

Letterhead of THE LAW SOCIETY OF HONG KONG

Practitioners Affairs

Our Ref : PA0005/01/51823
Your Ref :
Direct Line :

BY FAX/POST

24 August, 2001

Mr. Paul Woo
for Clerk to Bills Committee
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mr. Woo,

Re: Bills Committee on Hong Kong Court of final Appeal (Amendment) Bill 2001

I refer to your letter dated 20 July 2001 addressed to the President in connection with the captioned Bill and I have been asked to send a reply on his behalf.

The Law Society has been consulted on introducing leapfrogging provisions to the Court of Final Appeal in May 1999 and again in July 2000. The Law Society re-iterate its position in relation to the proposals by confirming the observations made in its submissions dated 7 May 1999. I attach a copy of those submissions for distribution to the members of the Bills Committee.

The Law Society will not be sending any representatives to attend the Bills Committee on 24 September 2001.

Yours sincerely,

Joyce Wong
Director of Practitioners Affairs
e-mail: dpa@hklawsoc.org.hk

cc President of the Law Society of Hong Kong

**THE LAW SOCIETY'S COMMENTS ON LEAPFROGGING PROVISIONS TO
THE COURT OF FINAL APPEAL**

The Law Society does not object to the introduction of *leapfrogging provisions* from the High Court to the Court of Final Appeal provided the following principles are applied before a Judge can grant a certificate:-

1. A point of law of general public importance is involved in the decision which relates to the construction of an enactment or of a statutory instrument or is one in respect of which he was bound by a previous decision of the Court of Appeal or the House of Lords.
2. A sufficient case has been made out to justify an application for leave to bring such an appeal.
3. All parties to the proceedings consent to the grant of the certificate.

The Law Society does not support any provision which would simply permit parties the right to apply for *leapfrogging* without the safeguards cited above.

**The Law Society of Hong Kong
7 May 1999**