

Panel on Administration of Justice and Legal Services

List of follow-up actions
(position as at 7 October 2013)

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. Right of abode issues of children born in Hong Kong to Mainland parents both of whom are not Hong Kong permanent residents	28 May 2013	<p>The Security Bureau to provide the following information:</p> <p>(a) the number of cases of Mainland pregnant women ("MPW") seeking entry into Hong Kong through bogus marriage with Hong Kong residents in the past three years, and the measures that have been / would be put in place to tackle the problem;</p> <p>(b) since the implementation of the zero delivery quota policy for MPW from 2013 for obstetric services, the types of means of entering Hong Kong by MPW to circumvent the policy and the number of MPW involved; and</p> <p>(c) in respect of (b) above, the measures that have been / would be put in place to tackle the problem.</p>	The Security Bureau's response was issued to members vide LC Paper No. CB(4)996/12-13(01) on 24 September 2013.

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3. Handling of sexual offences cases	28 May 2013	<p>The Department of Justice is requested to provide the following information:</p> <ul style="list-style-type: none">(a) the number of sexual offence cases in the last five years;(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(c) in respect of (b) above, the number of applications approved and rejected. <p>The Police is requested to provide a response to the views expressed by members and deputations on the need to expedite the "one-stop" service provided by the Police for victims of sexual offence cases so that victims do not have to subject to repeatedly interviews.</p>	<p>An information paper on "Handling of sexual offences cases" was provided by the Security Bureau to the Panel on 11 July 2013.</p>

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4. Establishment of an independent legal aid authority	25 June 2013	<p>The Legal Aid Services Council is requested to provide a copy of the consultancy brief issued to Deloitte Consulting (Hong Kong) Limited about the commissioning of consultancy study on the feasibility and desirability of the establishment of an independent legal aid authority in Hong Kong.</p> <p>The Administration is requested to provide:</p> <p>(a) the annual expenditure of the Legal Aid Department in the past five years for the delivery of legal aid services;</p> <p>(b) the actual expenditure involved in the judicial review case of Hong Kong-Zhuhai-Macao Bridge; and</p> <p>(c) information in response to the concern</p>	<p>The consultancy brief provided by the Legal Aid Services Council ("LASC") was circulated to members vide LC Paper No. CB(4)891/12-13(01) (English version only) on 12 July 2013.</p> <p>According to the LASC, the consultancy brief was sent together with the request for proposal to all firms that had submitted the Expression of Interests in undertaking the consultancy study. It was also attached as an annex to the consultancy agreement between the LASC and Deloitte Consulting (Hong Kong) Limited.</p> <p>The Administration's response was issued to members vide LC Paper No. CB(4)983/12-13(01) on 13 September 2013.</p>

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		expressed by the Hong Kong Bar Association on budget issue, including how the budget for the provision of the existing legal aid services was uncapped.	
5. Administration of Justice (Miscellaneous Provisions) Bill	23 July 2013	<p>The Judiciary Administration ("JA") was requested to provide information on and/or a response to the following matters:</p> <ul style="list-style-type: none">(a) (i) the number of applications for leave to appeal to the Court of Final Appeal ("CFA") for civil and criminal cases in the past five years;(ii) out of (i), the respective number of applications which had been granted and which had been rejected;(iii) the number of applications rejected and the reasons (in particular cases considered by the court to be of a frivolous nature); and(iv) whether the decisions on these applications had been handled down in writing or orally; <p>(b) the number of appeals to the CFA in which the previous decisions were overturned;</p>	Response awaited.

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		<p>(c) the number of successful and unsuccessful appeals to the CFA on civil matters under the as of right appeal mechanism;</p> <p>(d) the background for the existing as of right appeal mechanism to the CFA; and the current development of the appeal procedures of the Privy Council in the United Kingdom;</p> <p>(e) JA was asked to make reference to relevant legislation in overseas jurisdictions and consider whether it was necessary to amend local legislation to the effect that the reasons/considerations for rejecting an application for leave to appeal to the CFA should be clearly set out, especially if the as of right appeal mechanism was to be abolished;</p> <p>(f) JA was requested to, in association with the Administration, review the feasibility of sale of a lot by public auction or by other forms of sale under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545);</p> <p><i>(Post meeting note: As advised by JA, this item fell within the Administration's</i></p>	

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		<p><i>purview and should be referred to the Development Bureau for consideration and follow-up.)</i></p> <p>(g) on the procedures of the Labour Tribunal, JA was requested to advise on:</p> <ul style="list-style-type: none">(i) the role of trade union representatives in the tribunal proceedings, including clarification on whether they had the right to speak, and the right to access documents produced by the employee and/or employer;(ii) the limitations, if any, on the rights mentioned in (i); and(iii) the procedures of handling claims involving prolonged absence or death of one of the parties of the claim, notably the employer; and <p>(h) details on the consultation exercise carried out by JA, including further information on "the minor and technical comments raised by other stakeholders" as mentioned in paragraph 64 of LC Paper No. CB(4)871/12-13(01).</p>	

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6. 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> <ul style="list-style-type: none">(a) a breakdown of complaint cases against judicial conduct in the past three years by –<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.)(b) the current mechanism for handling complaints against judicial conduct in other jurisdictions;(c) whether the Administration would consider establishing an independent body to receive and investigate into complaints against judicial conduct, or to monitor and	Response awaited.

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		<p>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 the audio recording of the court proceeding in connection with their complaints against judges.</p>	