



立法會秘書處 法律事務部
LEGISLATIVE COUNCIL SECRETARIAT
LEGAL SERVICE DIVISION

來函編號 YOUR REF. :
本函檔號 OUR REF. : LS/B/20/08-09
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By Fax (2180 9928)

7 September 2009

Mr. Christopher Ng
Senior Government Council
Department of Justice
1/F, High Block
QGO, 66 Queensway
Hong Kong

Dear Mr. NG,

Legal Practitioners (Amendment) Bill 2009

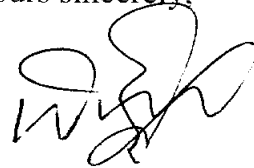
I am scrutinizing the legal and drafting aspects of the above Bill and would like to seek clarification on the following point -

Clause 4 – The proposed new section 39G

The proposed new section 39G(1) provides that the quorum of the Higher Rights Assessment Board is 7 members. It does not require the chairperson to be one of these 7 members. Under the proposed new section 39E(3), the Board consists of 11 members in total, of which 3 must be eligible persons (i.e. serving or former judges) including the chairperson. Therefore, the Bill as presently drafted allows meetings of the Board to be held and decisions to be made by members who are non-eligible persons only, i.e. without any serving or former judges. Further, under the proposed new section 39G(4), the chairperson has a casting vote in case of equality of votes in certain decisions. Please explain the rationale for allowing decisions to be made by the Board without any serving or former judges and how the proposed new section 39G(4) may be applied in meetings where the chairperson is absent. In the light of the above, please consider whether it is necessary to specify that the quorum must include the chairperson or an eligible-person member acting as the chairperson.

I shall be grateful if you could let me have your response in both Chinese and English to the above point at your earliest convenience, preferably on or before 18 September 2009 to enable members of the Bills Committee to consider the matter before its third meeting which is to be held in early October.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Winnie LO', written in a cursive style.

(Winnie LO)
Assistant Legal Adviser

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