

The previous provision in s 358 of the former CO (Cap 32) that gives the court power to grant relief to officers and auditors for breach of duties to the company is also found in Part 20 (see ss 902 to 904).

Section 905 gives the court power to require a plaintiff limited company to provide security for costs where there is reason to believe that the company will be unable to pay the defendant's costs if the defendant succeeds. This provision is derived from existing law (s 357 in the former CO (Cap 32)), but is now extended to also apply to plaintiff companies incorporated outside Hong Kong.

There is a new provision in s 899 giving the Registrar power to compound offences. Instead of prosecuting a person who is alleged to be in contravention of the Ordinance, the Registrar may give to the person a notice requiring the person to do the required act the subject of the alleged contravention and to pay to the Registrar the sum specified in the notice. If the notice is complied with, then no prosecution will be instituted against the person in respect of the alleged contravention. The power in s 899 only applies to certain offences (mainly filing offences), which are specified in Schedule 7.

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