

LC: Speech by Secretary for Justice in moving committee stage amendments to Legal Practitioners (Amendment) Bill 2009

Following is the speech by the Secretary for Justice, Mr Wong Yan Lung, SC, in moving the committee stage amendments to the Legal Practitioners (Amendment) Bill 2009 in the Legislative Council today (January 20):

Mr President,

I move that clauses 4, 5 and 6 be amended as set out in the paper circulated to Members.

I explained the purposes of most of these amendments earlier this afternoon. In addition -

(a) the term "the Chairman of the Bar Council" in the proposed section 39E(4)(b) and section 39F(4)(b) in Clause 4 is amended to "the Chairman of the Hong Kong Bar Association" in response to a request by the members of the Bills Committee.

(b) the proposed section 39F(2) in Clause 4 is amended to allow a member of the Panel appointed under section 39E(5) to resign by giving notice in writing to the Chief Justice. The proposed amendment provides consistent treatment on resignation among members of the Panel and the Assessment Board.

(c) the proposed section 39F(3) in Clause 4 is amended to allow the Chief Justice to remove from office any member of the Panel appointed under section 39E(5). The proposed amendment ensures consistent treatment on removal from office among members of the Panel and the Assessment Board.

(d) the proposed section 390(2)(c)(ii) in Clause 4 is amended to delete the word "otherwise" to fine tune the drafting of section 390(2)(c)(ii).

(e) Clause 5 introduces a new section 45A. The word "purports" in the proposed section 45A was originally rendered in the Chinese text as "看來是". After due consideration of the views of the members of the Bills Committee, it is concluded that "其意是" can better reflect the meaning of the word "purport" in section 45A. Hence, it is proposed that "看來是" where it twice appears in the Chinese text of the proposed section

45A be deleted and substituted by " 其意是".

(f) Clause 6(3) introduces a new section 50A(2). Apart from certain drafting changes on the language of the Chinese text of section 50A(2), it is proposed that the words "看來是" be amended as "其意是" to better reflect the meaning of "purported" in section 50A(2).

The Bills Committee has discussed and expressed support for the above amendments. I hope Members will endorse them.

Madam President, I beg to move.

Ends/Wednesday, January 20, 2010