

立法會
Legislative Council

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(These minutes have been seen
by the Administration)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Monday, 27 February 2012, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon Margaret NG (Chairman)
Dr Hon Priscilla LEUNG Mei-fun, JP (Deputy Chairman)
Hon Albert HO Chun-yan
Hon James TO Kun-sun
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon TAM Yiu-chung, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung

Member absent : Dr Hon Philip WONG Yu-hong, GBS

Public Officers attending : Item IV
Mr WONG Yan-lung, SC
Secretary for Justice

Mr Frank POON
Solicitor General
Department of Justice

Mr Paul TSANG
Deputy Law Officer (Treaties & Law) (Acting)
Department of Justice

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Item V

Mr CHENG Yan-chee, JP
Deputy Secretary for Home Affairs (1)

Ms FUNG Ngar-wai, Aubrey
Principal Assistant Secretary for Home Affairs
(Civic Affairs) 2

Judiciary Administration

Mr NG Sek-hon
Deputy Judiciary Administrator (Operations)

Attendance by : Item IV
invitation

Hong Kong Bar Association

Mr Hectar PUN

Item V

Hong Kong Bar Association

Mr Giles Surman

The Law Society of Hong Kong

Mr Stephen HUNG
Council Member

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

Staff in : Mr KAU Kin-wah
attendance : Senior Assistant Legal Adviser 3

Miss Cindy HO
Senior Council Secretary (2)3

Dr Yuki HUEN
Research Officer

Ms Wendy LO
Council Secretary (2)3

Mrs Fanny TSANG
Legislative Assistant (2)3

I. Information papers issued since last meeting

[LC Paper Nos. CB(2)1112/11-12(01) and CB(2)1113/11-12(01)]

Members noted that the following papers had been issued since the last meeting –

- (a) Information paper provided by the Administration on the outcome of the 2011 annual review of financial eligibility limits of legal aid applicants [LC Paper No. CB(2)1112/11-12(01)]; and
- (b) Letter dated 11 February 2012 from the Hong Kong Bar Association on Comprehensive Review on the Interception of Communications and Surveillance Ordinance (Second Round of Consultation) [LC Paper No. CB(2)1113/11-12(01)].

II. Items for discussion at the next meeting

[LC Paper Nos. CB(2)1163/11-12(01) to (03) and CB(2)1056/11-12(01)]

2. Members agreed to discuss the following items at the next regular meeting to be held on 26 March 2012 -

- (a) Use of Chinese in court proceedings; and
- (b) Editorial Record 1 of 2012 (compiled in accordance with section 2B of the Laws (Loose-leaf Publication) Ordinance 1990).

(Post-meeting note: At the request of the Administration and with the concurrence of the Chairman, a new item of "Statute Law (Miscellaneous Provisions) Bill 2012" was added to the agenda of the regular meeting scheduled for 26 March 2012.)

3. On the item referred to in paragraph 2(b) above, the Chairman informed members that it was the first exercise of the editorial power by the Secretary for Justice ("SJ") to make such editorial changes under the new section 2A of the Laws (Loose-leaf Publication) Ordinance 1990. Apart from some changes to rectify typographical errors in the translated text of the relevant ordinances, there were doubts about the amendments in the newly published Editorial Record (E.R. 1 of 2012) whereby the amounts of fines in numeric term in various enactments were replaced by reference to the levels of fines for offences prescribed in the Criminal Procedure Ordinance (Cap. 221); whether these

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amendments should be regarded as amendments to the substantive law instead of editorial amendments. The Chairman said that the Administration would be requested to address these issues at the next meeting.

III. Endorsement of the draft letter to the Chairman of the House Committee on implementation of the recommendations made by the Law Reform Commission

[LC Paper No. CB(2)752/11-12(01)]

4. The Chairman recapped that during the discussion with SJ on the role and work of the Law Reform Commission ("LRC") at its meeting on 20 December 2011, the Panel had agreed that the Chairman should write on behalf of the Panel proposing to the House Committee ("HC") the introduction of a mechanism for the respective Panels of the Legislative Council ("LegCo") to monitor the Government's progress in implementing the recommendations made by LRC. Whilst circulating the draft letter to members for consideration [LC Paper No. CB(2)752/11-12(01)], all members except Dr Philip WONG had indicated endorsement of the draft letter to HC. The Panel noted that Dr Philip WONG was of the view that a decision on whether or not to implement the law reform proposals of LRC were primarily policy matters for the Administration and it would not be appropriate for LegCo to involve under the principle of separation of the executive, legislative and judicial powers.

5. The Chairman clarified that there was a misunderstanding on the issue and explained that many of LRC's recommendations published in its reports had not yet been followed up by the Administration over the years and the Panel would only seek to introduce a mechanism which would help expedite the relevant process. With the clarification, members agreed that the draft letter to HC be endorsed and the proposal would be discussed at the HC meeting scheduled for 2 March 2012.

(Post-meeting note: The proposed mechanism for the respective Panels of the LegCo to monitor the Government's progress in implementing the recommendations made by LRC was endorsed at the HC meeting held on 2 March 2012.)

IV. Procedure under Article 158(3) of the Basic Law ("BL") for the Court to make a reference to the Standing Committee of the National People's Congress ("NPCSC") for an interpretation of BL

[LC Paper Nos. CB(2)1150/11-12(01), FS17/11-12 and CB(2)2713/10-11(01)]

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Briefing by the Administration

6. In relation to the interpretation of Articles 13(1) and 19 of BL ("BL13(1)") ("BL19") of the Hong Kong Special Administrative Region ("HKSAR") of the People's Republic of China ("PRC") by the Standing Committee of the National People's Congress ("NPCSC") in the case of *Democratic Republic of the Congo & Ors v. FG Hemisphere Associates LLC* (FACV 5-7/2010) ("the Congo case"), SJ briefed members on the Administration's paper [LC Paper No. CB(2)1150/11-12(01)] setting out the mechanism under the constitutional framework and the related procedure to be followed by the Court; the considerations of the Court of Final Appeal ("CFA") in making the judicial reference; and the implications of the CFA's substantial decision on the judicial system of Hong Kong and the Court.

7. Members also noted the fact sheet prepared by the LegCo Secretariat on the *Congo* case [LC Paper No. FS17/11-12].

Views of the Hong Kong Bar Association ("the Bar Association")

8. Mr Hectar PUN said that the Bar Association issued a press statement on 8 June 2011 affirming that CFA's decision to act in accordance with Article 158(3) of BL ("BL158(3)") to make a reference of provisions of BL did not compromise or undermine the judicial autonomy of Hong Kong courts. The Bar Association considered that CFA was obligated to make such a judicial reference once it was satisfied that a final adjudication of a case necessitated the interpretation of such provisions. It was of the view that the procedure laid down in BL158(3) was the only avenue expressly provided for in BL in seeking an interpretation of BL.

9. Mr PUN added that in its press statement issued on 13 June 2011, the Bar Association raised the concern that the procedure to be followed in the interpretation should be made more transparent. While the sequence of events of the *Congo* case was made public (i.e. CFA handed down its provisional judgment on 8 June 2011 in the *Congo* case, SJ forwarded the letter of referral and the supporting documents to the Hong Kong and Macao Affairs Office of the State Council ("HKMAO") on 5 July 2011 for transmission to NPCSC and NPCSC issued the relevant interpretation on 26 August 2011) and the Hong Kong BL Committee was consulted in respect of the interpretation, the public did not receive much information on the details of the whole event. The Bar Association considered that it should be explored whether the public, the academia and the two legal professional bodies should be consulted on the issue of interpretation. As parties to a litigation might also have views on the interpretation of the BL provisions, it should also be discussed whether the parties could be given opportunities to participate in the process through certain channels.

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10. Regarding the transmission of the letter of referral to NPCSC, Mr PUN noted that it was the initial view of CFA that the questions on the interpretation of BL13(1) and BL19 should be referred by SJ through the Office of the Commissioner of the Ministry of Foreign Affairs in the HKSAR ("OCMFA") to NPCSC. SJ later suggested and forwarded the letter of referral and the supporting documents to HKMAO for transmission to NPCSC. He opined that other channels for handling the matter, for instance, SJ to forward the relevant documents to the Constitutional and Mainland Affairs Bureau ("CMAB") for transmission to NPCSC through the Beijing Office of HKSAR, should be further explored and discussed.

Discussions

Procedure for seeking an interpretation of BL in the Congo case

11. Ms Emily LAU considered that there was not much transparency regarding the interpretation of BL. She enquired about the considerations of the Department of Justice ("DoJ") in handling the *Congo* case.

12. SJ said that the procedure for seeking interpretation of BL was stipulated in BL. According to the procedure, NPCSC shall consult the Hong Kong BL Committee in respect of the interpretation and such procedure was followed in the *Congo* case. SJ said that he believed that NPCSC would take into account the views of the Bar Association and the Hong Kong community about the need to solicit public views in considering the procedure on interpretation. Referring members to paragraph 3.5 of the fact sheet prepared by the LegCo Secretariat, SJ said that Mr LI Fei, Deputy Director of the Legislative Affairs Commission of NPCSC, explained that NPCSC did not hold a seminar to solicit views from the legal profession in Hong Kong in the *Congo* case because such arrangement was mainly out of respect for CFA and would be against the legal tradition in Hong Kong if the seminar convened before the conclusion of the *Congo* case. Mr LI also considered that CFA had provided comprehensive information to NPCSC for the interpretation and the progress of the deliberation of NPCSC was made public from time to time to safeguard the transparency of the interpretation. SJ stressed that as the intervener of the *Congo* case, it was not appropriate for the Administration to comment on the case at that time.

13. SJ further informed members that CFA held, by a 3-2 majority, that it should seek the interpretation of BL from NPCSC in the *Congo* case. When CFA handed down its provisional judgement in June, CFA considered that the letter of referral should be referred to NPCSC by SJ through the OCMFA but it had also invited submissions from the parties to the proceedings on the procedure. CFA subsequently accepted the suggestion of SJ to forward the letter to HKMAO of the State Council for transmission to the NPCSC. The

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parties to the proceedings did not oppose to such arrangement. SJ said that that while CFA saw it fit to transmit its letter of referral to NPCSC in the *Congo* case in the manner mentioned above, it was open to CFA to adopt a different transmission procedure in a future case, subject to the views of CFA and the parties to the proceedings.

14. In response to the Chairman, SJ supplemented that the OCMFA had issued three letters to CMAB of the HKSAR Government stating the principled position of the Central People's Government on state immunity. The letters were adduced as affidavit evidence in Court by SJ.

15. Mr LAU Kong-wah said that there was consensus in the community that interpretation of BL should only be sought where there was a real need to do so. He believed that the interpretation of BL this time could help illustrate the procedures involved. Referring to the transmission procedure of official documents to NPCSC adopted in the *Congo* case and the alternative suggestion of Mr PUN on the transmission procedure, Mr LAU enquired whether CFA or the Administration would work out the best transmission procedure for a future case given that no such transmission procedure was stipulated in BL.

16. SJ replied that in the *Congo* case, he acted as no more than a neutral conduit of official communication for passing on the letter of referral through the proper channel to NPCSC. The transmission procedure adopted in the *Congo* case was not meant as the set rule for a future case. CFA should be given flexibility in adopting a different transmission procedure in a future case, if it considered appropriate.

17. The Chairman enquired why the SJ's proposal of transmitting the letter of referral through HKMAO was considered more appropriate in the *Congo* case. SJ replied that there was not a significant difference between the transmission procedures proposed by him and CFA. Given that the communication between Hong Kong and the Central Authorities was usually made through HKMAO, he suggested that the letter should be forwarded to HKMAO for transmission to NPCSC. He considered that there was no need to involve another governmental department in the *Congo* case as suggested by Mr PUN.

18. Ms Emily LAU sought elaboration from the Bar Association on when the public, legal professionals and parties to a litigation should be consulted on the interpretation of BL. She also enquired about the Bar's view on the remarks of Mr LI Fei.

19. Mr Hectar PUN replied that since the interpretation of BL (a national law and a law of HKSAR) was legally binding on both the Mainland and Hong Kong, there was a need to invite views of the relevant parties on the issue of interpretation. He opined that as the case had entered another stage when CFA

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had made a judicial reference, the relevant parties could be consulted on how the relevant BL provisions should be interpreted, such as the drafting of questions on which a reference was sought. It was different from commenting on a court case when the legal proceeding was in progress. He suggested that the consultation could be conducted after the initiation of the procedure for judicial reference by CFA but before the interpretation by NPCSC.

20. At the invitation of the Chairman, SJ took members through the considerations of CFA in making the judicial reference under BL158(3) as detailed in paragraphs 14 to 21 of the Administration's paper. In gist, CFA held that, under BL158(3), it had a duty to make a reference to NPCSC if "the classification condition" and "the necessity condition" were satisfied. Regarding the *Congo* case, CFA considered there was no issue between the parties to the proceedings as to "the classification condition" which had been satisfied and it held that "the necessary condition" was also satisfied. CFA concluded that it was bound to make a reference under BL158(3) to NPCSC of questions of interpretation of BL which involved BL13(1) and 19.

Avenue for seeking an interpretation of BL

21. Noting the view of the Bar Association that the procedure laid down in BL158(3) was the only avenue expressly provided for in BL in seeking an interpretation of BL, Ms Emily LAU and Mr LAU Kong-wah sought elaboration from the Bar Association on this point of view.

22. Mr Hectar PUN reiterated that while the power of interpretation of BL shall be vested in NPCSC under BL158(1), the Bar Association considered that the seeking of judicial reference by CFA under BL158(3) when the conditions were met in adjudicating cases was the only avenue expressly provided for in BL in seeking an interpretation of BL. The Bar Association considered that the seeking of an interpretation of BL should preferably be made through this only stipulated avenue. The Bar did not have a view at present on whether interpretation of BL could be sought through other avenues.

23. The Chairman pointed out that the Bar Association held the view in the past that while the power of interpretation of BL shall be vested in the NPCSC under BL158(1), the Administration should ensure that interpretation of BL should not be sought through any avenues other than that stipulated in BL158(3). She asked whether the Bar Association had changed its stance. Mr PUN confirmed that the Bar Association maintained such view.

24. SJ said that in cases of *Director of Immigration v Chong Fung Yuen (2001) 4 HKCFAR 211* and *Lau Kong Yung v Director of Immigration [1999] 3 HKLRD 778*, CFA held that NPCSC had a general power to interpret BL. This power

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originated from Article 67(4) of the Constitution of PRC and was also contained in BL158(1). The Court also stressed that the power of interpretation conferred by BL158(1) was in general and unqualified terms, and was legally binding on Hong Kong courts. He stressed that apart from the seeking of interpretation of BL by CFA according to the procedure laid down in BL158(3), NPCSC had the power to interpret BL under BL158(1).

25. The Chairman opined that while NPCSC had the power to interpret BL, the crux of the matter was whether interpretation of BL should be made through avenues other than BL158(3).

Other issues

26. Mr LEUNG Kwok-hung opined that since BL158(1) and BL158(3) had stipulated respectively that the power of interpretation of BL shall be vested in NPCSC and that CFA might seek interpretation of BL when the conditions were met in adjudicating cases, requests for an interpretation of BL made by other parties, such as the Chief Executive, the Executive Council and LegCo, were obviously inappropriate. SJ responded that CFA could only seek interpretation of BL when the conditions were met in adjudicating cases. Mr Hectar PUN said that only CFA could act in accordance with BL158(3) to seek an interpretation of BL.

27. Referring to previous occasions where NPCSC interpreted provisions of BL (e.g. interpretation of Articles 22(4) and 24(2)(3) of BL in 1996, in the case of *Ng Ka Ling v Director of Immigration (1992) 2 HKCFAR 4*), Dr Priscilla LEUNG pointed out that in most of those cases, the relevant provisions of BL were interpreted by NPCSC pursuant to the power under BL158(1). To her understanding, the *Congo* case was the first case that CFA had acted in accordance with BL158(3) to request for an interpretation of BL. She considered that NPCSC had all along adopted a cautious approach in making interpretation of BL in previous occasions.

28. Mr Paul TSE enquired about the mechanism/procedure adopted in seeking interpretation of BL under BL158(1) in the *Ng Ka Ling* case in 1999. SJ reiterated that regarding BL158(1), CFA had clearly stated that the general power of NPCSC to interpret BL originated from Article 67(4) of the Constitution of PRC and such power of NPCSC was general and unqualified. There was no specific mechanism/procedure stipulated in BL regarding the interpretation of BL under BL158(1). SJ supplemented that in the *Ng Ka Ling* case, NPCSC made interpretations of Articles 22(4) and 24(2)(3) of BL upon the request of the Chief Executive of HKSAR made through the State Council in accordance with Articles 43 and 48(2) of BL.

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29. Mr LAU Kong-wah sought elaboration from the Bar Association on the point that the interpretation of BL by NPCSC was legally-binding. Mr Hectar PUN said that regarding the *Ng Ka Ling case* in 1999, the Bar Association had issued a press release to condemn the decision of the HKSAR Government for seeking an interpretation of NPCSC to overturn the final adjudication of CFA in that case. While it was not appropriate for the Government to take such a step, the interpretation of BL by NPCSC was still legally-binding on Hong Kong courts.

30. The Chairman concluded that as members had raised issues relating to interpretation of BL under BL158(1), she would further discuss with members at the next regular meeting to see if the subject should be added in the agenda for the regular meeting in April.

(Post-meeting note: The Panel agreed to follow up the procedure for seeking an interpretation of BL under BL158(1) at its regular meeting held on 28 May 2012.)

V. Free legal advice service – A two-year pilot scheme to provide legal advice for litigants in person ("LIPs")

[LC Paper Nos. CB(2)1163/11-12(04) to (06), CB(2)1150/11-12(02) and CB(2)1181/11-12(01)]

31. Members noted the background brief prepared by the LegCo Secretariat on free legal advice service [LC Paper No. CB(2)1163/11-12(05)].

Briefing by the Administration

32. At the invitation of the Chairman, Deputy Secretary for Home Affairs (1) ("DSHA") introduced the Administration's paper which set out the revised operational framework of a proposed two-year pilot scheme to provide legal advice for litigants in person ("LIPs") ("the scheme") having regard to the views of members at the Panel meeting on 28 November 2011 and its follow-up actions in consultation with relevant stakeholders [LC Paper No. CB(2)1163/11-12(04)].

Briefing by the Judiciary Administration

33. At the invitation of the Chairman, Deputy Judiciary Administrator (Operations) ("DJA") briefed members on the Judiciary's position as set out in the Judiciary Administration's paper [LC Paper No. CB(2)1150/11-12(02)]. DJA said that in order to provide assistance to LIPs involved in civil cases in the High Court, a Resource Centre had been set up by the Judiciary since

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December 2003. The Judiciary supported the scheme proposed by the Home Affairs Bureau ("HAB") which initially focused on the provision of legal advice on procedural matters as an additional measure to respond to the prevailing needs of the LIPs and further agreed that the office for this new scheme would also be accommodated in the High Court Building.

Views of deputations

The Bar Association

34. Mr Giles Surman highlighted the Bar Association's views on the scheme as detailed in its submission dated 17 January 2012 [LC Paper No. CB(2)1181/11-12(01)]. He stated that the Bar Association was of the view that the underlying problem for the growth in LIPs was not being addressed through the provision of legal aid. The Bar Association considered that the scheme might lead to an unintended consequence of encouraging more LIPs because some litigants might opt not to be represented in order to qualify for the scheme. Besides, the distinction between procedural and substantive legal advice was not easy to draw and that legal advice could not be given in vacuum without considering the merits of the case. The Bar Association therefore had indicated its reservation in the submission. Mr Surman added that as a large number of the Bar Association members were carrying out a great deal of pro bono and charity work through Free Legal Advice Service as well as a variety of other channels, their participation in the scheme would be entirely voluntary in individual capacity.

The Law Society of Hong Kong

35. Mr Stephen HUNG highlighted the points made in the submission of the Law Society of Hong Kong ("Law Society") dated 17 January 2012 [LC Paper No. CB(2)1163/11-12(06).] He said that the Law Society was concerned whether the scheme would be able to recruit sufficient number of volunteer lawyers which were required to attend during office hours with an honorarium of \$1,000 per four-hour shift. The Law Society also queried whether it was possible to provide "purely procedural advice" and requested that the public should be well informed of the relevant terms and conditions of the scheme prior to using the service. Mr HUNG further suggested that the LIPs Office should be installed with partitions for the protection of privacy.

Discussion

36. Noting the concerns of the two legal professional bodies, the Chairman enquired if the legal professional bodies would be asked to commit to providing a certain number of volunteer lawyers for the purpose of the scheme. DSHA

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replied that in addition to the two legal professional bodies, the Administration would also recruit volunteer lawyers from interested law firms/chambers and government counsel in providing the pro bono legal service.

37. Noting that the concerns on the lack of procedural knowledge of LIPs might cause the court and other parties in the proceedings difficulties, Ms Emily LAU enquired what was expected to achieve by the scheme given that there were also concerns that it might attract more vexatious litigants. DSHA replied that the scheme was expected to assist LIPs with specific guidance and advice on procedural matters and questions commonly asked at court registry counters in the light of the past experience of the Judiciary. The operation of the scheme would be subject to review in the light of operational experience.

Provision of thematic seminars

38. Mr Surman of the Bar Association and Mr Stephen HUNG of the Law Society suggested that the needs of LIPs on procedural matters be addressed through the provision of seminars. Mr Surman saw merits in the suggestion in that it would serve a large group of audience on issues of common concerns and address the procedural aspects without going into individual merits of the case while requiring fewer volunteer lawyers to serve. Besides, seminars would not draw in litigants who required legal representation to address their specific needs. The Chairman shared the view and considered that seminars would help equip those who would like to serve as volunteer lawyers.

39. DSHA said that topics to be included in seminars would be more general and might not be able to cater for the needs of individual LIPs. On the other hand, he assured members that thematic seminars to address the common procedural problems encountered by LIPs would be held by the Administration after the implementation of the scheme.

Duration of service session

40. Ms Emily LAU expressed concerns that lawyers would have difficulty to make themselves available during office hours. Mr Paul TSE concurred with the view and considered that a four-hour session within office hours would be too long and suggested that it should be divided into sessions of one to two hours instead. DSHA said that the Administration aimed to provide the service during office hours and make use of available time slots of volunteer lawyers. He emphasized that depending on the responses to the scheme, the Administration would exercise flexibility in handling the duration of the sessions.

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41. Mr Paul TSE further suggested that the Administration might consider the provision of legal helpline service modelled on the Australian experience so as to save the commuting time of participating lawyers. The view was echoed by Mr Stephen HUNG of the Law Society. The Chairman however noted that according to overseas experience, the types of cases which were suitable to be discussed over the telephone would however be limited.

Staffing complement and recruitment criteria

42. Mr LEUNG Kwok-hung welcomed the scheme to provide service to LIPs who otherwise would not be assisted by lawyers. He enquired about the staffing complement and suggested that junior members of the profession with lesser experience could gain experience under the supervision of a senior member of the profession who should be held accountable for the work of the team.

43. DSHA explained that the proposed staffing complement of the LIPs Office would include a full-time Centre-in-charge with legal qualification to manage and oversee the operation of the scheme; and a full-time resident lawyer or two part-time resident lawyers having five years' post-qualification experience ("PQE"). On the other hand, lawyers having at least two years' PQE could join the scheme as community lawyers in their personal capacity or in the capacity of a law firm on a pro bono basis.

44. Mr Paul TSE queried the need for the PQE requirement of community lawyers and enquired whether the Administration would consider recruiting experienced legal executives who were veterans in court procedural matters with a view to expanding the pool of candidates of the scheme. He also suggested that more volunteer lawyers could be encouraged to participate in the scheme through being awarded points under the Continuing Professional Development Scheme.

45. The Chairman indicated that while she was very supportive to the scheme, the Administration should also encourage participation by making it a value-added engagement. On one hand, participating community lawyers would be instrumental and helpful to both the LIPs and also the other litigating party who was a represented litigant by expediting the relevant judicial process. On the other hand, some senior members of the profession might take the lead to serve so that junior members could gain valuable experience from their seniors through the pro bono service. Mr Surman said that the Bar Association would be supportive of schemes which might benefit members of the community. Mr Stephen HUNG suggested that some relevant statistics on the types of litigation involving LIPs who required legal advice would be of use to better cater for their needs. At the suggestion of the Chairman, DSHA

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undertook to consider the suggestions of members where appropriate having regard to the operational requirement. He said that a steering committee would be set up to oversee and advise on the operation of the scheme, and to review the work and services provided.

Way forward

46. Responding to the enquiries of the Chairman on the next phase of implementation and the funding arrangement, DSHA said that the Administration planned to launch the scheme in the second quarter of 2012 without provision of additional resources. He undertook to provide further information to the Panel on the implementation details of the scheme when finalized.

47. Concluding the discussion, the Chairman appreciated that the two professional bodies had indicated some difficulties and limitations they envisaged which were valid concerns and should be thoroughly considered by the Administration. She hoped that the scheme would roll out as a start to see what would be the best possible scenario to be achieved; in particular how it would assist both LIPs and the courts in practice. She looked forward to the continuous improvement of the scheme in the light of practical experience.

VI. Any other business

48. The meeting ended at 6:45 pm.