

Panel on Administration of Justice and Legal Services

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

Subject	Date of meeting	Follow-up actions required	Administration's/Judiciary Administration's response
1. Establishment of an electronic database of Hong Kong legislation with legal status	25 March 2014	<p>The Department of Justice ("DoJ") was requested to provide information on:</p> <p>(a) the serviceable period of the Bilingual Laws Information System ("BLIS"); and</p> <p>(b) the amount of total expenditure incurred for the implementation and maintenance of the BLIS.</p>	Response awaited.
2. Compensation for wrongful conviction	25 March 2014	<p>DoJ was requested to provide information on:</p> <p>(a) the amount of money set aside for the payment of <i>ex gratia</i> compensation under the administrative scheme each year in the past five years; and</p> <p>(b) the number of serious wrongful conviction case(s) in the past five years.</p>	Response awaited.

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3. 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 judge concerned, the tendering of an apology to the complainant etc.); <p>(b) the current mechanism for handling complaints against judicial conduct in other jurisdictions;</p>	<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>

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		<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 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</p>	

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		<p>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 Judicial Officers (Tenure of Office) Ordinance (Cap. 433).</p>	

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4. Review on Family Procedure Rules	22 April 2014	At the meeting, members passed a motion urging the Administration to immediately follow up on the recommendations made by the Law Reform Commission in its 2005 Report on Custody and Access.	The Administration to provide a written response to the motion.
5. Reform of the current system to determine whether an offence is to be tried by judge and jury or by judge alone	22 April 2014	DoJ was requested to provide information on the estimated overall resource implications (e.g. cost and procedural implications) if jury trials were introduced in the District Court.	The Administration will provide the information, to be worked out in consultation with JA, when the Panel next discusses the subject.

Council Business Division 4
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21 May 2014