

Panel on Administration of Justice and Legal Services

List of issues to be considered

**Proposed
timing for
discussion**

1. Ordinances binding on the Government but not on PRC organs

At the meeting on 20 October 1998, the Director of Administration advised that the Administration had completed the preliminary review of the 17 Ordinances that expressly bound the "Government" but were otherwise silent on their applicability to "State organs" in Hong Kong. The preliminary review concludes that 15 out of the 17 Ordinances, except the Personal Data (Privacy) Ordinance (Cap. 486) the review of which has yet to be completed, should also bind the State organs and their personnel. The respective policy bureaux are now working on the Ordinances concerned to consider the amendments required.

Members may wish to ask the Administration to brief the Panel on its recommendations.

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2. Definition of "State"

The subject was discussed at the special meeting on 2 November 1998. The legal professional bodies have been requested to submit their views in writing on the subject for further consideration of the Panel.

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3. Study on an independent legal aid authority

At the meeting on 15 September 1998, the Legal Aid Services Council briefed the Panel on its recommendations on the consultancy study. The Director of Administration has advised that the Administration is examining the Council's Report and it will report to the Panel as soon as it is in a position to do so.

4. Operation of the Court of Final Appeal

- (a) When the Establishment Subcommittee considered a staffing proposal for the establishment of the Court of Final Appeal on 28 May 1997, it recommended that matters relating to the operation of the Court of Final Appeal should be monitored about 18 months after its operation (i.e. end of 1998); and

- (b) When the Subcommittee on Hong Kong Court of final Appeal Rules and Hong Kong Court of Final Appeal Fees Rules discussed the subsidiary legislation gazetted on 1 July 1997, it recommended that the lack of provisions in both the Hong Kong Court of Final Appeal Ordinance and the Appeal Rules to govern the use of languages in the Court of Final Appeal should be followed up.

5. Committee on Bilingual Legal System

The item was proposed by the Chairman at the meeting on 17 November 1998. Members may wish to discuss the subject at a future meeting.

6. Legal Practitioners (Fees)(Amendment) Rule 1998

The Amendment Rule dealt with the increase in the fees payable for practising certificates of barristers. At the meeting of the House Committee on 18 December 1998, the Legal Adviser has suggested that as a separate issue, the question of whether section 72 or section 30(4) of the Legal Practitioners Ordinance is the proper empowering provision for making rules to prescribe the fees payable for the issue of practising certificates for barristers should be considered by the Panel.

7. Issuing of executive orders by the Chief Executive under Article 48(4) of the Basic Law

This issue has been raised at a recent meeting of the Bills Committee on Adaptation of Laws Bill 1998. At the Panel meeting on 15 December 1998, the Chairman suggested and members agreed that the subject matter should be discussed at a future meeting.