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Report of Panel on Administration of Justice and Legal Services for submission to the Legislative Council 2003-2004

Purpose

This report gives an account of the work of the Panel on Administration of Justice and Legal Services for tabling at the meeting of the Legislative Council (LegCo) on 7 July 2004 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000 and 9 October 2002 for the purpose of monitoring and examining Government policies and issues of public concern relating to administration of justice and legal services. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprised 11 members, with Hon Margaret NG and Hon TSANG Yok-sing elected as Chairman and Deputy Chairman of the Panel respectively. The membership of the Panel is in **Appendix II**.

Major work

Review on provision of legal aid services

4. Following the 2003 annual review of the financial limits of legal aid applications to take account of inflation during the reference period, the Administration proposed to revise the financial eligibility limits for the Ordinary Legal Aid Scheme from $169,700 to $155,800, and that for the Supplementary Legal Aid Scheme (SLAS) from $471,600 to $432,900 respectively. The Administration explained that the Government's policy was to provide publicly funded legal aid to those with a genuine need to pursue litigation but could not afford the costs of litigation. As the provision of legal aid necessarily involved a charge on the public purse, and as public funding was not unlimited, mechanisms had to be put in place to

determine priorities. Under the existing system, the Administration was able to strike a balance and achieve the policy objective. Under the existing and revised limits, more than half of the total households in Hong Kong would be eligible for legal aid.

5. Some members questioned whether the present financial eligibility limits for legal aid had been realistically set. They pointed out that under the existing limits, a lot of applicants (including persons charged with serious criminal offences) had been refused legal aid on grounds of means. Many of these people had a meritorious case to pursue but they were not able to engage in litigation as they could not afford the huge costs of private litigation. Therefore, it was doubtful whether the existing legal aid policy had given full effect to the principle laid down in the International Covenant on Civil and Political Rights as well as the Hong Kong Bill of Rights Ordinance that no one should be deprived of a fair trial because of a lack of means. The members considered that the Administration should review the broad-brush approach of setting the financial eligibility limits for applications across the board, and should not simply look at the inflationary or deflationary trends in adjusting the limits. The Administration should undertake a fundamental review on the criteria used for determining eligibility, taking into account all relevant factors including the nature and seriousness of the case. The crucial consideration was that the legal aid system should ensure that litigants in genuine need could seek justice through legal proceedings. The Panel was of the view that "unbundled legal assistance" (i.e. with private lawyers providing advice and assistance at key points in the proceedings) would assist in assessing the merits of a case at different stages of the proceedings and accordingly decide whether legal aid should continue to be granted.

6. Some members considered that with the successful operation of SLAS over the years, the feasibility of expanding the scheme should be examined to cover more types of proceedings including, inter alia, serious criminal cases.

7. The Administration explained that SLAS was operating on the fundamental principle that it should be self-financing. To enable SLAS to remain self-financing, its scope was confined to two categories of cases, i.e. cases which -

(a) deserved priority for public funding in the sense that significant injury or injustice to the individual was involved; and

(b) involved monetary claims and had a reasonably good chance of recovering damages.

The Administration pointed out that the current high rate of recovery of compensation or damages for SLAS cases was primarily attributable to the fact that most SLAS applications were related to claims for damages for personal injuries or death arising from road traffic accidents and work-related accidents which were covered by insurance as required by law. The position of the Administration was that it was not justified to use the contributions to subsidize other types of cases that

did not satisfy, or only partially satisfy, the aforesaid principle. Furthermore, apart from the personal injury cases, the Administration was not aware of other types of cases which, if included in SLAS, would generate sufficient income to subsidize the other litigants assisted under the scheme and to ensure that the scheme could remain self-financing.

8. The Panel considered that the issue of broadening the scope of SLAS should be further discussed in due course. Regarding a general review on the provision of legal aid services, the Panel considered that the relevant issues could be further discussed when appropriate, taking into account the relevant recommendations of the Working Party on Civil Justice Reform.

Professional Indemnity Scheme (PIS) of the Law Society of Hong Kong

9. In response to the request of the subcommittee set up to study the Solicitors (Professional Indemnity) (Amendment) Rules 2001, the Law Society of Hong Kong undertook to review the PIS and report to LegCo on what insurance arrangements would be in the best interests of the legal profession and the public, before the present contract with the reinsurers expired in September 2005. The Panel discussed the matter at a number of meetings since December 2003.

10. The Panel noted that the Law Society had, in April 2004, consulted members of the profession on the two options proposed in the "Review Report on Insurance Arrangements of the Hong Kong Solicitors Indemnity Scheme" prepared by the consultant commissioned by the Law Society, namely, a Master Policy Scheme (MPS) and a Qualifying Insurers Scheme (QIS). According to the Law Society, a diversity of views had been expressed by the profession on the two options. The predominant view of the profession was that mutuality under the existing indemnity scheme should not be continued as no other profession in Hong Kong was required by law to operate such a scheme. The Law Society was, however, of the view that whether mutuality should be allowed to end remained a policy issue to be resolved with the Administration, and the support of LegCo was required.

11. Members shared the concern of some 270 solicitors who had written to the Panel to express their dissatisfaction about the current scheme. Members considered it unfair for solicitors to act as insurers of last resort for each other and be mutually liable for unlimited amounts. Solicitors should only be required to make a prescribed contribution to the Solicitors Indemnity Fund so as to satisfy the condition for practice, and should not be called upon to make further contributions to meet unforeseen shortfalls. Some members also considered that the existing mutual scheme had given rise to other problems such as encouraging certain undesirable practices in the profession amounting to negligence and less than satisfactory diligence on the part of some solicitors.

12. The Panel noted with disappointment the Administration's position that the options of MPS and QIS should not be supported unless they were backed up by alternative mechanisms such as a Policyholders' Protection Fund or "insurance on insurance" to deal with the risk of insurer's default. Members considered that professional indemnity of solicitors involved legal policy issues, and the Administration should assume an active role in discussing with the Law Society on an improved scheme and means to supplement the scheme.

13. The Law Society had issued a questionnaire to gather the views of members of the profession on the preferred structure of the future PIS by 30 June 2004. The Law Society would then analyze the replies received and put forward a recommendation for members of the profession to consider and endorse, before proceeding with the drafting of the relevant legislation in consultation with the Administration. With the agreement of the Panel, the Chairman wrote to the Secretary for Justice expressing deep concern about the present situation faced by solicitors, and requesting the Administration to respond without delay to any decision reached by the Law Society on the future scheme. The Panel also requested the Administration to seriously reconsider its position on the requirement for the two options to have a back-up mechanism.

14. As the Law Society could only revert to the Panel after it had concluded discussion with its members and the Administration, the Panel agreed that the matter would be followed up in the next legislative session.

Development of Hong Kong as a legal services centre

15. The Administration briefed the Panel on the policy objectives of, and measures taken in, developing Hong Kong as a regional centre for legal services. The Administration also briefed members on the opportunities for local legal practitioners to extend their services to the Mainland legal services market, after the introduction of the Closer Economic Partnership Arrangement between the Mainland and Hong Kong (CEPA), and the role played by the Administration in helping local practitioners to take advantage of market liberalization under CEPA.

16. The Panel noted that the Administration would commission a consultancy study on the demand for and supply of legal and related services. It was a fact-finding survey which sought to examine, first, how people in practice handled their legal problems, and second, the types and substance of legal services available and the demand for such legal services in Hong Kong. It was hoped that the information collected would provide a useful basis upon which efforts could be made to assist members of the public in need of legal services. The Administration would report to the Panel on the progress in due course.

Budgetary arrangements for the Judiciary

17. The Administration briefed the Panel on the budgetary arrangements for the

Judiciary. As the Judiciary's Estimates of Expenditure formed part of the overall Estimates of the Administration, the Judiciary, as with the Government bureaux and departments, had to compete for resources. In any case, the Administration attached the highest importance to upholding the independence of the Judiciary and there was no question of interference by the Administration in the operation of and allocation of resources for the Judiciary.

18. Some members expressed concerns about the existing system for allocation of resources for the Judiciary, and considered that express constitutional safeguards should be introduced to ensure that the independent operation of the Judiciary would not be subject to executive interference and affected by budgetary constraints. Some members considered that in examining the Estimates submission from the Judiciary, the Administration should take into account whether budgetary constraints might impact on the operation of the courts. Making reference to the Research Report on "Budgetary arrangements for overseas judiciaries" prepared by the Research and Library Services Division for the Panel, a member requested the Administration to take note of the budgetary arrangements in the United States of America and England and Wales where the budget for the judiciary was prepared and approved by the judicial branch without involvement of the executive branch.

19. A member considered that the Administration should make reference to safeguards in overseas jurisdictions against manipulation of judicial remuneration through budgetary means. The Administration advised that a consultancy study had been undertaken by Sir Anthony Mason on the appropriate system for the determination of judicial remuneration. The Chief Justice had provided the consultancy report together with the Judiciary's proposal to the Chief Executive in April 2003. The Administration would inform the Panel of how the proposal would be taken forward in due course.

Court procedure for repossession of premises

20. As a result of a referral from the Bills Committee on Landlord and Tenant (Consolidation) (Amendment) Bill 2001, the Panel discussed the means to streamline the statutory procedure for repossession of premises to protect the interest of landlords in cases where the tenants had defaulted payment of rent.

21. The Judiciary Administration advised the Panel that since January 2004, the Lands Tribunal had set aside one day every week for a court to deal exclusively with repossession cases in the form of callover hearings. The new listing practice helped to shorten waiting time from the date of application for repossession to the date of first hearing in spite of an increased caseload. The disposal rate of the callover hearings was about 84%. Moreover, the Judiciary had introduced a process of re-engineering initiative in the execution of Writs of Possession by the Bailiffs. Members were generally satisfied with the measures taken by the Judiciary.

22. The Panel also noted that the Chief Justice had directed that the Lands Tribunal Rules as a whole should be reviewed. The Panel would be consulted when the review was completed and relevant amendments were proposed.

Use of official languages for conducting court proceedings

23. The Panel discussed matters relating to the use of Chinese in proceedings at different levels of court and the problems encountered. The Panel noted that measures had been undertaken to facilitate increasing use of Chinese in legal proceedings, which included intensified training for judges on Chinese ability, the launch of a scheme on "Chinese Trial Court" in Magistrates' Courts, and publication of a Bilingual Common Law Series, with the first case book on Criminal Law released at the end of 2003. The case books would be useful reference for the parties to the proceedings, lawyers, judges and judicial officers in quoting judgments in proceedings conducted in Chinese.

24. The Panel noted that the guidelines issued by the Chief Judge of the High Court on the use of Chinese in court set out a range of factors which a judge might take into account in exercising his discretion as to which language should be used in conducting proceedings. Some members considered that in criminal cases, the wish of the defendants as to which language should be used in the proceedings should be a factor of overriding importance to be considered by the judge. A member suggested that the Official Languages Ordinance should be amended to the effect that where the defendant in a criminal case asked for the proceedings to be conducted in either one of the official languages, the proceedings should be conducted in that language. The Judiciary Administration agreed to convey members' views to the Chief Justice for consideration.

Operation of the Labour Tribunal

25. In the last legislative session, the Panel held a number of joint meetings with the Panel on Manpower to discuss the operation of the Labour Tribunal. The Panels requested the Administration and the Judiciary to consider implementing short-term measures to improve the existing operation of the Labour Tribunal, and conduct an overall review on the practice and procedures of the Labour Tribunal. The Chief Justice had subsequently decided to set up a working group to review the operation of the Labour Tribunal. Meanwhile, the Panels requested the Research and Library Services Division to prepare a research report on overseas practice for members' reference.

26. At a joint meeting in May 2004, the two Panels considered the Research Report on "The Operation of Labour Tribunals and Other Mechanisms for Resolving Labour Disputes in Hong Kong and Selected Places". The Panels also received a briefing from the Administration and the Judiciary Administration on updated measures to improve referral of unsettled cases of labour disputes and claims from the Labour Department to the Labour Tribunal.

27. The Judiciary's Working Party on the Review of the Labour Tribunal submitted its Report to the Chief Justice on 29 June 2004. The Chief Justice would be considering the recommendations in the Report and the way forward. The Panels would follow up the issue in the next term of LegCo.

Evaluation study on the Pilot Scheme on Family Mediation

28. In March 2004, the Judiciary Administration briefed the Panel on the findings of the evaluation study on the three-year pilot scheme on family mediation which was launched by the Judiciary in May 2000 to test the effectiveness of mediation in resolving matrimonial disputes.

29. Members of the Panel were generally satisfied with the success rates of the scheme (out of 930 cases completing the mediation process, about 68% achieved full settlement and about 10% achieved partial settlement). They shared the view that mediation, which was a non-adversarial approach for resolving disputes, helped the parties to come to agreement on mutually acceptable arrangements. Hence, the parties would be more likely to comply with the voluntary settlement reached. A member suggested that mediation services should be further developed to cover a wider area of cases, such as building management disputes.

30. The Panel sought the Administration's view on the recommendation of the Working Party on Civil Justice Reform concerning provision of legal aid for mediation in suitable cases. The Administration's position was that it would need to be satisfied that mediation was indeed an appropriate and cost-effective solution in funding legal aid cases and saving public money. The Administration agreed to consider the feasibility and effectiveness of launching a pilot scheme in this regard.

Performance of Court Interpreters (CIs)

31. Arising from a criminal trial in a Magistrates' Court in which the case was ordered to be re-tried because the Magistrate was not satisfied with the performance of the part-time CI providing interpretation of the Indonesian language into Cantonese, the Panel discussed matters relating to improvement and effective monitoring of the performance of CIs.

32. Members shared the view that CIs played a very important role in ensuring the conduct of a fair trial, particularly in proceedings where uncommon languages were used by the parties and the trial judge and the parties' legal representatives were not familiar with such languages. Members considered that training for full-time and part-time CIs should be strengthened, and the mechanism for monitoring the performance of CIs should be improved. Some members suggested that random on-the-spot assessments in court should be conducted. Moreover, the standard of CIs could be monitored by having the interpretation in court audio-recorded and appraised subsequently by the supervisors.

33. The Judiciary Administration agreed to take into consideration members' views in introducing measures to improve the standard of performance of CIs.

Resource Centre for Unrepresented Litigants

34. The increase in instances of litigants appearing in civil proceedings in the High Court and the District Court without legal representation in recent years had placed a significant demand on judicial time and resources. The Chief Justice announced in 2002 his decision to establish a Resource Centre to provide facilities to assist unrepresented litigants to deal with the court rules and procedures in the conduct of their cases. Members of the Panel and other Members attended a briefing session provided by the Judiciary before the launch of the Centre on 22 December 2003.

35. The Panel noted that the Centre mainly provided advice on court rules and procedural matters in the proceedings in the High Court and the District Court. Given the importance of maintaining the neutrality of the courts, the Resource Centre could not provide legal advice.

36. In response to members on the promotion of pro bono service at the Centre, the Judiciary Administration advised that the Steering Committee on Resource Centre for Unrepresented Litigants had discussed with various pro bono service providers, including the two legal professional bodies, on providing free legal assistance at or through the Resource Centre. The service providers indicated that they had already been contributing significantly to a variety of other free services. Given the resource constraints, they were not prepared to offer services through the Resource Centre for the time being.

37. The Panel was advised that for the first five months of its operation up to 21 May 2004, the Centre had received 1,635 visitors and 991 telephone enquiries. The Judiciary would conduct a review after one year of its operation. Members expressed concern that the facilities and services of the Resource Centre appeared to have been under-utilized. They suggested that publicity on the Centre should be strengthened, and requested the Judiciary to consider, where feasible, inviting non profit making voluntary organizations to make use of the facilities of the Centre in providing free legal advice to the public. Members also considered that the Judiciary should, in conducting the review, categorize the nature of the services provided to the visitors and callers, in order to evaluate the extent to which the Centre had achieved its objectives and assess whether further improvement was required for the purpose of better meeting the needs of the unrepresented litigants using the Centre.

Solicitor corporations

38. The Legal Practitioners Ordinance (Cap. 159) was amended by the Legal Services Legislation (Miscellaneous Amendments) Ordinance in 1997 to enable

solicitors to incorporate their practices as solicitor corporations. The amendments required the Council of the Law Society to make rules in respect of the establishment of solicitor corporations and fees payable to the Law Society for applications for registration as a solicitor corporation, as well as professional indemnity cover of solicitor corporations. At the meeting in November 2003, the Panel was briefed on the content of the draft Solicitor Corporations Rules, Solicitor Corporations (Fees) Rules and amendments to the Solicitors (Professional Indemnity) Rules.

39. The Panel noted the advice of the Law Society that the finalized rules would be submitted to the Chief Justice for approval after the Council of the Law Society had resolved the relevant outstanding issues.

Transcript fees

40. The Panel followed up issues concerning fees payable by court users for transcripts of proceedings and the impact of the fees on litigants' ability to pursue appeals.

41. Members considered that the Judiciary should provide, on the application of a litigant, the judgment at affordable cost, regardless of whether the litigant had lodged an appeal. There should be clear policy guidelines on the circumstances under which the court might exercise discretion to waive the transcript fees in appeal cases. Some members considered that the transcript fee of $85 per page for civil appeal cases was too high. As the transcript fee for criminal appeal cases was $17 per page, members requested the Judiciary Administration to consider standardizing the fee charging mechanism.

42. The Judiciary Administration was requested to revert to the Panel on the relevant issues raised in the next legislative session.

Issues relating to imposition of criminal liability on the Government or public officers

43. In the last legislative session, the Panel formed a working group to study issues relating to imposition of criminal liability on the Government or public officers in the course of discharging public duties for contravening any legislative provisions binding on the Government. The working group had completed its work and made a report on its deliberation and recommendation to the Panel on 28 June 2004.

44. The Panel endorsed the following recommendation of the working group that the Administration be requested to consider -

(a) in respect of regulatory offences, that Crown immunity should be removed as a matter of policy on a case-by-case basis and when legislative opportunities arose; and

(b) the development of alternative approaches taken in the United Kingdom and New Zealand in removing Crown immunity.

45. The Administration's position was that there was no precedent in the Hong Kong legislation which clearly and unequivocally rendered the Government or government departments liable to criminal proceedings. To enforce statutory requirements through the machinery of prosecution would be a departure from the usual practice, and would raise complex questions of procedure and efficacy e.g. the question of whether a government department had legal personality. It also involved the legal policy as to whether one government department could prosecute another government department. The Administration considered that this was not the time to adopt the model in the United Kingdom or in New Zealand. The Administration also considered that the existing mechanism adopted, i.e. reporting to the Chief Secretary for Administration or the relevant policy secretary, as appropriate, on breaches of statutory provisions by public officers, had been working satisfactory. There was no need for a radical change to the existing system.

46. The Panel agreed that the issue should be followed up with the Administration in the new legislative session.

Post-retirement employment and pension benefits of and acceptance of advantages by judicial officers

47. The Panel held a special meeting on 14 November 2003 to discuss the relevant policy issues arising from the approval given for Mr Michael WONG, a retired judge, to take up full-time appointment as Chairperson of the Equal Opportunities Commission (EOC) without suspension of his pension.

48. The Judiciary Administration advised the Panel that the pension benefits of retired judges and judicial officers were governed by the Pension Benefits (Judicial Officers) Ordinance (Cap. 401). Section 34(1) of Cap. 401 provided a discretionary authority to the Chief Executive to decide whether a pension should be suspended or continued. This authority had been delegated to the Chief Justice regarding judicial officers taking up post-retirement employment. Section 28(1) conferred a discretion of not suspending a pension upon re-appointment to the public service or appointment to service in any gazetted subvented organizations after retirement. Section 28(1), however, did not expressly specify the authority vested with such discretion. The view taken by the Judiciary in June 2003 in connection with the application by Mr Michael WONG to take up appointment as Chairperson of the EOC without suspension of his pension was that section 28(1) by implication vested the discretion in the Chief Executive. Accordingly, Mr Michael WONG's application was considered by the Chief Executive and was subsequently approved.

49. Some members opined that it was undesirable to have different authorities for the exercise of the discretion under sections 34(1) and 28(1) of Cap. 401 respectively. The Chief Justice should be the authority to exercise the discretion under both

sections to achieve consistency and uphold perception of judicial independence. A member considered that the existing restrictions imposed on post-retirement employment of judges and judicial officers should be comprehensively reviewed to ensure that judicial integrity and independence would be safeguarded.

50. As Mr Michael WONG's case was the first case since July 1997 where a retired judge was appointed to a full-time public office without suspension of pension payment, some members considered that the departure from established practice would give rise to concern about favouritism and would jeopardize public perception of the conduct and integrity of judges. They suggested that the Chief Justice should in future be consulted on matters relating to employment of retired judges and judicial officers, including their suitability to take up the employment in specific cases.

The case of Mr Antony LEUNG Kam-chung

51. A special meeting of the Panel was held in response to the formal announcement made by the Secretary for Justice (SJ) on 15 December 2003 of the decision not to prosecute Mr Antony LEUNG Kam-chung (Mr LEUNG), the former Financial Secretary, for his conduct in respect of a car purchase by him in January 2003, several weeks before an increase in First Registration Tax in the 2003-2004 Budget.

52. The Administration briefed the Panel on the facts of the case and the legal reasoning behind the decision not to prosecute Mr LEUNG for the criminal offence of misconduct in public office, in the light of the reports of the Independent Commission Against Corruption, the evidence, the law, the prosecution policy and the legal advice provided by two leading counsel at the private Bar. According to the Administration, the handling of the case was of unprecedented transparency and the case was extremely exceptional where the identities of the two outside counsel and their advice were revealed to the public. In view of the sensitivity of the case and that Mr LEUNG was a former colleague of SJ, SJ had delegated to the Director of Public Prosecutions (DPP) the full authority of deciding whether or not to prosecute Mr LEUNG so as to avoid any possible perception of bias.

53. Members welcomed SJ's decision to explain openly the approach and the process that had been adopted in handling the case and in deciding not to prosecute Mr LEUNG, and supported SJ's decision to delegate to DPP the authority of deciding whether or not to prosecute Mr LEUNG.

54. Some members opined that there was prima facie evidence in Mr LEUNG's case, and for cases with prima facie evidence, it would be preferable to let the court decide whether or not criminality was involved. A member pointed out that the Administration, in accepting the view of the advising counsel that it was necessary to prove the existence of a single compelling motive in order to establish the offence of misconduct in public office, which was absent in the criteria set out in the judgment of the Court of Final Appeal in *Shum Kwok-sher v HKSAR*, had in fact raised the threshold for prosecution of the offence.

55. The Administration explained that in accordance with prosecution policy, a prosecution would be instituted if, having regard also to other factors, there was sufficient evidence and a reasonable prospect of conviction. Also, according to the criteria for prosecution of the offence of misconduct in public office laid down in the judgment in *Shum Kwok-sher v HKSAR*, there had to be not only a misconduct, but a misconduct of sufficient seriousness to warrant criminal punishment. Both the outside counsel and the prosecution had concluded that the conduct of Mr LEUNG, however reprehensible it might have been, did not amount to misconduct of a criminal nature.

Other issues

Civil Justice Reform

56. A confidential briefing was given by the Judiciary for Panel members and other Members before the publication of the Final Report and Executive Summary on Civil Justice Reform by the Working Party on Civil Justice Reform on 3 March 2004. On 19 March 2004, the Chief Justice announced that he had accepted the recommendations made by the Working Party in the Report.

57. The Panel was advised that the Chief Justice had established a Steering Committee on Civil Justice Reform to take overall charge of the implementation of the recommendations pertaining to the Judiciary. It was expected that it would take two to three years to implement the recommendations. The Chief Justice would liaise with the Administration on the recommendations which were outside the jurisdiction of the Judiciary, such as the proposed scheme for multi-party litigation, and the proposal of empowering the Director of Legal Aid to fund mediation with legal aid in suitable cases.

Procedure for endorsement of removal of judges by LegCo under Article 73(7) of the Basic Law

58. The Panel considered and recommended that the procedure for endorsement of removal of judges by LegCo under Article 73(7) of the Basic Law should mirror that for endorsement of appointment of judges, which was endorsed by the House Committee on 16 May 2003. The recommendation of the Panel was endorsed by the House Committee on 28 May 2004.

Juvenile justice system

59. To follow up a referral from the Bills Committee on Juvenile Offenders (Amendment) Bill 2001, the Panel held a joint meeting with the Panel on Security in October 2003 to receive a briefing on the "Consultancy Report on Measures Alternative to Prosecution for Handling Unruly Children and Young Persons : Overseas Experiences and Options for Hong Kong", which was commissioned by the Administration.

60. As the policy issues arising from the review on juvenile justice system straddled different policy bureaux, the two Panels recommended and the House Committee agreed to set up a subcommittee to follow up the relevant issues. The Subcommittee on juvenile justice system made a report on its deliberation and recommendation to the House Committee on 25 June 2004.

Visit to the Judiciary

61. On 26 April 2004, members of the Panel and other Members made a visit to the Labour Tribunal in Mongkok and the Wanchai Law Courts Building. Members had an opportunity to discuss matters of common concern with the Chief Justice and other senior members of the Judiciary. The senior members of the Judiciary also briefed Members on the work of the Labour Tribunal, the District Court, the Family Court and the Small Claims Tribunal.

Panel meetings

62. Between the period from October 2003 and June 2004, the Panel held a total of 16 meetings. Of these meetings, one was held jointly with the Panel on Security and one with the Panel on Manpower. A working group under the Panel also held two meetings to discuss issues relating to imposition of criminal liability on the Government or public officers.

Council Business Division 2
Legislative Council Secretariat
5 July 2004

Appendix I

Panel on Administration of Justice and Legal Services

Terms of Reference

1. To monitor and examine, consistent with maintaining the independence of the Judiciary and the rule of law, policy matters relating to the administration of justice and legal services, including the effectiveness of their implementation by relevant officials and departments.

2. To provide a forum for the exchange and dissemination of views on the above policy matters.

3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.

4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.

5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Appendix II

Panel on Administration of Justice and Legal Services

Membership list for 2003 - 2004 session

Chairman	Hon Margaret NG
Deputy Chairman	Hon Jasper TSANG Yok-sing, GBS, JP
Members	Hon Albert HO Chun-yan Hon Martin LEE Chu-ming, SC, JP Hon James TO Kun-sun Hon CHAN Kam-lam, JP Hon Miriam LAU Kin-yee, GBS, JP Hon 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 (Total : 11 Members)
Clerk	Mrs Percy MA
Legal Adviser	Mr Arthur CHEUNG
Date	2 July 2004