

Statute Law (Miscellaneous Provisions) Bill 2008 to be gazetted

The Statute Law (Miscellaneous Provisions) Bill 2008, which seeks to make a number of legislative amendments covering various ordinances, will be gazetted on February 6 (Wednesday).

The Bill aims to enhance the effectiveness of certain statutory provisions that criminalise failure to perform an act to the satisfaction of an enforcement authority.

Various ordinances contain offence provisions with the drafting formula "to the satisfaction of" an enforcement authority, which was held to be too vague to enable a person to ascertain the elements of the offences.

The Bill proposes to add a requirement that no offence is committed unless the authority has specified to the affected person the measures to be taken to its "satisfaction", or the person has commenced the regulated activity "without writing to the Authority to ascertain, and ascertaining from the Authority, as to how the Authority is to be satisfied". The burden of proof in either case will be on the prosecution.

In addition, the Bill proposes that a new section 13A be incorporated into the Conveyancing and Property Ordinance to define the vendor's obligation regarding the delivery of title deeds on completion of a sale of land.

The effect of the new section is that a purchaser of land shall be entitled to require from the vendor, for the purpose of giving title to that land, the delivery of the original of only (i) the Government lease if it relates exclusively to that land and (ii) any document that relates exclusively to that land and is required to be produced by the vendor as proof of title to that land. This would help to alleviate potential problems for many property owners.

Other proposals in the Bill include amendments to the Legal Officers Ordinance to change the post titles of certain prosecutors to highlight their independence, and miscellaneous minor and technical amendments to remove obsolete references to two sets of repealed rules.

Ends/Monday, February 4, 2008