

Panel on Administration of Justice and Legal Services

List of follow-up actions

(position as at 20 November 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. Handling of sexual offences cases	28 May 2013	<p>The Department of Justice is 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.
3. 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> <p>(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;</p> <p>(ii) out of (i), the respective number of applications which</p>	Response awaited.

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		<p>had been granted and which had been rejected;</p> <p>(iii) the number of applications rejected and the reasons (in particular cases considered by the court to be of a frivolous nature); and</p> <p>(iv) whether the decisions on these applications had been handled down in writing or orally;</p> <p>(b) the number of appeals to the CFA in which the previous decisions were overturned;</p> <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,</p>	

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		<p>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 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> <p>(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;</p> <p>(ii) the limitations, if any, on the rights mentioned in (i); and</p> <p>(iii) the procedures of handling claims involving prolonged absence or death of one of the parties of the claim, notably the employer; and</p> <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>	
4. Mechanism for	23 July 2013	The Judiciary Administration was asked to provide further	Response awaited.

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handling complaints against judicial conduct		<p>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 review the handling of complaint cases against judicial conduct by the Judiciary;(d) the number and the percentage of judges and magistrates who had not practised as lawyers prior to taking up the judicial appointments;(e) the number of complaint cases that had been referred to the	

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		<p>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>	