

立法會  
*Legislative Council*

LC Paper No. CB(2)2064/02-03

Ref : CB2/PL/AJLS

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

**Minutes of meeting  
held on Monday, 31 March 2003 at 4:30 pm  
in Conference Room A of the Legislative Council Building**

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

**Members absent** : Hon CHAN Kam-lam, JP  
Hon TAM Yiu-chung, GBS, JP

**Public officers attending** : Item III  
Miss Eliza LEE  
Deputy Director of Administration  
  
Mrs Fanny YU  
Deputy Director of Legal Aid  
  
Mr CHAN Yum-min, James  
Assistant Director of Administration  
  
Item IV  
  
Mr Wilfred TSUI  
Judiciary Administrator

Miss Emma LAU  
Deputy Judiciary Administrator  
(Development)

Miss Vega WONG  
Assistant Judiciary Administrator  
(Development) (Designate)

Mr CHAN Yum-min, James  
Assistant Director of Administration

Item V

Mr Ian WINGFIELD, GBS, JP  
Law Officer (International Law)

Mr John HUNTER  
Deputy Principal Government Counsel  
(Treaties and Law)

**Attendance by invitation** : Item III

Legal Aid Services Council

Mr J P LEE, JP, OBE  
Chairman

Mr Billy MA

Mr John MULLICK

Mr NG Shui-lai, JP

Mr Stephen YAU, MH, JP

Mr LI Tin-yiu  
Secretary

The Hong Kong Bar Association

Mr Edward CHAN, SC

Mr Andrew LI

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Item IV

The Hong Kong Bar Association

Mr Edward CHAN, SC  
Mr Anselmo REYES, SC

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

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Mr Paul WOO  
Senior Assistant Secretary (2)3

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As Miss Margaret NG and Mr TSANG Yok-sing, Chairman and Deputy Chairman of the Panel, would be late for the meeting due to other commitments, members nominated Ms Audrey EU to chair the meeting.

2. Miss Margaret NG resumed chairmanship of the meeting at 5:05 pm.

**I. Confirmation of minutes of meeting**  
(LC Paper No. CB(2)1618 /02-03)

3. The minutes of the meeting held on 24 February 2003 were confirmed.

**II. Information papers issued since the last meeting**

4. Members noted the following papers which had been issued -

(a) LC Paper No. CB(2)1237/02-03(01) - Administration's response to the issues raised on "Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings" at the meeting on 27 January 2003;

(b) LC Paper No. CB(2)1312/02-03 - Extract from the minutes of the meeting of the Subcommittee on review of the Building Management Ordinance formed under the Panel on Home

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Affairs on 10 July 2002 concerning the progress on the establishment of a non-statutory mediation mechanism to resolve building management disputes;

- (c) LC Paper No. CB(2)1350/02-03(01) - Administration's letter dated 27 February 2003 on "Proposed amendment to section 9AA of the Legal Practitioners Ordinance in Law Amendment and Reform (Miscellaneous Provisions) Bill 2003;
- (d) LC Paper No. CB(2)1407/02-03(01) - Submission from Mr LEUNG Yiu-shing concerning his dispute with Nairn Road Co-operative Building Society Ltd ;
- (e) LC Paper No. CB(2)1579/02-03(01) - Memorandum from Judiciary Administrator to Commissioner of Police on "Detention facilities at Magistrates' Courts";
- (f) LC Paper No. CB(2)1604/02-03(01) - Information provided by the Administration on "Implications of cost saving proposals of the Government on the system of administration of justice"; and
- (g) LC Paper No. CB(2)1610/02-03(01) - Letter dated 26 March 2003 from the Administration to the Subcommittee on review of the Building Management Ordinance of the Home Affairs Panel concerning the assessment of the effectiveness of the pilot scheme on mediation in resolving building management disputes.

**III. Operation of the Legal Aid Services Council**

(LC Paper Nos. CB(2)401/02-03(01) - (03), 1603/02-03(01) and 1659/02-03(01))

Papers provided by the Legal Aid Services Council (LASC)

5. The Chairman of LASC (Chairman/LASC) briefed members on the following papers submitted by LASC -

- (a) a letter dated 14 November 2002, which provided an update on the legislative proposals put forward by LASC to the Administration (LC Paper No. CB(2)401/02-03(03)); and
- (b) a paper on "LASC's direction, strategy and action plan" (LC Paper No. CB(2)1603/02-03(01)).

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6. Chairman/LASC advised member that subsequent to the meeting of the Panel on 26 June 2001 to discuss a number of legislative amendment proposals put forward by LASC, the Administration and LASC had held further discussions on the various proposals. In the light of information and comments provided by the Administration, LASC had revised its position and decided not to pursue some of the legislative proposals. The proposals which had been dropped were set out in the Appendix of LASC's letter dated 14 November 2002 (LC Paper No. CB(2)401/02-03(03)). Nevertheless, LASC considered that the following proposals should be implemented -

- (a) power for LASC to enter into contract on its own, including leases;
- (b) power for LASC to appoint its own staff; and
- (c) power for the Chief Executive to extend time for the submission of LASC's annual report.

LASC had also sought additional information from the Administration in respect of the rationale for determining the composition of LASC and quorum for LASC's meetings, as well as whether networking of LASC with other institutions would include joining an international body made up of legal aid bodies in different jurisdictions.

Submission of the Hong Kong Bar Association

7. Mr Andrew LI briefed members on a written submission provided by the Bar Association (tabled at the meeting and issued vide LC Paper No. CB(2)1659/02-03(01)). In gist, the Bar Association supported LASC's proposals. The Bar Association also expressed the view that the provision of an accessible, transparent, committed, effective, fair and just legal aid service was a cornerstone of the upholding of the rule of law in Hong Kong. The Bar Association was disappointed at the lack of progress over the years to make LASC an independent legal aid authority, and urged the Administration to take concrete and urgent steps towards making LASC a truly independent body.

Issues raised by members

*Legislative amendments not pursued by LASC*

8. Mr Albert HO enquired of the reasons for LASC's decision not to pursue legislative amendments for the following six proposals -

- (a) power for LASC to appoint committees;

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- (b) power to produce and distribute publicity materials;
- (c) power for LASC to act as trustees;
- (d) provision that the expenses of LASC were to be paid out of monies appropriated by the Legislative Council (LegCo);
- (e) provision that LASC was able to do things incidental or conducive to the carrying out of the objects of LASC; and
- (f) provision on disclosure of information by the Legal Aid Department (LAD) to LASC.

9. Deputy Director of Administration (DDA) said that the Administration had explained to LASC that proposals (a), (b), (d), (e) and (f) above could be implemented under existing legislative framework. Therefore, the proposals did not necessitate amendments to the Legal Aid Services Council Ordinance (LASCO). As regards proposal (c) above, the Administration considered that it went beyond the role envisaged for LASC, which was not a financially independent body. Hence, implementation of the proposal was not appropriate.

*Power for LASC to enter into contract on its own*

10. Mr Albert HO asked whether LASC had encountered any problems in its operation resulting from the absence of a statutory contract-making power. Ms Audrey EU asked whether legally speaking, LASC was prohibited from entering into contracts on its own.

11. Chairman/LASC replied that according to the Administration, there was doubt if LASC had the power to enter into contracts on its own as there were no statutory provisions providing for that power. At present, the LASC Secretary was authorised to enter into contracts in the name of the Government for the provision of various goods and services to LASC. LASC was of the view that its primary feature of independence might be perceived to have been compromised if LASC could only enter into contract in the name of the Government. He said that LASC had asked the Administration to review the proposal to provide LASC with a contract-making power as a body corporate.

12. DDA said that given the nature of goods and services covered by the existing contracts, the Administration considered that the present arrangement should not give rise to the perception that the independence of LASC was compromised. Nevertheless, the Administration had accepted LASC's proposal to revisit the issue. The Administration was considering proposing amendment to LASCO to provide a statutory contract-making power for

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LASC.

*Power for LASC to appoint its own staff*

13. In response to Mr Albert HO, Chairman/LASC said that LASC considered that there was a need for specific statutory provision for the Council to appoint its own staff. This would enhance perception of LASC's independence. He advised that LASC would review its workload situation before proposing concrete plans to the Administration to change the existing arrangement for staffing its secretariat with civil servants.

*Legislative timetable for implementation of the proposals*

14. DDA informed members that the Administration would identify an opportunity to introduce legislative amendments to give effect to the relevant proposals agreed upon between LASC and the Administration for the consideration of LegCo in the next legislative session.

*Composition of LASC and quorum for LASC's meetings*

15. Mr Albert HO enquired about the number of meetings of LASC which had been cancelled because of the absence of the required quorum for the meetings. In response, Chairman/LASC said that out of a total of 10 meetings scheduled for the period from 1 April 2002 to 31 March 2003, four meetings were cancelled due to the absence of a quorum. He advised that in the event of failure to achieve a quorum, a meeting of LASC would be converted to a "working session", at which the relevant issues could still be discussed. Decisions reached at the meeting would be recorded for endorsement or renewed discussion at the following meeting of the Council.

16. Mrs Miriam LAU considered that the threshold of 70% of total membership for the constitution of a quorum was too high. She and Mr Albert HO shared the view that the Administration should consider LASC's proposal to amend the quorum requirement from six members plus the Chairman (70% of total LASC membership) to five members plus the Chairman to enable LASC to operate more smoothly. Under the new proposal, the five members should include the Director of Legal Aid (DLA) or his representative, two lawyer members and two non-lawyer members.

17. DDA replied that the existing membership of LASC was composed of a non-official chairman who was independent of the Government and the legal profession, DLA, four members from the legal profession and four lay members. The Administration considered that such a composition ensured a balanced representation of, and cross-fertilization of views between, both members drawn from within and outside the legal profession. The existing quorum requirement also ensured a balanced representation of membership at

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LASC meetings, i.e. there would not be a complete absence of members drawn from the profession or lay members at the meeting. DDA further advised that the Administration had considered the proposal from LASC that the four members necessary to form a quorum, not including the Chairman of LASC and DLA, should comprise two lawyer members and two lay members so as to ensure a balanced representation of members from within and outside the legal profession. The Administration considered that such an added requirement would impose unnecessary rigidity in the forming of a quorum, which would not be conducive to the efficient operation of LASC.

18. Mr Albert HO and Ms Audrey EU suggested that the alternative of expanding the membership of LASC while maintaining the existing quorum requirement might be considered. Chairman/LASC said that the proposal would be considered.

19. DDA said that the Administration would be prepared to follow up with LASC on the issues of composition of LASC and quorum requirement with a view to finding an acceptable solution.

*Networking of LASC with other institutions*

20. Mr Albert HO asked whether LASC had any plan to become a member of another institution. Chairman/LASC replied that LASC, being a body with independent status, would not join an organisation of another jurisdiction of a similar nature, status or purpose. However, LASC considered that it would be beneficial for LASC to become a member of an international body on legal aid, for the purposes of, for example, exchanging information, research or enhancing good practices. He said that LASC would further consider the matter as and when such an international body on legal aid came into existence.

*Establishment of an independent legal aid authority*

21. Mr Albert HO, Mr Martin LEE and Mr James TO deplored the Administration's decision against the establishment of an independent legal aid authority to take up the role and functions of LAD in administering legal aid. They pointed out that the issue had attracted wide public concern and discussions over the years. The majority view of interested parties, including LASC, the legal profession as well as Members of LegCo, was that a body independent of the Government should be set up to provide legal aid services to the public. Mr Martin LEE and Mr James TO said that the Administration had failed to put forward convincing arguments to support its stance that it was not necessary to establish an independent legal aid authority. They asked whether the Administration could point out the disadvantages of setting up an independent legal aid authority.



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22. Mr Albert HO added that he had recently come across two serious criminal trials where the defendants were not legally represented because they could not obtain legal aid. Both cases had appealed to the Court of Appeal. He said that a reform of the present legal aid regime was urgently needed, including the setting up of a truly independent legal aid authority.

23. DDA said that the stance of the Administration was that it did not see any absolute need for such a body. She said that according to a consultancy study commissioned by LASC in 1998, a majority of the respondents of a public opinion survey believed that legal aid was administered with a high degree of independence in Hong Kong. This was supported, among others, by the fact that legal aid was granted to parties involved in litigation with the Government in a number of sensitive cases attracting wide public attention. The Administration considered that there was no evidence showing that legal aid was not independently administered.

24. DDA further said that the Administration believed that the present legal aid system with an open-ended budget compared favourably with the systems in some other jurisdictions which capped the funds provided for legal aid, in serving the interests of legal aid recipients in Hong Kong. Moreover, there were statutory safeguards to protect the independence in legal aid administration under the existing legislative framework. These included, for example, the requirement that DLA must consider all applications fairly and independently.

25. The Chairman said that the Administration's response to members' queries at most explained how best the existing legal aid system could operate in the absence of an independent legal aid authority. The Administration, however, had failed to negate the need for an independent legal aid authority. Mr Martin LEE said that a major advantage of establishing an independent legal aid authority to replace LAD was to enhance the image of independence in the provision of legal aid, free from the influence of the Administration. He opined that the resistance of the Administration to establish an independent legal aid body showed that the Administration wanted to continue to exercise tight control over LAD in the provision of legal aid.

26. Chairman/LASC said that LASC had recommended to the Administration in 1999 the establishment of an independent legal aid authority in place of LAD. He said that although the recommendation was not accepted by the Administration, LASC would continue to review the issue taking into account new developments. LASC would not rule out the possibility of raising the issue again.

27. The Chairman remarked that she was disappointed at the Administration's stance on the matter. She pointed out that under LASCO, LASC was required to give independent advice to the Government on legal

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aid matters and monitor the provision of legal aid services. However, the ability of LASC to effectively fulfil its role was called into question after seven years of operation, as indicated by the problems which LASC had raised. As a result, public confidence in the independence in legal aid administration was undermined.

Panel

28. The Chairman suggested and members agreed that relevant issues concerning the operation of LASC should be followed up by the Panel in six months' time.

**IV. Review of the financial limits of the civil jurisdiction of the District Court**

(LC Paper No. CB(2)1607/02-03(01))

29. At the invitation of the Chairman, Judiciary Administrator (JA) briefed members on the Judiciary's proposals arising from the review of the civil jurisdictional limits of the District Court (DC) (LC Paper No. CB(2)1607/02-03(01)). He said that the Judiciary had forwarded the paper to the legal professional bodies for comment in mid March 2003 and would consult the Civil Court Users' Committee in end of April 2003. Subject to the approval of LegCo, the proposed changes were intended to take effect some time between September and end of 2003.

30. JA made the following comments -

- (a) the Judiciary had agreed to review the rules requiring certificate for counsel and the threshold of \$150, 000 for the certificate in the context of the review of the jurisdictional limits of DC. After receiving the comments of the legal professional bodies, the Judiciary Administration would revert to the Panel with its recommendations; and
- (b) Members had previously suggested that the DC Rules and procedure should be reviewed and simplified. The new DC Rules introduced in September 2000 were largely modelled on the Rules of the High Court (HC). Having regard to the current review of the civil justice system undertaken by the Chief Justice's Working Party which might result in changes to the HC Rules, it was considered inappropriate to conduct a comprehensive review of the DC Rules at this juncture.

Views of the Bar Association

31. Mr Edward CHAN informed members that the Bar Association had yet to come to any definite views on the proposals, although the Bar Association

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could see the basis for the proposals. He advised that a major concern of the Bar Association was that with the increase in the general financial limit from \$600,000 to \$1 million and the resultant increase in the number of cases transferred to DC from HC, the quality of DC judges had to be carefully monitored to ensure that they would be fully competent to handle the cases. As the Bar Association had to consult its members on the proposals, it had requested the Judiciary Administration to extend the consultation period.

32. Mr Ambrose LAU opined that the increase in the jurisdictional limits of DC did not necessarily result in DC having to deal with more complicated cases that went beyond the ability of its judges to handle. He added that if the quality of the DC judges was a problem, the Judiciary must take steps to address it. However, the problem should be considered in a context independent of the review of jurisdictional limits of DC.

33. JA said that the officers of the Judiciary, including judges, were provided with ongoing training to ensure efficient discharge of their duties. He said that the quality of judges would not be compromised.

Issues raised by members

*Caseload of DC and HC*

34. Ms Audrey EU pointed out that since the last increase in civil jurisdictional limits of DC from \$120,000 to \$600,000 with effect from September 2000, the average number of cases filed annually in DC in the two full year periods from 1 September 2000 to 31 August 2002 had dropped by 6%, when compared to the 12-month period preceding September 2000. However, there was a sharp increase of 176% in the average number of interlocutory hearings listed during the same period. For interlocutory hearings listed for general civil action, the increase was 206%. She asked whether a bottle-neck had occurred in interlocutory hearings and how the situation had affected DC's capacity in handling its caseload.

35. On demand for DC services, JA responded that the average number of general civil actions had a more than three-fold increase. The overall drop of 6% of cases was attributable to the 46% decrease in the average number of Inland Revenue Department cases filed. On the increase in the number of interlocutory hearings, JA said that with the introduction of a Master System under which three new Master posts had been created to handle the less contentious interlocutory matters, interlocutory hearings in DC had been disposed of expeditiously. He further said that as indicated in Annex II of the Judiciary Administration's paper, the number of cases filed in DC was estimated to increase by 5% as a result of the further increase in civil jurisdictional limits of DC to \$1 million. The number of cases filed in HC, on the other hand, was estimated to fall by 5% after the revised limits took

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effect. He said that it was expected that the overall impact on the Judiciary's resources and the waiting time for cases handled in DC would not be significant.

36. Mrs Miriam LAU enquired whether the number of DC judges and HC judges would be adjusted if the increase in the civil jurisdictional limits of DC resulted in significant changes in the caseloads of the two levels of courts.

37. JA said that the staffing and resource position of DC and HC would be kept under review, and appropriate adjustments would be made where necessary taking into account the actual workload situation.

*Effect of deflation on civil jurisdictional limits*

38. Mr James TO opined that due to the persistent deflation and fall in property prices in Hong Kong in the past few years, more cases had in fact fallen under the jurisdiction of DC. Moreover, proposals to reform the civil justice system in Hong Kong which were currently being considered by the Working Party appointed by the Chief Justice might result in the adoption of a more proactive case management approach to streamline the civil case procedure in HC. This would encourage more people to seek redress through the HC. He considered that the Administration should reconsider whether there was an urgent need for further increasing the jurisdictional limits of DC at this stage. He added that the Judiciary should allow more time for consultation before taking a final decision on the proposals.

39. JA said that the Judiciary would take into account the views of interested parties on the matter. He advised that the current review was conducted against the background that the Judiciary had undertaken to review the operation of the DC after its new jurisdictional limit had come into effect in September 2000. The Judiciary had also indicated that subject to the review, the general financial limit of the DC should be increased to \$1 million in two years' time. He further said that the Judiciary had taken into account the factor of fall in property prices in formulating the proposals. Hence, it was recommended that the existing financial limits for the land-related and equity jurisdiction where land was involved should remain unchanged.

*Costs of litigation*

40. Mr Ambrose LAU noted that the costs of litigation in DC were about one-third lower than that in HC. He opined that this was a relevant factor in considering whether the civil jurisdictional limits of DC should be increased.

41. Mr Edward CHAN said that despite the difference in litigation costs between HC and DC, some cases where land was involved were heard in HC, even though DC had jurisdiction over such cases. This indicated that some

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litigants preferred to have the more complex cases decided by a court of higher level.

42. The Chairman said that she had received comments from legal practitioners that the procedures in DC were as complicated as that in HC. Yet, the fees that practitioners could charge for cases handled in DC were considerably lower than that for HC cases. Some practitioners had expressed concern that if the jurisdictional limits of DC were to be further increased, resulting in a transfer of cases from HC to DC, this would have an adverse impact on their income. This would also affect law firms which were specialised in HC cases.

43. Mrs Miriam LAU responded that with the current economic downturn, people who could afford litigation had dropped considerably in number. In her opinion, given the sluggish business outlook, practitioners in general would not resent a lesser fee for their services. She further commented that the high level of legal fees charged by practitioners in Hong Kong had long been criticised by members of the public.

The way forward

44. The Chairman requested JA to provide the comments received from the two legal professional bodies on the proposals, and the Judiciary's response to these comments, for the Panel to consider whether the issue should be further discussed.

Adm

*(Post-meeting note - The written response of the Bar Association was circulated to the Panel vide LC Paper No. CB(2)1955/02-03 on 5 May 2003.)*

**V. Government's policy on implementation of resolutions and conventions made by the United Nations**  
(LC Paper No. CB(2)734/02-03(01))

45. The Chairman informed members that the item was referred by the Subcommittee on United Nations Sanctions (Afghanistan) (Amendment) Regulation 2002 and United Nations Sanctions (Angola) (Suspension of Operation) Regulation 2002 (the Subcommittee) in November 2002 to the Panel for follow-up action. The Subcommittee requested the Panel to clarify with the Administration the Government's policy regarding the variety of measures which were taken to give effect to United Nations (UN) conventions which applied to the Hong Kong Special Administrative Region and UN Security Council resolutions. The Administration had provided a preliminary response in December 2002 (LC Paper No. CB(2)734/02-03(01)).

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46. The Chairman enquired about the principles and criteria used to decide whether a new UN resolution should be implemented by way of the UN Sanctions Ordinance (Cap. 537), or by other means. Under the Ordinance, the Chief Executive (CE) could make regulations to give effect to instructions from the People's Republic of China (PRC) to implement sanctions imposed by the UN Security Council against places outside PRC.

47. Law Officer (International Law) (LO(IL)) replied that some obligations created under UN conventions and UN Security Council resolutions, which applied to Hong Kong, could be implemented administratively, some could be implemented under existing law, and some required enactment of legislation. The mode of implementation depended on the nature of the obligation and the terms set out in the relevant convention or resolution, as well as the extent to which existing legislation in Hong Kong could give effect to such obligation. He further advised that sanctions created by the UN Security Council tended to be specific in nature. New legislation in Hong Kong was usually required to implement UN Security Council resolutions imposing sanctions.

48. Mr Martin LEE asked whether LegCo could have a role to play in monitoring the measures taken by the Hong Kong Special Administrative Region Government (SARG) to implement obligations created by UN resolutions which were binding on Hong Kong, or whether the monitoring rested solely with the PRC.

49. Deputy Principal Government Counsel (Treaties and Law) said that where there were instructions from the PRC to SARG to implement particular resolutions made by the UN Security Council, CE was obliged to give effect to the instruction. While the regulations made by CE under the UN Sanctions Ordinance to implement the particular resolutions were not subject to amendment by LegCo, the views of LegCo Members on the regulations were, of course, relevant. LO(IL) supplemented that if there was feedback that Hong Kong had failed to implement a resolution in a satisfactory manner, the matter would most likely become the subject of comments by the UN Security Council. He further pointed out that jurisdictions to which UN conventions and resolutions applied were in many cases required to submit reports on how they had implemented, or proposed to implement, particular UN conventions and resolutions.

50. The Chairman said that a major concern raised in the deliberations of the Subcommittee was that the regulations made by CE under the UN Sanctions Ordinance were not only confined to trade sanctions, but also covered sensitive political matters such as terrorism and sanctions on places and individuals involved in terrorist related activities. She opined that the Administration should review -

- (a) the parameters for CE to make regulations under the UN

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Sanctions Ordinance; and

- (b) whether the regulations made by CE should be subject to scrutiny by LegCo.

51. The Chairman informed members that the Subcommittee was in the course of finalising its discussions and a report of the Subcommittee would soon be prepared for the House Committee. She said that the Panel would follow up the relevant issues with the Administration in the light of the Subcommittee's report.

Panel

**VI. Items for discussion at future meetings**  
(LC Paper No. CB(2)1620/02-03(01) and (02))

Meeting on 28 April 2003

52. Members agreed to discuss the following items at the next regular meeting on 28 April 2003 at 4:30 pm -

- (a) Issues arising from the incident of the police arresting a witness in a civil trial; and
- (b) Payment of compensation to persons wrongfully imprisoned.

Handling of SARG's correspondence with other governments

53. Ms Audrey EU informed members that the Bills Committee on Chemical Weapons (Convention) Bill, during its discussion on the Bill, had requested the Administration to release the documents relating to the agreed arrangement between the Central People's Government (CPG) and SARG for specifying officers as "in-country escorts". However, the Administration had advised that the relevant documents were for internal use only. The Administration considered it inappropriate to release the documents to persons outside the Administration. Some members of the Bills Committee considered that the relationship between SARG and CPG should be different from that between SARG and other governments, and that the relevant documents should be provided to the Bills Committee as they were relevant to the Bill under scrutiny. The Clerk added that at its meeting on 31 March 2003, the Bills Committee agreed to request this Panel or the Panel on Constitutional Affairs to follow up the issue relating to the handling of SARG's correspondence with other governments. A paper highlighting the Bills Committee's request was tabled at the meeting for members' consideration (LC Paper No. CB(2)1653/02-03)).

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54. The Chairman said that she would discuss the matter with the legal adviser to the Panel before deciding on how to deal with the Bills Committee's request.

Resource Centre for Unrepresented Litigants

55. Ms Emily LAU said that the above item was discussed at the Special Finance Committee meeting. She proposed that the item should be further discussed by the Panel.

Adm

56. The Chairman suggested that the Judiciary Administration should be requested to provide a paper on the item for members' consideration. The views of the two legal professional bodies on the proposal to provide pro bono legal services could also be sought. The Chairman further suggested that the Panel could pay a visit to the Resource Centre when it was ready for operation. Members agreed.

Panel

**VII. Any other business**

Terms of reference of the Working Group to study issues relating to imposition of criminal liability on the Government or public officers \_\_\_\_\_  
(LC Paper No. CB(2)1620/02-03(04))

57. Members endorsed the following terms of reference of the Working Group, which was agreed by members of the Working Group at its first meeting on 13 March 2003 -

"To study issues relating to the imposition of criminal liability on the Government or public officers in the course of discharging their public duties for contravening any legislative provisions binding on the Government, and to report to the Panel with recommendations where appropriate."

58. There being no other business, the meeting ended at 6:40 pm.

Council Business Division 2  
Legislative Council Secretariat  
13 May 2003