

**立法會**  
**Legislative Council**

Ref : CB2/PL/AJLS

LC Paper No. CB(2)1902/08-09  
(These minutes have been seen  
by the Administration)

**Panel on Administration of Justice and Legal Services**

**Minutes of meeting**  
**held on Monday, 25 May 2009, at 4:30 pm**  
**in Conference Room A 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 LAU Kong-wah, JP  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Paul TSE Wai-chun
- Member absent** : Dr Hon Priscilla LEUNG Mei-fun
- Public Officers attending** : Item IV  
  
Mr Frank POON  
Deputy Solicitor General  
  
Ms Adeline WAN  
Senior Assistant Solicitor General
- Item V  
  
Mr Thomas Edward KWONG  
Deputy Director of Legal Aid  
  
Ms Doris LUI Wai-lan  
Acting Principal Assistant Secretary for Home Affairs  
(Civic Affairs)<sup>2</sup>

**Attendance by invitation** : Item IV

The Law Society of Hong Kong

Mr Joseph LI  
Council member and Chairman of the Working Party on  
Limited Liability Partnerships

Ms Heidi CHU  
Deputy Secretary General

Consumer Council

Ms Connie LAU  
Chief Executive

Mr Simon CHUI  
Senior Legal Counsel

Item V

Hong Kong Human Rights Monitor

Mr Phillip ROSS  
Spokesperson

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in attendance** : Mr KAU Kin-wah  
Assistant Legal Adviser 6

Ms Amy YU  
Senior Council Secretary (2)3

Mrs Fanny TSANG  
Legislative Assistant (2)3

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**I. Confirmation of minutes of meeting**  
[LC Paper Nos. CB(2)1603/08-09 and CB(2)1656/08-09]

The minutes of the meetings held on 30 March and 27 April 2009 were confirmed.

## **II. Information papers issued since last meeting**

### Right to sue in person under Order 5 rule 6 of the Rules of the High Court

2. Referring to her e-mail correspondence with a member of the public concerning the right to sue in person in High Court proceedings under Order 5 rule 6 of the Rules of the High Court (Cap. 4A) [LC Paper No. CB(2)1616/08-09(01)], the Chairman said that while a person could begin or carry on proceedings in the High Court by a solicitor or in person, a body corporate could only begin or carry on any such proceedings by a solicitor unless leave had been obtained from the Registrar for it to be represented by one of its directors. Members noted the concern that corporations did not have the right to act by a director in High Court proceedings, even if the director had been duly authorized by the board of directors of the corporation to act on its behalf. Members further noted that there was also concern that under Order 5 rule 6(4), the Registrar's decision on an application for leave by a body corporate was not subject to appeal. To facilitate further consideration of the issue, the Chairman suggested and members agreed that the Judiciary Administration should be requested -

Clerk

- (a) to provide information on the number of applications made by a body corporate for leave to be represented by one of its directors under Order 5 rule 6 of Cap. 4A in the past three years and the outcome of these applications; and
- (b) to advise on the policy considerations for requiring corporations to obtain leave to be represented by one of its directors in High Court proceedings and the non-appealable nature of the Registrar's decision in respect of such leave applications.

## **III. Items for discussion at the next meeting**

[LC Paper Nos. CB(2)1618/08-09(01) - (03)]

### Discussion items for the next meeting

3. In accordance with the list of items tentatively scheduled for discussion in the current session [LC Paper No. CB(2)1618/08-09(01)], members agreed to discuss the following items at the next regular meeting scheduled for 22 June 2009 -

- (a) Criminal legal aid fees system;
- (b) Demand for and supply of legal and related services; and
- (c) Development of mediation services.

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4. Members also agreed that the Research and Library Services Division of the Legislative Council (LegCo) Secretariat would present the findings of the research report on "Legal aid systems in selected places" to the Panel at the next meeting as the first discussion item. Members further agreed that the end time of the next meeting be extended to 7:00 pm to allow sufficient time for discussion of all the agenda items.

Replacement of Police Constables with security guards at Magistrates' Courts

Clerk

5. The Chairman said that she was concerned about the new arrangement of replacing part of the Police Constable establishment for the Magistrates' Courts with security guards and had instructed the Clerk to write to the Administration to seek information on how the consultation work with the Judiciary on the new arrangement had been conducted and the Judiciary Administration's views at that time. She suggested that the Panel could decide how to follow up the issue upon receiving the Administration's reply.

Whistleblower legislation

Clerk

6. The Chairman said that during the discussion on the review of the jurisdiction of The Ombudsman at the last Panel meeting, members had agreed to further consider at this meeting whether, and if so, how to follow up the need for whistleblower legislation. The Clerk was requested to explore the possible Panel(s) to take up the issue.

**IV. Limited liability partnerships for legal practice**

[LC Paper Nos. CB(2)1199/08-09(01), CB(2)1250/08-09(01), CB(2)1608/08-09(01) and (02) and CB(2)1618/08-09(04)]

Briefing by the Administration

7. Deputy Solicitor General (DSG) introduced the Administration's paper on the recent developments of the legislative proposal to introduce limited liability partnerships (LLPs) for legal practice [LC Paper No. CB(2)1608/08-09(01)]. DSG said that other than the issue of whether LLP partners should be held personally liable for ordinary debts of business such as rent and salaries, the Administration and the Law Society of Hong Kong (Law Society) had agreed on all important matters of principle. The Administration's position was that LLP partners should continue to be held personally liable for ordinary business debts as they were not unforeseeable debts over which they had no control as in the case of claims incurred by negligence of other partners. DSG further said that drafting instructions had been issued to the Law Draftsman in April 2009. The bill was expected to be introduced into LegCo in the first half of the next legislative session at the earliest.

Views of the Law Society

8. Mr Joseph LI, Council member and Chairman of the Working Party on LLPs of the Law Society, said that other than the issue of liability of solicitor partners on operation cost of business, the Law Society and the Administration had reached agreement on all major issues concerning the LLP proposal, including liabilities of assistant solicitors and consultants under LLPs, insurance requirements of LLPs and position of international law firms, details of which were set out in Law Society's letter to the Panel Chairman dated 24 March 2009 [LC Paper No. CB(2)1199/08-09(01)].

*Full or partial liability shield under LLPs*

9. On the outstanding issue of liability of solicitor partners on operation cost of business, Mr Joseph LI said that while the Administration considered that LLPs should only protect innocent partners from personal liability for claims incurred by negligence of other partners (partial liability shield), the Law Society was of the view that the liability shield should be broadened to cover ordinary commercial debts of the business (full liability shield) on the following grounds -

- (a) the fact that legislation had already been enacted in 1997 to permit solicitors' practices to operate with full limited liability by means of solicitor corporations suggested that the concept of full limited liability was acceptable to the community, and the same level of liability protection should also be afforded to solicitor partners under the new LLP model;
- (b) it was common for law firms to use service companies to carry out administrative functions such as employment of staff. The introduction of LLPs was a convenient opportunity to simplify the artificial structure of routing the engagement of administrative services through service companies. No useful purpose was served by requiring LLPs to artificially complicate their structure at additional cost to form service companies simply to achieve the same result; and
- (c) many overseas jurisdictions including the United Kingdom, India, Singapore and some States of the United States (such as the State of New York) had adopted the full shield LLP model.

10. Mr LI further said that Hong Kong was trailing behind other jurisdictions in introducing liability protection measures for professionals and urged the Administration to accord top priority to the finalization of the LLP legislation.

Views of the Consumer Council (CC)

11. Ms Connie LAU, Chief Executive of CC, presented the views of CC as set out in its submission [LC Paper No. CB(2)1618/08-09(04)]. Ms LAU said that CC did not object to the adoption of LLPs as a matter of principle, provided that there were sufficient safeguards for consumers. CC was, however, unable to support the current LLP proposal as consumer interests had not been adequately addressed under the proposal. The major concerns/views raised by CC included -

- (a) the introduction of LLPs would shift the risk of sustaining losses caused by the negligence or wrongful acts of a solicitor partner from the partnership to the consumers, as the aggrieved customer would only be able to seek remedy against the negligent partner instead of any or all of the partners of the firm as he/she was currently entitled to;
- (b) should LLPs be introduced, the Professional Indemnity Scheme (PIS) should be reviewed to ensure that the interests of consumers for legal services were sufficiently safeguarded. Consideration should be given to expanding the scope of PIS to cover losses arising from the claims currently excluded, and raising the statutory indemnity limit, currently at HK\$10 million per claim;
- (c) measures should be introduced to increase the transparency of the operation of LLPs, such as providing clients with information on the solicitor(s)/partner(s) responsible for handling their case; and
- (d) the displacement of joint and several liability by liability limited to defaulting partner would result in a disincentive for ethical scrutiny and internal control over the quality of work among members or partners of the firm.

The Administration's response

12. At the invitation of the Chairman, DSG made the following points in response to the issues raised by CC -

- (a) the introduction of LLPs was in line with the global trend. The LLP system struck a fair balance as regards the financial risks and liabilities borne by solicitor partners and provided the profession with an additional choice of business model with which to structure their business;
- (b) given that the majority of solicitors' practices in Hong Kong were small partnerships or sole proprietorships (around 40% were sole proprietorships), the actual impact of LLPs in terms of diminishing the number of partners against whom a consumer might seek to recover his loss in a negligence claim was not as serious as it might appear;

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- (c) as PIS was a complicated issue which concerned not only the proposed model of LLP but also the operation of general partnerships and solicitor corporations, its review should be considered in a separate context; and
- (d) in respect of the Law Society's proposal that the existing statutory professional indemnity limit of HK\$10 million per claim be maintained under LLPs, the Administration had no objection to the proposal subject to Law Society's provision of satisfactory statistics and evidence showing that the proposed limit was generally adequate to meet claims against solicitors. Such information had yet to be received from the Law Society.

Issues raised by members

13. The Deputy Chairman and Mr Paul TSE declared interest as a partner of a solicitors' firm. Mr James TO and Ms Miriam LAU declared interest as a practising solicitor. The Chairman also declared interest as a practising barrister.

*Protection of consumer interests*

14. The Deputy Chairman said that the introduction of LLPs was a global trend which sought to bring about a more equitable system of limiting liability for professional practices. Referring to paragraph 20 of the CC's submission, he said that it was important to recognize at the outset that the nature of LLPs was such that its introduction would inevitably result in a reduced level of protection to consumers. Having said that, he agreed that adequate measures of consumer protection should be put in place in tandem with the introduction of LLPs. In this regard, he shared CC's views that a LLP should be required to disclose its LLP status to its clients and inform them of the solicitor(s)/partner(s) who were responsible for handling their case. He further opined that it was important to clarify the extent of liabilities of managing partners for the negligent, wrongful or fraudulent acts or omissions of other partners and employees, as managing partners might be sued in such cases for alleged failure to monitor properly the operation of the firm.

15. Noting that CC had expressed various concerns about the LLP proposal in its recent submission dated May 2009, Mr Paul TSE sought clarification from CC on its current position regarding LLPs. In his view, a transparent system with a proper disclosure mechanism to facilitate consumers in making informed choices would address the concerns raised by CC regarding protection of consumer interests.

16. Ms Connie LAU stressed that CC had not changed its position on LLPs for solicitors' practices since its previous submission to the Panel in June 2005. She reiterated that CC did not object to the adoption of LLPs in principle, provided that there were sufficient safeguards for consumers. CC had expressed reservations about the LLP proposal in its recent submission as there seemed to be an absence in the proposal of concrete measures to safeguard consumer interests.

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17. The Chairman said that there was urgency in introducing LLPs as the concern among solicitors about the risk of solicitor partners having unlimited personal liability was hindering the development of legal professional practices in Hong Kong. The introduction of LLPs would reduce the exposure of individual partners to financial liabilities and provided an incentive for the formation of large professional practices capable of offering a diversified range of legal services. She considered it important to ensure that the introduction of this new business entity would not weaken the public's confidence in the legal profession and urged the Law Society to address the concerns expressed by CC as far as practicable. The Deputy Chairman echoed the view that it was important for the Law Society to solicit CC's support to maintain public trust in the proposed LLP system.

18. Ms Miriam LAU said that Hong Kong had been lagging behind other jurisdictions in implementing professional liability reform, and expressed support for the early introduction of LLPs. While agreeing with the need to safeguard consumer interests, she did not consider that the introduction of LLPs would significantly erode consumer protection, as solicitors and partners who were responsible for a negligent or wrongful act would remain personally liable under the proposed LLP system. As regards the level of statutory professional indemnity limit under PIS, she said that it appeared to her that the existing limit was generally adequate to meet claims against solicitors. In her view, it was also important to ensure the affordability of the insurance premium for solicitors' practice under PIS, and the raising of the statutory professional indemnity limit should not be contemplated lightly, unless there was statistics and evidence justifying such a need. She further pointed out that for cases in which huge sums were at stake, clients concerned would likely patronize large law firms which had purchased top-up insurance.

19. Mr James TO shared the view that the Law Society should provide relevant data to help members and the Administration assess the adequacy of the existing statutory professional indemnity limit in meeting the claims of ordinary consumers against solicitors. He further suggested that consideration could be given to requiring LLPs to disclose their insurance coverage level to facilitate consumers in making informed choices.

20. Mr Joseph LI said that to his understanding some insurance policies prohibited disclosure of insurance coverage to third parties to avoid nuisance claims. Regarding the CC's view that consideration should be given to expanding the scope of PIS to cover losses arising from the claims currently excluded, he said that PIS indemnified solicitors mainly against claims arising from allegations of negligence. It did not, however, indemnify partners in respect of losses arising from dishonesty of partners and he believed that it would be against public policy to cover such losses. In respect of the statutory professional indemnity limit, he said that according to statistics on past payouts for claims, the existing limit of HK\$10 million per claim was generally sufficient to meet the claims of ordinary consumers in the vast majority of cases. He also shared DSG's view that issues concerning PIS should be discussed in a separate context. At the request of the Chairman, Mr LI undertook to provide as far as



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Law  
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practicable relevant statistics on the adequacy of the current statutory professional limit in meeting claims against solicitors.

21. DSG said that the Administration recognized the need to strike a proper balance between limiting professional liability and safeguarding consumer interests in the LLP proposal. To this end, provisions would be included in the legislation to enhance the transparency of the operation of LLPs, such as requiring that the name of each LLP must include the term LLP at its end. The Administration had also considered the suggestion of requiring an LLP to disclose its insurance coverage level to the public and would further discuss the issue with the Law Society. DSG further said that the Administration would also work out a public education programme to enhance the public awareness of the nature and implications of LLPs upon the implementation of the new business model. Referring to paragraph 5 of the CC's submission, DSG clarified that under LLPs, a consumer aggrieved by the negligence or wrongful acts of a partner would be able to seek remedy not only against the negligent partner, but also against the LLP itself. He stressed that the proposed LLP sought only to insulate the personal assets of innocent partners from claims arising from the negligence of other partners.

*Full or partial liability shield under LLPs*

22. DSG said that having regard to the purpose of LLPs, the Administration shared the view of CC, as set out in its submission dated June 2005, that LLP partners should continue to be held liable for ordinary debts of their business which were not unforeseeable debts. The Administration also considered that, as law firms were free to choose between the different types of business vehicles, solicitors who wished to enjoy full shield from general liabilities of the firm might opt to practise in the form of a solicitor corporation. He invited members' views on the issue.

23. Mr Paul TSE indicated support for the Law Society's view that it would serve no practical purpose to insist that partners of LLPs should remain personally liable for ordinary business debts when they could readily avoid such liability through the expedient of forming service companies.

24. The Deputy Chairman did not consider it an important issue as to whether LLPs should be provided with full or partial liability shield. He pointed out that even if LLP partners were provided with limited liability on ordinary business debts, in reality it was likely that banks, landlords and suppliers of a LLP would request partners of the LLP to provide guarantees of specific obligations. Hence, there would not be much practical difference whether or not LLPs were provided with full liability shield. He considered partial liability shield for LLPs acceptable and urged the Administration and Law Society to reach consensus on this matter as soon as possible.

*Solicitor corporations*

25. The Chairman and Mr Paul TSE expressed concern that the rules for implementing solicitor corporations had not yet been brought into force, albeit amendments to the primary legislation on solicitor corporations had been enacted in 1997. Mr TSE also enquired about the progress of the drafting of the implementation rules and when they would be finalized.

26. Mr Joseph LI said that the drafting of the relevant rules for the implementation of solicitor corporations was handled by a working group under the Law Society. To his understanding, the implementation of the Solicitor Corporations Rules had been delayed by some problems encountered during the drafting process. Moreover, the last decade had seen the emergence of LLPs as a global trend in organizing professional practices. As LLPs, which combined limited liability protection with flexibility of organization structure of general partnership, was deemed more suited to the needs of Hong Kong law firms than solicitor corporations, the Law Society had focused its efforts on the introduction of LLPs in recent years. Referring to other jurisdictions like Singapore where both LLPs and solicitor corporations co-existed, he said that Law Society's current position was that it would continue to pursue the introduction of both forms of practice to allow more options for its members. He added that the rules for implementing solicitor corporations were expected to be finalized soon. Mr Paul TSE urged the Law Society to expedite the drafting of the rules to provide its members with more choice of business entities.

*Other issues*

27. Mr Simon CHUI, Senior Legal Counsel of CC, said that CC had been under the impression that the legislative proposal sought to provide for LLPs as the only form of business model for structuring solicitors' practices. The Chairman said that this was a mistaken perception. Mr CHUI further said that, as mentioned in paragraph 3 of the CC's submission, based on the information given in the attachment to Law Society's letter dated 24 March 2009 to the Panel Chairman, CC was concerned that the proposed liability framework covered more than liability arising from negligence. Having noted the clarifications made on these points at the meeting, he would provide a supplementary submission to the Panel.

*(Post-meeting note: The revised submission from CC was issued to members vide LC Paper No. CB(2)1915/08-09(01) on 17 June 2009.)*

28. Mr James TO said that it could not be ruled out that upon the introduction of LLPs, the great majority of solicitors' practices would operate through LLPs, in effect leaving consumers with very little choice.

29. The Chairman requested the Law Society to provide for members' reference information on the respective percentage of the different types of business entities (including LLPs, general partnerships and solicitor corporations) adopted by solicitors' practices in overseas jurisdictions which allowed LLPs.

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Summing up

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30. In response to the Chairman, DSG undertook to report to the Panel again on the legislative proposals for the introduction of LLPs early in the next legislative session. The Chairman said that the Law Society and CC would be invited to attend the relevant meeting to give further views on the subject.

**V. Legal Aid in Criminal Cases Rules**

[LC Paper Nos. CB(2)1428/08-09(01) and (02) and CB(2)1618/08-09(05)]

31. At the invitation of the Chairman, Mr Phillip Ross of the Hong Kong Human Rights Monitor (HKHRM) briefed members on the issues raised in HKHRM's letter dated 14 April 2009 to the Chairman of the Legal Aid Services Council [CB(2)1428/08-09(01)], copied to the Panel Chairman. In gist, HKHRM was concerned that under rule 4(1)(h) of the Legal Aid in Criminal Cases Rules (Cap. 221D) (the Rules), only persons who had been convicted of an offence were eligible for legal aid for an appeal to the Court of Final Appeal (CFA). HKHRM considered that the sub-rule was too narrowly drawn and could cause injustice. It therefore proposed that amendments be made to the Rules to allow for legal aid to be granted in cases going to CFA not involving a conviction.

32. Mr Ross further said that HKHRM was aware of a case going to CFA where legal aid had been sought but was not available because of rule 4(1)(h) (*Qamar Sheraz v HKSAR FACC 5/2007*). The case involved an acquitted defendant who had been refused an order for costs by the Court of Appeal (CA). He applied for legal aid for an appeal to CFA but his application was turned down as no conviction was involved, notwithstanding that he had a meritorious case. He was fortunately able to obtain pro bono service to take his case to CFA. His appeal was allowed by CFA, which found that the judge who had acquitted him but refused him costs had been responsible for a substantial and grave injustice.

33. Mr Ross elaborated on situations where a criminal case could be worthy of consideration by CFA but did not concern a convicted person. For instance, the case might involve a person who had been made the subject of a hospital order after a determination not involving a conviction, or it might concern a defendant who had successfully invoked a stay of prosecution in the court of trial but was faced with the Government's application to appeal against the stay of prosecution. Another example was an appeal by way of case stated by the Government to challenge a magistrate's determination of the unconstitutionality of an offence charged, which was neither a conviction nor an acquittal (*Secretary for Justice v Yau Yuk Lung Zigo and Lee Kam Chuen FACC No. 12 of 2006*).

34. Mr Ross urged the Administration to amend rule 4(1)(h) along the line of the more widely drafted rule 4(1)(f) of the Rules which provided that "*a person who is convicted by, or aggrieved by, an order or determination of a magistrate..... may be granted legal aid*". He further proposed that consideration should also be given to

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widening the sub-rule to cover cases where a person had been granted a stay of prosecution but the Government wished to appeal against it. He added that according to his experience, there were not many criminal appeal cases going to CFA which did not involve a conviction and hence the proposal would not have significant resource implications. He appealed to members to support HKHRM's proposal to amend the Rules.

35. The Chairman sought clarification on the scope of criminal legal aid in respect of appeals to CA which did not involve a conviction. For instance, a person who was under legal aid in a criminal trial in the District Court raised a constitutional point in the course of the trial and was ruled in his favour on that particular point. The prosecution then appealed against the ruling on that point and the case went to CA. As no conviction was involved, she sought clarification on whether the person would be entitled to legal aid in the appeal before CA under the present rules.

36. Referring to Rule 4(1)(c) of the Rules which stated that "*a person convicted of any offence before the Court of First Instance or the District Court may be granted legal aid under these rules for any appeal to the Court of Appeal*", Mr Phillip Ross said that it appeared that there was a similar restriction against the grant of legal aid in cases going to CA not involving a conviction.

37. Deputy Director of Legal Aid said that to his understanding, other than appeals to CFA, legal aid might be granted in cases of appeal going to other levels of the Court which did not involve a conviction. He also thanked HKHRM for its constructive proposal and said that the Administration would examine it thoroughly.

38. The Deputy Chairman expressed strong support for HKHRM's proposal to amend the Rules as the loophole had wide implications on human rights protection. He quoted the case of the Citizens' Radio Station as another example to illustrate the need to amend the Rules. He said that the defendants were acquitted by the magistrate who found the charges unconstitutional on the basis that the licensing regime for broadcasting services was itself unconstitutional. The magistrate's ruling was subsequently set aside by CA which held that the magistrate had erred in treating the constitutionality of the licensing regime as an essential element of the offences of which the respondents were charged, and the case was remitted to the magistrate for resumption of the trial. The accused then took the case to CFA. As the appeal to CFA did not involve a conviction, legal aid could not be granted for the appeal. He pointed out that the rule 4(1)(h) could result in the denial of legal aid in cases with important constitutional or human rights implications and urged that the sub-rule be amended expeditiously.

39. Mr Paul TSE indicated support for the proposed amendment to the Rules. In his view, the present gap was probably the result of an inadvertent rather than deliberate omission. He further said that he did not see the need to impose the technical hurdle in rule 4(1)(h) on the grant of legal aid on top of the means and merits tests.

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40. Ms Miriam LAU sought information on the number of cases of criminal appeal to CFA which had been denied legal aid due to rule 4(1)(h) of the Rules. Mr Phillip Ross said that he did not have such data. Nonetheless, his experience indicated that there were not many such cases. Ms LAU said that cases going to CFA normally involved points of law of great and general importance and it could cause injustice if the person concerned was denied legal aid on account of the requirement in rule 4(1)(h) which was a mere technicality. She called upon the Administration to seriously consider amending the sub-rule which did not have significant resource implication.

41. The Chairman considered the sub-rule in question unconstitutional in that it was a blanket prohibition on the grant of legal aid in all cases going to CFA where no conviction was involved and such blanket prohibition had serious implications on the right of access to the court. She shared the view that the loophole was probably inadvertent and urged the Administration to amend the sub-rule as soon as possible. She added that it would be particularly unfair in cases where the appeal was initiated by the prosecution and the respondent to the appeal did not have any recourse to legal aid.

42. The Chairman invited members to note the submission from the Hong Kong Bar Association [CB(2)1618/08-09(05)] expressing support for HKHRM's proposal to rectify the anomaly in rule 4(1)(h) of the Rules. The Bar Association also suggested that the issue of whether an accused person should be entitled to legal aid in respect of a reservation by the trial judge for the consideration of CA of a question of law which arose on the trial, pursuant to section 81 of the Criminal Procedure Ordinance (Cap. 221), should be considered, bearing in mind that the reservation was not an appeal and arguably was not part of the trial or proceedings to which the preparation and conduct of his defence related (rule 4(1)(a), (aa) and (b) of the Rules).

43. In response to the Chairman, Acting Principal Assistant Secretary for Home Affairs (Civic Affairs) undertook to consider positively members' views in examining the proposed amendments to the Rules. The Chairman requested the Administration to revert to the Panel on its consideration of the proposal at the first regular meeting of the Panel in the next legislative session.

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*(Post-meeting note: At the Chairman's request, the legal adviser to the Panel would review the availability of legal aid under the Legal Aid in Criminal Cases Rules and identify possible anomaly for the Panel's consideration in the future discussion.)*

**VI. Any other business**

44. There being no other business, the meeting ended at 6:25 pm.