

立法會
Legislative Council

LC Paper No. LS37/04-05

**Paper for the House Committee Meeting
on 11 March 2005**

**Legal Service Division Report on
Statute Law (Miscellaneous Provisions) Bill 2005**

I. SUMMARY

1. **Object of the Bill** To make miscellaneous amendments to various ordinances.

2. **Comments**
 - (a) This is an omnibus bill and is designed to collect under a single bill amendments to different ordinances that could be dealt with more efficiently together than under individual bills dedicated to amending each of those ordinances.

 - (b) The amendments seek to improve, clarify and update the law and rectify textual errors and omissions of consequential amendments in previous exercises.

 - (c) The Administration has listed in Annex B to the LegCo Brief 34 ordinances to which the main improvements are proposed. The Bill is divided into 6 Parts, 27 Divisions and 224 clauses.

3. **Public Consultation** Public consultation has been carried out on proposed amendments to 7 of the affected ordinances.

4. **Consultation with LegCo Panel** The Panel on Administration of Justice and Legal Services was briefed on the legislative proposals in the Bill at its meeting on 14 December 2004.

5. **Conclusion**
 - (a) As suggested at the AJLS Panel, the setting up of a Bills Committee should be considered in order to study the policy implications of some of the proposed amendments.

 - (b) Our detailed scrutiny of the legal and drafting aspects of the Bill is continuing.

II. REPORT

Object of the Bill

To make miscellaneous amendments to various ordinances.

LegCo Brief Reference

2. LP 3/00/9C issued by the Legal Policy Division, Department of Justice (English version in January 2005).

Date of First Reading

3. 9 March 2005.

Comments

4. This is an omnibus bill and is considered by the Administration to be the only efficient option by which to make improvements to a number of Ordinances, whereas the introduction of individual bills relating to each ordinance that is to be amended would be most inefficient.

5. The amendments are grouped into 5 Parts along the following themes : –

- (a) Part 2 - Amendments relating to the transfer of functions and powers;
- (b) Part 3 - Amendments relating to the change of name, the enhancement of operational efficiency and the refinement of statutory provisions;
- (c) Part 4 - Amendments relating to judicial officers;
- (d) Part 5 - Amendments relating to legal education and legal practitioners;
and
- (e) Part 6 - Minor amendments.

6. The 5 Parts are further divided into 27 Divisions, under each of which are collected together amendments related to a specified sub-theme. In all, the Bill comprises a total of 224 clauses. Members may find a list of 34 ordinances at Annex B to the LegCo Brief to which the Administration considers the main improvements are proposed (reproduced at enclosure).

7. The proposed amendments seek to improve, clarify and update the existing legislation, rectify textual errors and provide for consequential amendments omitted in previous amendment exercises. For a brief description of the substance of the amendments, Members may refer to Annex C to the LegCo Brief.

8. In its information paper introducing the proposed amendments to the Panel on Administration of Justice and Legal Services, it is stated that they are “minor, technical and largely non-controversial but are important for the purpose of updating or improving existing legislation”. Panel members sought clarifications on some of the proposed amendments, namely those to the Prevention of Bribery Ordinance relating to the surrender of travel documents and those to the High Court Ordinance, District Court Ordinance and Criminal Procedure Ordinance relating to the transfer of chairmanship of certain committees. Some members did not agree that those amendments were technical and non-controversial in nature. The Panel Chairman considered that some of the amendments carried policy implications which might need to be examined in detail by a Bills Committee.

Public Consultation

9. Public consultation has been carried out with respect to proposed amendments to 7 of the affected ordinances. Details of the consultation are contained in Annex D to the LegCo Brief.

Consultation with LegCo Panel

10. The Panel on Administration of Justice and Legal Services was briefed on the legislative proposal contained in the Bill at its meeting on 14 December 2004. (See also paragraph 8 above.)

Conclusion

11. As suggested at the AJLS Panel, the setting up of a Bills Committee should be considered in order to study the policy implications of some of the amendments proposed in the Bill.

12. Our scrutiny of the legal and drafting aspects of the Bill is continuing.

Encl.

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9 March 2005

Ordinances amended :

- (1) Widows and Orphans Pension Ordinance (Cap. 94)
- (2) Pension Benefits Ordinance (Cap. 99)
- (3) Oaths and Declarations Ordinance (Cap. 11)
- (4) Medical Clinics Ordinance (Cap. 343)
- (5) Administrative Appeals Board Ordinance (Cap. 442)
- (6) Legal Aid Services Council Ordinance (Cap. 489)
- (7) Trade Marks Ordinance (Cap. 559)
- (8) The Chinese University of Hong Kong Ordinance (Cap. 1109)
- (9) Prevention of Bribery Ordinance (Cap. 201)
- (10) Theft Ordinance (Cap. 210)
- (11) Crimes Ordinance (Cap. 200)
- (12) Firearms and Ammunition Ordinance (Cap. 238)
- (13) Costs in Criminal Cases Ordinance (Cap. 492)
- (14) Judicial Officers Recommendation Commission Ordinance (Cap. 92)
- (15) High Court Ordinance (Cap. 4)
- (16) Criminal Procedure Ordinance (Cap. 221)
- (17) District Court Ordinance (Cap. 336)
- (18) Matrimonial Causes Ordinance (Cap. 179)
- (19) Legal Practitioners Ordinance (Cap. 159)
- (20) Land Survey Ordinance (Cap. 473)
- (21) Engineers Registration Ordinance (Cap. 409)
- (22) Landscape Architects Registration Ordinance (Cap. 516)
- (23) Surveyors Registration Ordinance (Cap. 417)
- (24) Planners Registration Ordinance (Cap. 418)
- (25) Architects Registration Ordinance (Cap. 408)
- (26) Professional Accountants Ordinance (Cap. 50)
- (27) Midwives Registration Ordinance (Cap. 162)
- (28) Nurses Registration Ordinance (Cap. 164)
- (29) Dentists Registration Ordinance (Cap. 156)
- (30) Supplementary Medical Professions Ordinance (Cap. 359)
- (31) Medical Registration Ordinance (Cap. 161)
- (32) Social Workers Registration Ordinance (Cap. 505)
- (33) Chinese Medicine Ordinance (Cap. 549)
- (34) Housing Managers Registration Ordinance (Cap. 550)