

LC : Speech by SJ in moving the second reading of the Statute Law (Miscellaneous Provisions) Bill 2008

Following is the speech by the Secretary for Justice, Mr Wong Yan Lung, SC, in moving the second reading of the Statute Law (Miscellaneous Provisions) Bill 2008 at the Legislative Council today (February 20):

Madam President,

I move that the Statute Law (Miscellaneous Provisions) Bill 2008 be read a second time.

The Bill makes technical and minor amendments that are required to –

- (a) enhance the clarity of certain statutory provisions that criminalise failure to perform any act to the satisfaction of an enforcement authority;
- (b) define the vendor's obligation regarding the delivery of title deeds on completion of a sale of land;
- (c) change the post titles of certain prosecutors to highlight their independence; and
- (d) remove obsolete references to two sets of repealed rules.

In that respect, it follows the pattern of similar bills which have been enacted in recent years as an efficient way of effecting improvements to existing legislation. This Bill is divided into 8 Parts. Part 1 contains the short title and commencement clauses. Parts 2 to 8 propose amendments to various Ordinances.

Parts 2 and 3 - Amendments to Ordinances and subsidiary legislation : Offences incompletely defined because of phrase "to the satisfaction of" an enforcement Authority

Part 2 (clauses 3 to 9) and Part 3 (clauses 10 to 52) make amendments to various Ordinances and subsidiary legislation in which offences with the phrase "to the satisfaction of" an enforcement authority are created. Provisions set out in those Parts have to be amended to enable the elements of the offences to be more clearly defined.

Part 4 - Provisions supplementary to amendments under Part 3

Part 4 (clauses 53 to 55) contains amendments to the Boilers and Pressure Vessels Ordinance (Cap. 56) and the Boilers and Pressure Vessels Regulations (Cap. 56 sub. leg. A) that are supplementary to the amendments made to the Regulations in clause 10.

Part 5 - New post titles of prosecutors of rank of Senior Government Counsel and Government Counsel in Department of Justice

Part 5 (clauses 56 to 63) amends Schedule 1 to the Legal Officers Ordinance (Cap. 87) and makes related amendments to the Magistrates Ordinance (Cap. 227) and the District Court Ordinance (Cap. 336) so that the post titles of prosecutors of the ranks of "Senior Government Counsel" and "Government Counsel" in the Prosecutions Division of the Department of Justice are to be amended to "Senior Public Prosecutor" and "Public Prosecutor" respectively.

Part 6 - Delivery of original title deeds in sale of land

Part 6 (clauses 64 and 65) amends the Conveyancing and Property Ordinance (Cap. 219). A new section 13A is to be added to that Ordinance to define the obligation of a vendor of land to deliver title deeds to the purchaser on completion of the sale of land.

Part 7 - Amendments to provisions containing references to repealed subsidiary legislation under District Court Ordinance

The District Court Civil Procedure (General) Rules (Cap. 336 sub. leg. A) and the District Court Civil Procedure (Costs) Rules (Cap. 336 sub. leg. B) were repealed following the enactment of the Rules of the District Court (Cap. 336 sub. leg. H). Part 7 (clauses 66 to 74) contains amendments to 7 Ordinances and 2 pieces of subsidiary legislation in order to replace references to any of the repealed Rules by references to the Rules of the District Court (Cap. 336 sub. leg. H).

Part 8 - Amendment to Rating Ordinance

Part 8 makes a minor and clerical amendment to the Rating Ordinance (Cap. 116).

Conclusion

Madam President, as I indicated earlier, this Bill is part of a continuing process of tidying up Hong Kong's statute law and effecting minor reforms. I commend the Bill to the Council.

Ends/Wednesday, February 20, 2008