



HONG KONG BAR ASSOCIATION

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The Hon. Margaret Ng
 The Bills Committee on Civil Justice
 (Miscellaneous Amendments) Bill 2007
 Legislative Council
 Legislative Council Building,
 8 Jackson Road
 Central, Hong Kong

30th June 2007

Dear *Margaret*,

Re: Civil Justice (Miscellaneous Amendments) Bill 2007

I refer to the Bills Committee meeting on 11th June 2007, which was attended by Mr. Joseph Fok SC and Mr. P.Y. Lo on behalf of the Bar.

At this meeting (and apparently at other meetings of the Bills Committee), I understand that the question of whether the Chief Judge of the High Court, as the Chairman of the Steering Committee on the Civil Justice Reform should attend the Bills Committee meetings to explain the proposals in the Bill was raised.

Since then, the Bar has obtained a copy of the paper dated June 2007 prepared by the Judiciary ("Judiciary's Paper") setting out its position on this matter. Members of the Bar Council has expressed concern and the matter was discussed at the Bar Council Meeting held on 28th June 2007.

香港大律師公會

香港金鐘道三十八號高等法院低層二樓

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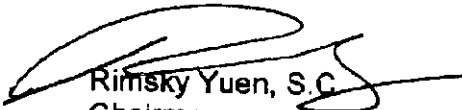
艾家敏

HONG KONG BAR ASSOCIATION

The Bar Council is strongly of the view that the Chief Judge of the High Court should not be required to attend the Bills Committee meetings to explain the proposal. We support the position set out in the Judiciary's Paper and we urge the Bills Committee to take note of the Bar's position.

Best Regards.

Yours sincerely,


Rimsky Yuen, S.C.
Chairman

c.c. The Hon. Chief Justice Li
The Hon. Mr. Justice Ma, CJHC
Mr. Joseph Fok, S.C.

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BY HAND

5th July 2007

Mr. Rimsky Yuen S.C.
 Chairman
 Hong Kong Bar Association
 LG2, High Court
HONG KONG

Dear Rimsky,

Civil Justice (Miscellaneous Amendments) Bill 2007

Your letter of 30 June 2007 delivered by hand to the LegCo Secretariat has been forwarded to me. I confess to some surprise at its contents.

A Chairman of a Bills Committee does not require a member of the Judiciary to attend its meetings. She merely asks the Chief Justice for his opinion in the Committee's scrutiny of a bill the sponsor of which ought properly to be the Judiciary. We are fully aware of the unusual situation this presents and have taken careful advice to find the appropriate solution in a practical light.

The Administration fully understands the problem. At a meeting at which I do not think the Bar's representatives were present, the Assistant Director of Administration has explained to us that the Chief Secretary regards himself as the sponsor of the bill having accepted the recommendations of the Chief Justice's Committee on Civil Justice Reform. The issue now is how best to provide the legal expertise from the Administration's team to properly answer members' questions. I have suggested that one way of doing so is by adding a legal counsel to the team. If this solution is adopted, counsel may seek clarification from the Chief Justice as he sees fit but it will no longer be a concern for members. As to whether this solution will be adopted I am in the Administration's hands.

I am, of course, much obliged to the Bar for the interest it takes in the Bills Committee's proceedings. I do not question the Bar's commitment to upholding the independence of the Judiciary. As a member of the legislature I have the same commitment. I have been trying to avoid politicizing what is simply a working arrangement for the Bills Committee. I trust the Bar will do the same.

Yours sincerely


Margaret Ng

c.c. The Chief Justice
 Chief Judge, High Court
 Mr. Joseph Fok S.C.