

Panel on Administration of Justice and Legal Services

List of issues to be considered

**Proposed
timing for
discussion**

1. Operation of the Court of Final Appeal

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

June 1999

2. "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.

June 1999

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 Administration has advised that it may be in a position to discuss the matter in June.

4. 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.

5. 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.

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

This issue has been raised at a 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.

7. 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.

8. 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.

9. Legal representation in Labour Tribunal

At the House Committee meeting held on 23 April 1999 when Members discussed the Labour Tribunal (Amendment) Bill 1999, a Member suggested that the matter of whether the presiding officer of the Labour Tribunal should be given discretion to allow legal representation for both sides in complex cases should be considered. Members agreed that the issue should be examined by the Panel.

Legislative Council Secretariat

May 1999