

立法會
Legislative Council

LC Paper No. CB(2)108/06-07
(These minutes have been
cleared with the Chairman)

Ref : CB2/PL/AJLS

Panel on Administration of Justice and Legal Services

**Minutes of meeting
held on Thursday, 12 October 2006, at 11:50 am
in the Chamber of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon MA Lik, GBS, JP (Deputy Chairman)
Hon James TO Kun-sun
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LI Kwok-ying, MH, JP

Member absent : Hon Martin LEE Chu-ming, SC, JP

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

Staff in attendance : Mrs Eleanor CHOW
Senior Council Secretary (2)4

Miss Vivien POON
Council Secretary (2)3

Action

I. Election of Chairman and Deputy Chairman
(Appendix V to LC Paper No. CB(2)1/06-07 – Terms of reference of the Panel

Appendix VI to LC Paper No. CB(2)1/06-07 – List of Government advisory bodies relevant to the Panel)

Action

Election of Chairman

Ms Margaret NG, Chairman of the Panel in office, called for nominations for the chairmanship of the Panel. Ms Margaret NG was nominated by Ms Miriam LAU and the nomination was seconded by Mr Jasper TSANG. Ms Margaret NG accepted the nomination.

2. Mr LI Kwok-ying, Deputy Chairman of the Panel in office, presided over the election of Chairman. As there was no other nomination, Mr LI Kwok-ying declared Ms Margaret NG elected as the Chairman of the Panel for the 2006-2007 session.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship of the Panel. Mr Ma Lik was nominated by Ms Miriam LAU and the nomination was seconded by Ms Audrey EU. Mr MA Lik accepted the nomination.

4. As there was no other nomination, the Chairman declared Mr MA Lik elected as the Deputy Chairman of the Panel for the 2006-2007 session.

II. Schedule of meetings for the 2006-2007 session

5. Members agreed that future regular meetings of the Panel would be held on the fourth Monday of each month at 4:30 pm. As the fourth Monday of December 2006 was a public holiday, members agreed that the regular meeting of the Panel for that month would be scheduled to be held on Tuesday, 12 December 2006. As some members expressed concern about the availability of members at the last meeting to be held on 23 July 2007, members agreed to consider in May 2007 whether the meeting needed to be held or rescheduled.

III. Discussion items for next meeting

(Appendix II to LC Paper No. CB(2)1/06-07 – List of outstanding items for discussion

Appendix III to LC Paper No. CB(2)1/06-07 – List of follow-up actions)

6. Members agreed to discuss the following items at the next Panel meeting on 23 October 2006 –

(a) Review of legislative provisions containing the drafting formula “to the satisfaction” of an enforcement agency – Members noted that the item was proposed by the Administration;

Action

- (b) Enforcement of judgment in civil cases – Members expressed concern that the Director of Administration's reply dated 19 September 2006 (LC Paper No. CB(2) 3092/05-06(01) issued to members on 26 September 2006) had not addressed how the enforcement of court judgments in civil cases could be improved in general; and
- (c) The case of Mr Michael WONG Kin-chau – Members noted that the Judiciary Administrator (JA) had advised that the legal advice given was that there were insufficient grounds to take action against Mr Michael WONG under section 29(1)(b) of the Pension Benefits (Judicial Officers) Ordinance (Cap. 401), although he was not entitled to payment for reimbursement of leave passage allowances. At the request of the Judiciary, he had repaid the sum of \$171,600 to the Government. Members agreed that JA and the Department of Justice should be asked to further explain the basis of the legal advice and the decision taken by JA.

7. Ms Miriam LAU referred to item 8 on the “List of outstanding items for discussion” regarding development of Hong Kong as a legal services centre. She pointed out that the item was originally scheduled for discussion in July 2006, but deferred at the request of the Administration. The Administration had now proposed to discuss the item in the second half of the 2006-2007 session. Given the importance of the issue, she proposed and members agreed that the Administration should be requested to revert to the Panel at the meeting in December 2006.

IV. Any other business

8. The Chairman reminded members that the briefing by the Secretary for Justice and the Director of Administration on the Chief Executive's Policy Address 2006-2007 would be held on 20 October 2006 at 4:30 pm.

9. There being no other business, the meeting ended at 12:07 pm.