

LC: Speech by Secretary for Justice in moving committee stage amendments to Statute Law (Miscellaneous Provisions) Bill 2008

Following is the speech by the Secretary for Justice, Mr Wong Yan Lung, SC, in moving the committee stage amendments to the Statute Law (Miscellaneous Provisions) Bill 2008 in the Legislative Council today (July 2):

Madam Chairman,

I move the deletion of clause 2, Parts 2, Part 3, Part 4 and amendments to the other clauses and the cross-heading read out just now. The amendments have been circulated to Members.

Clause 2 – Commencement

I have explained the reason for proposing a Committee Stage Amendment to delete clause 2 earlier. We propose that the Ordinance will come into operation on the day on which it is published in the Gazette.

Parts 2 to 4 – Various Ordinances containing offence provisions with the drafting formula “to the satisfaction of” an enforcement authority

Parts 2 to 4 make amendments to various Ordinances and subsidiary legislation in which offences with the phrase “to the satisfaction of” an enforcement authority are created. We proposed and Members of the Bills Committee agreed that we should repeal these Parts and the amendments should be deferred and considered in a future Bill.

Clause 64 – Conveyancing and Property Ordinance (Cap. 219)

The amendments proposed to Clause 64 were suggested by the Bills Committee and the Law Society. Instead of providing that unless the contrary intention is expressed, a vendor of land shall, for the purpose of giving title to that land, deliver to the purchaser 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, the amendments provide that the purchaser shall be entitled to require the vendor to deliver the original of such documents. The amendments are consistent with the language used in section 13 of the Conveyancing and Property Ordinance (Cap. 219) concerning “proof of title”.

The amendments also take into account third party rights and interests by making it clear that the new section 13A shall not affect the right or interest of any other person in the land concerned who is not a party to the contract for the sale and purchase of that land.

Clause 66 – Pneumoconiosis (Compensation) Appeal Rules

The amendment proposed to Clause 66 is consequential on the recently amended short title of what were formerly called the Pneumoconiosis (Compensation) Appeal Rules.

Conclusion

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

Madam Chairman, I beg to move.

Ends/Wednesday, July 2, 2008