

Panel on Administration of Justice and Legal Services

List of outstanding items for discussion

(position as at 20 June 2017)

**Proposed
timing for
discussion**

1. Provision of legal advice services for persons detained in police stations

Hon Dennis KWOK proposed to discuss the issue of "Provision of legal advice services for persons detained in police stations" in his letter dated 31 March 2015 to the Chairman of the Panel.

July 2017

As the suggestion would entail substantial financial and operational implications, the Home Affairs Bureau advised the Secretariat on 16 November 2015 that the Government would need to carefully examine the feasibility in consultation with relevant bureaux and departments. Meanwhile, Legal Aid Services Council ("LASC") has completed a study regarding the provision of legal assistance to detainees. The Government will take into account LASC's findings and brief the Panel on the issue in mid-2017.

2. The Rule of Law and the Role of the Prosecutor

At the Panel meeting on 18 May 2015, Dr Hon CHIANG Lai-wan proposed to discuss the issue of "Rule of law in Hong Kong" at a future meeting of the Panel. Dr CHIANG pointed out that despite the fact that persons storming the Legislative Council Complex and causing severe damage to various parts of the Complex were caught by the CCTV cameras, no prosecution action had been brought against these persons.

July 2017

The Department of Justice ("DoJ") has suggested explaining to members its standard practice and policy in handling prosecution after a case is submitted to DoJ by the law enforcement agencies after investigation.

**Proposed
timing for
discussion**

3. Progress of work of the Inter-departmental Working Group on Gender Recognition

At the Panel meeting on 18 October 2016, Hon CHAN Chi-chuen proposed to discuss the issue of the "Progress of work of the Inter-departmental Working Group on Gender Recognition".

July 2017

4. Measures to prevent the misuse of the legal aid system in Hong Kong and assignment of lawyers in legal aid cases

At the Panel meeting on 18 October 2016, Hon Jeffrey LAM proposed to discuss the issue of "Measures to prevent the misuse of the legal aid system in Hong Kong", having regard to the increasing number of legal aid applications from torture/non-refoulement claimants under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to be handled and that some of these aided persons often nominated the same lawyers on the Legal Aid Panel of the Legal Aid Department.

July 2017

At the Panel meeting on 18 October 2016, Dr Hon Priscilla LEUNG also proposed to discuss the issue of "Assignment of lawyers in legal aid cases".

5. Mechanism for handling complaints against judicial conduct

At the Panel meeting on 18 October 2016, Hon Steven HO proposed to follow up on the issue of "Mechanism for handling complaints against judicial conduct".

End 2017

6. Abolition of the common law offence of champerty

At the Panel meeting on 25 March 2014, members were briefed by DoJ on the recent developments of the common law offences of maintenance and champerty in Hong Kong and the Administration's position in relation to the item. Members were

To be advised
by DoJ

generally of the views that the common law offences of maintenance and champerty were outdated and should be reviewed to better suit the present day circumstances. DoJ was urged to adopt a liberal approach in addressing the issue and come up with ways to enhance access to justice for the middle-income group.

The Secretariat has received a letter from Hon LEUNG Kwok-hung dated 1 September 2014 requesting the Panel to discuss the issue of abolition of the common law offence of champerty again.

7. Recovery of costs in pro bono cases

Hon Dennis KWOK proposed to discuss the issue of "Recovery of costs in pro bono cases".

To be advised
by DoJ

At the Panel meeting on 24 November 2014, members agreed that the issue should be included in the Panel's List of outstanding items for discussion.

8. Implementation of Land Titles Ordinance (Cap. 585)

During the discussion of the item on "Law Reform Commission Report on Adverse Possession" at the Panel meeting on 22 December 2014, Hon Dennis KWOK proposed that the Administration should be invited to brief members on the implementation progress of the Land Titles Ordinance (Cap. 585) ("LTO") enacted in 2004.

To be advised
by DEVB

Development Bureau ("DEVB") advised the Secretariat on 17 November 2015 that it plans to report the progress of the post-enactment review of the LTO to this Panel and the Panel on Development when the full package of necessary legislative proposed amendments to LTO is available.

DEVB is still engaging with major stakeholders on various changes to the rectification, indemnity and conversion

arrangements under the LTO for the new title registration system. DEVB is actively forging consensus amongst the key stakeholders, subject to which will DEVB be in a position to consider launching a public consultation. The full package of necessary legislative amendments would only be available after considering the views of the public.

In view of the complexity of the issues involved, it would be difficult for DEVB to commit to a definite timeframe for report to members on the package of necessary legislative amendments at this stage; but DEVB and the Panel Clerk will keep in touch with each other should there be any update to such timeframe.

9. Legal issues relating to the co-location arrangements at the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

At the Panel meeting on 18 May 2015, Hon Alice MAK proposed and members agreed to discuss the issue of "Legal issues relating to the co-location arrangements at the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link" as soon as practicable.

To be advised
by DoJ

10. Reducing the use of paper in the Judiciary

Dr Hon Elizabeth QUAT proposed to discuss the issue of "Reducing the use of paper in the Judiciary" in her letter dated 19 May 2017 to the Chairman of the Panel. Dr Hon Elizabeth QUAT stated that paper was predominantly used to date in various aspects of the current court procedures and litigation landscape, and it was environmentally unfriendly, given the sheer quantity of paper consumed annually. The Judiciary should keep abreast of technology development and promote the use of less paper in the Judiciary and encourage less consumption of paper in the judicial sector.

To be advised
by the
Judiciary

At the Panel meeting on 22 May 2017, members agreed that the issue should be included in the Panel's List of outstanding items

**Proposed
timing for
discussion**

for discussion.

11. Enhancing the Judiciary's website

Dr Hon Elizabeth QUAT proposed to discuss the issue of "Enhancing the Judiciary's website" in her letter dated 19 May 2017 to the Chairman of the Panel. Dr Hon Elizabeth QUAT stated that the Judiciary's website was not user-friendly and retrieval of information was difficult. Take the searching of Daily Cause Lists as an example, the absence of a search function made it difficult for members of the public to retrieve the information they needed.

To be advised
by the
Judiciary

At the Panel meeting on 22 May 2017, members agreed that the issue should be included in the Panel's List of outstanding items for discussion.