

C010-e

A BILL

To

Amend provisions in the Legal Practitioners Ordinance, to provide for certain presumptions in the Conveyancing and Property Ordinance, to enable a magistrate to award defence costs in a certain review instituted by the prosecution under the Costs in Criminal Cases Ordinance, to provide for additional rights of audience before certain tribunals, to adapt the references to "Crown servant" in the Prevention of Bribery Ordinance and the Independent Commission Against Corruption Ordinance and to make clarifying amendments to the definition of its adapted term "prescribed officer" by stating expressly that it includes principal officials, the Monetary Authority, Chairman of the Public Service Commission, staff of the Independent Commission Against Corruption and judicial officers and to make a number of minor miscellaneous amendments to various Ordinances.

Enacted by the Legislative Council.

PART 1

General

1. Short title and commencement

(1) This Ordinance may be cited as the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003.

(2) Sections 2, 7 and 8 of this Ordinance shall come into operation on a day to be appointed by the Secretary for Justice by notice published in the Gazette.

(3) Section 3 shall come into operation on the day appointed for the commencement of section 4 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997).

(4) Sections 4 and 5 shall come into operation on the day appointed for the commencement of section 3 of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998).

(5) Item 25 of the Schedule shall come into operation on the day appointed for the commencement of section 13 of the Legal Practitioners (Amendment) Ordinance 2000 (42 of 2000).

(6) Except as provided by subsections (2), (3), (4) and (5), this Ordinance shall come into operation on the day on which it is published in the Gazette.

PART 2

Legal Training and Practising Requirements, etc.

Legal Practitioners Ordinance

2. Practising certificates---solicitors

Section 6 of the Legal Practitioners Ordinance (Cap. 159) is amended by adding---

"(6B) Notwithstanding the compliance with the 2 year employment requirement in subsection (6), a solicitor who makes an application for the first issue of a practising certificate without the condition imposed under subsection (6) on or after the commencement of section 2 of the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003 ( of 2003) shall not be issued with such practising certificate unless he also satisfies the Council that, prior to the date of his application, he has successfully completed in accordance with the guidelines as may be issued by the Society from time to time a mandatory course in practice management provided or approved by the Society.

(6C) The Council may, where it considers appropriate, exempt an applicant wholly or partly, with or without conditions, from the mandatory course requirement in subsection (6B).".

3. Misconduct of member, etc. of solicitor corporation or foreign lawyer corporation

Section 9AA (as inserted by section 4 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997 (94 of 1997)) is amended by adding "or officer" after "member".

4. Qualifications for appointment

Section 40A (as inserted by section 3 of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998) and further amended by section 121 of the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002)) is amended by adding---

"(4A) The Chief Judge may designate a judge of the Court to exercise the powers conferred on him under subsection (4) to specify an alternative period for the purposes of subsection (1)(a)(iii) in a particular case."

5. Practising certificate---notaries public

Section 40E(6)(a), (b) and (c) (as inserted by section 3 of the Legal Practitioners (Amendment) Ordinance 1998 (27 of 1998)) is amended by repealing "Chief Justice" and substituting "Council of the Society of Notaries".

6. Time limit for commencement of certain proceedings

Section 55 is amended by repealing "or within 6 months after the first discovery thereof by the prosecutor, whichever period expires first".

7. Section substituted

Section 74A is repealed and the following substituted---

"74A. Standing Committee on Legal Education and Training

(1) There is established by this section a Standing Committee on Legal Education and Training.

(2) The functions of the committee are---

(a) to keep under review, evaluate and assess---

(i) the system and provision of legal education and training in Hong Kong;

(ii) without prejudice to the generality of subparagraph (i), the academic requirements and standards for admission to the Postgraduate Certificate in Laws programme;

(b) to monitor the provision of vocational training of prospective legal practitioners in Hong Kong by organizations other than the Society or the Hong Kong Bar Association;

(c) to make recommendations on matters referred to in paragraphs (a) and (b); and

(d) to collect and disseminate information concerning the system of legal education and training in Hong Kong.

(3) The committee shall consist of---

(a) 15 members appointed by the Chief Executive of whom---

(i) 2 shall be persons nominated by the Chief Justice;

(ii) 1 shall be a person nominated by the Secretary for Justice;

(iii) 1 shall be a person nominated by the Secretary for Education and Manpower;

(iv) 2 shall be persons nominated by the Society;

(v) 2 shall be persons nominated by the Hong Kong Bar Association;

(vi) 2 shall be persons nominated by the Vice-Chancellor of the University of Hong Kong;

(vii) 2 shall be persons nominated by the President of the City University of Hong Kong;

(viii) 2 shall be members of the public; and

(ix) 1 shall be a person nominated by The Federation for Continuing Education in Tertiary Institutions, a non-profit-making educational organization, from among its members which provide continuing legal education courses in Hong Kong; and

(b) a chairman appointed by the Chief Executive after consultation with the persons and organizations making nominations pursuant to paragraph (a)(i) to (vii) and (ix).

(4) A member of the committee who is unable to attend a meeting of the committee, except for a member appointed pursuant to subsection (3)(a)(viii), may, subject to the consent of the chairman, send a substitute to attend the meeting in his place and the substitute shall be deemed to be a member of the committee for the purpose of that meeting.

(5) A member of the committee including the chairman shall hold office for a term not exceeding 2 years.

(6) A member of the committee including the chairman may at any time resign from the committee by giving notice in writing of his resignation to the Chief Executive.

(7) The Secretary for Justice may publish notice of the appointment or

termination of membership of a member (including the chairman) appointed pursuant to this section in the Gazette.

(8) The committee shall report annually to the Chief Executive and its annual report shall be tabled in the Legislative Council.

(9) The committee may determine its own procedure."

#### 8. Transitional provision

On the commencement of section 7 of this Ordinance, the Advisory Committee on Legal Education is dissolved.

### PART 3

#### Presumptions of Due Execution

#### Conveyancing and Property Ordinance

#### 9. Section added

The Conveyancing and Property Ordinance (Cap. 219) is amended by adding---  
"23A. Proof of title and presumptions of due execution of deed by corporation

(1) A deed purporting to be---

(a) executed prior to the commencement of section 9 of the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003 ( of 2003) by or on behalf of a corporation aggregate; and

(b) attested by a signatory or more than one signatory, where the signatory or each of the signatories, if more than one, is a person who could have been authorized under the articles of association or other instruments of the corporation, shall, until the contrary is proved, be presumed for the purposes of proof of title to any land to have been duly executed by the purported signatory or signatories, as the case may be, with the authority conferred by the articles of association or other instruments of the corporation, whether or not the source of the authority or the means by which such authority was purportedly conferred is apparent from the deed.

(2) Where any deed is or has been produced by a vendor as proof of title to any land and that deed purports to have been executed by a corporation aggregate not less than 15 years before the contract of sale of that land, it shall for the purposes of any question as to the title to that land be conclusively presumed---

(a) as between the parties to that contract; and

(b) in favour of the purchaser under that contract as against any other person, that the deed was validly executed.

(3) This section applies only to deeds produced as proof of title to any land pursuant to contracts for the sale of such land entered into on or after the commencement of section 9 of the Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003 ( of 2003).".

### PART 4

## Award of Defence Costs

### Costs in Criminal Cases Ordinance

#### 10. Defence costs in summary proceedings

Section 3(1)(d) of the Costs in Criminal Cases Ordinance (Cap. 492) is amended by repealing everything after "Ordinance" and before the comma where it last appears and substituting---

"(Cap. 227)---

(i) on the application of the defendant or on his own initiative reviews his decision, and on that review reverses or varies his decision; or

(ii) on the application of the prosecutor reviews his decision, and on that review confirms his decision".

## PART 5

### Rights of Audience before Tribunals

#### Labour Tribunal Ordinance

#### 11. Right of audience

Section 23(1) of the Labour Tribunal Ordinance (Cap. 25) is amended---

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

(b) in paragraph (e), by repealing the full stop and substituting "; and";

(c) by adding---

"(f) a public officer, not being a barrister or solicitor, who appears on behalf of the Secretary for Justice, if the Secretary for Justice is a claimant or a defendant.".

#### Small Claims Tribunal Ordinance

#### 12. Right of audience

Section 19(1) of the Small Claims Tribunal Ordinance (Cap. 338) is amended--

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(a) in paragraph (d), by repealing the full stop and substituting a semicolon;

(b) by adding---

"(e) a public officer, not being a barrister or solicitor, who appears on behalf of the Secretary for Justice, if the Secretary for Justice is a party.".

## PART 6

### Substitution of References of "Crown Servant"

#### with References of "Prescribed Officer"

#### Prevention of Bribery Ordinance

#### 13. Interpretation

Section 2(1) of the Prevention of Bribery Ordinance (Cap. 201) is amended---

(a) by repealing the definition of "Crown servant" and substituting---

"prescribed officer" (訂明人員) means---

(a) any person holding an office of emolument, whether permanent or temporary, under the Government; and

(b) the following persons (to the extent that they are not persons included in paragraph (a))---

(i) any principal official of the Government appointed in accordance with the Basic Law;

(ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) and any person appointed under section 5A(3) of that Ordinance;

(iii) Chairman of the Public Service Commission;

(iv) any member of the staff of the Independent Commission Against Corruption;

(v) any judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92) and any judicial officer appointed by the Chief Justice, and any member of the staff of the Judiciary;"

(b) in the definition of "public servant", by repealing "Crown servant" and substituting "prescribed officer".

#### 14. Soliciting or accepting an advantage

Section 3 is amended by repealing "Crown servant" and substituting "prescribed officer".

#### 15. Bribery

Section 4(3) is amended by repealing "Crown servant" and substituting "prescribed officer".

#### 16. Bribery of public servants by persons

having dealings with public bodies

Section 8(1) is amended by repealing "Crown servant" and substituting "prescribed officer".

#### 17. Possession of unexplained property

Section 10(1) is amended by repealing "Crown servant" and substituting "prescribed officer".

#### 18. Certificate as to official emoluments, etc.

Section 21A(1)(a) is amended by repealing "Crown servant" wherever it appears and substituting "prescribed officer".

Independent Commission Against Corruption Ordinance

#### 19. Interpretation

Section 2 of the Independent Commission Against Corruption Ordinance (Cap. 204) is amended by repealing the definition of "Crown servant" and substituting---

"prescribed officer" (訂明人員) means---

(a) any person holding an office of emolument, whether permanent or temporary, under

the Government; and

(b) the following persons (to the extent that they are not persons included in paragraph (a))---

(i) any principal official of the Government appointed in accordance with the Basic Law;

(ii) the Monetary Authority appointed under section 5A of the Exchange Fund Ordinance (Cap. 66) and any person appointed under section 5A(3) of that Ordinance;

(iii) Chairman of the Public Service Commission;

(iv) any member of the staff of the Commission;

(v) any judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap. 92) and any judicial officer appointed by the Chief Justice, and any member of the staff of the Judiciary;".

#### 20. Office of Commissioner

Section 5(4) is amended by repealing "office of emolument under the Crown in right of the Government of Hong Kong" and substituting "prescribed officer".

#### 21. Power of arrest

Section 10(1) is amended by repealing "Crown servant" and substituting "prescribed officer".

#### 22. Duties of the Commissioner

Section 12(b)(iv) and (vii) and (c) is amended by repealing "Crown servant" wherever it appears and substituting "prescribed officer".

#### 23. Powers of the Commissioner

Section 13 is amended---

(a) in subsection (1)(b)---

(i) by repealing "Crown servant" and substituting "prescribed officer";

(ii) by repealing "Crown or" and substituting "prescribed officer or";

(b) in subsection (2)(a), by repealing "Crown servant" and substituting "prescribed officer".

### PART 7

#### Minor Amendments

#### 24. Amendment of enactments

The enactments specified in the Schedule are amended to the extent and in the manner specified in that Schedule in relation to each such enactment.

#### SCHEDULE [s. 24]

Item	Enactment	Amendment
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1.	Bankruptcy Ordinance (Cap. 6)	In the Chinese text, in section 50(6), add "不" before "構成".
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2.	Landlord and Tenant (Consolidation)	In the Chinese text, in section
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74C(a)(ii), repeal

Ordinance (Cap. 7) "1979年12月12日" and substitute "1979年12月18日".

3. Lands Tribunal Rules In the Chinese text, in the Schedule, in Form 4, (Cap. 17 sub. leg.) repeal "副司法常務官" and substitute "司法常務官".

4. Government Leases Ordinance In the Chinese text---  
(Cap. 40) (a) in section 10(1)(b) and (2)(b), repeal "註冊記錄冊" and substitute "註冊紀錄冊";

(b) in section 11(2), repeal "註冊記錄冊" and substitute "註冊紀錄冊".

5. Insurance Companies Ordinance In the Chinese text---

(Cap. 41) (a) in section 77(4), repeal "及監禁6個月";

(b) in the Third Schedule---

(i) in Part 5, in paragraph 24(3), repeal "抵觸" and substitute "抵觸";

(ii) in Part 8, in Form 4, repeal "了申索" and substitute "了結申索";

(c) in the Fifth Schedule, in the heading of Form A, add "第" before "13B(1) 條".

6. Import and Export (Strategic In the Chinese text, in Schedule 1---

Commodities) Regulations (a) in Dual-use Goods List---

(Cap. 60 sub. leg.) (i) in Category 0, in 0C005, repeal "美國試驗及材料學會" and substitute "美國材料及試驗學會";

(ii) in Category 1---

(A) in 1B228, 1B229, 1C001, 1C002, 1C111, 1C118 and 1C240, repeal "美國試驗及材料學會" wherever it appears and substitute "美國材料及試驗學會";

(B) in 1C006, 1C008 and 1C010, repeal "美國試驗及材料試驗學會" wherever it appears and substitute "美國材料及試驗學會";

(iii) in Category 9, in 9C110, repeal "美國試驗及材料學會" and substitute "美國材料及試驗學會";

(b) in the Definitions of Terms, in the definition of "ASTM", repeal "美國試驗及材料學會" and substitute "美國材料及試驗學會".

7. Legal Aid Ordinance (Cap. 91) In the Chinese text, in sections 2(1) (definitions of "大律師" and "律師"), 3(3) and 4(1), repeal "《執業律師條例》" and substitute "《法律執業者條例》".

8. Legal Aid Regulations (Cap. 91 In the Chinese text, in regulations 18(2) and 19, sub. leg.) repeal "《執業律師條例》" and substitute "《法律執業者條例》".

9. Telecommunications (Control of In the Chinese text, in regulation 5(1)(b), repeal

Interference) Regulations "非電訊之用" and substitute "電訊之用".

(Cap. 106 sub. leg.)

10. Dutiable Commodities Ordinance In the Chinese text, in section 48A(6), repeal



"貨

(Cap. 109) 品或東" where it first appears and substitute "貨品或東西".

11. Estate Duty Ordinance (Cap. 111) In the Chinese text---

(a) in section 3(1), in the definition of "相聯行動", in paragraph (b), repeal "餘此類推" and substitute "如此類推";

(b) in Schedule 2, repeal paragraph 5(b) and substitute---

"(b) 如將首述的利益，在任何程度上摒除最後提及的利益的的情況下，列入根據第 35(2) 條所作出的計算內，

則首述的利益，須在該程度上被視為憑藉死者在上述股份或債權證的權益，或可就上述股份或債權證行使的權力而應累算予死者的。".

12. Inland Revenue Ordinance (Cap. 112) In the Chinese text---

(a) in section 15E(8), in the definition of "認購權", in paragraph (b), repeal "認講權" and substitute "認購權";

(b) in sections 16(3), 16E(4), 20AA(6), 21A(3) and 39E(5), in paragraph (b)(ii) of the definition of "相聯者", repeal "該人的任何親屬" and substitute "該人或該合夥人的任何親屬";

(c) in section 42(10), repeal "第 (2) 及 (5) 條" and substitute "第 (2) 及 (5) 款";

(d) in section 88, repeal "任何慈善機構或屬公共性質的信託" and substitute "任何屬公共性質的慈善機構或信託".

13. Immigration Ordinance (Cap. 115) In the Chinese text, in Schedule 2, in paragraph 24, add "回港證、" after "入境證、" where it secondly appears.

14. Immigration (Places of Detention) In the Chinese text, in Schedule 3, in item 16,

Order (Cap. 115 sub. leg.) repeal "新秀越南難民離境中心" and substitute "新秀越南難民離港中心".

15. Immigration (Treatment of Detainees) In the Chinese text, in Schedule 2, in item 5,

Order (Cap. 115 sub. leg.) repeal "新秀越南難民離境中心" and substitute "新秀越南難民離港中心".

16. Immigration (Vietnamese Refugee In the Chinese text, in the Schedule, repeal "新

Centres) (Departure Centre) Rules 秀越南難民離境中心" and substitute "新秀越南 (Cap. 115 sub. leg.) 難民離港中心".

17. Stamp Duty Ordinance (Cap. 117) In the Chinese text, in the Third Schedule, in sections 1 and 2(a), repeal "餘此類推" and substitute "如此類推".

18. Buildings Ordinance (Cap. 123) In the Chinese text, in section 17(1), in Column A, in item 7, repeal "礎基" and substitute "基礎".

19. Town Planning Ordinance (Cap. 131) In the Chinese text , in section 17B(3), repeal "聆訴" and substitute "聆訊".
20. Mental Health Ordinance (Cap. 136) In the Chinese text, in section 59A(9), add "第" before "113 章".
21. Pharmacy and Poisons Regulations In the Chinese text---  
(Cap. 138 sub. leg.) (a) in the Second Schedule, in Group II, in part A, in the first column, repeal "鄰乙汞硫基苯酸鈉" and substitute "鄰乙汞硫基苯酸鈉";  
(b) in the Sixth Schedule, in part B, repeal "氫氧化鈉" and substitute "氫氧化鈉".
22. Public Health (Animals and Birds) In regulation 57(1), repeal "9 to" and substitute  
Regulations (Cap. 139 sub. leg.) "9, 10,".
23. Societies Ordinance (Cap. 151) In the Chinese text, in the Schedule, in item (11), repeal "組職" and substitute "組織".
24. Banking Ordinance (Cap. 155) In the Chinese text---  
(a) in section 52(3C)(i) and (3G)(a)(i), add "視" before "屬何情況而定";  
(b) in section 60(8), repeal "進一資料" and substitute "進一步資料";  
(c) in section 122(3), repeal "所出" and substitute "所作出".
25. Legal Practitioners (Amendment) In the Chinese text, in section 13, in the new  
Ordinance 2000 (42 of 2000) section 31C(2)(c), add "在香港的" after "一名".
26. Places of Public Entertainment In the Chinese text, in regulation 169A(1)(b)(iii),  
Regulations (Cap. 172 sub. leg.) repeal "繳光" and substitute "激光".
27. Matrimonial Causes Ordinance In the Chinese text---  
(Cap. 179) (a) in section 55(1), repeal "外地" where it secondly appears;  
(b) in section 57(1), add "合法" before "分居".
28. Essential Services Corps (General) In the Chinese text, in regulation 10(3)(c),  
repeal  
Regulations (Cap. 197 sub. leg.) "組織的團員訓練" and substitute "組織團員的訓練".
29. Independent Commission Against In the Chinese text, in section 13(1)(b),  
repeal  
Corruption Ordinance (Cap. 204) "公務員" and substitute "公職人員".
30. Criminal Procedure Ordinance In the Chinese text, in section 83S, repeal "王肖  
王肖  
(Cap. 221) 屑" and substitute "瑣屑".
31. Frontier Closed Area (Permission to In the Chinese text, in paragraph 3,

add "的附

Enter) Notice (Cap. 245 sub. leg.) 表" after "(第 245 章，附屬法例)".

32. Merchant Shipping (Fees) Regulations In the Chinese text, in the Schedule, in Part II,

(Cap. 281 sub. leg.) in Section A, in Note (1)(a), repeal "號燈涉及聲號" and substitute "號燈及聲號".

33. Merchant Shipping (Compulsory In the Chinese text, in regulation 4(1)(ii), repeal

Third Party Risks Insurance) "保單" and substitute "保險單".

Regulations (Cap. 281 sub. leg.)

34. Radiation (Control of Radioactive In the Chinese text, in regulation 13(3), add "涉

Substances) Regulations 及處理任何放射性物質的任何" after "再度受僱

(Cap. 303 sub. leg.) 擔任".

35. Air Pollution Control (Specified In the Chinese text---

Processes) Regulations (a) in the Second Schedule---

(Cap. 311 sub. leg.) (i) in Form 1, in paragraph 6, repeal "橫剖面" and substitute "橫截面";

(ii) in Form 7, in Part B, in item 4, repeal "排出點" and substitute "排放點";

(b) in the Fourth Schedule, in item 9, repeal "空氣染污" and substitute "空氣污染".

36. Shipping and Port Control Ordinance In the Chinese text, in section 2, in the

(Cap. 313) definition of "碰撞規例", repeal "(遇險信號及防止碰撞)" and substitute "(遇險訊號及避碰)".

37. Merchant Shipping (Pleasure Vessels) In the Chinese text, in regulation 3C(3)(b),

Regulations (Cap. 313 sub. leg.) repeal "並沒不清晰" and substitute "並不清晰".

38. Census and Statistics Ordinance In the Chinese text, in sections 11(2)(a)(iv) and

(Cap. 316) 11A(2)(a)(iii), repeal "已填寫" and substitute "已填寫".

39. Motor Vehicles (First Registration In regulation 2(1), repeal "section 4E(2)(c)" and

Tax) (Depreciation) Regulations substitute "section 4E(2)(ca)".

(Cap. 330 sub. leg.)

40. Arbitration Ordinance (Cap. 341) In the Chinese text, in the Fifth

Schedule---

(a) in article 2(d), repeal "第8條" and substitute "第28條";

(b) in article 6, add "、第16條第(3)款" after "第14條";

(c) in article 7(2), repeal "簽辯書" and substitute "答辯書";

(d) in article 35(2), repeal "釋成" and substitute "譯成".

41. Customs and Excise Service Ordinance In Schedule 2---

(Cap. 342) (a) repeal "Acetylating Substances (Control) Ordinance (Cap. 145)" and substitute "Control of Chemicals Ordinance (Cap. 145)";

(b) in the Chinese text, repeal "《動植物(瀕臨絕種生物保護)條例》(第187章)" and substitute "《動植物(瀕危物種保護)條例》(第187章)".

42. Waste Disposal Ordinance (Cap. 354) In the Chinese text---

(a) in section 33(1A)(a)(i), repeal "循環" and substitute "循環";

(b) in the Sixth Schedule, in the entry of "GA070", repeal "鍍錫" and substitute "鍍錫".

43. Waste Disposal (Charges for Disposal In the Chinese text, in Schedule 1, in item 1,

of Chemical Waste) Regulation repeal "150億焦耳" and substitute "15千兆焦(Cap. 354 sub. leg.) 耳".

44. The Hong Kong Association of Banks In section 8(1)(a), repeal "Bank Notes Issue

Ordinance (Cap. 364) Ordinance" and substitute "Legal Tender Notes Issue Ordinance".

45. Merchant Shipping (Safety) (Load In the Chinese text---

Line) Regulations (Cap. 369 sub. leg.) (a) in Schedule 3, repeal "第14至20段" before the table for "舷牆排水孔" and substitute "第14及20段";

(b) in Schedule 5, in paragraph 1, in the definition of "表列乾舷", repeal "附6" and substitute "附表6".

46. Merchant Shipping (Safety)(GMDSS In the Chinese text, in section 3(2), repeal

Radio Installations) Regulation "不適用於" and substitute "不適用於". (Cap. 369 sub. leg.)

47. Road Traffic (Construction and In the Chinese text, in regulation 2, in the Maintenance of Vehicles) Regulations definition of "工程裝置", in paragraph (a)(ii),

(Cap. 374 sub. leg.) repeal "村料" and substitute "材料".

48. Road Traffic (Traffic Control) In the Chinese text---

Regulations (Cap. 374 sub. leg.) (a) in regulation 42(1)(e), repeal "不適用於" and substitute "不適用於";

(b) in Schedule 6, in paragraph 3, repeal "任何標誌及燈" and substitute "任何標誌及燈具".

49. Electricity Ordinance (Cap. 406) In the Chinese text, in sections 2 (definitions of "固定電力裝置" and "電力裝置或發電設施的"擁有人"), 4(1), 13(2)(a), 14(1), 26, 27(1) and (2), 30(2)(b), (3) and (4), 47(1)(d), 49, 52 and 59(1)(f), repeal "房產" wherever it appears and substitute "處所".

50. Electricity Supply Regulations In the Chinese text, in regulations 1(1)(definition (Cap. 406 sub. leg.) of "電力分站"), 3, 13(4) and (8), 25, 26, 27, 28, 29 and 39(14) and in the heading before regulation 25, repeal "房產" wherever it appears and substitute "處所".

51. Electricity Supply (Special Areas) In the Chinese text, in regulations 9(1) and (2) Regulations (Cap. 406 sub. leg.) and 10(3) and (4), repeal "房產" wherever it appears and substitute "處所".

52. Electricity (Registration) Regulations In the Chinese text, in regulation 8(1)(d), repeal (Cap. 406 sub. leg.) "房產" and substitute "處所".

53. Electricity (Wiring) Regulations In the Chinese text, in regulations 2 (definitions (Cap. 406 sub. leg.) of "開關房" and "電力分站"), 4(6), 12(2) and 20(1), (2), (3) and (4), repeal "房產" wherever it appears and substitute "處所".

54. Merchant Shipping (Reporting of Pollution Incidents) Regulations In the Chinese text, in regulation 2, in the definition of "海", repeal "與海連接的". (Cap. 413 sub. leg.)

55. Merchant Shipping (Prevention of Pollution by Garbage) Regulation In the Chinese text, in section 1(1), in the definition of "海", repeal "與海連接的任何" (Cap. 413 sub. leg.) and substitute "任何入海的".

56. Toys and Children's Products Safety Ordinance (Cap. 424) In the Chinese text, in section 2, in the definition of "獲授權人員", repeal "《海關條例》" and substitute "《香港海關條例》".

57. Hong Kong Civil Aviation (Investigation of Accidents) Regulations In the Chinese text, in regulation 14(9), repeal "委員席前的人" and substitute "委員會席前的人". (Cap. 448 sub. leg.)

58. Legal Aid Services Council Ordinance In the Chinese text, in section 5(1)(b), repeal

(Cap. 489) "《執業律師條例》" and substitute "《法律執業者條例》".

59. Mutual Legal Assistance in Criminal Matters (Australia) Order 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "該外地罪行或由構成該外地罪行的同一作為或不作為所構成的".

60. Mutual Legal Assistance in Criminal Matters (France) Order 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "該外地罪行或由構成該外地罪行的同一作為或不作為所構成的".

61. Mutual Legal Assistance in Criminal Matters (New Zealand) Order 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "該外地罪行或由構成該外地罪行的同一作為或不作為所構成的".

62. Mutual Legal Assistance in Criminal Matters (United Kingdom) Order 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "該外地罪行或由構成該外地罪行的同一作為或不作為所構成的".

63. Mutual Legal Assistance in Criminal Matters (Switzerland) Order 1, repeal "構成該罪行的同一作為或不作為所構成的罪行或" and substitute "該外地罪行或由構成該外地罪行的同一作為或不作為所構成的".

64. Electoral Procedure (Chief Executive Election) Regulation (Cap. 541 sub. leg.) repeal "總督特派廉政專員" and substitute "廉政".

65. Chinese Medicine Ordinance (Cap. 549) In section 132(2), repeal "be prescribed" and substitute "be imposed".

66. International Organizations (Privileges and Immunities) Ordinance (Cap. 558) (a) Repeal the subheading immediately before section 14. (b) Repeal section 14.

67. Securities and Futures Ordinance (Cap. 571) In Schedule 1, in Part 1, in section 1, in the definition of "Commissioner of the Independent Commission Against

Corruption", repeal "Commissioner of the Independent Commission Against Corruption appointed under" and substitute "person who holds the office of the Commissioner of the Independent Commission Against Corruption pursuant to".

68. Public Officers Pay Adjustment In the Chinese text, in section 2, in the Ordinance (Cap. 574) definition of "廉署人員", repeal "總督特派廉政專員" and substitute "廉政".

#### Explanatory Memorandum

This Bill contains miscellaneous amendments to a number of legislative provisions.

2. Part 2 amends the Legal Practitioners Ordinance (Cap. 159) to provide an additional requirement for the issue of a solicitor's practising certificate and to establish a Standing Committee on Legal Education and Training and for other related matters.

3. Part 3 amends the Conveyancing and Property Ordinance (Cap. 219) to provide for presumptions for due execution of a deed by a corporation aggregate.

4. Part 4 amends the Costs in Criminal Cases Ordinance (Cap. 492) to empower a magistrate to award costs to a defendant where a magistrate confirms his decision in a review instituted by the prosecution.

5. Part 5 amends the Labour Tribunal Ordinance (Cap. 25) and the Small Claims Tribunal Ordinance (Cap. 338) to extend the right of audience before the Labour Tribunal and Small Claims Tribunal to certain public officers appearing on behalf of the Secretary for Justice.

6. Part 6 replaces the references to "Crown servant" in the Prevention of Bribery Ordinance (Cap. 201) and the Independent Commission Against Corruption Ordinance (Cap. 204) with "prescribed officer", which term is defined, for the purpose of expounding the meaning of the substituted "Crown servant" in specific terms, to include principal officials, the Monetary Authority, Chairman of the Public Service Commission, staff of the Independent Commission Against Corruption and judicial officers.

7. Part 7 provides for minor amendments to miscellaneous provisions as set out in the Schedule. The amendments include consequential amendments and other amendments of textual nature that do not involve a change in policy.