

Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2014

**List of follow-up actions arising from the discussion
at the meeting on 20 May 2014**

The Administration was requested to –

Part 7

Clause 51

- (a) provide information on the circumstances that would be regarded as "evidence to the contrary" in proposed section 44(1A) of the Bill;
- (b) provide information on provisions in other Ordinances that are similar to the proposed new section 44(1A) of the Bill;
- (c) consider whether the condition "in the absence of evidence to the contrary" should also apply to proposed section 44(1) of the Bill;

Part 8

Existing section 26(4) of the Trade Descriptions Ordinance ("TDO")
(Cap. 362)

- (d) advise, where practicable, whether there are defence provisions in other Ordinances that are similar to section 26(4) of TDO which would also require amendment;

Clause 52

- (e) advise whether the condition that "the contrary is not proved by the prosecution beyond reasonable doubt" (i.e. proposed section 12(2A)(a)(ii) of the Bill) refers to all of the three conditions (i.e. (A), (B) and (C)) set out in the proposed new section 12(2A)(a)(i), or only refers to one of the three conditions; and whether the drafting of the proposed section should be improved to clearly reflect the intent; and

Clauses 52 and 53

- (f) having regard to the policy intent, to review the use of "and" and "or" under the various conditions listed under the proposed sections 12(2A)(a)(i) and 26(1)(a)(i) of the Bill.

Council Business Division 4
Legislative Council Secretariat
18 June 2014