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Department of Justice
Legal Policy Division
(Attention: Mr Michael R Scott, Sr Asst Solicitor Gen)
Room 105A High Block
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9 May 2007

BY FAX
Fax No. : 2180 9928

Dear Mr. Scott,

Statute Law (Miscellaneous Provisions) Bill 2007

I am scrutinizing the legal and drafting aspects of the above Bill. I would be most grateful if you could clarify the following matters:-

Part 3

Under Part 3 of the Bill, it is proposed to repeal the references to “*ordre public*” in the Societies Ordinance (Cap. 151) and the Public Order Ordinance (Cap. 245). Is it necessary to repeal the same reference in other ordinances, e.g. section 93(5) of the Patents Ordinance (Cap. 514) and section 7 of the Registered Designs Ordinance (Cap. 522)?

Clause 16

The proposed clause 16 adds a new subsection (5) to section 101I of the Criminal Procedure Ordinance (Cap. 221) to raise the maximum penalty for the offence of perverting the course of justice at common law. Would it be necessary to add the word “public” before “justice”? Is it more appropriate to use “an offence of doing an act (acts) tending and intended to pervert the course of public justice”¹ instead of “an offence of perverting the course of justice”?

Clause 22

What is the meaning of “fearless advocacy” under the proposed new section 18(3) of the Costs in Criminal Cases Ordinance (Cap. 492)? Would it be more

¹ See *Archbold Hong Kong 2007*, Sweet & Maxwell Asia, at paragraph 30-22

appropriate to use “對抗式”, “爭辯式”² or “抗辯式”³ instead of “辯論式” in the Chinese text (as the rendition of “adversarial”) of the proposed new section 18(3) of the Costs in Criminal Cases Ordinance (Cap. 492)?

Part 13 – Division 2

In the proposed clauses 56(1)(c)(ii) and 56(2)(c)(ii), the reference to the web site of the Treasury is amended from “<http://www.info.gov.hk/tsy>” to “<http://www.try.gov.hk>”. Is it necessary to amend the reference to that web site in other provisions mentioned in Division 2 of Part 13 of the Bill (e.g. in paragraph 1(c) of the **Payment Instructions** in Form 1 of the Schedule of the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A))?

I shall be most grateful if you could let me have your response in both Chinese and English on the above queries at your earliest convenience.

Yours sincerely,

(Timothy TSO)
Assistant Legal Adviser

cc. LA
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² See *Hong Kong English-Chinese Legal Dictionary*, LexisNexis Butterworths, 2005, at p.54

³ See *Interim Report, Civil Justice Reform, Judiciary*, HKSAR, 2001, at paragraph 7