

Panel on Administration of Justice and Legal Services

List of follow-up actions
(Position as at 11 October 2010)

Subject	Date of meeting	Follow-up actions required	Administration's response
1. Review of the provision of legal aid services	24 November 2008	The Home Affairs Bureau ("HAB") to provide information on how Hong Kong compared to other jurisdictions in terms of accessibility of the middle class to legal aid.	HAB's paper was issued to members vide LC Paper No. CB(2)2368/09-10(01) on 11 October 2010.
2. Development of mediation services	22 October 2009	The Department of Justice ("DoJ") to provide information on the number and percentage of employment injury compensation cases in which mediation service had been used, if available.	Response awaited.
3. Arrangements of replacing Police Constable with security guards at Magistrates' Courts	--	At the meeting held on 10 November 2009 between the Panel Chairman and the Administration to discuss the Panel's work plan, the Judiciary Administration ("JA") was requested to provide in June 2010 a report on the operation of the arrangement of replacing part of the Police Constable establishment at Magistrates' Courts with security guards.	JA's paper was issued to members vide LC Paper No. CB(2)1981/09-10(01) on 5 July 2010.
4. Drafting of legislation	15 December 2009	The Law Drafting Division ("LDD"), DoJ, to revert to the Panel on its consideration of members' suggestion of developing guidelines on the drafting of the long titles of bills.	Response awaited.
5. Research report on "Legal aid systems in selected places"	25 January 2010	HAB to explain in writing how it arrived at the figure of HK\$110 per capita in legal aid spending in Hong Kong.	HAB's paper was issued to members vide LC Paper No. CB(2)2368/09-10(01) on 11 October 2010.
6. Legal Aid in Criminal	25 January 2010	HAB to consider the Law Society's proposal for extending legal aid to cases	Response awaited.

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Cases Rules		where references are made by the Chief Executive to the Court of Appeal under section 83P of the Criminal Procedure Ordinance (Cap. 221) and incorporating a general provision to empower the Director of Legal Aid to grant legal aid in such circumstances as he thinks fit, and to revert to the Law Society and the Panel on its consideration of the proposal.	
7. Independent statutory legal aid authority	29 March 2010	The Legal Aid Services Council ("LASC") to revert to the Panel on its consideration of the requests and views expressed by the members at the meeting, including the request for LASC to advance its schedule for conducting a fresh review on the establishment of an independent legal aid authority in Hong Kong.	LASC's response was issued to members vide LC Paper No. CB(2)2124/09-10(01) on 27 July 2010.
8. Free legal advice service	29 March 2010	HAB to revert to the Panel on its recommendations for expanding free legal advice service before the end of the 2010-2011 financial year.	Response awaited.
9. Matrimonial Proceedings and Property (Amendment) Bill	29 March 2010	DoJ to provide a supplementary information paper before June 2010 on - (a) details of the legislative proposal; (b) relevant provisions of the Matrimonial and Family Proceeding Act 1984 of the United Kingdom and how far they had been incorporated into the proposed amendments; and (c) views of the two professional bodies and other consultees and the Administration's response thereto.	DoJ's paper was issued to members vide LC Paper No. CB(2)1615/09-10(01) on 25 May 2010.
10. Proposal to implement a verified, authenticated and searchable electronic database of Hong Kong legislation	26 April 2010	LDD to provide a response, as appropriate, to Ms Audrey EU's suggestion of engaging outside contractors to provide annotation service in the Bilingual Laws Information System.	Written response to be provided to the Panel by the end of 2010.
11. Five-yearly review of	24 May 2010	LASC to revert to the Panel on -	Response awaited.

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the criteria for assessing the financial eligibility of legal aid applicants		<p>(a) the outcome of the study by its Interest Group on Scope of Legal Aid on expansion of the Supplementary Legal Aid Scheme (SLAS), including the feasibility of setting up a Second-tier SLAS to further improve legal aid service, in about six months' time; and</p> <p>(b) its recommendations on how assistance could be provided to employees in obtaining legal aid in employer insolvency cases and in recovery of wages.</p>	
12. Trial in the District Court	28 June 2010	<p>DoJ to discuss with the two legal professional bodies on the viability of giving defendants the right to elect a jury trial and report to the Panel on the progress of the discussion in due course.</p> <p>JA to revert to the Panel on the Judiciary's views on whether it would be viable for the Judiciary to collect data on conviction rates</p>	<p>DoJ will revert to the Panel in the second quarter of 2011.</p> <p>JA's paper was issued to members vide LC Paper No. CB(2)2149/09-10(01) on 4 August 2010.</p>
13. Law Reform Commission Report on Conditional Fees	28 June 2010	<p>HAB to provide relevant information and the Administration's views on the following suggestions raised by members -</p> <p>(a) to explore in the context of enhancing access to justice the feasibility of capping the costs recoverable from opponents for litigations where there was significant imbalance in bargaining power between the parties, with a view to giving the litigants concerned certainty as to their exposure to litigation costs if unsuccessful; and</p> <p>(b) to explore whether there was room for saving legal costs incurred in legal aid cases so that more people could be assisted under the limited legal aid funding</p>	<p>HAB's paper was issued to members vide LC Paper No. CB(2)2368/09-10(01) on 11 October 2010.</p>

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		LASC was also invited to provide its views on item (b) referred to in the preceding paragraph.	Response awaited.
14. Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants	21 July 2010	HAB to consult the relevant parties, including DoJ, the Judiciary, the Labour and Welfare Bureau and LAD, on the views and suggestions raised by the Chairman and Members regarding measures to assist employees in wage claims and revert to the Panel in due course.	Response awaited.
15. Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants	30 September 2010	LASC to revert to the Panel on when it expected to complete its deliberations on the study undertaken by its Interest Group on expansion of SLAS and reported accordingly, as well as its response to the views and concerns expressed by Members on the issue.	Response awaited.