

立法會
Legislative Council

Ref : CB2/PL/AJLS

LC Paper No. CB(2)209/08-09
(These minutes have been cleared
with the Chairman)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Tuesday, 14 October 2008, at 11:40 am
in the Chamber of the Legislative Council Building

- Members present** : Dr Hon Margaret NG (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TO Kun-sun
Hon Miriam LAU Kin-ye, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon Paul TSE Wai-chun
- Members attending** : Hon CHEUNG Man-kwong
Hon LEE Wing-tat
- Member absent** : Hon LAU Kong-wah, JP
- Clerk in attendance** : Miss Flora TAI
Chief Council Secretary (2)3
- Staff in attendance** : Mrs Vivian KAM
Assistant Secretary General 2
- Ms Amy YU
Senior Council Secretary (2)3
- Miss Vivien POON
Council Secretary (2)1
- Mrs Fanny TSANG
Legislative Assistant (2)3

I. Election of Chairman and Deputy Chairman

Election of Chairman

Mr Albert HO, member of the highest precedence among members present, presided over the election of the Chairman of the Panel. Mr HO called for nominations for the chairmanship of the Panel. Dr Margaret NG was nominated by Ms Miriam LAU and the nomination was seconded by Mr James TO. Dr Margaret NG accepted the nomination.

2. As there was no other nomination, Mr Albert HO declared Dr Margaret NG elected as the Chairman of the Panel for the 2008-2009 session. Dr Margaret NG then took the chair.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship of the Panel. Mr Albert HO was nominated by Ms Audrey EU and the nomination was seconded by Mr James TO. Mr Albert HO accepted the nomination.

4. As there was no other nomination, the Chairman declared Mr Albert HO elected as the Deputy Chairman of the Panel for the 2008-2009 session.

II. Schedule of meetings for the 2008-2009 session

5. Members agreed that the regular meetings of the Panel would be held on the fourth Monday of each month at 4:30 pm, except the meetings in December 2008, January 2009 and March 2009 which were re-scheduled as follows –

- (a) as 22 December 2008 was close to Christmas holidays, the meeting was re-scheduled for Tuesday, 16 December 2008, at 4:30 pm;
- (b) as 26 January 2009 was a public holiday (Lunar New Year's Day), the meeting was re-scheduled for Tuesday, 13 January 2009, at 4:30 pm; and
- (c) as the Finance Committee was scheduled to hold a series of special meetings from 23 to 27 March 2009 to examine the Estimates 2009-2010, the meeting on 23 March 2009 was re-scheduled for Monday, 30 March 2009, at 4:30 pm.

6. Members also agreed that the next regular Panel meeting would be held on 24 November 2008.

(Post-meeting note: The meeting schedule for the 2008-2009 session was issued vide LC Paper No. CB(2)40/08-09 on 15 October 2008.)

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III. Items for discussion at the next meeting

List of outstanding items for discussion

7. Members agreed to adopt the “List of issues suggested to be considered” tabled at the meeting as the “List of outstanding items for discussion” for the Panel.

(Post-meeting note: The “List of issues suggested to be considered” was issued vide LC Paper No. CB(2)60/08-09 on 15 October 2008.)

Discussion items for the regular meeting on 24 November 2008

8. At the Chairman's suggestion, members agreed that the Panel would decide on the discussion items for the next regular meeting to be held in November 2008 after having received the Administration's briefing on the Chief Executive's 2008-2009 Policy Address in respect of initiatives pertaining to the remit of the Panel scheduled for 20 October 2008. Members further agreed that the ending time of the meeting on 20 October 2008 be extended from 11:30 am to 12:00 noon to allow adequate time for the Panel to make the decision.

Clerk

Items proposed for future discussion

Class actions

9. The Chairman said that under the current law in Hong Kong, there was no provision for class actions, and the sole machinery for dealing with multi-party proceedings was a rule on representative proceedings. Arising from the incident related to Lehman Brothers' minibonds in which a large number of consumer investors would need to take legal action individually for their losses, the Chairman suggested and members agreed that it was opportune for the Panel to take up the issue with the Administration. Members also agreed that the Panel should write to the Administration to ascertain its current view on the issue and request the Research and Library Services Division of the Legislative Council Secretariat to prepare a research report on the subject matter for members' reference.

Clerk

Limited liability partnership for legal practice

10. Ms Audrey EU said that the Panel had been following up the issue of limited liability for professional practices for a number of years and the Administration should be requested to advise the Panel of its present position on the matter.

11. The Chairman informed members that the Secretary for Justice (SJ) had written to the Panel on 10 July 2008 advising that the Department of Justice (DoJ) was prepared to consider Limited Liability Partnership (LLP) among legal professionals and would meet with the Law Society of Hong Kong to further discuss relevant policy issues. She was given to understand by SJ that DoJ's discussions with the Law

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Society had been progressing smoothly. The Chairman added that members could ask SJ about the legislative timetable for introducing LLP at the upcoming meeting on 20 October 2008.

Civil Justice Reform

12. In response to Mr Albert HO's enquiry on the matters to be followed up by the Panel in relation to the implementation of the Civil Justice Reform in April 2009, the Chairman said that the Subcommittee on Draft Subsidiary Legislation Relating to the Civil Justice Reform had requested the Judiciary Administration to ascertain the progress on preparation and training of the two legal professional bodies for the implementation of Civil Justice Reform in late 2008 and report the matter to the Panel by early January 2009. The Chairman further said that in view of the concern expressed by legal practitioners, there might be a need for the Panel to study the amendments to the Practice Directions arising from the changes brought about by the implementation of the Civil Justice Reform.

Consultation Paper on Interim Proposals on a Sex Offender Register

13. Noting that a Consultation Paper on Interim Proposals on a Sex Offender Register had recently been issued by the Subcommittee on Review of Sexual Offences of the Law Reform Commission, Ms Audrey EU sought members' views on whether the Panel should discuss the Consultation Paper. The Chairman remarked that the subject matter of the Consultation Paper appeared to fall more appropriately under the purview of the Panel on Security rather than this Panel. At the Chairman's suggestion, members agreed that the Panel should ascertain more information before deciding whether it should discuss the Consultation Paper at a future meeting.

Clerk

14. There being no other business, the meeting ended at 11:55 am.

Council Business Division 2
Legislative Council Secretariat
5 November 2008