

立法會  
*Legislative Council*

LC Paper No. CB(2)158/02-03

Ref : CB2/PL/AJLS

**Legislative Council  
Panel on Administration of Justice and Legal Services**

**Minutes of meeting  
held on Thursday, 10 October 2002 at 10:40 am  
in Conference Room B of the Legislative Council Building**

**Members present** : Hon Margaret NG (Chairman)  
Hon Jasper TSANG Yok-sing, JP (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon Martin LEE Chu-ming, SC, JP  
Hon James TO Kun-sun  
Hon Mr Ambrose LAU Hon-chuen, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members absent** : Hon CHAN Kam-lam, JP  
Hon Miriam LAU Kin-ye, JP

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

**Staff in attendance** : Mrs Justina LAM  
Assistant Secretary General 2  
  
Mr Paul WOO  
Senior Assistant Secretary (2)3

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**I. Election of Chairman and Deputy Chairman**

Mr Martin LEE nominated Miss Margaret NG as Chairman of the Panel. Ms Emily LAU seconded the nomination. Miss Margaret NG accepted the nomination.

2. There being no other nominations, Miss Margaret NG was elected Chairman of the Panel.

3. Mr Albert HO Chun-yan nominated Mr Jasper TSANG Yok-sing as Deputy Chairman of the Panel. Mr TAM Yiu-chung seconded the nomination. Mr Jasper TSANG Yok-sing accepted the nomination.

4. There being no other nominations, Mr Jasper TSANG Yok-sing was elected Deputy Chairman of the Panel.

**II. Schedule of meetings for the 2002 - 2003 session**

5. Members decided that the regular meetings of the Panel would be held at 4:30 pm on the fourth Monday of each month, subject to rescheduling as circumstances required.

6. Members agreed that as special meetings of the Finance Committee would be held from 24 March 2003 to 28 March 2003, the regular meeting of the Panel in March 2003, originally scheduled for 24 March 2003, should be held on 31 March 2003.

**III. Items for discussion at next meeting**

(Appendix V to LC Paper No. CB(2)16/02-03)

Agenda for the meeting on 28 October 2002

7. Members agreed that the following items should be discussed at the next meeting of the Panel on 28 October 2002 -

- (a) Court Prosecutors grade; and
- (b) mechanism for handling complaints against judges and staff of the Judiciary Administration.

*(Post-meeting note - The Chairman instructed that the item "Execution of conveyancing documents by corporations" should be added to the agenda. The item "Court Prosecutors grade" was deferred to the meeting on 25 November 2002.)*

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Proposed items for discussion at future Panel meetings

*Penalty for offences relating to perversion of the course of justice*

8. The item was proposed by Mr James TO Kun-sun. He said that in a recent High Court case in which the defendant was convicted of offences of perverting the course of justice, the judge had expressed the view that the present maximum penalty prescribed in the Criminal Procedure Ordinance (Cap. 221), i.e. imprisonment for seven years, was too low in comparison with the gravity of the offence and should be reviewed. A similar view was also made in the ruling of the High Court in the case of Tin Sau Kwong in 1996. Mr James TO suggested that the subject matter be followed up by the Panel.

*Award of wasted costs order*

9. The item was proposed by Mr Albert HO Chun-yan. He said that in view of previous comments made by judges that the court at present lacked jurisdiction to make a wasted costs order in worthy cases owing to the narrow scope of the provisions on wasted costs in section 18 of the Costs in Criminal Cases Ordinance (Cap. 492), the subject matter could be considered by the Panel.

10. The Chairman said that the Administration proposed to brief the Panel on "Law Amendment and Reform (Miscellaneous Provisions) Bill" (item 26 of the list of outstanding items refers). She pointed out that Part III of the Bill proposed to amend the Costs in Criminal Cases Ordinance to empower magistrates to award costs to defendants when applications by the prosecution for review of magistrates' decisions were dismissed. She said that the issue raised by Mr Albert HO Chun-yan could be discussed at the same meeting when the Administration briefed the Panel on the Bill.

*Delegation of responsibilities of the Secretary for Justice (SJ) for criminal prosecutions to an independent prosecution authority*

11. The item was proposed by Ms Emily LAU.

12. Mr TAM Yiu-chung said that while he did not object to the Panel discussing the item, he was opposed to the responsibilities of SJ being delegated to an independent prosecution authority.

*Legal liabilities for failure to declare certain information in loan applications*

13. The item was proposed by Mr TAM Yiu-chung. Referring to a recent case in which a female Police officer was charged for failure to provide certain information required to be declared in the forms for applying loans from

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financial institutions, Mr TAM said that members of the public might not be fully aware of the grave consequences of such omissions. He pointed out some people might not have been aware of the need to declare certain information because the staff of the lending institutions handling the applications had not drawn their attention to the relevant requirement. In some cases, the application forms might have been filled out by the staff on behalf of the applicants.

14. Mr James TO Kun-sun and the Chairman considered that the issue raised by Mr TAM Yiu-chung would more appropriately be dealt with by the Panel on Financial Affairs.

15. The Chairman said that the proposed items would be considered at a later stage to see whether and how they should be followed up by the Panel.

16. There being no other business, the meeting ended at 11:00 am.

Council Business Division 2  
Legislative Council Secretariat  
25 October 2002