Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2007

A check list of follow-up actions (Position as at 4 March 2008)

Subject	Date of meeting	Follow-up actions required	Remarks
Part 2 - Proposed amendments to the Bankruptcy Ordinance (clause 3)	7 June and 24 Sept 2007	The Administration will – (a) withdraw Part 2 of the Bill; and	The Administration to
		(a) withdraw rant 2 of the Bin, and	provide the draft Committee Stage amendment (LC Paper No. CB(2)1254/07-08(03))
		(b) review the "abscondee" regime as a whole under a separate exercise	LC Paper No. CB(2)2693/06-07(01) The subject matter will be referred to the Panel on Financial Affairs for follow up
Part 3 - Proposed amendments to the Public Order Ordinance (POO) and the Societies Ordinance (clauses 4 to 14)	11 May 2007	The Administration to explain the grounds for proposing the amendments, whether there is a change in policy by deleting the references to "ordre public" from the two Ordinances, and whether and how the proposed amendments, if enacted, would affect the rights of Hong Kong people, in particular the rights to assembly and demonstration	LC Paper No. CB(2)2034/06-07(01)
	7 June 2007	The Administration to provide information on – (a) the concept of "public order" and "public order (ordre public)" and the consequences if the	LC Paper No. CB(2)2106/06-07(03)
		and the consequences if the references to " <i>ordre public</i> " are deleted from POO; and (b) the Police's operational	
		procedures on the processing of notifications of public meetings and public processions under POO before and after the handing down of the CFA judgement	

16 June 2007	The Administration to provide responses to –	LC Paper No. CB(2)2336/06-07(01)
	(a) concern and issues raised by the deputations; and	
	(b) interpretation of the term "the protection of rights and freedoms of others" under POO	
	The legal adviser to the Bills Committee to prepare a paper on the effect of not passing the proposed amendments	LC Paper No. LS101/06-07
3 July 2007	The Administration to provide information on –	LC Paper No. CB(2)2693/06-07(02)
	(a) the reasons why it considered unnecessary to define the term "public order" in the statute;	
	(b) the meaning of the term "public order" in overseas jurisdictions;	
	(c) the number of objections to/prohibitions of the holding of public meetings and processions raised by the Police on the ground of "public order (ordre public)" from 1997 to date, and the difference in the number of objections that would have been raised by the Police during the above period if the references to "(ordre public)" in POO are deleted;	
	(d) how the Police has applied the term "public order (ordre public)" in the processing of notification of public meetings and processions under POO before and after the handing down of the judgment of the case;	

		 (e) whether the concept of "public order (ordre public)" has been an issue of consideration in any of the appeals considered by the Appeal Board on Public Meetings and Processions since 1997; and (f) explanation of the scope of the interpretation of the term "protection of the rights and freedoms of others" in the Guidelines on the approach to POO in relation to public meetings and public processions 	
	24 Sept 2007	The Bills Committee to hold an internal discussion on whether it will propose amendments to Part 3 of the Bill; and	The discussion was held on 29 November 2007
		The legal adviser to the Bills Committee to prepare a list of provisions in the legislation which contain the term "public order (ordre public)" for members' consideration at the internal discussion	_
	29 Nov 2007	The Administration to provide a response to the Chairman's proposal of not passing the proposed amendments in Part 3 of the Bill and requesting the Administration during the resumption of Second Reading Debate on the Bill to conduct a comprehensive review of POO	
Part 7 - Proposed amendments relating to wasted costs in criminal proceedings (clauses 21 and 22)	16 June and 24 Sept 2007	The Administration to provide a consolidated response to the views expressed by the Hong Kong Bar Association in its written submission dated 20 September 2007 (LC Paper No. CB(2)2737/06-07(01)) and the Law Society of Hong Kong's submission dated 10 October 2007 (LC Paper No. CB(2)55/07-08(01))	LC Paper No. CB(2)1254/07-08(02)

Part 8 – Proposed amendments to provisions providing that the decision of the Court of First Instance on an appeal is final (clauses 23 to 30)	3 July 2007	The Administration to provide information on whether similar amendments should be made to the finality provisions in other Ordinances	LC Paper No. CB(2)2693/06-07(03)
Division 5, Part 13 of the Bill - (clauses 63 and 64)	24 Sept 2007	Proposed amendments relating to the commencement of the Certification for Employee Benefits (Chinese Medicine) (Miscellaneous Amendments) Ordinance 2006 (16 of 2006) The Administration to provide information on the background for introducing the proposed amendments	-

Council Business Division 2 Legislative Council Secretariat

4 March 2008