

Statute Law (Miscellaneous Provision) Bill 2005 to be gazetted

The Statute Law (Miscellaneous Provisions) Bill 2005, which proposes amendments to a number of Ordinances, will be gazetted this Friday (February 18).

A government spokesman said that the Bill, in making minor, technical and largely non-controversial amendments to the Laws of Hong Kong, follows the pattern of similar bills which have been enacted in recent years, as an efficient way of effecting improvements to existing legislation. The Bill also includes some proposed amendments that reflect minor reforms to our law.

He said, “For example, the powers and operational efficiency of the Legal Aid Services Council (“LASC”) would be enhanced if LASC were empowered to appoint its own staff and to enter into contracts on its own, and the deadline for it to submit its annual report were extended.

In respect of the Hong Kong Court of Final Appeal Ordinance (Cap. 484), the spokesman said that section 32 of the Ordinance provided that, before leave to appeal can be granted, it must be certified that the case involved a point of law of great and general importance or that grave injustice had been done.

“The Court of Appeal, in its judgment on HKSAR v WONG Wah-ye, [2001]3 HKC 1, observed that it had no power to order costs where the prosecutor or a defendant applies unsuccessfully to the Court of

Appeal or the Court of First Instance for a section 32 certificate. It is proposed to confer such a power,” he said.

He said that it was also necessary to give effect to the Court of Final Appeal judgment in A Solicitor v The Law Society of Hong Kong & SJ. That case related to section 13(1) of the Legal Practitioners Ordinance (Cap.159), which provides that a decision by the Court of Appeal in respect of disciplinary proceedings concerning a solicitor shall be final. The absolute bar on any further appeal was held not justifiable. There are similar provisions in relation to other professions, e.g. accountants, architects and medical practitioners, which will also be amended.

“In addition, it would be helpful to clarify the Legal Practitioners Ordinance (Cap. 159) to the effect that the Council of The Law Society of Hong Kong may make rules providing for the professional practice of any solicitor, and may make indemnity rules in respect of any solicitor’s practice, whether or not the solicitor is engaged in private practice,” he said.

The spokesman said that the Bill constitutes an ongoing effort to ensure that our laws develop with the changing times and the needs of our society.

The Bill will be tabled in the Legislative Council on March 9, 2005.

Ends/Wednesday, February 16, 2005

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