



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

LC Paper No. CB(4)1376/16-17(01)

來函檔號 YOUR REF :
本函檔號 OUR REF : LS/B/20/16-17
電話 TELEPHONE : 3919 3504

傳真 FAX : 2877 5029
電郵 E-MAIL : rktdai@legco.gov.hk

By Fax (3918 4799)

6 July 2017

Ms WAN Ping-siu, Adeline
Sr Asst Solicitor Gen (Policy Affairs)
Department of Justice
5/F, East Wing
Justice Place
18 Lower Albert Road
Central, Hong Kong

Dear Ms WAN,

Re: Statute Law (Miscellaneous Provisions) Bill 2017

We are scrutinizing the legal and drafting aspects of the above Bill and would be grateful for your clarification of the following matters.

Clause 1(3) and (4)

Please let members know (a) the rationale for commencing Part 6 on a day to be appointed by the Secretary for Justice by notice published in the Gazette; and (b) the rationale for commencing Division 52 of Part 9 on 15 December 2017.

Clause 3(4)

The proposed section 79B(4A) of Cap. 221 renders "subject to any conditions the court considers appropriate in the circumstances" as "並可施加法庭認為在有關情況下屬恰當的條件，規限該項准許", whereas the same expression is rendered as "並可施加法庭認為在有關情況下屬恰當的條件規限" in the existing section 79B(4). Please explain the discrepancy between these two renditions. Please also explain why a comma is used after the words "藉電視直播聯繫方式" in the proposed section 79B(4A).

Clause 12(1)

Under clause 12(1), the representation of the Secretary for Justice is referred to in the proposed section 17(1A)(f) of the District Court Ordinance (Cap. 336) as "the Secretary for Justice or a legal officer, as defined in section 2 of the Legal Officers Ordinance (Cap. 87), appointed by the Secretary for Justice" rather than "the Secretary for Justice or a legal officer in the Department of Justice appointed by him" as currently referred to in section 40(1)(f) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484). Please explain the difference in meaning, if any, between these two expressions.

We look forward to receiving your reply in both English and Chinese as soon as possible.

Yours sincerely,



(Rachel DAI)
Assistant Legal Adviser

cc. DoJ (Attn: Miss Christine WONG, GC (By Fax: 3918 4613))
Clerk to the Bills Committee