

**Panel on Administration of Justice and Legal Services  
Meeting on 20 December 2011**

**Supplementary information note on the  
the Law Reform Commission**

1. In April 2011, an information paper on the Law Reform Commission (LRC) was provided to the AJLS Panel by the LRC Secretariat (LC Paper No. CB(2)1479/10-11(01)). The contents of that paper remain accurate, save for the following:

- (a) a report on *Enduring Powers of Attorney: Personal Care* was published in July 2011 and should be added to the list of LRC reports at Annex 1 of the April 2011 paper;
- (b) in respect of item 13 of Annex 1 (the January 2002 report on *Guardianship of Children*), the Guardianship of Minors (Amendment) Bill 2011, implementing the LRC's proposals, received its first reading in the Legislative Council on 6 June 2011;
- (c) in respect of item 27 of Annex 1 (the March 2008 report on *Enduring Powers of Attorney*), the Enduring Powers of Attorney (Amendment) Bill 2011, implementing in part the LRC's proposals, received its first reading in the Legislative Council on 25 May 2011; and
- (d) in respect of item 29 of Annex 1 (the February 2010 report on *Sexual Offences Records Checks for Child-Related Work: Interim Proposals*), on 28 November 2011 the Security Bureau announced the implementation with effect from 1 December 2011 of a scheme based on the LRC's proposals enabling employers to check the sexual offence conviction records of prospective employees for work that requires frequent contact with children or mentally incapacitated persons.

2. In addition, in response to concerns expressed at delays in considering and implementing LRC proposals, the Administration in October 2011 issued a set of guidelines to bureaux and departments having policy responsibility over the subject matter of an LRC project. The guidelines are as follows:

- “(a) *When a consultation paper is issued by the LRC, the Administration should at that stage decide (and resolve should there be any disagreement) which bureau (or bureaux) will take primary responsibility for consideration / implementation of the final report and should so notify the LRC.*

- (b) *Bureaux / departments should provide the Secretary to the LRC with the contact details of the bureau's officer with responsibility for the LRC report within 14 days of receipt of the letter from the Secretary for Justice forwarding an LRC report to the responsible Policy Secretary and requesting his consideration of the report.*
- (c) *Bureaux and departments having policy responsibility in respect of any LRC report should give full consideration to its recommendations and provide a detailed public response (setting out which recommendations they accept, reject or intend to implement in modified form) to the Secretary for Justice (as Chairman of the LRC) as soon as practicable. In any event, they should provide at least an interim response within six months of publication of the report which sets out a clear timetable for completion of the detailed response and the steps taken so far.*
- (d) *Bureaux or departments having policy responsibility in respect of any LRC report should provide a detailed public response to the Secretary for Justice within 12 months of its publication, unless otherwise agreed by him as Chairman of the LRC.*

*To assist bureaux and departments to comply with these guidelines, the LRC will, four months after publication of an LRC report, remind the responsible bureau / department of the requirement under the guidelines for at least an interim response within six months of publication.*

*In appropriate cases, and subject to the availability of increased resources within the Department of Justice for this purpose, the Secretary for Justice (both in his capacity as Chairman of the LRC and as head of the Department of Justice) has undertaken to consider including draft legislation in the final LRC report.*

*While the decision whether or not to refer a subject to the LRC rests solely with the Secretary for Justice and the Chief Justice, the LRC through its Secretariat or Chairman may, without compromising the LRC's autonomy, seek and consider preliminary views from relevant bureaux and departments when starting a new LRC project. Bureaux and departments should provide their views or advice to the LRC where these are sought by the LRC (whether at the initial stage of the LRC project or in response to a consultation paper) on a project within their area of policy or expertise.”*

3. The guidelines can be found on the LRC's website at <http://www.hkreform.gov.hk/en/news/20111017.htm>

Law Reform Commission Secretariat  
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