

Statute Law (Miscellaneous Provisions) Bill 2019 to be introduced in LegCo

The Government will introduce the Statute Law (Miscellaneous Provisions) Bill 2019 in the Legislative Council (LegCo) to propose a number of miscellaneous amendments to various Ordinances for the purpose of updating and further improving the relevant legislation.

A spokesman for the Department of Justice said today (December 24) that the Bill will be gazetted on December 27, and will then be introduced to the LegCo on January 15, 2020.

The major proposed amendments include:

(1) To amend the High Court Ordinance (HCO) (Cap. 4)

To ensure that all cases are handled as expeditiously as is reasonably practicable, the Judiciary proposes the following amendments to the HCO:

(a) To amend section 34B(4) of the HCO to extend the use of a two-Judge bench of the Court of Appeal (CA) (i.e. two-Judge CA) to determine:

(i) applications for leave to appeal to the Court of Final Appeal against the decisions made by the CA consisting of less than three Justices of Appeal; and

(ii) appeals against the Court of First Instance's decisions to refuse to grant leave to apply for judicial review or to grant such leave on terms.

(b) To amend section 34B(5) of the HCO so that when the two-Judge CA in various types of proceedings cannot reach a unanimous decision, in addition to a party being allowed to apply to re-argue the case before a three-Judge CA, the Court may also make such an order on its own motion.

(c) To amend sections 4(2) and 5(2) of the HCO to clarify that an additional judge in the Court of First Instance or the CA has the power to dispose of cases on paper without physically "sitting" in court.

(2) To amend the Interpretation and General Clauses Ordinance (Cap. 1) so that references made to an Ordinance may be made according to the title, short title, citation, number or chapter number used in the verified copies of the Ordinance in addition to those used in copies of the Ordinance printed by the Government Printer.

(3) To amend the Chinese text of certain defence provisions containing the phrase "could not with reasonable diligence" to make it explicit that it refers to an objective test based on a hypothetical situation.

(4) To amend other miscellaneous and technical amendments, for example, to update the references to the titles of certain Ordinances, achieve

consistency in certain expressions and correct other minor errors.