

Date: 15th July 2001

Mr. Chan Siu Lun

Mr. Stuart M.I. Stoker, Secretary of Law Reform Commission, By Hand
20/F, Harcourt House,
39 Gloucester Road,
Wan Chai, Hong Kong.

Dear Mr. Stoker,

**Request to amend s.18(3) of the Hong Kong Court of Final Appeal Ordinance,
Cap.484**

I request the Law Reform Commission conduct some study on the amendment of section 18(3) of the Hong Kong Court of Final Appeal Ordinance, Cap.484.

The reasons are:

1. **Recently** I received two letters of **5.07.01 & 12.07.01** from Ms. Doris LO, Government Counsel of the Dept. of Justice.

Both letters stressed that *"the Law Reform Commission Secretariat may take up subjects for reference to the Law Reform Commission as a result of suggestions by the public at large"*.

Originally I did **not** agree with the view-point of Ms. LO. Therefore I wrote a letter of **10.07.01** to Ms. LO telling her that I did **not** agree with her recommendation.

However, **I agree with Ms. LO's recommendation** after I read deeply the printout of homepage of the Law Reform Commission annexed to her letter of 12.07.01 including: **"The Commission considers for reforms those aspects of the laws of Hong Kong** which are referred to it by the Secretary for Justice or the Chief Justice;

To-date, the Commission has published **39 reports** covering subjects -----.
The recommendations in 24 of its reports have already been implemented, either in whole or in part;

Possible subjects for reference to the Commission are normally suggested to the Secretary for Justice and Chief Justice by the Secretary to the Commission. **Subjects are taken up by the Secretariat as a result of suggestions by members of the Commission, the legal profession, the public at large and the Administration. Subjects referred to the Commission for study are looked at in detail by a sub-committee of experts, usually under the chairmanship of a member of the Commission. Alternatively, the Commission may decide to dispense with a sub-committee and to proceed on the basis of research carried out by the Secretariat.** The Secretariat, which consists of the Secretary, a Deputy Secretary and six other lawyers, research topics and prepares background papers and draft Commission reports;

A key part of any Commission project is an examination of the relevant law in other jurisdictions. ----- and an important aspect of the Commission's work is keeping abreast of developments in, and maintaining links with, other law reform agencies around the common law world;

While the members of the Law Reform Commission itself are from a variety of backgrounds and voluntarily provide their expertise part-time, the **Secretary, the Deputy Secretary and the six lawyers who service the Commission and its sub-committees are all full-time counsel in the Legal Policy Division of the Department of Justice. These counsel carry out all necessary research and act as secretaries to the Commission and its sub-committees. Once the Commission has published a final report, counsel may be directly involved in assisting the relevant policy bureau of Government to implement the Commission's proposals through amending legislation;**

----- Counsel in the Secretariat also receive considerable assistance through frequent correspondence and contact with their counterparts in other jurisdictions."

A copy of the said letters of 5.07.01 & 12.07.01 from Ms. Doris LO, Government Counsel of Legal Policy Division of Dept. of Justice and my letter of 10.07.01 are now produced and marked as 'Ex-1' attached.

2. I have submitted **well-documented letters of 4.07.01, 1.07.01, 27.06.01, 18.06.01, 30.05.01, 11.04.01 outlining reasonable grounds for amending s.18(3) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484** addressed to Ms. Doris LO, Government Counsel of Legal Policy Division of Dept. of Justice and Ms. Elsie LEUNG, Secretary for Justice.

A copy of the said letters of **4.07.01, 1.07.01, 27.06.01, 18.06.01, 30.05.01** and **11.04.01** (*annexed with exhibits to assist better understanding on the grounds for amending s.18(3) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484*) are now produced and marked as 'Ex-2' attached.

3. In order to **clarify procedure be adopted by Legislative Council to rectify mistakes in the legislation of section 18(3) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484**, I have submitted letters of **8.07.01 & 12.07.01** titled "*Request special meeting held by the Panel on Administration of Justice & Legal Services to discuss matters relating to the amendment of s.18(3) of the Hong Kong Court of Final Appeal (Cap. 484)*" and "*Request full reply on my letter dated 8.07.01 and explanation on reply letter dated 10.07.01*" to **Ms. Margaret NG**, Chairwoman of LegCo's Panel on Administration of Justice and Legal Services.

A copy of the said letters of **8.07.01 & 12.07.01** addressed to Ms. Margaret NG and reply letter of **10.07.01** from Ms. Margaret NG are now produced and marked as 'Ex-3' attached.

Thank you for your kind attention.

Please feel free to contact me in case the Law Reform Secretariat has any queries on matters raised in my letters.

Yours faithfully,

Chan Siu Lun