

立法會
Legislative Council

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LC Paper No. CB(4)113/15-16
(These minutes have been
cleared with the Chairman)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Thursday, 15 October 2015, at 6:00 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Dennis KWOK (Deputy Chairman)
Hon Albert HO Chun-yan
Hon CHAN Kam-lam, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Starry LEE Wai-king, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
Hon Claudia MO
Hon NG Leung-sing, SBS, JP
Hon Steven HO Chun-yin, BBS
Hon MA Fung-kwok, SBS, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon QUAT Elizabeth, JP
Hon TANG Ka-piu, JP
Dr Hon CHIANG Lai-wan, JP

Member attending : Hon IP Kwok-him, GBS, JP

Members absent : Hon James TO Kun-sun
Hon WONG Yuk-man

Clerk in attendance : Miss Mary SO
Chief Council Secretary (4)2

Staff in attendance : Mr Matthew LOO
Assistant Secretary General 4

Ms Wendy JAN
Senior Council Secretary (4)7

Ms Rebecca LEE
Council Secretary (4)2

Miss Vivian YUEN
Legislative Assistant (4)2

Mr Chris CHAN
Clerical Assistant (4)1

I. Election of Chairman and Deputy Chairman

Election of Chairman

Dr Priscilla LEUNG, the incumbent Chairman, invited nominations for the chairmanship of the Panel. Mr MA Fung-kwok nominated Mr Martin LIAO and Dr CHIANG Lai-wan seconded the nomination. Mr LIAO accepted the nomination.

2. Mr Alan LEONG nominated Mr Dennis KWOK and Ms Emily LAU seconded the nomination. Mr KWOK accepted the nomination.

3. Dr Priscilla LEUNG called for other nominations. As there was no other nomination, Dr LEUNG announced that voting be conducted by secret ballot. After all members had cast their votes, Dr LEUNG invited Mr MA Fung-kwok and Mr Alan LEONG who had nominated the two candidates to monitor the counting of votes.

4. Dr Priscilla LEUNG announced that 12 and six members voted for Mr Martin LIAO and Mr Dennis KWOK respectively. Dr LEUNG declared that Mr Martin LIAO was elected Chairman of the Panel for the 2015-2016 session. Mr Martin LIAO then took the chair.

Election of Deputy Chairman

5. The Chairman called for nominations for the deputy chairmanship of the Panel.

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6. Mr Alan LEONG nominated Mr Dennis KWOK and Mr Albert HO seconded the nomination. Mr KWOK accepted the nomination.

7. The Chairman called for other nominations. As there was no other nomination, the Chairman declared that Mr Dennis KWOK was elected Deputy Chairman of the Panel for the 2015-2016 session.

II. Schedule of meetings for the 2015-2016 session

8. Members noted the proposed schedule of meetings for the 2015-2016 session tabled at the meeting.

9. Members agreed to hold the regular meetings of the Panel for the 2015-2016 session on the fourth Monday of each month at 4:30 pm.

10. As the fourth Monday of March 2016, i.e. 28 March 2016, was a public holiday, members also agreed to hold the March 2016 regular meeting on 21 March 2016.

11. Ms Emily LAU suggested advancing the December 2015 regular meeting, which fell on 28 December 2015. The Secretariat was requested to explore an alternative date for holding the December 2015 meeting for members' consideration after the meeting.

(Post-meeting note: The December 2015 Panel meeting will be held on 21 December 2015 at 5:30 pm.)

III. Items for discussion at the next meeting

Appendix V to LC Paper No. CB(4)5/15-16 -- List of outstanding items for discussion

Appendix VI to LC Paper No. CB(4)5/15-16 -- List of follow-up actions

12. Members agreed to discuss the following items proposed by the Administration at the regular meeting in November 2015:

- (a) 2015-2016 Judicial Service Pay Adjustment; and
- (b) Bilingual legislation drafting.

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13. Mr Alan LEONG proposed that the Secretary for Justice ("SJ") be invited to attend a meeting(s) of the Panel to discuss the following issues:

- (a) Criticisms made by the Magistracies about the misuse of power by the Police in pressing charges against participants of the "Occupy Central" movement; and
- (b) Implementation of the recommendations of the Report of the Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests, released in May 2012, on extending the application of sections 3 and 8 of the Prevention of Bribery Ordinance (Cap. 201) ("POBO") to the Chief Executive ("CE").

14. As extending the application of sections 3 and 8 to CE also involved CE's constitutional position and compliance with the provisions of the Basic Law, Ms Emily LAU suggested that the Chairman should liaise with the Chairman of the Panel on Constitutional Affairs on holding a joint Panel meeting to discuss the progress of implementing such application.

15. Mr Albert HO said that there was public concern about the long time occasionally taken by Judges, ranging from over six months to over one year, to deliver judgements. The Secretariat was requested to obtain information from the Judiciary on the time taken by Judges at the District Court ("DC"), the Court of First Instance ("CFI"), the Court of Appeal ("CA") and the Court of Final Appeal ("CFA") to deliver judgements for civil and criminal cases in the past three years.

16. As the long time taken by Judges to deliver judgements might be due to shortage of Judges, Ms Emily LAU said that the Secretariat should also obtain information from the Judiciary on the establishment and strength of DC, CFI, CA and CFA Judges vis-à-vis the number of civil and criminal cases filed and handled in the past three years.

17. Mr Albert HO further said that the Panel should continue to follow up on the administration of the Estate of the late Mrs Nina WANG by SJ in his capacity as protector of charities. Mr HO also proposed to discuss the issue of prosecutorial decision on indictable and summary offences.

18. Dr Priscilla LEUNG urged the Chairman to follow up with the Judiciary Administration ("JA") on the timing for discussing the mechanism for handling complaints against judicial conduct (item 5 on the list of outstanding items for discussion by the Panel). Dr LEUNG further urged the Panel to actively follow up on The Law Society of Hong Kong's proposal to introduce a common

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examination as an alternative route for law graduates to qualify as solicitors in Hong Kong (item 20 on the list of outstanding items for discussion by the Panel), as to her understanding, The Law Society would soon come to a view on the way forward on the proposal.

19. Whilst noting that there was at present no legislation to penalize members of the public for insulting the Police, Dr CHIANG Lai-wan urged the Chairman to follow up with SJ on means to deter members of the public from insulting the Police. Dr CHIANG further urged the Panel to expeditiously discuss the issue of sentencing policy (item 18 on the list of outstanding items for discussion), having regard to the fact that offenders of similar crimes of similar severity did not always receive similar sentences, such as imprisonment.

20. Dr Elizabeth QUAT urged the Panel to actively follow up with the Administration on changing the law to provide for automatic provision of screens for complainants in sexual offence cases during court proceedings upon the prosecution's applications. Mr Dennis KWOK also said that JA should be invited to brief members on the progress of amending Practice Direction - 9.3 "Criminal Proceedings in the Court of First Instance" and Practice Direction - 9.4 "Criminal Proceedings in the District Court" to require, as a matter of standing procedure, the counsel to advise the presiding judge of the following during the Pre-trial Review of every sexual offence case, i.e. (i) whether the complainant had requested a screen; and (ii) whether the prosecution considered it appropriate to make such an application.

IV. Any other business

21. The Chairman said that in his and the Deputy Chairman's forthcoming meeting with the Administration and JA to discuss a work plan for the Panel for the current session, he would reflect members' views/requests expressed at the meeting to the Administration and JA.

22. There being no other business, the meeting ended at 6:30 pm.