

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.

The Administration has been requested to advise the Panel the outcome of the overall review exercise and the reasons for its recommendations at the meeting to be held on 15 December 1998.

2. Adaptation of Laws

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 Administration's paper on Adaptation of References to the "Crown" for further consideration of the Panel.

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

4. Arbitration between the PRC and HKSAR

Hon TSANG Yok-sing, Deputy Chairman of the Panel, has proposed that issues relating to arbitration between the PRC and HKSAR, including the reciprocal recognition and enforcement of arbitral awards and a review of the applicability of the Arbitration Ordinance after the reunification, should be discussed by the Panel.

5. Legal Aid Policy Review

The public consultation on Legal Aid Policy Review 1997 ended on 16 March 1998. The Administration 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 is that the legislative amendments would be put to the Legislative Council for deliberation within the current legislative session.

The Panel will continue discussion of the subject at another meeting before the Administration publishes its final report.

6. 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 January 1999
- (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.