

Bills Committee on Statute Law (Miscellaneous Provisions) Bill 2014

**List of follow-up actions arising from the discussion
at the meeting on 17 July 2014**

The Administration was requested to –

Part 8

Clauses 52 to 54

- (a) provide information on provisions in other Ordinances and where appropriate, in the legislation of other jurisdictions that are similar to the drafting of the proposed new sections 12(2A)(a), 26(1), 26AA and 26AAB of the Trade Descriptions Ordinance (Cap. 362) in respect of the evidential burden on the accused and the burden of proof on the part of the prosecution to prove the accused's guilt beyond reasonable doubt;
- (b) having regard to the views of the Bills Committee and the Assistant Legal Adviser, re-consider whether the proposed Committee Stage amendments to clauses 52 and 54 could adequately reflect the policy intent; and to explain, with reasons, its decision on the drafting of the proposed provisions relating to the burden of proof; and

Parts 12 and 13

- (c) clarify whether similar unauthorized consolidation is also found in other legislation, and if yes, explain why the irregularities have not been included in the Bill for rectification/validation.

Council Business Division 4
Legislative Council Secretariat
19 August 2014