

立法會
Legislative Council

LC Paper No. CB(2)427/06-07
(These minutes have been seen
by the Administration)

Ref : CB2/PL/AJLS

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Monday, 23 October 2006, at 4:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
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
- Members absent** : Hon MA Lik, GBS, JP (Deputy Chairman)
Hon James TO Kun-sun
- Public Officers attending** : Item III
The Administration
Ms Shirley YUEN
Deputy Director of Administration
Mrs Alice CHEUNG
Assistant Director of Administration
Judiciary Administration
Mr Augustine L S CHENG
Deputy Judiciary Administrator (Operations)

Item IV

Department of Justice

Mr Ian WINGFIELD
Law Officer (International Law)

Judiciary Administration

Miss Emma LAU
Judiciary Administrator

Miss Florence HO
Assistant Judiciary Administrator (Corporate Services)

Item V

Department of Justice

Mr Stephen WONG
Deputy Solicitor General

Mr Michael SCOTT
Senior Assistant Solicitor General

Mr Peter KAM
Government Counsel

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

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mrs Eleanor CHOW
Senior Council Secretary (2)4

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- I. Confirmation of minutes of meeting**
(LC Paper No. CB(2)108/06-07 - Minutes of meeting on 12 October 2006)

The minutes of the meeting held on 12 October 2006 were confirmed.

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II. Items for discussion at the next meeting

(LC Paper No. CB(2)135/06-07(01) - List of outstanding items for discussion

LC Paper No. CB(2)135/06-07(02) - List of follow-up actions)

2. The Panel agreed to discuss the following agenda items proposed by the Administration at the next meeting to be held on 27 November 2006 -

(a) Legislative proposals

- Mainland Judgments (Reciprocal Enforcement) Bill 2007

- Domicile Bill 2007

- Statue Law (Miscellaneous Provisions) Bill 2007;

(b) Court procedure for repossession of premises - Review of Lands Tribunal Ordinance and Lands Tribunal Rules; and

(c) 2006 review of financial eligibility limits of legal aid applicants.

3. The Chairman informed members that she had arranged an informal meeting with the Administration to discuss the work plan of the Panel in the 2006-2007 session on 7 November 2006.

4. Ms Audrey EU said that she would like the Administration to provide a timetable for discussing the following items on the List of outstanding items -

(a) Criminal legal aid fees system (item 3 on the List);

(b) Transcript fees (item 9 on the List) - Ms EU noted that the Independent Commission Against Corruption (ICAC) had charged the contractor for conspiracy to defraud the Judiciary of the provision of transcription services and requested the Judiciary Administration to advise whether this would have any impact on the level of transcript fees; and

(c) Recovery agents (item 16 on the List).

5. The Chairman noted that the Director of Auditor's Report No. 46 had raised issues about the collection of fines imposed by Magistrates' Courts. She suggested that the Panel should keep in view the development and consider whether the matter should be followed up in future.

III. Enforcement of judgment in civil cases

(LC Paper No. CB(2)135/06-07(03) - Background brief prepared by the LegCo Secretariat on "Enforcement of judgment in civil cases"

LC Paper No. CB(2)3092/05-06(01) - Letter from the Director of Administration dated 19 September 2006)

Briefing by the Administration

6. Deputy Director of Administration (DDA) said that in the light of the problems encountered in the enforcement of court judgments in labour and matrimonial cases, the Panel had asked the Administration to consider measures to improve the existing mechanism of enforcement of court judgments in civil cases in general. In its reply dated 19 September 2006 to the Panel, the Administration had explained its position that since Principal Officials were each responsible for specific policy portfolios, where there were problems in enforcing judgments in specific areas, it was more appropriate for the relevant bureaux concerned to consider the need to introduce appropriate measures to address specific problems, taking account of policy and resources considerations.

7. DDA used how the Administration dealt with court judgments in matrimonial as an example. According to Home Affairs Bureau, it had over the years introduced amendments to the law and had improved court procedures and administrative measures relating to enforcement of maintenance orders. These had resulted in marked improvement in the situation. More recently, with effect from 1 May 2005, interest was levied on arrears of maintenance to compensate the maintenance payee for monetary loss due to default by maintenance payer as a result of the enactment of the Interest and Surcharge on Arrears of Maintenance Ordinance 2003. As regards enforcement of judgments in labour cases, pursuant to the recommendations made by the Chief Justice's Working Party on the Review of the Labour Tribunal (the Working Party) in June 2004, the progress of implementing these recommendations and additional measures to further improve the enforcement of Tribunal awards were considered by the Panel on Manpower at its meeting on 16 February 2006.

8. DDA further said that the Judiciary had been invited to provide relevant statistics and information so as to ascertain areas with enforcement problems. The Judiciary had recently advised that its statistics were kept according to enforcement methods instead of the nature of the cases. To address members' concerns, the Judiciary would be asked to consider taking the following actions with a view to assessing the seriousness of the problem in enforcement of court judgments in civil cases -

- (a) to compare the total number of court judgments delivered in the past year against the total number of cases requiring enforcement proceedings; and

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- (b) to attempt to classify cases requiring enforcement proceedings by reference to specific policy areas, on the basis of statistics in the past or coming six months.

Supplementary background information provided by the Chairman and the Clerk

9. The Chairman briefly recapped the background to the discussion held by this Panel and the Panel on Manpower on issues relating to the operation of the Labour Tribunal. She said that the work of the Working Party was confined to the practice and procedure of the Labour Tribunal. However, this Panel had asked the Administration to consider conducting a comprehensive review on the existing enforcement mechanism with a view to improving enforcement of court judgments in civil cases in general. The Administration's reply had not addressed the Panel's concern.

10. At the invitation of the Chairman, the Clerk highlighted the concerns expressed by some members on enforcement of Tribunal awards at previous joint meetings of the two Panels as follows -

- (a) Mr Andrew CHENG had suggested that a review of the mechanism for enforcement of Tribunal awards should be taken forward urgently and separately. He had suggested that the review should be conducted in the light of the approach adopted in other jurisdictions, e.g. substantive powers were provided to the court to enforce judgments to protect the interests of the successful claimants; and
- (b) Mr LEUNG Yiu-chung had expressed disappointment that the Working Party and the Administration had not actively taken steps to improve the system of enforcement of Tribunal awards to assist claimants in default payment cases.

11. The Clerk further drew the Panel's attention to the scope of the review of the Working Party and the possibility of a further review to address other issues, as highlighted in the Report as follows -

- (a) given its membership and terms of reference, the Working Party had focused primarily on the review of the practice and procedure of the Labour Tribunal. The Working Party was conscious that the Tribunal process was only part of the overall employment resolution mechanism in Hong Kong. It did not, however, consider it appropriate and had not endeavoured to embark upon other wider issues; and
- (b) the Working Party had considered whether the execution process could be simplified. For example, while the Working Party recognised that the deposit requirement for the bailiff services could pose hardship to some applicants with limited means, it held the view that the process should maintain the status quo because the requirement applied to all

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executions, irrespective of whether the judgment or order sought to be enforced was made by a Tribunal or court. The Working Party considered that the issue of whether the requirement might be waived should be more appropriately left to the overall review of enforcement of judgments generally.

Issues raised by members

12. The Chairman said that measures to improve enforcement of court judgments in civil cases could be achieved by amending laws in specific policy areas such as matrimonial and labour laws, or amending statutory enforcement methods for money judgment in civil cases as provided in the High Court Ordinance and the District Court Ordinance. As the recommendations made by the Working Party were only applicable to Labour Tribunal awards, members had requested the Administration to conduct an overall review of the mechanism for enforcement of court judgments in civil cases.

13. DDA noted members' views. She pointed out that the general enforcement methods set out in the Administration's letter included the writ of *fieri facias*, garnishee order, charging order, appointment of a receiver in equitable execution, and order of imprisonment following oral examination which were commonly adopted by many overseas common law jurisdictions. The statistics available in the Judiciary did not indicate that there was general inadequacy in the enforcement methods. She reiterated the Administration's position that it was more appropriate and effective for respective bureaux to address the specific problems in enforcement of court judgments taking account of policy and resources considerations.

14. Deputy Judiciary Administrator (Operations) (DJA) affirmed that the Judiciary was keeping statistics according to enforcement methods. As far as the execution process was concerned, he said that in civil cases, both the judgment debtor and judgment creditor were responsible for enforcing the court judgment. It was inappropriate for the Judiciary to suggest the modes of executing the award. Where a judgment creditor executed an award, he had a choice of several modes of execution, which did not necessarily involve the bailiff. For instance, a judgment creditor could execute an award by serving a garnishee order on a third party (such as a bank which held monies for the judgment debtor) so as to satisfy the award. In matrimonial cases, the Attachment of Income Order (AIO) Scheme enabled a judgment creditor to recover maintenance payment from the employer of a judgment debtor.

15. DJA further said that at the meeting of the Panel on Manpower on 16 February 2006, the Judiciary had briefed members on the improvement measures recommended by the Working Party. To address members' concerns raised at the meeting, the Judiciary had considered further continuous improvements on the enforcement of Labour Tribunal awards. For instance, the filing of enforcement application could now be made at the Labour Tribunal in Mongkok, apart from the District Court in Wanchai.

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16. Ms Audrey EU asked the Administration and the Judiciary Administration to -
- (a) confirm whether the Judiciary would collect statistics on enforcement of court judgments in civil cases according to the nature of the cases in future;
 - (b) provide relevant statistics to quantify how enforcement of maintenance orders and timely collection of maintenance payment had improved, following the amendments to the AIO Scheme and the enactment of the Interest and Surcharge on Arrears of Maintenance Ordinance 2003;
 - (c) advise on the improvement measures implemented for enforcement of Labour Tribunal awards following the recommendations of the Working Party, and the effectiveness of those measures; and
 - (d) provide justifications for not reviewing the requirement for payment of a deposit for the use of the bailiff services.

17. On the point raised in paragraph 16(a) above, DJA said that the Judiciary Administration had yet to decide how to collect the statistics relating to enforcement of court judgments in civil cases. He explained that it would not be difficult to identify enforcement orders pertaining to matrimonial cases as they would be issued by the Family Court. It would also not be difficult to identify enforcement orders pertaining to the Labour Tribunal awards as the applicants would be required to obtain a certificate from the Labour Tribunal. However, as the High Court and the District Court handled many kinds of cases, it would be difficult to classify the enforcement orders issued by them according to the nature of the cases. He would need advice from the departments as to what statistics would be required by them.

JA

18. Ms Audrey EU said that her major concern was that the relevant statistics on enforcement of court judgements should be kept for future analyses, in particular when such information was conducive to making policy decisions. She was aware of the difficulty in obtaining such statistics in respect of the District Court, given the great variety of cases it handled. However, she expected that the statistics in relation to matrimonial and labour cases would be kept properly.

19. On paragraph 16(b) above, DDA said that she did not have the relevant statistics on hand, and would revert to the Panel after consulting HAB.

Admin

20. On paragraph 16(c) above, DJA said that the Working Party had made 37 recommendations which had been accepted by the Chief Justice. Some of the recommended measures had already been implemented by administrative means and for those which required law amendment, drafting instructions were being prepared.

21. On paragraph 16(d) above, DJA said that the payment of a deposit for application of the bailiff services was a requirement for execution of judgment and order of all levels of court. The deposit was necessary to cover the expenses for

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provision of the bailiff services. The Working Party found it inappropriate to review such requirement solely in the context of Labour Tribunal awards as whether the deposit should be waived in part or in whole was a policy issue.

22. Mr LI Kwok-ying expressed concern that despite the improvement measures implemented by way of AIO and the Interest and Surcharge on Arrears of Maintenance Ordinance 2003, there were still some cases of default maintenance payment. He quoted the case of a maintenance payee who could not locate the whereabouts of a maintenance payer and was in grave financial difficulty because she was not eligible for the Comprehensive Social Security Assistance Scheme. He asked whether the Administration had analysed the reasons for default of maintenance payment and explored further improvement measures to address these problems. DDA responded that she could refer the case quoted by Mr LI to the Home Affairs Department and the Social Welfare Department for assistance, if necessary.

23. Ms Miriam LAU said that while there were some improvements in enforcing judgment of matrimonial cases, certain problems continued to prevail. Given that the Law Society of Hong Kong handled matrimonial cases in the front-line, Ms LAU suggested and members agreed that the Administration should seek advice from the Law Society of Hong Kong with a view to assessing the effectiveness of the improvement measures and the problems encountered in enforcement of court judgments. The Administration could then report the outcome of its consultation with the Law Society to the Panel for further discussion. The Chairman said that the Panel could also write to the Law Society.

Admin

(Post-meeting note : A letter to request the two legal professional bodies to provide relevant information was issued by the Clerk on 13 November 2006)

24. The Chairman said that upon receipt of the requested information from the Administration, the Panel would decide whether a further meeting with the participation of the relevant Panels and relevant bureaux would be held in due course.

IV. The case of Mr Michael WONG Kin-chow

(LC Paper No. CB(2)141/06-07(01) - Background brief prepared by the LegCo Secretariat on "The case of Mr Michael WONG Kin-chow")

LC Paper No. CB(2)141/06-07(02) - Paper provided by the Judiciary Administration on "Supplementary Note on The case of Mr Michael WONG Kin-chow")

Briefing by the Judiciary Administration

25. Judiciary Administrator (JA) said that on 30 September 2006, the Judiciary Administration had informed the Panel that legal advice was that there were insufficient grounds for the Judiciary to take action against Mr Michael WONG Kin-chow under section 29(1)(b) of the Pension Benefits (Judicial Officers) Ordinance

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(Cap. 401) (the Ordinance), and that Mr WONG had repaid the sum of \$171,666, being the payment for reimbursement of Leave Passage Allowance (LPA), to the Government at the request of the Judiciary. The Panel had then requested the Judiciary to further explain the basis of the legal advice and its decision to recover the sum from Mr WONG. The Judiciary Administration's reply to the two issues was set out in its paper provided for the meeting. JA further pointed out that as Mr WONG had retired, other than the provisions in the Ordinance, there were no disciplinary powers or sanctions exercisable against a retired judge.

26. JA further said that the Civil Service Bureau (CSB) had provided an information paper to the Panel explaining the existing system on payment of LPA by the Government to eligible civil servants in February 2006. In the light of members' concern, CSB had undertaken to consult the parties concerned, including the Treasury and ICAC, on whether any improvement to the payment system could be made. On 3 October 2006, CSB announced the revised arrangement for making application for reimbursement of LPA, and that a new application form would be in use with effect from 23 October 2006. Following this, the Judiciary had also promulgated similar arrangements for Judges and Judicial Officers who would henceforth also use the revised form when claiming LPA. The major new requirements in submitting claims for LPA were -

- (a) an officer would be required to confirm that he/she had paid for the travel-related expenses in respect of the claims for reimbursement of LPA;
- (b) an officer would be required to confirm that all invoices/receipts in support of the amount claimed were true and correct and he/she had certified so by initialing on the original itemized receipts/invoices attached to the application; and
- (c) it was now pointed out clearly in the application form that only receipts issued in the name of the claimant or his/her eligible family member(s) (i.e. his/her spouse or dependent children) would be accepted by the Treasury.

27. Law Officer (International Law) (LO(IL)) noted that members were concerned why a decision had been taken not to reduce Mr WONG's pension under section 29(1)(b) and why Mr WONG was not entitled to LPA during the period in question. He gave his views as follows -

- (a) when one was dealing with the possibility of either disciplinary proceedings or administrative action that had a punitive consequence, the standard of proof required should be the same as that in a criminal trial. This proposition had been referred to on numerous occasions in the court in Hong Kong;

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- (b) in considering whether there should be administrative penalty on a person, one had to address the question of whether it was possible to conduct disciplinary proceedings. Given that Mr WONG had already retired as a judge before this matter came to light, there was no possibility of instituting disciplinary proceedings against him;
- (c) the question as to whether action could be taken under section 29(1)(b) of the Ordinance, which provided for the cancellation or reduction of the pension, would depend on whether there was sufficient evidence showing that the pension was obtained by the wilful suppression of facts by the officer concerned, or that it had been granted in ignorance of facts. It would require the evidence of intent and dishonesty on the part of Mr WONG to satisfy the test in relation to the punitive administrative measure, as in the case of a criminal charge. Given that there was insufficient evidence to show that Mr WONG was dishonest in his application for reimbursement of LPA or had wilfully suppressed relevant information, there was insufficient ground to take action against Mr WONG under section 29(1)(b) of the Ordinance; and
- (d) the LPA scheme did not envisage the possibility of a person seeking reimbursement of LPA in circumstances where the payment had not been in fact made by the officer. Mr WONG therefore was not entitled to reimbursement of LPA and the sum paid to him had to be recovered.

Issues raised by members

28. Ms Emily LAU wondered whether it was a coincidence that improvements to the payment procedures of LPA had come into effect when the issue was discussed by the Panel. She asked whether the improvements were introduced to plug the loopholes that came into light in Mr WONG's case.

29. JA responded that following CSB's review on the payment rules and procedures of LPA for civil servants in February 2006, CSB had announced the revised rules and procedures and notified the Judiciary in early October 2006. The Judiciary had then decided to adopt the new rules and procedures which would be applicable to Judges and Judicial Officers with effect from 23 October 2006, to tie in with the effective date announced by CSB. In response to Ms LAU, JA undertook to provide a paper setting out the revised payment rules and procedures for the Panel's information.

(Post-meeting note : The paper provided by JA was issued to members vide LC Paper No. CB(2)388/06-07(01) on 16 November 2006)

30. Ms Audrey EU referred to the background brief (LC Paper No. CB(2)141/06-07(01)) and raised the following questions -

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- (a) given that the initial view of the Judiciary in 2003 was that section 29(1) and section 31 of the Ordinance might be relevant to the case of Mr WONG, why there was a change of its position in 2006, and by whom the decision was made; and
- (b) whether the invoices and receipts attached to Mr WONG's three applications for reimbursement (paragraph 9 of Appendix II to the background brief refers) were true copies and to whom they were issued.

31. Ms Audrey EU pointed out that the way the Administration had handled the matter was illogical and contradictory. First, Mr WONG would not have submitted true copies of the receipts for the air tickets because it was his daughter who had paid the tickets on the three occasions. If he had produced false copies of the receipts, he had acted dishonestly. If he had submitted true copies, the Government had no ground to recover the payment from him. Secondly, CSB had held the view that the existing system of LPA payment was in order, as it had struck a reasonable balance between administrative efficiency and the need to ensure proper disbursement of the allowance by the Government. If the system was in order, she questioned why a payment already made to Mr WONG had to be recovered. Thirdly, she questioned why Mr WONG was asked to repay the sum of \$171,666 if he was not liable to sanction under section 29(1)(b) of the Ordinance.

32. On the point raised in paragraph 30(a) above, JA said that the relevance of sections 29(1) and 31 of the Ordinance relating to cancellation, reduction, or suspension of pensions was mentioned in a paper issued by the Judiciary back in 2003. Section 31 stipulated that an officer who had been granted a pension would have his pension cancelled, suspended or reduced if he was convicted of an offence falling within the three categories specified in the provision. Section 31 was considered not applicable in the case of Mr WONG. In early 2006, having considered the ICAC report on the case of Mr WONG, the Director of Public Prosecutions (DPP) had made a decision not to prosecute Mr WONG. The Judiciary had then sought legal advice on whether there was sufficient ground to take action against Mr WONG under section 29(1)(b). The legal advice was that there were insufficient grounds for the Judiciary to take action against Mr WONG under the section. The Judiciary had considered and agreed with the legal advice. There was no question of the Judiciary changing its position.

33. On the point raised in paragraph 30(b) above, LO(IL) said that according to his notes, the invoices submitted on each of the three occasions were addressed to Mr WONG giving himself and his wife as the passengers. He was not certain if there were any receipts in this regard. In his view, what was necessary for the purposes of making a claim was to submit the invoices as evidence to show that the air tickets had actually been used for the purpose they were issued. This was the accountability arrangement. In other words, a claimant had to certify that he had actually taken the flight and provided the evidence to that effect, e.g. in the form of his boarding pass, and that was the focus of the checks and balances that were applicable at that time. LO(IL) further explained that although an officer was not required to confirm whether

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he had actually paid for the ticket at the time when an application was made, reimbursement, by implication, required the officer to pay for the ticket before making the application. In this case, although Mr WONG had used the ticket for the journeys for which they were issued, he had not actually paid for them when he made each application. LO(IL) concluded that in those circumstances, Mr WONG was not actually entitled to LPA at the time he made the application, and the reimbursement should be recovered from him.

34. LO(IL) said that there was no inconsistency between a decision not to take punitive action under section 29(1)(b) which would involve the reduction of a statutory entitlement of Mr WONG, and a demand for the subsequent repayment of the LPA which he had received. He reiterated that a decision to impose punitive measure on Mr WONG would require the proof that he had acted dishonestly with intent. There was no sufficient evidence to show that Mr WONG had been dishonest or intended to deceive when he submitted the claims for reimbursement for the three trips. What had been shown was that although Mr WONG had repaid his daughter in kind in an amount exceeding the cost of the tickets, the payment was not made before he submitted his application for LPA. This was not permissible under the LPA scheme because reimbursement covered actual expenses that had already been paid.

35. The Chairman asked whether an officer would be entitled to reimbursement of LPA if he borrowed money from a creditor to pay for an air ticket and then applied for reimbursement, and subsequently repaid the creditor upon receipt of the reimbursement. LO(IL) affirmed that the officer concerned would not be entitled to reimbursement because the officer did not pay from his pocket before he made the application.

36. Ms Emily LAU doubted whether Mr WONG had acted honestly, given that he had attached receipts to the applications as supporting documentation although he had never made payments to the travel agents, and that he had repaid his daughter in kind, and not in cash, only years after.

37. LO(IL) responded that the question of dishonesty had already been considered by DPP and the Secretary for Justice as set out in Appendix II to the background brief. In response to the Chairman, LO(IL) undertook to clarify whether the receipts from the travel agents attached by Mr WONG to his applications were issued in his name.

(Post-meeting note : LO(IL)'s reply is attached in Annex to these minutes.)

38. Mr Martin LEE referred to paragraph 22 of Appendix II to the background brief which set out the advice of Mr Martin Wilson, QC, who was instructed by DPP to consider the case of Mr WONG. Mr Wilson had advised DPP that in order to prosecute Mr WONG, it would be necessary to prove -

- "(a) that Mr Wong did not, as claimed, make the reimbursements to his daughter,

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- (b) that when Mr WONG made the claims under the LPA he knew that he had neither repaid her, in cash or kind, nor intended to do so, and
- (c) that Mr WONG acted dishonestly."

Mr LEE pointed out that the first flight taken by Mr WONG was in August 1998 and he did not repay his daughter until 28 months later, i.e. in December 2000. Based on this fact, it was clear that Mr WONG had not immediately reimbursed his daughter, and whether he intended to repay her and had acted dishonestly was a matter for the jury to decide. Mr LEE said that unless questions like these had been investigated thoroughly by the investigating authority, the legal opinion obtained could be wrong. He expressed concern that the decision not to prosecute Mr WONG could affect public confidence in the legal system.

39. LO(IL) responded that he was not in a position to explain the decision of DPP not to prosecute, which was not the focus of discussion at this meeting. He understood that the Panel had already had the opportunity to discuss the issue in February 2006.

V. Review of legislative provisions containing the drafting formula "to the satisfaction" of an enforcement agency

(LC Paper No. CB(2)135/06-07(04) - Background brief prepared by the LegCo Secretariat on 'Review of legislative provisions containing the drafting formula "to the satisfaction" of an enforcement agency')

LC Paper No. CB(2)135/06-07(05) - Paper provided by the Administration on 'Review of legislative provisions containing the phrase "to the satisfaction of" an enforcement agency')

40. Deputy Solicitor General explained the position of the Administration on the review of legislative provisions containing the phrase "to the satisfaction of" an enforcement agency as set out in the paper.

41. Senior Assistant Legal Adviser 2 noted that the Administration's position was the same as that set out in the last paper. Members might wish to consider its response to the concerns raised by Mr Martin LEE at the last meeting.

42. As members did not raise any query on the Administration's paper, the Chairman concluded the discussion of the item.

43. There being no other business, the meeting ended at 5:17 pm.

**Matters arising from Paragraph 37 of the
Minutes of AJLS Panel meeting of 23 October 2006**

Details of the invoices and receipts mentioned in paragraph 37 of the minutes are as follows-

- (a) Only the application dated 6 August 1998 from Mr Wong was submitted with both an invoice (addressed to Mr Michael Wong) and a separate receipt (marked "Received from MRS FONG MAN TAK MAE MR WONG MICHAEL").
Please note that Mrs Fong Man Tak Mae is Mrs Wong.
- (b) As for the applications dated 20 July 2000 and 27 February 2001 -
 - (i) on each occasion, only an invoice was submitted with payment acknowledged on each of the invoices itself, without any indication of by whom the payment had been made;
 - (ii) in the invoice attached to the application dated 20 July 2000 from Mr Wong, the cheque no. of the payment was marked on the invoice, but no such information was indicated on the invoice attached to the application made by Mr Wong on 27 February 2001; and
 - (iii) the invoices were addressed to Mr Michael Wong, giving Mr Wong and Mrs Fong Man Tak Mae as the passengers for the trips.