

Panel on Administration of Justice and Legal Services

List of issues to be considered

| | <u>Proposed timing for discussion</u> |
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| 1. Review of 17 ordinances binding on the Government but not on PRC organs | |
| In response to Members' concern as to why certain ordinances should be binding on the SAR Government but not on relevant PRC organs, the Secretary for Justice has undertaken, in the speech delivered at the resumption of the Second Reading debate on the Adaptation of Laws (Interpretative Provisions) Bill on 7 April 1998, to conduct a review of the 17 relevant ordinances to decide whether this difference in treatment can be justified. | |
| The Administration submitted a paper on the subject for discussion at the meeting on 15 September 1998. However, the Panel was disappointed that the paper only set out the relevant sections of the 17 ordinances which imposed obligations or liabilities, without providing any detailed analysis or conclusion on whether "the difference can be justified". | |
| The Administration will brief the Panel again on the progress of the review at the meeting on 20 October 1998. | |
| 2. Creation of a new rank of Chief Court Prosecutor in the Department of Justice | |
| The Administration has informed that a staffing proposal on the creation of a new rank of Chief Court Prosecutor in the Department of Justice will be submitted to the Establishment Sub-committee. It has requested that the staffing proposal in question be put on the agenda for the meeting scheduled for 17 November 1998 for discussion by the Panel. The Administration has undertaken to provide the ESC Paper once it is ready. | November 1998 |

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 will revert to the Panel with its decisions.

The Panel agreed that the subject matter be brought up for review at the meeting scheduled for December 1998.

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4. Legal Aid Policy Review

The public consultation on Legal Aid Policy Review 1997 ended on 16 March 1998. The Administration has sought the Panel's views on the public responses to the Consultation Paper at the meeting on 15 September 1998. According to the Administration, the tentative timetable was that the legislative amendments would be put to the Legislative Council for deliberation within the current legislative session.

The Panel agreed to continue discussion of the subject at another meeting before the Administration published its final report.

5. 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.

December
1998

Legislative Council Secretariat

October 1998