

Statute Law (Miscellaneous Provisions) Bill 2014

Committee Stage

Amendments to be moved by the Secretary for Justice

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting “(3) and (4)” and substituting “(3), (4) and (5)”.
1	By adding— “ (5) Division 5 of Part 12 is deemed to have come into operation on 9 April 1998.”.
14(2)	In the Chinese text, by adding “所有” before ““(g)””.
[43	By deleting the clause and substituting— “43. Section 81 amended (warrant or order to bring up prisoner to give evidence) (1) Section 81(2)— Repeal “or judge of the Court of First Instance who is a member of the Competition Tribunal by the operation of section 135(1) of the Competition Ordinance (Cap. 619)” Substitute “, judge of the Court of First Instance who is a member of the Competition Tribunal by the operation of section 135(1) of the Competition Ordinance (Cap. 619) or member of the Lands Tribunal referred to in section 4(1)(a), (b), (c) or (d) of the Lands Tribunal Ordinance (Cap. 17)”.
	(2) Section 81(2)—

Repeal

“or Competition Tribunal” (wherever appearing)

Substitute

“, Competition Tribunal or Lands Tribunal”.”^{1]}

- 48(3) In the proposed section 77F(2)(c)(iii), in the Chinese text, by deleting “或該文件” and substituting “及該文件”.
- 51 In the proposed section 44(1A), in the English text, by deleting “The notice is presumed to have been served, in the absence of evidence to the contrary” and substituting “In the absence of evidence to the contrary, the notice is presumed to have been served”.
- 52(2) In the proposed section 12(2A)(a), by deleting subparagraph (i) and substituting—
- “(i) sufficient evidence is adduced to raise an issue that the person charged did not know, had no reason to suspect and could not with reasonable diligence have ascertained, that the goods are goods to which a false trade description or forged trade mark is applied; and”.

¹ Depending on whether the Competition (Amendment) Bill 2014 is passed and gazetted as an Ordinance before the current Bill.

54 In the proposed section 26AA, by deleting paragraph (a) and substituting—

“(a) sufficient evidence is adduced to raise an issue that the person charged did not know, had no reason to suspect and could not with reasonable diligence have ascertained, that the goods or service did not conform to the trade description, or that the trade description had been applied to the goods or service; and”.

54 In the proposed section 26AAB, by deleting paragraph (a) and substituting—

“(a) sufficient evidence is adduced to raise an issue that the person charged did not know, had no reason to suspect and could not with reasonable diligence have ascertained, that a forged trade mark had been applied to the goods, or that a trade mark or mark so nearly resembling a trade mark as to be calculated to deceive had falsely been applied to the goods; and”.

Part 10 By deleting the Part.

63 In the proposed Schedule, by adding—

“Registrar of Companies Ordinance (Cap. 622).”
Companies
after—

“Registrar of Companies Registered Trustees Incorporation Ordinance (Cap. 306).”.

64 By deleting “Part” and substituting “section”.

New In Part 12, by adding —

“Division 5—Specification of Public Offices (Cap. 1 sub. leg.

C) (Amendment relating to Books Registration Ordinance (Cap. 142))

66A. Schedule amended

The Schedule, before the first entry relating to the Secretary for Home Affairs —

Add

“Secretary for Home Affairs Books Registration Ordinance (Chapter 142).”.

68(2)(a) In the English text, by deleting “and before” and substituting “but before”.

New² In Part 14, by adding —

“Division 54—United Nations Sanctions (Liberia) Regulation 2014 (L.N. 29 of 2014)”

146A. Section 2 amended (interpretation)

Section 2, Chinese text, definition of ~~關長~~—

Repeal

“香港” (wherever appearing).

Division 55—United Nations Sanctions (Central African Republic) Regulation (L.N. 51 of 2014)

146B. Section 1 amended (interpretation)

Section 1, Chinese text, definition of ~~關長~~—

Repeal

“香港” (wherever appearing).

Division 56—United Nations Sanctions (Democratic Republic of the Congo) Regulation 2014 (L.N. 52 of 2014)

146C. Section 1 amended (interpretation)

Section 1, Chinese text, definition of ~~關長~~—

Repeal

“香港” (wherever appearing).”.

² Depending on when the current Bill will resume 2nd reading, there may be further new UN sanctions added.