

**Extract from the draft minutes of meeting of the Panel on Administration of
Justice and Legal Services on 13 January 2009**

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V. Implementation of Civil Justice Reform (CJR)

[LC Paper Nos. CB(2)601/08-09(06) and (07), CB(2)620/08-09(01) and
CB(2)638/08-09(01)]

Preparation of the Judiciary and the legal profession for the implementation of CJR

21. The Chairman said that the issue was referred to the Panel for follow-up by the former Subcommittee on Draft Subsidiary Legislation Relating to CJR, which had requested the Judiciary Administration to report to the Panel by January 2009 on the progress of preparation by the Judiciary and the legal profession for the implementation of CJR.

22. Judiciary Administrator (JA) introduced the Judiciary Administration's paper [LC Paper No. CB(2)601/08-09(06)] which reported on the progress in relation to the implementation of CJR scheduled for 2 April 2009. She also referred members to an extract from the Chief Justice (CJ)'s speech at the Ceremonial Opening of the Legal Year 2009 on 12 January 2009 concerning CJR which was tabled at the meeting. The extract contained updates on information set out in paragraphs 10 and 18 of Judiciary Administration's paper.

(Post-meeting note: The extract was issued vide LC Paper No. CB(2)673/08-09(01) on 14 January 2009.)

23. JA said that on the Law Society's request for deferring the implementation of the Practice Direction on Mediation referred to in paragraph 10 of the Judiciary Administration's paper, CJ had announced that he had decided to accede to the request and the effective date of the said Practice Direction would accordingly be postponed to 1 January 2010. As regards the monitoring mechanism stated in paragraph 18 of the paper, CJ had announced his decision of setting up a Committee (the Monitoring Committee) to monitor the working of the reformed civil justice system after the implementation of CJR and to make suggestions to ensure its effective operation. The Committee would be chaired by the Chief Judge of the High Court and would comprise judges, a barrister, a solicitor, a member of the Department of Justice and the Legal Aid Department and an experienced mediator.

24. Mr Lester HUANG, President of the Law Society, briefed members on its submission [LC paper No. CB(2)620/08-09(01)] outlining its CJR training programme for solicitors between October 2008 and March 2009. The training programme comprised general sessions providing an overview of CJR as well as a series of

specialized modules on different areas of CJR. A training session on the Practice Direction on Mediation would also be held in February 2009 to assist solicitors to understand their duties under the Practice Direction. The training programme commenced in October 2008 and the Law Society expected that by March 2009 it would have covered the training needs of over 2 500 solicitors. Overall, the Law Society was satisfied with the participation of its members at the training programme and was confident that the solicitors' branch of the legal profession would be ready for the implementation of CJR in April 2009.

25. Members noted from the letter of the Chairman of the Bar Association dated 12 January 2009 [LC Paper No. CB(2)638/08-09(01)] that members of the Bar were also ready for the implementation of CJR in April 2009. Members did not raise any queries on the proposed commencement of CJR.

Proposed amendments to subsidiary legislation

26. The Chairman advised members that since the enactment of the primary and subsidiary legislation on CJR in January and July 2008 respectively, the Judiciary had further identified a number of minor consequential legislative amendments which covered the Hong Kong Court of Final Appeal Fees (Amendment) Rules 2009, the District Court Civil Procedure (Fees) (Amendment) Rules 2009 and the Matrimonial Causes Fees (Amendment) Rules 2009, details of which were set out in the Annex to the Judiciary Administration's paper. It was the Judiciary Administration's plan to introduce the proposed amendments to subsidiary legislation into LegCo in February/March 2009. The Chairman further said that the two legal professional bodies had been consulted and were generally agreeable to the proposed amendments, which were technical in nature. Members did not raise any queries on the proposed legislative amendments.

Monitoring of the reformed civil justice system

27. The Chairman said that it was important to rigorously monitor the reformed civil justice system and gauge feedback from the relevant stakeholders after the implementation of CJR. She requested the Judiciary Administration to provide further information in writing on the work of the Committee established by CJ to monitor the implementation of CJR, including its terms of reference and scope of work. The Chairman further requested the Judiciary Administration to brief the Panel on the feedback received on the effectiveness of the reformed system at an appropriate juncture, say around six to 12 months after implementation of CJR. JA undertook to revert to the Panel on the Chairman's requests in due course after consultation with the Chief Judge of the High Court.

JA

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