

Panel on Administration of Justice and Legal Services

List of follow-up actions
(position as at 21 March 2014)

Subject	Date of meeting	Follow-up actions required	The Law Society's response
1. Solicitor Corporations Rules	28 March 2011	The Law Society of Hong Kong ("The Law Society") to clarify as a matter of policy whether a solicitor corporation would be allowed to join a partnership.	The Law Society's response was issued to members vide LC Paper No. CB(4)500/13-14(01) on 21 March 2014.

Subject	Date of meeting	Follow-up actions required	Administration's response
2. Handling of sexual offences cases	28 May 2013	<p>The Department of Justice ("DoJ") 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>	The DoJ's response was issued to members vide LC Paper No. CB(4)435/13-14(01) on 25 February 2014.

Subject	Date of meeting	Follow-up actions required	Administration's response
3. Statute Law (Miscellaneous Provisions) Bill	16 December 2013	The Security Bureau was requested to relay 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.	The LRC's response was issued to members vide LC Paper No. CB(4)501/13-14(01) on 21 March 2014.

Subject	Date of meeting	Follow-up actions required	JA's response
4. Mechanism for handling complaints against judicial conduct	23 July 2013 25 February 2014	<p>The Judiciary Administration ("JA") was requested to provide information on and/or responses to the following issues prior to the regular meeting of the Panel scheduled for 22 April 2014:</p> <p><u>Raised at the meeting on 23 July 2013</u></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 	<p>Based on a realistic assessment of the time required for preparing the requested information, JA expects such information to be made available to the Panel in May or June 2014 at the earliest.</p> <p>JA will also inform the Panel of the outcome of the review on the mechanism for handling complaints against judicial conduct, which is expected to be completed by end-2014.</p>

Subject	Date of meeting	Follow-up actions required	JA's response
		<p>judge concerned, the tendering of an apology to the complainant etc.);</p> <p>(b) the current mechanism for handling 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 ("BL89") for which the judge might be removed by the Chief Executive in</p>	

Subject	Date of meeting	Follow-up actions required	JA's response
		<p>accordance with the relevant procedures prescribed in the Basic Law;</p> <p>(g) the right, if any, of complainants to access the audio recording of the court proceeding in connection with their complaints against judges;</p> <p><u>Raised at the meeting on 25 February 2014</u></p> <p>(h) what was the basis for concluding that the tribunal under BL89 should consist of judges and judges only;</p> <p>(i) whether the number of judges appointed to the tribunal under BL89 for investigation into a judge and Chief Justice ("CJ") could exceed three and five respectively; if not; why not;</p> <p>(j) whether consideration would be given to providing different levels of sanctions, short of removal from office, against judges who were found to have misbehaved after investigating into complaints against them; and</p> <p>(k) which public officers had been appointed by CJ to sit on the tribunal under the</p>	

Subject	Date of meeting	Follow-up actions required	JA's response
		Judicial Officers (Tenure of Office) Ordinance (Cap. 433).	
5. Judicial manpower situation at various levels of court and long court waiting times	16 December 2013	JA 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.	JA's response was issued to members vide LC Paper No. CB(4)453/13-14(01) on 4 March 2014.

Council Business Division 4
Legislative Council Secretariat
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