

立法會
Legislative Council

LC Paper No. CB(2)2663/06-07
(These minutes have been
seen by the Administration)

Ref : CB2/SS/10/06

Subcommittee on Official Languages
(Alteration of Text under Section 4D) (Miscellaneous) Order 2007

Minutes of meeting
held on Thursday, 26 July 2007, at 10:45 am
in Conference Room B of the Legislative Council Building

- Members present** : Hon Margaret NG (Chairman)
Hon Audrey EU Yuet-mee, SC, JP
Hon LEUNG Kwok-hung
- Members absent** : Hon LI Fung-ying, BBS, JP
Hon LI Kwok-ying, MH, JP
- Public Officers attending** : Item II

Mr Gilbert MO
Deputy Law Draftsman
(Bilingual Drafting and Administration)

Ms Mabel CHEUNG
Senior Government Counsel
- Clerk in attendance** : Miss Betty MA
Chief Council Secretary (2) 4
- Staff in attendance** : Mr Stephen LAM
Assistant Legal Adviser 4

Mr Chris LAI
Senior Council Secretary (2) 7

Action

I. Election of Chairman

Ms Margaret NG was elected Chairman of the Subcommittee.

II. Meeting with the Administration

[LC Paper Nos. LS100/06-07, LS105/06-07 and CB(2)2521/06-07(01) to (03)]

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

Part 2 of the Official Languages (Alteration of Text under Section 4D) (Miscellaneous) Order 2007 (the Order)

3. Members noted that Part 2 of the Order proposed to change the Chinese text of various items of legislation by repealing "出庭代訟人", "代言人", "代訟人", and substituting "訟辯人", and repealing "出庭代訟" and "代訟" and substituting "訟辯" in certain provisions. Members also noted that no consultation had been made in respect of the proposed amendments.

4. The Chairman considered that the term "advocate" was used in the context of the qualifications of legal practitioners and the services of advocate in court in the legislation. It was uncertain whether the term "訟辯人" or "訟辯" was equivalent to "出庭代訟人", "代言人" and "代訟人" or "出庭代訟" and "代訟" respectively in the context of the services of advocate in court, particularly when making oral representations in the court. The Chairman said that the Administration should seek the views of the relevant stakeholders on the proposed alterations to achieve consistency between the Chinese equivalent of "advocate" and "advocacy" in various items of legislation.

Admin

5. Deputy Law Draftsman agreed to consult the relevant stakeholders, including the Judiciary, the two legal professional bodies, the law faculties of universities and the Advocacy Institute of Hong Kong, on Part 2 of the Order. In order to allow time for the consultation and not to delay the coming into effect of other amendments in the Order, the Chairman suggested and Deputy Law Draftsman agreed to delete the proposed amendments in Part 2 of the Order. The Administration would give notice for moving a motion at the Council meeting on 17 October 2007 to this effect. Members agreed that the Administration should report the outcome of the consultation on the Chinese equivalent of "advocate"

Admin

Action

and "advocacy" in various items of legislation to the Panel on Administration of Justice and Legal Services. The Administration would re-introduce the amendments in the light of the views of the consulted parties.

Other Parts of the Order

6. Members raised no questions on Parts 1, 3, 4 and 5 of the Order.
7. The Chairman said that the Subcommittee had completed scrutiny of the Order. Unless members or the legal adviser raised further issues for discussion, no further meeting would be held. Members agreed.
8. There being no other business, the meeting ended at 11:55 am.

Council Business Division 2
Legislative Council Secretariat
3 September 2007

**Proceedings of the meeting of the
Subcommittee on Official Languages
(Alteration of Text under Section 4D) (Miscellaneous) Order 2007
on Thursday, 26 July 2007, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker(s)	Subject(s)	Action required
000000 - 000205	Ms Margaret NG Ms Audrey EU Mr LEUNG Kwok-hung	Election of Chairman	
000206 - 001905	Chairman Admin	Briefing by the Administration on the background for introducing and the objective of the proposed amendments in Part 2 of the Official Languages (Alteration of Text under Section 4D) (Miscellaneous) Order 2007 (the Order)	
001906 - 003341	Chairman Ms Audrey EU Admin ALA4	<p>Issues of concern raised by the Chairman and Ms Audrey EU –</p> <p>(a) whether the proposed Chinese equivalent of "advocate" and "advocacy" would fully reflect the meaning of the two terms, particularly in the context of the services of advocate in court; and</p> <p>(b) no public consultation had been conducted on the proposed alterations to the Chinese text of various terms of legislation</p> <p>The Administration's response that –</p> <p>(a) according to the information collected from the internet and other sources, the proposed Chinese equivalent of "advocate" and "advocacy" were widely used by the legal professions, local academics and the general public; and</p> <p>(b) the Administration was open minded on the Chinese equivalent of "advocate" and "advocacy" and was prepared to seek the views of relevant stakeholders</p>	
003342 - 005550	Chairman Mr LEUNG Kwok-hung Ms Audrey EU Admin	<p>The view of Mr LEUNG Kwok-hung that the relevant stakeholders and users should be consulted on the proposed Chinese equivalent of "advocate" and "advocacy" in the legislation</p> <p>The Chairman's concern about the prevalence and public perception of the meaning of "訟辯人"</p> <p>Ms Audrey EU's view that "代訟人" would be better than "訟辯人" as the Chinese equivalent of "advocate" in specific context</p>	

Time marker	Speaker(s)	Subject(s)	Action required
005551 - 010239	Chairman Ms Audrey EU Clerk Admin	Discussion on the Chairman's suggestion that to allow sufficient time for the Administration to consult the relevant stakeholders on the proposed amendments in Part 2 of the Order, the Administration should – (a) give notice for moving a motion to delete the proposed amendments in Part 2 of the Order; and (b) report the outcome of consultation to the Panel on Administration of Justice and Legal Services	Admin to follow up (para 5 of the minutes)
010240 - 010627	Chairman	Examination of Parts 1, 3, 4 and 5 of the Order	
010628 - 010838	Chairman Administration ALA4	Concluding remarks by the Chairman and outstanding issues to be followed up	

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