of an Appeal Board.

(15) If the Chairman of the Appeal Board panel and the Deputy Chairman designated under subsection (10) have a direct or indirect interest in an appeal, the Chief Executive may appoint another Deputy Chairman or another member of the panel, who does not have a direct or indirect interest in the appeal, to nominate

ClauseAmendment Proposed

an Appeal Board to hear the appeal and to act as the Chairman of the Appeal Board.

(16) At least 3 members, one of whom must be the Chairman of the Appeal Board, shall be present to hear and determine an appeal.

(17) The Appeal Board shall hear the appeal and a majority of the members hearing the appeal shall determine questions before it.

(18) Where there is an equality of votes in respect of any question to be determined in an appeal, the Chairman of the Appeal Board shall have a casting vote in addition to his original vote.

(19) A member shall not take part in determining the questions before the Appeal Board unless he has been present at all the Appeal Board hearings held in respect of the appeal concerned.

(20) If the Chairman of the Appeal Board panel is precluded by illness or absence from Hong Kong from exercising his functions -

- (a) the Deputy Chairman designated under subsection (10) shall act as Chairman; or
- (b) if the Deputy Chairman designated under that subsection is unable to act as Chairman, the Chief Executive may appoint another Deputy Chairman or another member to act as Chairman.

ClauseAmendment Proposed

(21) The Chairman and the members of an Appeal Board may be paid such remuneration and allowances as the Financial Secretary may determine.

24(1)(b)
and (2)(b)

By adding "(a)" after "(4)".

25

- (a) In subclause (1), by deleting "it has" and substituting "has been".
- (b) In subclause (2), by adding "if he considers the public interest so requires," before "in granting".

26

- (a) In subclause (1), by adding "and for connected purposes" before the full stop.
- (b) In subclause (4), by adding "reasonable" before "force".
- (c) In subclause (7) -
 - (i) in paragraph (b), by deleting "or";
 - (ii) by adding -
 - "(ba) gives such information which he knows or reasonably ought to know to be false in a material particular; or";
 - (iii) in paragraph (i), by deleting "of \$2,000" and substituting "at level 1";

<u>Clause</u>	<u>Amendment Proposed</u>
	(iv) in paragraph (ii), by deleting "of \$10,000" and substituting "at level 3".
29(2)(a)	By deleting "of \$10,000" and substituting "at level 3".
32	(a) In subclause (5) - (i) by deleting ", including every employment contract or other agreement with any person,"; (ii) by deleting "or other agreement". (b) By adding - "(8A) The effect of subsections (5) and (8) in relation to any employment contract with the Land Development Corporation which was in force immediately before the date of commencement of Parts II to VIII of this Ordinance is merely to modify that contract, as from that date, by substituting the Authority for the Land Development Corporation and, accordingly, employment with the Land Development Corporation and the Authority under an employment contract to which those subsections apply is deemed for all purposes to be a single continuing employment."
Schedule	(a) In section 1 - (i) by deleting subsection (1) and substituting - "(1) The Chief Executive shall determine the terms and conditions of appointment of the Chairman.";

ClauseAmendment Proposed

(ii) by adding -

"(1A) An executive director, including the Managing Director, shall hold office on such terms and conditions of appointment, including remuneration and allowances, as the Chief Executive may from time to time determine in respect of an executive director."

(b) In section 7(3) and (4), by deleting "Chairman of the Board of the Authority" and substituting "Managing Director".

URBAN RENEWAL AUTHORITY BILL

COMMITTEE STAGEAmendments to be moved by the Honourable LEE Wing-tat

<u>Clause</u>	<u>Amendment Proposed</u>
12	<p>(a) In subclause (1), by deleting "The" and substituting "Subject to subsection (1A), the".</p> <p>(b) By adding -</p> <p style="padding-left: 40px;">"(1A) The Authority, when exercising the power under subsection (1), shall consider -</p> <p style="padding-left: 80px;">(a) the needs of those persons who will be displaced by the implementation of a project for residential accommodation in the same locality; and</p> <p style="padding-left: 80px;">(b) where there is a business which will be displaced by the implementation of a project, the needs of those persons to operate the business as a going concern.".</p>
New	<p>By adding -</p> <p style="padding-left: 40px;">"23B. Appeals</p> <p style="padding-left: 80px;">(1) An objector to a development project who is aggrieved by a decision of the Secretary under section 21(4)(a) or (7) may appeal by lodging a notice of</p>

ClauseAmendment Proposed

appeal with the secretary to the Appeal Board panel, with a copy to the Secretary, within 30 days after notification of the Secretary's decision under section 21(9).

(2) A notice of appeal under subsection (1) shall contain the following information -

- (a) the name, address and telephone number of the appellant and of the appellant's authorized representative, if any;
- (b) details of the decision appealed against;
- (c) the grounds of the appeal;
- (d) the name, address and telephone number of all proposed witnesses; and
- (e) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the appellant sufficient to ensure that the Appeal Board and the Secretary are fully and fairly informed of the grounds of appeal.

(3) On receipt of a notice under subsection (1), the secretary to the Appeal Board panel shall fix a date, time and place for the hearing of the appeal, which shall be a date not sooner than 30 days but not more than 60 days of receipt of such notice and shall give at least 14 days' notice thereof to the appellant and the Secretary.

ClauseAmendment Proposed

(4) The Secretary shall, within 30 days of receipt of a copy of a notice under subsection (1), serve on the secretary to the Appeal Board panel and on the appellant a notice containing the following information -

- (a) the name, address and telephone number of the Secretary's authorized representative;
- (b) the grounds for opposing the appeal;
- (c) the name, address and telephone number of all proposed witnesses; and
- (d) particulars of the evidence to be given by the witnesses and documents and any other thing to be produced by or on behalf of the Secretary sufficient to ensure that the appellant and the Appeal Board are fully and fairly informed of the grounds of opposing the appeal.

(5) Not less than 7 days prior to the date set for the hearing of the appeal, the appellant and the Secretary shall -

- (a) lodge with the secretary to the Appeal Board panel a copy of witness statements, documents and any other thing to be given or produced in evidence at the hearing of the appeal; and

ClauseAmendment Proposed

- (b) serve on each other a copy of witness statements and documents and shall give details of any other thing lodged with the secretary to the Appeal Board panel, which statement, document or thing is to be given or produced in evidence at the hearing of the appeal.

(6) The appellant may abandon the whole or any part of his appeal before the date set for hearing or any adjourned date by giving the secretary to the Appeal Board panel and the Secretary not less than 7 days' notice in writing of his intention to abandon the whole or part of the appeal.

(7) The hearing of an appeal shall be in public.

(8) The appellant and the Secretary may appear before an Appeal Board in person or by an authorized representative.

(9) Prior to or at the hearing of an appeal, an Appeal Board may -

- (a) consider and determine whether a party should have access to documents, records, books of account or other exhibits which the party claims are relevant to the appeal and which are in the possession or control of another person and order that other person to give the party access to such documents, records, books of account or other exhibits as it may think fit;

ClauseAmendment Proposed

- (b) hear evidence on oath and administer any oath necessary to swear in a witness;
- (c) admit or take into account any statement, document, record, book of account, other exhibit, information or matter whether or not it would be admissible as evidence in a court of law; and
- (d) by notice in writing (a "summons"), summon any person to appear before it to give evidence and to produce any document, record, book of account or other exhibit specified in the summons.

(10) A witness who is called to give evidence at an appeal shall have all of the rights and privileges of a witness in a civil action in the Court of First Instance.

(11) Any person who -

- (a) is served with a summons under subsection (9)(d) and who -
 - (i) refuses or neglects without sufficient cause to appear or to produce any document, record, book of account or other exhibit required to be produced; or

ClauseAmendment Proposed

(ii) refuses to be sworn or give evidence; or

(b) refuses to comply with an order of the Appeal Board under subsection (9),

commits an offence and is liable to a fine at level 5.

(12) The Appeal Board shall inquire into any matter which it may consider relevant to the appeal, whether or not it has been raised by a party.

(13) No decision of an Appeal Board shall be questioned by virtue of the absence of a member of the Appeal Board during the hearing of an appeal provided that member does not participate in the final decision of the Appeal Board.

(14) At the completion of the hearing of an appeal, the Appeal Board -

(a) may confirm, reverse or vary the decision appealed against as it thinks fit;

(b) may, subject to paragraph (c), order any party to the appeal to pay only the costs and expenses incurred by the Appeal Board in hearing and determining the appeal, and the amount of such costs and expenses shall be determined by the Appeal Board having regard to -

ClauseAmendment Proposed

- (i) the amount of remuneration and allowances payable to the Chairman and the members of the Appeal Board under section 23A(21); and
 - (ii) the amount of administrative or other costs and expenses incurred by the Appeal Board in relation to the hearing and determination of an appeal.
- (c) shall not make an order under paragraph (b) against the appellant unless it is satisfied that it is reasonable and just for the appellant to bear the costs and expenses of the hearing.

(15) Where an Appeal Board makes an order for costs and expenses under subsection (14), the Appeal Board shall specify in the order -

- (a) the time limit for making payment, not being earlier than 14 days from the date of the order; and
- (b) the person to whom payment shall be made. Where an order for costs and expenses under this section is made against -

ClauseAmendment Proposed

- (i) the appellant, the amount of the costs and expenses shall be recoverable as a civil debt; or
- (ii) the Secretary, the amount of the costs and expenses shall be paid out of the general revenue.

(16) If a person mentioned in subsection (8) fails to appear on a date set for the hearing of an appeal, an Appeal Board may -

- (a) if it is satisfied that the failure to appear is due to reasonable cause, adjourn the hearing to a date, time and place that it thinks fit;
- (b) proceed to hear the appeal; or
- (c) dismiss the appeal, if the person who fails to appear as stated above is the appellant or the appellant's authorized representative.

(17) If an Appeal Board dismisses an appeal under subsection (16)(c), an appellant may, within 14 days of the making of the order dismissing the appeal, apply in writing to the secretary to the Appeal Board for the Appeal Board to review its decision.

(18) On a review under subsection (17), the Appeal Board may, if it is satisfied that the failure to appear was due to reasonable cause, set aside the order

ClauseAmendment Proposed

and fix a date, time and place as it thinks fit for the hearing, and, unless the parties agree, the date shall be not less than 14 days from the date of the review.

(19) The secretary to the Appeal Board shall keep a written record for each appeal of -

- (a) the name of the appellant;
- (b) grounds of appeal;
- (c) the name of the appellant's authorized representative, if any;
- (d) the name of the Secretary's authorized representative;
- (e) the name of any witness called by either party to the appeal;
- (f) an outline of the evidence of each witness;
- (g) the decision of the Appeal Board and the reasons for the decision; and
- (h) any orders made by the Appeal Board.

(20) The secretary to the Appeal Board shall serve on both the appellant and the Secretary the decision of the Appeal Board, the reasons for the decision and any orders made by the Appeal Board.

ClauseAmendment Proposed

(21) The secretary to the Appeal Board shall publish in the Gazette notice of decision of the Appeal Board concerning -

- (a) any decision referred to in subsection (14), in the case where no review of the decision is applied under subsection (17); or
- (b) any decision of the Appeal Board after consideration of the review under subsection (17).

(22) Any notice or order of an Appeal Board shall be issued under the hand of the Chairman of the Appeal Board.

(23) The Chairman of the Appeal Board panel may, as regards the general application by all, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 23A for the practice or procedure in respect thereof.

(24) The Chairman of an Appeal Board may, as regards a particular hearing, determine the practice or procedure in relation to a matter if provision has not been made under this section and section 23A for the practice or procedure in respect thereof."

Schedule By adding -

"3A. Meetings of the Board of Authority

All meetings of the Board of the Authority shall be open to the public unless the Board of the Authority is satisfied that it is desirable for the meeting to be held in private."

ClauseAmendment Proposed

8(b) By deleting "買賣" and substituting "經營".

New By adding -

"8A. Minor definitions

Section 198 is amended -

(a) by renumbering it as section 198(1);

(b) by adding -

"(2) In sections 31(2), 32(3), 95(1A), 96(6A), 109(1A), 118(8A) and 120(2A), "dealing in" (經營) includes buying, selling, letting for hire, importing, exporting and distributing."

8B. Index of defined expressions

Section 199 is amended -

(a) by repealing "198" wherever it appears and substituting "198(1)";

(b) by adding -

"dealing in section 198(2)".

9(b) By deleting "買賣" and substituting "經營".

10(b) By deleting "買賣" and substituting "經營".

ClauseAmendment Proposed

11(b) By deleting "買賣" and substituting "經營".

New By adding -

"11A. Expressions having same meaning as in copyright provisions

Section 238 is amended by adding -

"(1A) In sections 207(1A), 211(1A) and 228(1A), "dealing in" (經營) includes buying, selling, letting for hire, importing, exporting and distributing."

11B. Index of defined expressions

Section 239 is amended by adding -

(a) by repealing "198" opposite the expression "business" and substituting "198(1)";

(b) by adding -

"dealing in section 238(1A)".

12 By deleting paragraph (b) and substituting -

"(b) by adding -

ClauseAmendment Proposed

"(6) It is immaterial for the purpose of subsection (2)(a) whether or not the trade or business consists of dealing in devices or means specifically designed or adapted to circumvent forms of copy-protection.

(7) In subsection (6), "dealing in" (經營) includes buying, selling, letting for hire, importing, exporting and distributing.". ".

New

By adding -

"12A. Copyright: Transitional provisions and savings

Schedule 2 is amended, in paragraph 40, by repealing "198" and substituting "198(1)". ".

25

(a) In the proposed section 31C(1), by adding "or reasonable excuse" after "lawful authority".

(b) By adding after the proposed section 31D -

"31E. Display of notices

(1) The manager of a place of public entertainment shall display and keep displayed notices, in English and Chinese, to the effect that the unauthorized possession of video recording equipment in that place is prohibited, which notices shall be in the prescribed form and include the prescribed statements.

ClauseAmendment Proposed

(2) The manager shall display the notices referred to in subsection (1) in the manner and in the locations required by the regulations.

(3) The manager shall maintain the notices referred to in subsection (1) in legible condition and good order.

(4) Any manager who contravenes subsection (1), (2) or (3) commits an offence and is liable on conviction to a fine at level 2.

(5) In this section, "manager" (管理人) also includes any person who holds or is required to hold a licence granted under the Places of Public Entertainment Ordinance (Cap. 172) in relation to the place of public entertainment."

(c) In the proposed section 31E -

(i) by renumbering it as section 31F;

(ii) in subsections (2)(a) and (3)(b), by deleting "section 31C" and substituting "this Part".

26 By deleting "31E" and substituting "31F".

New By adding -

"28A. Regulations

Section 38 is amended -

(a) in paragraph (a), by repealing "and";

ClauseAmendment Proposed

(b) by adding -

"(aa) for the purposes of any provision of this Ordinance which contemplates or authorizes the making of regulations with respect to any matter; and".

29

By deleting "disc" and substituting "discs".

Annex XX

ADAPTATION OF LAWS (NO. 13) BILL 1999

COMMITTEE STAGEAmendments to be moved by the Secretary for Trade and IndustryClauseAmendment Proposed

Schedule 2 By deleting section 37.

Schedule 3 By deleting section 8.

Annex XXI

WITNESS PROTECTION BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>(a) In the definition of "witness", in paragraph (a), by deleting "Government" and substituting "HKSAR".</p> <p>(b) By adding -</p> <p style="padding-left: 40px;">""board" (委員會) means the board established under section 14;"</p>
4	<p>(a) In subclause (3) -</p> <p style="padding-left: 40px;">(i) by deleting "The" and substituting "In addition to the nature of the perceived danger to the witness, the";</p> <p style="padding-left: 40px;">(ii) in paragraph (e), by adding "and" at the end;</p> <p style="padding-left: 40px;">(iii) by deleting paragraph (f).</p> <p>(b) By deleting subclause (4) and substituting -</p> <p style="padding-left: 40px;">"(4) If -</p> <p style="padding-left: 80px;">(a) a parent, guardian or other person signs a memorandum of understanding pursuant to subsection (2)(c)(i) or (ii); and</p>

ClauseAmendment Proposed

- (b) the witness to which the memorandum relates is included in the witness protection programme and remains a participant on or after reaching 18 years or having legal capacity, as the case may be,

the approving authority may require the participant to sign another memorandum of understanding on or after reaching 18 years or having legal capacity, as the case may be.

(5) Where the approving authority considers a witness for inclusion in the witness protection programme pursuant to a request made by the witness and decides not to include the witness in the witness protection programme, he shall take reasonable steps to notify the witness in writing of his decision."

- 5 (a) By deleting subclause (2)(a) and substituting -

"(a) require a witness to undergo psychological or psychiatric examinations and make the results available to the approving authority; or"

- (b) By adding -

"(3) In addition to the requirements under subsections (1) and (2), the approving authority may require a witness to undergo medical tests or examinations and make the results available to the approving authority to obtain information that may be needed in the event that the witness is included in the witness protection program."

<u>Clause</u>	<u>Amendment Proposed</u>
6(2)(a)	By deleting subparagraph (iv).
8	<p>(a) In subclause (2), by deleting "另立" and substituting "定立".</p> <p>(b) By adding -</p> <p style="padding-left: 40px;">"(2A) Where the approving authority considers establishing a new identity for a participant pursuant to a request made by the participant and decides not to establish a new identity for him, he shall take reasonable steps to notify the participant in writing of his decision."</p> <p>(c) In subclause (3), by deleting "另立" where it twice appears and substituting "定立".</p> <p>(d) By adding -</p> <p style="padding-left: 40px;">"(3A) If the participant is under 18 years or otherwise lacks legal capacity to sign the memorandum, it shall be signed in the manner as provided for in section 4(2)(c)(i) or (ii) (as the case may require), and if the participant remains a participant on or after reaching 18 years or having legal capacity, as the case may be, the approving authority may require him to sign another memorandum of understanding at that time."</p> <p>(e) In subclauses (4) and (5), by deleting "另立" where it twice appears and substituting "定立".</p> <p>(f) In subclause (6), by deleting "this Ordinance" and substituting "the Ordinance".</p>

ClauseAmendment Proposed

- 9 (a) In subclause (2) -
- (i) by deleting "shall" and substituting "may";
- (ii) by deleting "另立" where it twice appears and substituting "定立".
- (b) In subclause (4), by deleting "former identity" and substituting "original identity".
- 10 By deleting "former identity" wherever it appears and substituting "original identity".
- 11(2) By deleting "intention" and substituting "decision".
- 12 (a) In subclauses (1) and (3)(a), by deleting "former identity" and substituting "original identity".
- (b) By adding -
- "(3A) Where a former participant's original identity is restored and he has outstanding legal rights or obligations or is subject to legal restrictions in respect of the identity that had been provided under the witness protection program ("the new identity"), section 9 applies to such rights, obligations and restrictions, and the approving authority may take the same actions as he could have if they had occurred before the new identity was established."
- 13 (a) In subclause (1) -
- (i) in paragraph (a), by deleting "or";

ClauseAmendment Proposed

(ii) in paragraph (b), by deleting the comma and substituting "; or";

(iii) by adding -

"(c) not to establish a new identity for him as a participant,";

(iv) by deleting "a more senior officer designated by the Commissioner for that purpose" and substituting "the board".

(b) In subclause (3), by deleting "officer designated by the Commissioner under subsection (1)" and substituting "board".

(c) In subclause (4), by adding "or not to establish a new identity for a participant" after "programme".

14

By deleting the clause and substituting -

"14. Establishment of board

(1) There is established a board to review decisions of the approving authority referred to in section 13(1)(a), (b) and (c).

(2) The board -

(a) shall consist of -

(i) an officer who is more senior than the approving authority designated by the Commissioner; and

ClauseAmendment Proposed

(ii) 2 persons who are not public officers; and

(b) may also consist of additional members as determined by the chairman, who may be public officers or not public officers,

and the members referred to in paragraphs (a)(ii) and (b) shall be selected from the panel referred to in subsection (4) in accordance with the procedure provided for in subsection (5).

(3) The officer referred to in subsection (2)(a)(i) shall be the chairman of the board.

(4) The Chief Executive shall, for the purposes of subsection (2)(a)(ii) and (b), appoint a panel of persons consisting of such number of public officers and other persons as he thinks fit.

(5) Members of the panel who are not public officers shall be selected to serve on the board in rotation in accordance with the alphabetical order of their surnames. The chairman may, in addition to such members, select members of the panel who are public officers, in such manner as he sees fit, to serve on the board.

(6) An appointment made under subsection (4) shall be notified in the Gazette.

(7) The board shall review the documents submitted to it under section 13(3) and shall advise the approving authority and the person who requested the review of its decision to confirm or reverse the decision being reviewed.

ClauseAmendment Proposed

(8) Where the approving authority's decision is reversed, he shall amend his decision accordingly.

(9) The board may establish its own procedure for reviewing a decision."

15(b) By adding "in or outside Hong Kong" after "agency".

17 By adding -

"(5A) No proceedings shall be instituted for an offence under subsection (1)(b) except with the consent of the Secretary for Justice."

19 (a) In subclause (1), by deleting everything before paragraph (a) and substituting -

"(1) Where a participant is to give evidence for the HKSAR in legal proceedings, the judge or magistrate in charge of such proceedings may, upon an ex parte application by the prosecution, authorize a police officer or an officer of the Independent Commission Against Corruption to require all members of the public wishing to enter the courtroom to -"

(b) By adding -

"(1A) An application under subsection (1) shall be heard in chambers."

(c) In subsection (2), by adding ", subject to any direction of the judge or magistrate," after "may".

Annex XXII

DANGEROUS DRUGS, INDEPENDENT COMMISSION
AGAINST CORRUPTION AND POLICE FORCE
(AMENDMENT) BILL 1999

COMMITTEE STAGEAmendments to be moved by the Secretary for SecurityClauseAmendment Proposed

- 2 (a) In the proposed section 54AA -
- (i) in subsection (2) -
- (A) by deleting paragraph (a) and substituting -
- "(a) for suspecting that the person from whom the urine sample is to be taken has committed a serious arrestable offence; and";
- (B) in paragraph (b), by deleting "involvement of" and substituting "commission of the offence by";
- (ii) by deleting subsection (3) and substituting -
- "(3) An authorizing officer must give an authorization pursuant to subsection (2) in writing.";
- (iii) in subsection (4) -
- (A) in paragraph (a), by deleting "been involved" and substituting "committed";

ClauseAmendment Proposed

(B) in paragraph (b), by deleting "involvement of" and substituting "commission of the offence by";

(C) by deleting paragraph (f) and substituting -

"(f) that he may make a request to a police officer or a member of the Customs and Excise Service for access to the information derived from the sample.";

(iv) by adding -

"(4A) The person from whom a urine sample was taken pursuant to subsection (1) is entitled to access to the information derived from the sample.";

(v) in subsection (8), in the definition of "serious arrestable offence", by deleting "5" and substituting "7".

(b) In the proposed section 54AB -

(i) in subsection (1), by deleting "No person shall" and substituting "Without prejudice to subsection (3A), no person shall have access to, dispose of or";

(ii) by deleting subsection (2) and substituting -

"(2) Without prejudice to subsection (3A), no person shall have access to, disclose or use any

ClauseAmendment Proposed

information derived from the forensic analysis of a urine sample taken pursuant to section 54AA except for the purposes of -

- (a) any proceedings for an offence in relation to dangerous drugs; or
- (b) making the information available to the person to whom the information relates.";

(iii) by adding -

"(3A) Whether or not a urine sample taken pursuant to section 54AA or any information derived from the forensic analysis of the sample has been destroyed under subsection (4), no person shall use the sample or information in any proceedings for an offence in relation to dangerous drugs after -

- (a) it is decided that a person from whom the sample was taken shall not be charged with any offence in relation to dangerous drugs;

ClauseAmendment Proposed

- (b) if the person has been charged with one or more such offences -
- (i) the charge or all the charges, as the case may be, is or are withdrawn;
 - (ii) the person is discharged by a court before conviction of the offence or all the offences, as the case may be; or
 - (iii) the person is acquitted of the offence or all the offences, as the case may be, at trial or on appeal,
- whichever occurs first.";
- (iv) in subsection (4)(i)(A), by adding "or" at the end;
- (v) by deleting subsection (6) and substituting -

ClauseAmendment Proposed

"(6) Without prejudice to the operation of subsections (4) and (5), if -

(a) a person from whom a urine sample was taken pursuant to section 54AA has been convicted of one or more offences in relation to dangerous drugs; and

(b) there is no other charge against the person -

(i) in relation to dangerous drugs; and

(ii) which renders the retention of the sample necessary,

then the Commissioner of Police or the Commissioner of Customs and Excise, as the case may be, shall take reasonable steps to ensure that the sample which may be retained by him or on his behalf is destroyed as soon as practicable after the conclusion of all proceedings (including any appeal) arising out of the conviction."

ClauseAmendment Proposed

- (c) In the proposed section 54AC, by adding "but any order to amend that Schedule shall be subject to the approval of the Legislative Council" after "Schedule".

3

In the proposed Seventh Schedule -

(a) in section 3(a)(ii) -

- (i) by deleting sub-subparagraph (A) and substituting -

"(A) for suspecting that the person from whom the urine sample is to be taken has committed a serious arrestable offence; and";

- (ii) in sub-subparagraph (B), by deleting "involvement of" and substituting "commission of the offence by";

(b) in section 4, by deleting "3 days" and substituting "a period as may be directed by the magistrate";

(c) in section 6(a)(ii) -

- (i) by deleting sub-subparagraph (A) and substituting -

"(A) for suspecting that the person from whom the urine sample is to be taken has committed a serious arrestable offence; and";

ClauseAmendment Proposed

- (ii) in sub-subparagraph (B), by deleting "involvement of" and substituting "commission of the offence by";
 - (d) in Form 1, in paragraph (a) -
 - (i) in subparagraph (i), by deleting "the involvement of the said person in" and substituting "that the said person has committed";
 - (ii) in subparagraph (ii), by deleting "involvement of" and substituting "commission of the offence by";
 - (e) in Form 2, in paragraph (b) -
 - (i) in subparagraph (i), by deleting "the involvement of the said person in" and substituting "that the said person has committed";
 - (ii) in subparagraph (ii), by deleting "involvement of" and substituting "commission of the offence by".
- 4 (a) In the proposed section 10E -
- (i) in subsection (2) -
 - (A) by deleting paragraph (a) and substituting -
 - "(a) for suspecting that the person from whom the non-intimate sample is to be taken has committed a

ClauseAmendment Proposed

serious arrestable offence;
and";

(B) in paragraph (b), by deleting
"involvement of" and substituting
"commission of the offence by";

(ii) by deleting subsection (3) and substituting -

"(3) An authorizing officer -

(a) subject to paragraph (b),
must give an authorization
pursuant to subsection (2)
in writing;

(b) where it is impracticable to
comply with paragraph (a),
may give such authorization
orally, in which case he
must confirm it in writing
as soon as practicable.";

(iii) in subsection (4) -

(A) in paragraph (a), by deleting "been
involved" and substituting "committed";

(B) in paragraph (b), by deleting
"involvement of" and substituting
"commission of the offence by";

(C) by deleting paragraph (g) and
substituting -

"(g) that he may make a request
to an officer for access to
the information derived
from the analysis of the
sample; and";

ClauseAmendment Proposed

(iv) by adding -

"(4A) The person from whom a non-intimate sample was taken pursuant to subsection (1) is entitled to access to the information derived from the analysis of the sample.";

(v) in subsection (8) -

(A) in the definition of "intimate sample" -

(I) by deleting paragraph (a) and substituting -

"(a) a sample of blood, semen or any other tissue fluid, urine or hair other than head hair;"

(II) by deleting paragraph (c) and substituting -

"(c) a swab taken from a private part of a person's body or from a person's body orifice other than the mouth;"

(B) in the definition of "non-intimate sample" -

(I) by deleting paragraph (a) and substituting -

ClauseAmendment Proposed

"(a) a sample of head hair;"

(II) by deleting paragraph (c) and substituting -

"(c) a swab taken from any part, other than a private part, of a person's body or from the mouth but not any other body orifice;"

(III) by deleting paragraph (e) and substituting -

"(e) an impression of any part of a person's body other than -

(i) an impression of a private part;

(ii) an impression of the face; or

(iii) the identifying particulars described in section 59(6) of the Police Force Ordinance (Cap. 232);"

ClauseAmendment Proposed

(C) in the definition of "serious arrestable offence", by deleting "5" and substituting "7".

(b) In the proposed section 10F -

(i) in subsection (1), by deleting "No person shall" and substituting "Without prejudice to subsection (4), no person shall have access to, dispose of or";

(ii) by deleting subsection (2) and substituting -

"(2) Without prejudice to subsection (4), no person shall have access to, disclose or use the results of forensic analysis of a non-intimate sample taken pursuant to section 10E except -

(a) for the purposes of -

(i) forensic comparison and interpretation in the course of investigation of any offence for which a person may be arrested under section 10;

(ii) any proceedings for such an offence; or

ClauseAmendment Proposed

(iii) making the results available to the person to whom the results relate; or

(b) for the purposes of section 59G(1) and (2) of the Police Force Ordinance (Cap. 232) where the results are of forensic DNA analysis.";

(iii) by adding -

"(4) Whether or not a non-intimate sample taken pursuant to section 10E or the results of forensic analysis of the sample has been destroyed under section 10G, no person shall use the sample or results in any proceedings for an offence for which a person may be arrested under section 10 after -

(a) it is decided that a person from whom the sample was taken shall not be charged with any offence for which a person may be arrested under section 10;

ClauseAmendment Proposed

- (b) if the person has been charged with one or more such offences -
- (i) the charge or all the charges, as the case may be, is or are withdrawn;
 - (ii) the person is discharged by a court before conviction of the offence or all the offences, as the case may be; or
 - (iii) the person is acquitted of the offence or all the offences, as the case may be, at trial or on appeal,
- whichever occurs first."
- (c) By deleting the proposed section 10G(4) and substituting -
- "(4) Without prejudice to the operation of subsections (1) and (2), if -

ClauseAmendment Proposed

- (a) a person from whom a non-intimate sample was taken pursuant to section 10E has been convicted of one or more offences for which a person may be arrested under section 10; and
- (b) there is no other charge against the person -
 - (i) in relation to an offence which a person may be arrested under section 10; and
 - (ii) which renders the retention of the sample necessary,

then the Commissioner shall take reasonable steps to ensure that the sample which may be retained by him or on his behalf is destroyed as soon as practicable after the conclusion of all proceedings (including any appeal) arising out of the conviction."

- 5 (a) In the proposed definition of "intimate sample" -
- (i) by deleting paragraph (a) and substituting -
 - "(a) a sample of blood, semen or any other tissue fluid, urine or hair other than head hair;"
 - (ii) by deleting paragraph (c) and substituting -

ClauseAmendment Proposed

- (c) a swab taken from a private part of a person's body or from a person's body orifice other than the mouth;".
- (b) In the proposed definition of "non-intimate sample" -
- (i) by deleting paragraph (a) and substituting -
- (a) a sample of head hair;";
- (ii) by deleting paragraph (c) and substituting -
- (c) a swab taken from any part, other than a private part, of a person's body or from the mouth but not any other body orifice;";
- (iii) by deleting paragraph (e) and substituting -
- (e) an impression of any part of a person's body other than -
- (i) an impression of a private part;
- (ii) an impression of the face; or
- (iii) the identifying particulars described in section 59(6);".
- (c) By deleting the proposed definition of "serious arrestable offence" and substituting -

ClauseAmendment Proposed

"serious arrestable offence" (嚴重的可逮捕罪行)
means -

- (a) an offence for which a person may under or by virtue of any law be sentenced to imprisonment for a term not less than 7 years; or
- (b) any other offence specified in Schedule 1A."

New

By adding -

"5A. Declaration of office

Section 26 is amended by repealing "the Schedule" and substituting "Schedule 1".

6

(a) In the proposed section 59A -

(i) in subsection (2) -

(A) by deleting paragraph (a) and substituting -

"(a) for suspecting that the person from whom the intimate sample is to be taken has committed a serious arrestable offence; and";

(B) in paragraph (b), by deleting "involvement of" and substituting "commission of the offence by";

(ii) by deleting subsection (3) and substituting -

ClauseAmendment Proposed

"(3) An authorizing officer must give an authorization pursuant to subsection (2) in writing.";

(iii) in subsection (4) -

(A) in paragraph (a), by deleting "been involved" and substituting "committed";

(B) in paragraph (b), by deleting "involvement of" and substituting "commission of the offence by";

(C) in paragraph (e), by adding "或任何其他罪行" after "罪行";

(D) by deleting paragraph (f) and substituting -

"(f) that he may make a request to a police officer for access to the information derived from the analysis of the sample; and";

(iv) by adding -

"(4A) The person from whom an intimate sample was taken pursuant to subsection (1) is entitled to access to the information derived from the analysis of the sample.".

(b) In the proposed section 59C -

(i) in subsection (1)(a), by deleting "magistrate or";

ClauseAmendment Proposed

- (ii) in subsection (2) -
 - (A) by deleting paragraph (a) and substituting -
 - "(a) for suspecting that the person from whom the non-intimate sample is to be taken has committed a serious arrestable offence; and";
 - (B) in paragraph (b), by deleting "involvement of" and substituting "commission of the offence by";
- (iii) by deleting subsection (3) and substituting -
 - "(3) An authorizing officer -
 - (a) subject to paragraph (b), must give an authorization pursuant to subsection (2) in writing;
 - (b) where it is impracticable to comply with paragraph (a), may give such authorization orally, in which case he must confirm it in writing as soon as practicable.";
- (iv) in subsection (4) -
 - (A) in paragraph (a), by deleting "been involved" and substituting "committed";

ClauseAmendment Proposed

(B) in paragraph (b), by deleting "involvement of" and substituting "commission of the offence by";

(C) by deleting paragraph (g) and substituting -

"(g) that he may make a request to a police officer for access to the information derived from the analysis of the sample; and";

(v) by adding -

"(4A) The person from whom a non-intimate sample was taken pursuant to subsection (1) is entitled to access to the information derived from the analysis of the sample."

(c) In the proposed section 59D -

(i) in subsection (1), by deleting "No person shall" and substituting "Without prejudice to subsection (4), no person shall have access to, dispose of or";

(ii) by deleting subsection (2) and substituting -

"(2) Without prejudice to subsection (4), no person shall have access to, disclose or use the results of forensic analysis of an intimate sample or a non-intimate sample taken pursuant to section 59A or 59C except -

ClauseAmendment Proposed

- (a) for the purposes of -
 - (i) forensic comparison and interpretation in the course of investigation of any offence;
 - (ii) any proceedings for such an offence; or
 - (iii) making the results available to the person to whom the results relate; or
- (b) for the purposes of section 59G(1) and (2) where the results are of forensic DNA analysis.";
- (iii) by adding -

"(4) Whether or not an intimate sample or a non-intimate sample taken pursuant to section 59A or 59C or the results of forensic analysis of the sample has been destroyed under section 59H, no person shall use the sample or results in any proceedings after -

ClauseAmendment Proposed

- (a) it is decided that a person from whom the sample was taken shall not be charged with any offence;

- (b) if the person has been charged with one or more such offences -
 - (i) the charge or all the charges, as the case may be, is or are withdrawn;

 - (ii) the person is discharged by a court before conviction of the offence or all the offences, as the case may be; or

 - (iii) the person is acquitted of the offence or all the offences, as the case may be, at trial or on appeal,

whichever occurs first.

ClauseAmendment Proposed

(5) Whether or not a non-intimate sample taken pursuant to section 59F or DNA information derived from the sample has been destroyed under section 59H(7), no person shall use the sample or information in any proceedings after the Commissioner receives a notice served under section 59F(5).".

(d) In the proposed section 59E -

(i) by deleting subsection (2)(d) and substituting -

"(d) that the person may make a request to a police officer for access to the DNA information derived from the sample.";

(ii) by adding -

"(5) The person from whom a non-intimate sample of a swab from the mouth was taken pursuant to subsection (1) is entitled to access to the DNA information derived from the sample.

(6) A non-intimate sample of a swab from the mouth of a person may only be taken within 12 months after the person has been convicted of a serious arrestable offence.".

(e) In the proposed section 59F, by adding -

"(3A) Where an authorization has been given pursuant to subsection (1), a police officer shall,

ClauseAmendment Proposed

before the taking of a non-intimate sample, inform the person from whom the sample is to be taken -

- (a) the DNA information derived from the sample may be stored in the DNA database maintained under section 59G(1) and may be used for the purposes specified in subsection (2) of that section;
 - (b) that he may make a request to a police officer for access to the information; and
 - (c) that he may at any time withdraw his authorization given for the purposes referred to in subsection (1)(b) and (c).".
- (f) In the proposed section 59G(2) -
- (i) in paragraph (iii), by deleting "or";
 - (ii) by deleting paragraph (iv) and substituting -
 - "(iv) administering the DNA database for the purposes of or connected with any of the following -
 - (A) paragraph (i), (ii) or (iii) or subsection (1);
 - (B) section 59H; or
 - (v) any investigation or inquest into the death of a person under the Coroners Ordinance (Cap. 504).".

ClauseAmendment Proposed

- (g) In the proposed section 59H -
- (i) in subsection (1)(i)(A), by adding "or" at the end;
 - (ii) by deleting subsection (4) and substituting -

"(4) Without prejudice to the operation of subsections (1) and (2), if -

- (a) a person from whom an intimate sample or a non-intimate sample was taken pursuant to section 59A or 59C has been convicted of one or more offences; and
- (b) there is no other charge against the person in relation to an offence which renders the retention of the sample necessary,

then the Commissioner shall take reasonable steps to ensure that the sample which may be retained by him or on his behalf is destroyed as soon as practicable after the conclusion of all proceedings (including any appeal) arising out of the conviction."

- (h) By deleting the proposed section 59I and substituting -

ClauseAmendment Proposed**"59I. Amendment of Schedules 1A and 2**

The Chief Executive in Council may by order published in the Gazette amend Schedule 1A or 2 but any order to amend any Schedule shall be subject to the approval of the Legislative Council."

New

By adding -

"7A. Schedule 1A added

The following is added -

"SCHEDULE 1A [ss. 3 & 59I]

OFFENCES SPECIFIED AS SERIOUS
ARRESTABLE OFFENCES

Offence	Descriptions*
Crimes Ordinance (Cap. 200)	
section 24	criminal intimidation
section 25	assaults with intent to cause certain acts to be done or omitted
section 118F	homosexual buggery committed otherwise than in private
section 120	procurement by false pretences
section 124	intercourse with girl under 16

ClauseAmendment Proposed

section 132 procurement of girl under 21

*Note: The short description of offences in this Schedule is for ease of reference only."."

8 In the proposed Schedule 2 -

(a) in section 3(a)(ii) -

(i) by deleting sub-subparagraph (A) and substituting -

"(A) for suspecting that the person from whom the intimate sample is to be taken has committed a serious arrestable offence; and";

(ii) in sub-subparagraph (B), by deleting "involvement of" and substituting "commission of the offence by";

(b) in section 4, by deleting "3 days" and substituting "a period as may be directed by the magistrate";

(c) in section 6(a)(ii) -

(i) by deleting sub-subparagraph (A) and substituting -

"(A) for suspecting that the person from whom the intimate sample is to be taken has committed a serious arrestable offence;

ClauseAmendment Proposed

and";

- (ii) in sub-subparagraph (B), by deleting "involvement of" and substituting "commission of the offence by";

(d) in Form 1, in paragraph (a) -

- (i) in subparagraph (i), by deleting "the involvement of the said person in" and substituting "that the said person has committed";

- (ii) in subparagraph (ii), by deleting "involvement of" and substituting "commission of the offence by";

(e) in Form 2, in paragraph (b) -

- (i) in subparagraph (i), by deleting "the involvement of the said person in" and substituting "that the said person has committed";

- (ii) in subparagraph (ii), by deleting "involvement of" and substituting "commission of the offence by".

DANGEROUS DRUGS, INDEPENDENT COMMISSION
AGAINST CORRUPTION AND POLICE FORCE
(AMENDMENT) BILL 1999

COMMITTEE STAGE

Amendments to be moved by the Honourable James TO Kun-sun

<u>Clause</u>	<u>Amendment Proposed</u>
2	<p>(a) In the proposed section 54AA(4)(e), by deleting "offence in relation to dangerous drugs" and substituting "serious arrestable offence".</p> <p>(b) In the proposed section 54AB -</p> <p style="padding-left: 40px;">(i) by deleting subsection (1) and substituting -</p> <p style="padding-left: 80px;">"(1) Without prejudice to subsection (3A), no person shall have access to, dispose of or use a urine sample taken pursuant to section 54AA except for the purposes of forensic analysis in the course of an investigation of any serious arrestable offence.";</p> <p style="padding-left: 40px;">(ii) by deleting subsection (2) and substituting -</p> <p style="padding-left: 80px;">"(2) Without prejudice to subsection (3A), no person shall have access to, disclose or use any information derived from the forensic analysis of a urine sample taken pursuant to section 54AA except for the purposes of -</p> <p style="padding-left: 120px;">(a) any proceedings for a serious arrestable offence; or</p>

ClauseAmendment Proposed

- (b) making the information available to the person to whom the information relates.";

(iii) by adding -

"(3A) Whether or not a urine sample taken pursuant to section 54AA or any information derived from the forensic analysis of the sample has been destroyed under subsection (4), no person shall use the sample or information in any proceedings for a serious arrestable offence after -

- (a) it is decided that a person from whom the sample was taken shall not be charged with any serious arrestable offence;
- (b) if the person has been charged with one or more such offences -
 - (i) the charge or all the charges, as the case may be, is or are withdrawn;
 - (ii) the person is discharged by a court before conviction of the offence or

ClauseAmendment Proposed

all the offences, as the case may be; or

- (iii) the person is acquitted of the offence or all the offences, as the case may be, at trial or on appeal,

whichever occurs first.";

- (iv) in subsection (4) -

(A) in paragraph (i), by deleting "offence in relation to dangerous drugs" and substituting "serious arrestable offence";

(B) in paragraph (ii), by deleting "offences in relation to dangerous drugs" and substituting "serious arrestable offences";

- (v) by deleting subsection (6) and substituting -

"(6) Without prejudice to the operation of subsections (4) and (5), if -

- (a) a person from whom a urine sample was taken pursuant to section 54AA has been convicted of one

ClauseAmendment Proposed

or more offences in relation to dangerous drugs; and

(b) there is no other charge against the person -

(i) in relation to serious arrestable offences; and

(ii) which renders the retention of the sample necessary,

then the Commissioner of Police or the Commissioner of Customs and Excise, as the case may be, shall take reasonable steps to ensure that the sample which may be retained by him or on his behalf is destroyed as soon as practicable after the conclusion of all proceedings (including any appeal) arising out of the conviction."

4 (a) In the proposed section 10E(4)(f), by deleting "offence for which a person may be arrested under section 10" and substituting "serious arrestable offence".

(b) In the proposed section 10F -

(i) by deleting subsection (1) and by substituting -

"(1) Without prejudice to subsection (4), no person shall have

ClauseAmendment Proposed

access to, dispose of or use a non-intimate sample taken pursuant to section 10E except for the purposes of -

(a) forensic analysis in the course of an investigation of any serious arrestable offence; or

(b) any proceedings for any such offence.";

(ii) by deleting subsection (2) and substituting -

"(2) Without prejudice to subsection (4), no person shall have access to, disclose or use the results of forensic analysis of a non-intimate sample taken pursuant to section 10E except -

(a) for the purposes of -

(i) forensic comparison and interpretation in the course of investigation of any serious arrestable offence;

(ii) any proceedings for such an offence; or

ClauseAmendment Proposed

(iii) making the results available to the person to whom the results relate; or

(b) for the purposes of section 59G(1) and (2) of the Police Force Ordinance (Cap. 232) where the results are of forensic DNA analysis.";

(iii) by adding -

"(4) Whether or not a non-intimate sample taken pursuant to section 10E or the results of forensic analysis of the sample has been destroyed under section 10G, no person shall use the sample or results in any proceedings for a serious arrestable offence after -

(a) it is decided that a person from whom the sample was taken shall not be charged with any serious arrestable offence;

(b) if the person has been charged with one or more such offences -

ClauseAmendment Proposed

(i) the charge or all the charges, as the case may be, is or are withdrawn;

(ii) the person is discharged by a court before conviction of the offence or all the offences, as the case may be; or

(iii) the person is acquitted of the offence or all the offences, as the case may be, at trial or on appeal,

whichever occurs first.";

(iv) by adding -

"(5) This section shall be binding on the State.".

(c) In the proposed section 10G -

(i) in subsection (1) -

ClauseAmendment Proposed

- (A) in paragraph (i), by deleting "offence for which a person may be arrested under section 10" and substituting "serious arrestable offence";
 - (B) in paragraph (ii), by deleting "offences for which a person may be arrested under section 10" and substituting "serious arrestable offences";
- (ii) by deleting subsection (4) and substituting -
- "(4) Without prejudice to the operation of subsections (1) and (2), if -
- (a) a person from whom a non-intimate sample was taken pursuant to section 10E has been convicted of one or more offences for which a person may be arrested under section 10; and
 - (b) there is no other charge against the person -
 - (i) in relation to any serious arrestable offence; and
 - (ii) which renders the retention of the sample necessary,

ClauseAmendment Proposed

then the Commissioner shall take reasonable steps to ensure that the sample which may be retained by him or on his behalf is destroyed as soon as practicable after the conclusion of all proceedings (including any appeal) arising out of the conviction."

- 6
- (a) In the proposed section 59A(4)(e), by deleting "any other offence" and substituting "any other serious arrestable offence".
 - (b) In the proposed section 59C(4)(f), by deleting "any other offence" and substituting "any other serious arrestable offence".
 - (c) In the proposed section 59D -
 - (i) by deleting subsection (1) and substituting -

"(1) Without prejudice to subsection (4), no person shall have access to, dispose of or use an intimate sample or a non-intimate sample taken pursuant to section 59A or 59C except for the purposes of -

 - (a) forensic analysis in the course of an investigation of any serious arrestable offence; or
 - (b) any proceedings for any such offence.";

ClauseAmendment Proposed

(ii) by deleting subsection (2) and substituting -

"(2) Without prejudice to subsection (4), no person shall have access to, disclose or use the results of forensic analysis of an intimate sample or a non-intimate sample taken pursuant to section 59A or 59C except -

(a) for the purposes of -

(i) forensic comparison and interpretation in the course of investigation of any serious arrestable offence;

(ii) any proceedings for such an offence; or

(iii) making the results available to the person to whom the results relate; or

(b) for the purposes of section 59G(1) and (2) where the results

ClauseAmendment Proposed

are of forensic DNA analysis.";

(iii) by adding -

"(4) Whether or not an intimate sample or a non-intimate sample taken pursuant to section 59A or 59C or the results of forensic analysis of the sample has been destroyed under section 59H, no person shall use the sample or results in any proceedings after -

(a) it is decided that a person from whom the sample was taken shall not be charged with any serious arrestable offence;

(b) if the person has been charged with one or more such offences -

(i) the charge or all the charges, as the case may be, is or are withdrawn;

(ii) the person is discharged by a court before conviction of the offence or all the offences, as

ClauseAmendment Proposed

the case may
be; or

- (iii) the person is
acquitted of the
offence or all
the offences,
as the case may
be, at trial or
on appeal,

whichever occurs
first.

(5) Whether or not a non-intimate sample taken pursuant to section 59F or DNA information derived from the sample has been destroyed under section 59H(7), no person shall use the sample or information in any proceedings after the Commissioner receives a notice served under section 59F(5).";

- (iv) by adding -

"(6) This section shall be binding on the State.".

- (d) In the proposed section 59G -

- (i) in subsection (2)(i), by deleting "any offence" and substituting "any serious arrestable offence";

- (ii) by adding -

ClauseAmendment Proposed

"(4) This section shall be binding on the State."

(e) In the proposed section 59H -

(i) in subsection (1) -

(A) in paragraph (i), by deleting "any offence" and substituting "any serious arrestable offence";

(B) in paragraph (ii), by deleting "one or more offences" and substituting "one or more serious arrestable offences";

(ii) by deleting subsection (4) and substituting -

"(4) Without prejudice to the operation of subsections (1) and (2), if -

(a) a person from whom an intimate sample or a non-intimate sample was taken pursuant to section 59A or 59C has been convicted of one or more offences; and

(b) there is no other charge of serious arrestable offence against the person which renders the retention of the sample necessary,

ClauseAmendment Proposed

then the Commissioner shall take reasonable steps to ensure that the sample which may be retained by him or on his behalf is destroyed as soon as practicable after the conclusion of all proceedings (including any appeal) arising out of the conviction."

Annex XXIII**BUILDING MANAGEMENT (AMENDMENT) BILL 2000****COMMITTEE STAGE**Amendments to be moved by the Secretary for Home Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
3	<p>(a) By adding before paragraph (a) -</p> <p style="padding-left: 40px;">"(aa) in subsection (1), by repealing "A" and substituting -</p> <p style="padding-left: 80px;">"Except in the case of a meeting to be convened under subsection (3), a";".</p> <p>(b) In paragraph (a), by deleting everything after "(2)" and substituting -</p> <p style="padding-left: 40px;">"-</p> <p style="padding-left: 80px;">(i) by repealing "At" and substituting "Subject to subsection (3), at";</p> <p style="padding-left: 80px;">(ii) in paragraph (b), by repealing "50%" and substituting "30%";".</p> <p>(c) In paragraph (b) -</p> <p style="padding-left: 40px;">(i) by adding -</p> <p style="padding-left: 80px;">"(4) For the purposes of subsection (3) -</p> <p style="padding-left: 120px;">(a) the expression "10% of the owners" (業主人數 10%) -</p>

ClauseAmendment Proposed

- (i) means 10% of the number of persons who are owners without regard to their ownership of any particular percentage of the total number of shares into which the building is divided; and
 - (ii) does not mean the owners of 10% of the shares;
- (b) subsection (1)(c) shall not apply to a meeting to be held under subsection (3) and for any such meeting -
- (i) the meeting may be convened by not less than 10% of the owners;
 - (ii) notice of a meeting convened under

ClauseAmendment Proposed

subparagraph
(i) may be
served by an
owner
nominated by
the convenors.

(5) Where a meeting of owners convened under subsection (3) has passed a resolution to appoint a management committee, the members of the management committee are to be appointed by a resolution passed by a majority of the votes of the owners of the shares voting either personally or by proxy."

New By adding –

**"3A. Appointment of management committee
after application to the Authority**

Section 3A(1) and (5) is amended by repealing "30%" wherever it appears and substituting "20%".

New By adding –

**"3B. Appointment of management committee
after application to tribunal**

Section 4(1)(a) is amended by repealing "20%" and substituting "10%".

ClauseAmendment Proposed

4 By deleting the clause and substituting -

"4. Notice of and voting at meetings

Section 5 is amended -

- (a) in subsection (1), by repealing "or 4" and substituting ", 4 or 40C";
- (b) in subsection (3)(b), by repealing "an English language newspaper, and in a Chinese language" and substituting "a";
- (c) in subsection (5) -
 - (i) by repealing "or 4" and substituting ", 4 or 40C";
 - (ii) by repealing paragraph (c)(iii) and substituting -
 - "(iii) if no appointment has been made under subparagraph (i) or (ii), then either personally or by proxy by one of the co-owners; and, in the case of any meeting where more than one of the co-owners seeks to cast a vote in respect

ClauseAmendment Proposed

of the share, only the vote that is cast, in person or by proxy, by the co-owner whose name, in order of priority, stands highest in relation to that share in the register kept at the Land Registry shall be treated as valid."."

New

By adding -

"4A. Sections added

The following are added -

**"5A. Application of section 5
to meetings held under
section 40C**

For the purposes of the application of section 5 (notice of and voting at meetings) to meetings held under section 40C -

- (a) the references in section 5 to an "owner" shall be construed as references to a person who is an owner of any particular percentage

ClauseAmendment Proposed

of the total number of shares into which the building is divided;

- (b) section 5(5)(a) shall apply to a meeting to be held under section 40C, as if the words "shall have one vote" were substituted for "shall, save where the deed of mutual covenant otherwise provides, have one vote in respect of each share which he owns";

- (c) section 5(5)(c) shall apply as if it were deleted and the following substituted -

"(c) in the case of joint ownership, the vote may be cast -

(i) by a proxy jointly appointed by the co-owners;

(ii) by one co-owner appointed by the others; or

(iii) if no appointment has been made under subparagraph (i) or (ii), then either

ClauseAmendment Proposed

personally or by proxy by one of the co-owners; and, in the case of any meeting where more than one of the co-owners seeks to cast a vote, only the vote that is cast, in person or by proxy, by the co-owner whose name, in order of priority, stands highest in the register kept at the Land Registry shall be treated as valid."

5B. Enumeration of owners

Schedule 11 shall have effect with respect to the enumeration of the percentage of owners referred to in the provisions of the Ordinance specified in that Schedule in the case where, in those provisions as so specified, a reference to a percentage of the owners is

-

- (a) to be construed as a reference to the total expressed percentage of the number of persons who are

ClauseAmendment Proposed

owners without regard to their ownership of any particular percentage of the total number of shares into which the building is divided; and

- (b) not to be construed as the owners of the total expressed percentage of the shares."."

New

By adding –

"4B. Application by management committee for registration of owners as a corporation

Section 7 is amended -

- (a) in subsection (1), by repealing "or 4" and substituting ", 4 or 40C";
- (b) in subsection (3) –
- (i) in paragraph (b), by adding "or 40C" after "4(1)";
 - (ii) in paragraph (c), by repealing "or 4" and substituting ", 4 or 40C";
 - (iii) in paragraph (d), by repealing "or 4 and section 5" and substituting ", 4 or 40C and relevant provisions in section 5, 5A or 5B"."

<u>Clause</u>	<u>Amendment Proposed</u>
New	By adding – "4C. Incorporation Section 8 is amended - (a) in subsection (1), by repealing "or 4" and substituting ", 4 or 40C"; (b) in subsection (2)(b), by repealing "or 4" and substituting ", 4 or 40C".
6(a)	(a) In the proposed section 27(1A), by deleting everything after "accountant shall" and substituting - "report as to whether such account and balance sheet present fairly the financial transactions of the corporation during the period to which the income and expenditure account and balance sheet relate; and the financial position of the corporation at the end of that period, subject to such qualification, if any, as he may think fit." (b) By adding - "(1B) In subsection (1A), "flats" (單位) does not mean any garage, carpark or carport."
7	In the proposed section 28(2), by deleting "成員" and substituting "委員".
New	By adding – "7A. Interpretation

ClauseAmendment Proposed

Section 34D(1) is amended in paragraph (a) of the definition "owners committee" by repealing "or 4" and substituting ", 4 or 40C".

New By adding –

"7B. Duty to maintain property

Section 34H(1) is amended by repealing "person owns" and substituting "person who owns".

New By adding –

"7C. Management committee to replace owners' committee

Section 34K is amended by repealing "or 4" and substituting ", 4 or 40C".

11 (a) In the proposed section 40B(2), by deleting "成員" and substituting "委員".

(b) In the proposed section 40C -

(i) in subsection (2)(b), by deleting "該決議不獲通過" and substituting "沒有通過該決議";

(ii) by deleting subsection (3)(b)(ii) and substituting -

"(ii) where a resolution of the description mentioned in subparagraph (i) is not passed, by appointment, directly, by the owner named in the order made under subsection (1).";

ClauseAmendment Proposed

(iii) by adding -

"(4) A meeting to be held under this section shall be convened in accordance with subsection (3)(a) and notice of any such meeting may be served by the owner named in the order made under subsection (1)."

(c) In the proposed section 40D(2), by deleting "an indefinite period or for".

New

By adding -

"13A. Jurisdiction of tribunal in relation to building management

Section 45 is amended -

(a) in subsection (3), by adding before "jurisdiction" -

"any jurisdiction other than civil jurisdiction or any";

(b) in subsection (4), by adding -

"(aa) the Authority;".

New

By adding -

"13B. Composition and procedure of management committee

The Second Schedule is amended -

ClauseAmendment Proposed

(a) by adding -

"1A. In paragraph 1, "flats" (單位) does not mean any garage, carpark or carport.";

(b) in paragraphs 2(1) and 3, by repealing "or 4" and substituting ", 4 or 40C".

14

(a) By adding after the heading -

"(1) The Third Schedule is amended by repealing paragraph 3(5)(b)(iii) and substituting -

"(iii) if no appointment has been made under sub-sub-subparagraph (i) or (ii), then either personally or by proxy by one of the co-owners; and, in the case of any meeting where more than one of the co-owners seeks to cast a vote in respect of the share, only the vote that is cast, in person or by proxy, by the co-owner whose name, in order of priority, stands highest in relation to that share in the register maintained under section 38 shall be treated as valid.".

(b) By adding "(2)" before "Paragraph 5 of".

(c) By adding -

"(3) The Third Schedule is amended by adding -

ClauseAmendment Proposed

"9. For the purposes of paragraphs 1(2) and 5, the references in those paragraphs to a percentage "of the owners" shall -

(a) be construed as references to the total expressed percentage of the number of persons who are owners without regard to their ownership of any particular percentage of the total number of shares into which the building is divided; and

(b) not be construed as the owners of the total expressed percentage of the shares."."

15

By deleting everything after "amended" and substituting -

"-

(a) in the square brackets at the beginning, by adding ", 40D" after "34J";

(b) in paragraph 7 -

(i) in subparagraph (1), by adding "and (5A)" after "(5)";

(ii) by repealing subparagraph (2)(b) and substituting -

"(b) provision is made in the resolution for a period of not less than 3 months notice

ClauseAmendment Proposed

or, in lieu of notice, provision is made for an agreement to be made with the manager for the payment to him of a sum equal to the amount of remuneration which would have accrued to him during that period;"

(iii) by adding -

"(5A) For the purposes of subparagraph (1) -

(a) only the owners of shares who pay or who are liable to pay the management expenses relating to those shares shall be entitled to vote;

(b) the reference in subparagraph (1) to "the owners of not less than 50% of the shares"

ClauseAmendment Proposed

shall be construed as a reference to the owners of not less than 50% of the shares who are entitled to vote."."

New

By adding –

"16. Terms added if consistent with deed of mutual covenant

The Eighth Schedule is amended -

(a) by adding -

"11A. For the purposes of paragraph 11, the reference in that paragraph to "10% of the owners" shall -

(a) be construed as a reference to 10% of the number of persons who are owners without regard to their ownership of any particular percentage of the total number of

ClauseAmendment Proposed

shares into
which the
building is
divided; and

(b) not be
construed as
the owners of
10% of the
shares.";

(b) by repealing paragraph 13(c)(iii) and
substituting -

"(iii) if no appointment has been
made under sub-
subparagraph (i) or (ii),
then either personally or by
proxy by one of the co-
owners; and, in the case of
any meeting where more
than one of the co-owners
seeks to cast a vote in
respect of the share, only
the vote that is cast, in
person or by proxy, by the
co-owner whose name, in
order of priority, stands
highest in relation to that
share in the register kept at
the Land Registry shall be
treated as valid; and".

New

By adding –

"17. Schedule added

The following is added -

ClauseAmendment Proposed

"SCHEDULE 11

[s. 5B]

ENUMERATION OF OWNERS

For the purposes of section 5B -

- (a) section 40C(3) and paragraphs 1(2) and 5 of the Third Schedule and paragraph 11 of the Eighth Schedule are specified;
- (b) the enumeration of the percentage of owners mentioned in the provisions specified in paragraph (a) shall be computed as follows -

	Form of ownership	Illustration	To be counted as
1.	Multiple ownership of 1 flat	1 flat with 3 co-owners	1 owner
2.	1 owner owning more than 1 flat	1 owner owning 35 flats	1 owner
3.	1 person or more than 1 holding proxies from more than 1 owner	(a) 1 person holding proxies from 100 owners (b) 35 persons holding proxies from 100 owners in aggregate	Voting rights equal to the number of valid proxies held. In the cases as illustrated, 100 owners."."

BUILDING MANAGEMENT (AMENDMENT) BILL 2000

COMMITTEE STAGE

Amendments to be moved by the Honourable Gary CHENG Kai-nam

ClauseAmendment Proposed

14

By deleting the clause and substituting -

"14. Meetings and procedure of corporation

The Third Schedule is amended -

(a) by repealing paragraph 3(5)(b)(iii) and substituting -

"(iii) if no appointment has been made under sub-sub-paragraph (i) or (ii), then either personally or by proxy by one of the co-owners; and, in the case of any meeting where more than one of the co-owners seeks to cast a vote in respect of the share, only the vote that is cast, in person or by proxy, by the co-owner whose name, in order of priority, stands highest in relation to that share in the register maintained under section 38 shall be treated as valid.";

(b) by repealing paragraph 5 and substituting -

ClauseAmendment Proposed

"5. (1) The quorum at a meeting of the corporation shall be -

(a) 20% of the owners or 200 owners, in the case of a meeting at which a resolution for the dissolution of the management committee under section 30, or termination of manager's appointment in accordance with the Seventh Schedule is proposed; or

(b) 10% of the owners or 100 owners in any other case.

(2) A proxy appointed in accordance with paragraph 4 to give the vote of an owner at a meeting of the corporation shall, for

ClauseAmendment Proposed

the purposes of establishing a quorum, be treated as being an owner present at that meeting.";

(c) by adding -

"5A. For the purposes of paragraph 5, the enumeration of the number of owners shall be computed as follows -

- (a) 1 flat with 1 or more than 1 co-owner shall be counted as 1 owner;
- (b) 1 owner owning more than 1 flat shall be counted as 1 owner;
- (c) a person holding proxies from more than 1 owner, the number of owners shall be equal to the number of proxies held by that person.";

(d) by adding -

"9. For the purposes of paragraphs 1(2) and 5, the references in those paragraphs to a percentage "of the owners"

ClauseAmendment Proposed

shall -

- (a) be construed as references to the total expressed percentage of the number of persons who are owners without regard to their ownership of any particular percentage of the total number of shares into which the building is divided; and
- (b) not be construed as the owners of the total expressed percentage of the shares."."

15

By deleting the clause and substituting -

"15. Mandatory terms in deeds of mutual covenant

The Seventh Schedule is amended -

- (a) in the square brackets at the beginning, by adding ", 40D" after "34J";
- (b) in paragraph 7 -
 - (i) by repealing subparagraph (1) and substituting -

ClauseAmendment Proposed

"(1) Subject to subparagraph (5) and (5A), at a general meeting convened for the purpose a corporation may, by a resolution of the owners in accordance with paragraph 3(3) of the Third Schedule, terminate by notice the manager's appointment without compensation.";

- (ii) by repealing subparagraph (2)(b) and substituting -

"(b) provision is made in the resolution for a period of not less than 3 months notice or, in lieu of notice, provision is made for an agreement to be made with the manager for the payment to him of a sum equal to the amount of remuneration which would have accrued to him during that period;"

- (iii) by adding -

"(5A) For the purposes of subparagraph (1), only the

ClauseAmendment Proposed

owners of shares who pay or who are liable to pay the management expenses relating to those shares shall be entitled to vote."."

BUILDING MANAGEMENT (AMENDMENT) BILL 2000

COMMITTEE STAGEAmendments to be moved by the Honourable Albert HO Chun-yan

<u>Clause</u>	<u>Amendment Proposed</u>
13B	<p>By adding -</p> <ul style="list-style-type: none">(c) in paragraph 3, by adding "and the holders of office" after "the members";(d) in paragraph 5(1), by adding "and the holders of office" after "all members";(e) in paragraph 5(2)(c), by repealing, ", if the office of secretary of the management committee is vacant";(f) in paragraph 5(2)(d), by repealing ", if the office of treasurer of the management committee is vacant".
15	<p>By deleting the clause and substituting -</p> <p>"15. Mandatory terms in deeds of mutual covenant</p> <p>The Seventh Schedule is amended -</p> <ul style="list-style-type: none">(a) in the square brackets at the beginning, by adding ", 40D" after "34J";(b) in paragraph 7(1), by repealing "50%" and substituting "30%".