

Panel on Administration of Justice and Legal Services

List of follow-up actions

(position as at 23 January 2014)

Subject	Date of meeting	Follow-up actions required	Administration's response
1. Solicitor Corporations Rules	28 March 2011	The Law Society of Hong Kong to clarify as a matter of policy whether a solicitor corporation would be allowed to join a partnership.	Response awaited.
2. Handling of sexual offences cases	28 May 2013	<p>The Department of Justice was requested to provide the following information:</p> <p>(a) the number of sexual offence cases in the last five years;</p> <p>(b) the number of applications made by the prosecution in the last five years on allowing the use of screen to shield victims of sexual offences from the accused while testifying in court; and</p> <p>(c) in respect of (b) above, the number of applications approved and rejected.</p>	Response awaited.

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3. Administration of Justice (Miscellaneous Provisions) Bill ("the Bill")	23 July 2013	<p>The Judiciary Administration ("JA") was requested to provide the following information:</p> <ul style="list-style-type: none">(a) the number of as of right appeals heard by the Court of Final Appeal ("CFA") each year in the past five years;(b) in respect of (a) above, the number of appeals determined by the CFA to be unmeritorious and the number of occasions whereby the CFA overturned the decision of the lower courts;(c) the number of applications for leave to appeal to the CFA for other civil cases and criminal cases respectively each year in the past five years;(d) in respect of (c) above, the number of applications for leave to appeal granted and dismissed by the CFA each year in the past five years;(e) of the applications for leave to appeal granted by the CFA for other civil cases and criminal case respectively each year in the past five years, the number of appeals which were successful; and	JA's response was issued to all Members vide LC Paper No. CB(4)329/13-14(01) on 21 January 2014.

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		<p>(f) of the applications for leave to appeal dismissed by the CFA for other civil cases and criminal cases respectively each year in the past five years, the respective number of applications heard and not heard by oral hearing held by the CFA.</p> <p>The JA was requested to provide a response to the following suggestions made by members:</p> <p><u>Appeals in civil matters to the CFA</u></p> <p>(a) the CFA should provide reasons for dismissing an application for leave to appeal and allow the appellants and/or their counsels to appear before the Appeal Committee of the CFA to explain their cases in person;</p> <p>(b) factors for considering an application for leave to appeal by the CFA should be spelt out in the Hong Kong Court of Final Appeal Ordinance (Cap. 484), as practised in other common law jurisdictions such as Australia;</p>	

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		<p><u>Delivery of reasons for verdicts and sentences in criminal proceedings in the District Court</u></p> <p>(c) similar arrangements for the delivery of reasons and sentences in criminal proceedings in the District Court should be implemented in other levels of courts;</p> <p>(d) the circumstances under which a District Judge would hand down the reasons for the verdict and any sentence in writing or orally should be clearly spelt out in the Bill;</p> <p>(e) the time limit to require the District Judge to deliver the reasons for the verdict and any sentence, if the reasons were delivered in writing, should be provided in the District Court Ordinance (Cap. 336);</p> <p><u>Calculation of qualifying experience for appointment as Permanent Magistrates</u></p> <p>(f) amendments should be made to section 5AB of the Magistrates Ordinance (Cap. 227) to allow a person's period(s) of experience as a Court Prosecutor, Court Interpreter or Judicial Clerk in the Government to be combined with period(s)</p>	

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		<p>of other types of qualifying professional experience to fulfill the requisite minimum five-year period for appointment as a Special Magistrate;</p> <p><u>Improving the operation of the Labour Tribunal</u></p> <p>(g) the disclosure of information to the officers of registered trade unions authorized by the employees to assist the employees in the Labour Tribunal proceedings should be made clear;</p> <p>(h) the erratic granting of leave by the Labour Tribunal for an officer of a registered trade union to appear as a party's authorized representative in recent years should be examined;</p> <p>(i) the existing procedures of the Labour Tribunal should be reviewed to cater for the situation whereby a party, namely, the employer, was deceased, prior to the start of the proceedings; and</p>	

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		<p><u>Others</u></p> <p>(j) amendments to the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) to allow the sale of land under the Ordinance to be made through means other than by public auction should be included in the Bill.</p>	
4. Mechanism for handling complaints against judicial conduct	23 July 2013	<p>The Judiciary Administration was asked to provide further information on and/or a response to the following matters:</p> <p>(a) a breakdown of complaint cases against judicial conduct in the past three years by –</p> <ul style="list-style-type: none">(i) the nature of complaints;(ii) the level of courts involved and the rank of judges being complained against; and(iii) how the aforesaid complaints had been dealt with (including the follow-up action taken such as the giving of appropriate advice to the judge concerned, the tendering of an apology to the complainant etc.) <p>(b) the current mechanism for handling</p>	Response awaited.

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		<p>complaints against judicial conduct in other jurisdictions;</p> <p>(c) whether the Administration would consider establishing an independent body to receive and investigate complaints against judicial conduct, or to monitor and review the handling of complaint cases against judicial conduct by the Judiciary;</p> <p>(d) the number and the percentage of judges and magistrates who had not practised as lawyers prior to taking up the judicial appointments;</p> <p>(e) the number of complaint cases that had been referred to the Judicial Officers Recommendation Commission for attention in the past three years and the subsequent action taken on these cases;</p> <p>(f) what constituted "misbehaviour" of a judge as stated in Article 89 of the Basic Law for which the judge might be removed by the Chief Executive in accordance with the relevant procedures prescribed in the Basic Law; and</p> <p>(g) the right, if any, of complainants to access</p>	

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		<p>the audio recording of the court proceeding in connection with their complaints against judges.</p>	
<p>5. The Law Society of Hong Kong's proposal to introduce a common entrance examination in Hong Kong</p>	<p>16 December 2013</p>	<p>The Law Society of Hong Kong was requested to provide the following information regarding the Overseas Lawyers Qualification Examination ("OLQE") in the past five years:</p> <ul style="list-style-type: none"> (a) a breakdown by year on the number of candidates taking OLQE; (b) a breakdown by year on the number of candidates who passed OLQE; (c) a breakdown by year on the number of applications for exemption in respect of each of the five OLQE "Heads"; (d) out of (c) above, a breakdown by year on the number of exemptions granted in respect of each of the five OLQE "Heads"; and (e) out of (c) above, a breakdown by year on the number of "automatic" exemptions granted, if any, in respect of each of the five OLQE "Heads". 	<p>Response awaited.</p>
<p>6. Statute Law</p>	<p>16 December 2013</p>	<p>The Security Bureau was requested to relay</p>	<p>Response awaited.</p>

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(Miscellaneous Provisions) Bill		Members' request to the Law Reform Commission of Hong Kong ("LRC") on the provision of a timetable of the LRC's overall review of sexual offences.	
7. Judicial manpower situation at various levels of court and long court waiting times	16 December 2013	The Judiciary Administration was requested to provide the following information: (a) the number of appeals to the High Court in the past 10 years; and (b) out of (a), the number of case(s) in which the appeal could not be heard in a timely manner or not until the convicted person(s) had served their imprisonment sentence.	Response awaited.