

立法會
Legislative Council

LC Paper No. CB(2)1013/04-05

Ref : CB2/PL/AJLS

Panel on Administration of Justice and Legal Services

**Minutes of special meeting
held on Tuesday, 25 January 2005 at 4:45 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members attending** : Hon Jasper TSANG Yok-sing, GBS, JP
Hon LI Fung-ying, BBS, JP
Hon Alan LEONG Kah-kit, SC
- Members absent** : Hon LI Kwok-ying, MH (Deputy Chairman)
Hon Albert HO Chun-yan
Hon Emily LAU Wai-hing, JP
Hon MA Lik, JP
Hon KWONG Chi-kin
- Clerk in attendance** : Mrs Percy MA
Chief Council Secretary (2)3
- Staff in attendance** : Mr Paul WOO
Senior Council Secretary (2)3
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Action

Due to the absence of a quorum for a joint meeting of the Panel on Administration of Justice and Legal Services (AJLS Panel) and the Panel on Manpower, the meeting proceeded as a special meeting of the AJLS Panel.

I. Confirmation of minutes of meeting

(LC Paper No. CB(2)726/04-05 – Minutes of joint meeting on 13 December 2004)

Action

2. The minutes of the joint meeting held on 13 December 2004 were confirmed.

II. Paper issued since the last meeting

(LC Paper No. CB(2)729/04-05(01) – Submission from Hong Kong Catering Industry Association on the Report of the Working Party on the Review of the Labour Tribunal)

3. Members noted that the above submission from Hong Kong Catering Industry Association had been issued to the AJLS Panel and Manpower Panel for consideration.

III. Way forward for review of the Labour Tribunal and related issues

Proposed options for Members to follow up the subject matter

(LC Paper No. CB(2)725/04-05(02))

4. The Chairman drew members' attention to the paper prepared by the Secretariat on the proposed options to follow up the review of the Labour Tribunal and related issues and sought members' views on the way forward.

5. Members present considered that it would be appropriate for a subcommittee to be formed under the AJLS Panel and the Manpower Panel to follow up the relevant issues which straddled the policy purview of both Panels. Nonetheless, it was noted that the existing Rules of Procedure did not provide for the formation of a joint subcommittee under two or more Panels. In this connection, Ms Miriam LAU pointed out that the House Committee had requested the Committee on Rules of Procedure (CROP) to study whether the Rules of Procedure should be amended to allow such a subcommittee to be set up under two or more Panels. She suggested that pending the recommendation of CROP, the possibility of whether any of the Rules of Procedure could be suspended to enable the formation of a joint subcommittee under the AJLS Panel and the Manpower Panel be explored. She also suggested that the advice of the Legal Services Division be sought on the matter. Members agreed.

6. Members also agreed that in the event that a joint subcommittee could not be formed under the two Panels as proposed in paragraph 5 above, a subcommittee could be formed by either one of the Panels which would invite interested members of the other Panel to participate in the work of the subcommittee as non-subcommittee Members.

7. Ms LI Fung-ying said that she was inclined to support the formation of a subcommittee under the AJLS Panel, as a detailed review of the work and operation of the Labour Tribunal would involve a comprehensive study of, among other things, the judicial process and procedures which fell under the purview of the AJLS Panel.

Action

8. The Chairman said that she had no strong preference as to whether the subcommittee should be formed under the AJLS Panel or the Panel on Manpower, given that the subcommittee would function as a working group to deal with issues of common concern to both Panels. Mr Jasper TSANG pointed out that where a subcommittee was formed under a Panel, the chairman of the subcommittee had to be a member of that particular Panel, while in the case of a joint subcommittee of two or more Panels, the chairman of the subcommittee would be elected from among the members of the Panels concerned.

9. The Chairman, Ms Audrey EU and Ms Miriam LAU said that they had no objection to the formation of a subcommittee under the AJLS Panel, and they were willing to join the subcommittee as members. Mr Alan LEONG said that as he was not a member of either one of the Panels, he would participate in the work of the subcommittee as non-subcommittee Member. Mr Jasper TSANG and Mr Martin LEE said that they would bring the matter to the attention of the Democratic Alliance for Betterment of Hong Kong and the Democratic Party respectively to ensure that if a subcommittee was formed under either one of the Panels, at least one member of their political party who was a member of the Panel would join the subcommittee.

10. Members agreed that the Manpower Panel should be consulted should the option of forming a subcommittee under either one of the Panels be pursued.

(Post-meeting note : The Legal Service Division advised that there was no specific rule under the Rules of Procedure which, if suspended, would have the effect of authorising the formation of a joint subcommittee under two or more Panels. In the light of the legal advice and on the instruction of the Chairman, the Clerk issued a paper on 17 February 2005 to brief members of the two Panels on the views expressed at the meeting on 25 January 2005 and subsequent development, and invite them to indicate their preference as to which Panel should form a subcommittee to follow up the subject matter.)

Summary of views of deputations/members of Panels and the Administration's response

(LC Paper No. CB(2)725/04-05(01))

11. Members also agreed that the issues set out in the paper prepared by the Secretariat would form the basis for follow-up by the subcommittee with the Administration.

12. The meeting ended at 5:05 pm.