

The Hon Miriam LAU Kin-ye, GBS, JP
Chairman
House Committee
Legislative Council
1 Legislative Council Road, Central
Hong Kong

Dear

**Implementation of the recommendations
made by the Law Reform Commission**

I write on behalf of the Panel on Administration of Justice and Legal Services ("the AJLS Panel") proposing to the House Committee the introduction of a mechanism to monitor the Government's progress in implementing the recommendations made by the Law Reform Commission ("LRC").

Arising from public concern about the delay in implementing LRC's recommendations, the AJLS Panel has recently discussed with the Secretary for Justice who is also the Chairman of LRC. The Panel has been advised that the Director of Administration issued a set of guidelines in October 2011 (**Appendix I**) under which bureaux and departments having policy responsibility over any LRC report are required to provide at least an interim response within six months of publication of the report and a detailed public response within 12 months of its publication. The bureaux and departments are required to give full consideration to the recommendations made by LRC and set out which recommendations they accept, reject or intend to implement in modified form in the detailed public response.

All the reports published by LRC since 1 January 1996 with the state of implementation or the Government's position are set out in **Appendix II**. The AJLS Panel is gravely concerned that many of the recommendations made in these reports have not yet been followed up. The membership of LRC includes both academic and practising lawyers and prominent members of the community. The recommendations put forward in an LRC report are the result of detailed study by LRC members who have rich experience and expertise in their respective professional or other fields, with input from its various subcommittees comprising members drawn from a wide pool of talents in the community and within the Administration. The Panel is concerned that with long delay in implementation, the validity and relevance of LRC's recommendations are likely to be diminished and the efforts wasted.

The AJLS Panel is of the view that SJ, in addition to his role as the Chairman of LRC, has the responsibility to keep the Hong Kong's system of laws up-to-date, and Panels of the Legislative Council also have a role to play in facilitating the law reform work. To ensure that LRC's recommendations are given consideration within a reasonable timeframe and would be implemented without undue delay, the AJLS Panel proposes the endorsement by the House Committee of the following mechanism for monitoring the Government's progress in this respect –

- (a) SJ to submit to the AJLS Panel for discussion an annual report flagging up the progress in respect of the LRC reports which have not yet been implemented, say, after the Policy Address in each year;
- (b) the AJLS Panel to copy the annual report to the relevant Panels to facilitate their follow-up with the bureaux and departments having policy responsibility over the respective LRC reports; and
- (c) the relevant Panels to include the Administration's responses to the respective LRC reports in their lists of outstanding items for discussion, and to invite members of the AJLS Panel and all other Members to join the future discussion.

I would be most grateful if you could arrange to put this proposal to the House Committee for consideration.

Yours sincerely

(Margaret NG)
Chairman
Panel on Administration of
Justice and Legal Services

Encl