

立法會
Legislative Council

LC Paper No. CB(2)558/01-02
(These minutes have been seen
by the Administration)

Ref : CB2/BC/19/00

**Bills Committee on Hong Kong Court of Final Appeal
(Amendment) Bill 2001**

**Minutes of second meeting
on Thursday, 4 October 2001 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Members Present : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Albert HO Chun-yan
Hon Emily LAU Wai-hing, JP

Public Officers Attending : Ms Emma LAU
Deputy Judiciary Administrator

Ms Rebecca PUN
Assistant Judiciary Administrator

Mr Michael SCOTT
Senior Assistant Solicitor General

Ms Shandy LIU
Senior Government Counsel

Ms Doris LO
Government Counsel

Mr James CHAN
Assistant Director (Administration)

Mr Yu-yuen WONG
Assistant Secretary (Administration)

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mr Paul WOO
Senior Assistant Secretary (2)3

The meeting

(LC Paper Nos. CB(2)2246/00-01(01) to (03); 2321/00-01(01) and (02))

The Bills Committee deliberated. (Index of proceedings attached at **Annex**).

2. The Administration was requested to provide further information on the following to facilitate the work of the Bills Committee -

Clause 3

- (a) To reconsider whether the provisions on the leapfrog procedure for the Chief Executive election should be put under Division 2 as proposed in clause 3 or under a new Division;

Proposed section 27C

- (b) To consider whether the word "judgments" in section 27C(2)(b) should be amended to "judgment";
- (c) To review the drafting of section 27C(2) and 27C(3). As pointed out by a member, it was not clear whether an appeal from a decision of the Court of First Instance (CFI) that involved a point of law relating to the construction of the Basic Law as well as the construction of an Ordinance or a subsidiary legislation could go directly to the Court of Final Appeal (CFA);

- (d) To address the situation where the trial judge sitting alone was not available to entertain an application for the leapfrog appeal certificate under proposed section 27C(5) for whatever reason;

Proposed section 27D

- (e) To explain whether a party whose application for leave to make a leapfrog appeal to the CFA had been refused might be barred from appealing to the Court of Appeal (CA) because the time limit for appeal from the CFI to the CA had expired, and if so, how such a situation could be avoided. Members had suggested that the drafting of section 27D might need to be refined to clarify the matter; and

Clause 5

- (f) To advise the legislative effect of not having the transitional provision and to consider whether the clause should be removed altogether.

3. The Administration was also requested to submit any proposed Committee Stage amendments to the Bill for the consideration of the Bills Committee when available.

4. The Bills Committee agreed to wait for the Administration's written response to the above issues before deciding on the date for the next meeting.

5. There being no other business, the meeting ended at 5:50 pm.

Legislative Council Secretariat

30 November 2001

**Proceedings of the second meeting of the Bills Committee on
Hong Kong Court of Final Appeal (Amendment) Bill 2001
on Thursday, 4 October 2001 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000003-000639	Miss Margaret NG	Welcome Administration to meeting/Discussion papers for meeting/Response from the two legal professional bodies on the Bill	
000640-000655	Admin	Administration's paper (LC Paper No. CB(2)2321/00-01(02))	
000656-000709	Miss Margaret NG	Leapfrog appeal procedure relating to the election of the Chief Executive	
000710-000807	Admin	-ditto-	
000808-001139	Miss Margaret NG	Clause-by-clause examination of the Bill - Clauses 1, 2 and 3	
001140-001208	ALA	Clause 3	
001209-001237	Miss Margaret NG	-ditto-	
001238-001242	Admin	-ditto-	
001243-001252	Miss Margaret NG	-ditto-	
001253-001402	Mr Martin LEE	Clauses 3 and 4 - title of "Division 2" and "Division 3"	
001403-001428	Admin	-ditto-	
001429-001537	Miss Margaret NG	-ditto-	
001538-001555	Mr Martin LEE	-ditto-	
001556-001611	Miss Margaret NG	-ditto-	
001612-001859	Admin	-ditto-	
001900-001905	Miss Margaret NG	-ditto-	
001906-001922	Mr TSANG Yok-sing	-ditto-	
001923-001936	Admin	-ditto-	
001937-001951	Mr Martin LEE	-ditto-	
001952-002009	Miss Margaret NG	-ditto-	
002010-002015	Mr Martin LEE	-ditto-	
002016-002242	Miss Margaret NG	-ditto-	Admin
002243-002300	Mr Martin LEE	-ditto-	
002301-002641	Miss Margaret NG	Clause 4	
002642-002809	ALA	-ditto-	
002810-002834	Miss Margaret NG	Proposed section 27C(2)	
002835-002911	Mr Martin LEE	-ditto-	
002912-002932	Miss Margaret NG	Proposed section 27C(2)(b)	
002933-002952	Admin	-ditto-	
002953-003156	Miss Margaret NG	Proposed section 27C(2)(b) and 27C(3)	Admin

003157-003219	Mr Martin LEE	Proposed section 27C(3)	
003200-003207	Miss Margaret NG	-ditto-	
003208-003213	Mr Martin LEE	-ditto-	
003214-003222	Miss Margaret NG	-ditto-	
003223-003406	Admin	-ditto-	
003407-003431	Mr TSANG Yok-shing	-ditto-	
003432-003454	Ms Audrey EU	Proposed section 27C(2)(a) and 27C(3)	
003455-003459	Miss Margaret NG	-ditto-	
003500-003504	Ms Audrey EU	-ditto-	
003505-003515	Miss Margaret NG	-ditto-	
003516-003532	Ms Audrey EU	-ditto-	
003533-004020	Miss Margaret NG	Application of leapfrog appeal procedure to Basic Law related cases	
004021-004132	Mr Martin LEE	-ditto-	
004133-004139	Miss Margaret NG	-ditto-	
004140-004207	Mr Martin LEE	-ditto-	
004208-004327	Ms Audrey EU	Proposed section 27C(2)(a) and 27C(3)	
004328-004331	Miss Margaret NG	-ditto-	
004332-004357	Ms Audrey EU	-ditto-	
004358-004401	Mr Martin LEE	-ditto-	
004402-004403	Ms Audrey EU	-ditto-	
004404-004458	Miss Margaret NG	-ditto-	Admin
004459-004509	Ms Audrey EU	-ditto-	
004510-004512	Miss Margaret NG	-ditto-	
004513-004516	Admin	-ditto-	
004517-004626	Miss Margaret NG	Proposed section 27C(4)	
File 2		-ditto-	
000209-000257	Admin	Proposed section 27C(4) and 27C(5)	
000258-000301	Miss Margaret NG	-ditto-	
000302-000303	Mr Martin LEE	-ditto-	
000304-000316	Miss Margaret NG	-ditto-	
000317-000319	Mr Martin LEE	-ditto-	
000320-000322	Miss Margaret NG	-ditto-	
000323-000324	Mr Martin LEE	-ditto-	
000325-000515	Miss Margaret NG	Proposed section 27C(4), 27C(5) and 27D(2)	
000516-000520	ALA	Proposed section 27D(2)	
000521-000545	Admin	-ditto-	
000546-000606	Miss Margaret NG	Proposed section 27D(3)	
000607-000608	ALA	-ditto-	

000609-000719	Miss Margaret NG	Proposed section 27D(4)	
000720-000750	Ms Audrey EU	-ditto-	
000751-000835	Miss Margaret NG	Advice on proposed section 27D(4) in Administration's paper	
000836-000856	Admin	Proposed section 27D(4)	
000857-000939	Miss Margaret NG	-ditto-	
000940-000953	Ms Audrey EU	-ditto-	
000954-000959	Miss Margaret NG	-ditto-	
001000-001054	Ms Audrey EU	-ditto-	
001055-001141	Admin	-ditto-	
001142-001232	Ms Audrey EU	-ditto-	
001233-001426	Miss Margaret NG	Proposed section 27D(4) and 27E	
001427-001441	ALA	Proposed section 27E	
001442-001812	Miss Margaret NG	Proposed section 27E, 27F and clause 5	
001813-001822	Mr Martin LEE	Clause 5	
001823-001829	Miss Margaret NG	-ditto-	
001830-001838	Admin	-ditto-	
001839-001928	Miss Margaret NG	-ditto-	
001929-001949	Mr Martin LEE	-ditto-	
001950-002000	Miss Margaret NG	-ditto-	
002001-002042	Admin	-ditto-	
002043-002145	Miss Margaret NG	-ditto-	
002146-002152	Ms Audrey EU	-ditto-	
002153-002211	Miss Margaret NG	-ditto-	
002212-002249	Mr Martin LEE	-ditto-	
002250-002717	Miss Margaret NG	Clauses 5, 6, 7 and 8	
002718-002839	ALA	Proposed section 27B	
002840-002929	Miss Margaret NG	-ditto-	
002930-003021	Admin	-ditto-	
003022-003033	Miss Margaret NG	-ditto-	
003034-003104	Admin	-ditto-	
003105-003258	Miss Margaret NG	Clause-by-clause examination of Chinese text of the Bill	
003259-003308	Dr Philip WONG	-ditto-	
003309-345400	Miss Margaret NG	-ditto-	

Note : The audio records of the above proceedings are kept at the LegCo Library

Legislative Council Secretariat
30 November 2001