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Memo

To : CAS(2)3
From : CAS(C)
Ref : CP/C 829/2001
Date : 14 November 2001

Panel on the Administration of Justice and Legal Services

**Review of Section 18(3) of the
Hong Kong Court of Final Appeal Ordinance (Cap. 484)**

I refer to our teleconversation this afternoon and enclose for your perusal five letters (dated 4, 11, 17 and 26 October 2001 and 14 November 2001 at **Appendices I to V**) from a building engineering firm, Bing Choy & Associates (the clients) who, in citing a number of cases, has alleged that the Appeal Committee of the Court of Final Appeal has abused its proper function and acted beyond the statutory power conferred upon it by Cap. 484. As the views contained therein are related to the captioned agenda item to be considered by the panel at the meeting on 26 November 2001, I should be grateful if you would draw the attention of Hon Margaret NG to the clients' views and seek the Hon Member's advice on whether the letters should be circulated to all 60 Members as requested by the clients.

2. As the complaint is related to the decision of the Appeal Committee of the Court of Final Appeal, the Complaints Division has responded to the clients earlier on that it is a judicial matter which is outside the scope of the Redress System (**Appendices VI and VII**). Nevertheless, as the panel will be considering the policy aspect of whether legislative amendments should be made to section 18(3) of Cap. 484, we have informed the clients today of this latest development and advised the clients that:

- (a) they could attend the panel meeting as observers if they are interested; and
- (b) their request for circulation of their letters has been forwarded to the panel chairman for advice.

We have, however, reiterated that Members are not in a position to interfere with the decision of judges and that Hon Audrey EU Yuet-mee who has been consulted as a Duty

Roster Member is in agreement with this stance. A copy of our reply to the clients is at **Appendix VIII**.

(Mrs Vivian KAM)
Chief Assistant Secretary (Complaints)

Encl.

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