

Panel on Administration of Justice and Legal Services

List of issues to be considered

**Proposed
timing for
discussion**

1. 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 will report to the Panel as soon as it is in a position to do so.

2. 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). The Administration's paper has been issued to the Panel vide LC Paper No. CB(2)1693/98-99(02) on 19 April 1999; 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.

3. 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.

4. 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 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.

5. 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.

6. Criminal prosecution on grounds of public interest

At the meeting on 25 February 1999, Ms Emily LAU suggested that the issue of criminal prosecution instituted for reason of public interest should be pursued by the Panel. Members agreed that the subject should be discussed at a future meeting.

7. Review of the applicability of the 17 Ordinances to “State” organs in the SAR

At the meeting on 25 February 1999, the Administration was requested to report back to the Panel, among other things, on the progress of discussion with the Central People’s Government of the applicability of the Personal Data (Privacy) Ordinance (PDPO) to the “State” organs in the SAR; and to comment on the various points made in the Hong Kong Bar Association’s submission entitled “Exempting the “State” from the application of the laws of the HKSAR and s.66 of the Interpretation and General Clauses Ordinance (Cap. 1)”. The Administration has subsequently replied that given the complexity of the PDPO, it would take relatively more time to assess how individual data users or a particular organization’s operation would be affected by the Ordinance (LC Paper No. CB(2)1458/98-99(02) refers). The Administration has been requested to further report on the progress of and the timing for completing the review.

8. “Leapfrog” appeals to the Court of Final Appeal (CFA)

This item was raised by the Chairman at the meeting on 23 March 1999. The proposal for a “leapfrog” procedure to allow appeals to go directly from the Court of First Instance to the CFA, without first being heard by the Court of Appeal, has been discussed by the then Bills Committee to study the Hong Kong Court of Final Appeal Bill. While the Hong Kong Bar Association took the view that there were merits in such a proposal, the Administration considered it unwise to provide for a leapfrog procedure in respect of the CFA from the time the Court was established, and felt that the subject matter should be looked at again at a later stage. Members may wish to decide on when the issue should be further discussed.

9. Information technology programme of the Judiciary

At the meeting on 23 March 1999, Mr Albert HO referred to the progress of computerization of court support services under the Judiciary Information Systems Strategy and commented that the electronic legal reference system of the Judiciary did not seem to have any interface with the legal professional bodies. Members may wish to decide whether the Judiciary Administrator should be requested to advise on this matter at a future meeting.