

立法會
Legislative Council

LC Paper No. CB(2)2543/99-00
(These minutes have been seen
by the Administration and
cleared with the Chairman)

Ref : CB2/SS/6/99

Legislative Council
Subcommittee on Rules of the District Court and
District Court Civil Procedure (Fees) (Amendment) Rules 2000

Minutes of 1st meeting
held on Thursday, 1 June 2000 at 8:30 am
in Conference Room A of the Legislative Council Building

- Members Present** : Hon Margaret NG (Chairman)
Hon Ronald ARCULLI, JP
Hon Jasper TSANG Yok-sing, JP
Hon Ambrose LAU Hon-chuen, JP
- Members Absent** : Hon Albert HO Chun-yan
Hon Mrs Miriam LAU Kin-ye, JP
- Public Officers Attending** : Ms Emma LAU
Deputy Judiciary Administrator
- Mr David LEUNG
Assistant Judiciary Administrator
- Ms Rebecca PUN
Assistant Judiciary Administrator
- Mr CHU Wai-yim
Acting Registrar, District Court
- Mr James CHAN
Assistant Director of Administration

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Miss Anita HO
Assistant Legal Adviser 2

Mr Stephen LAM
Assistant Legal Adviser 4

Mr Arthur CHEUNG
Assistant Legal Adviser 5

Mrs Eleanor CHOW
Senior Assistant Secretary (2)7

Action
Column

I. Election of Chairman

Nominated by Mr Ronald ARCULLI and seconded by Mr Ambrose LAU, Miss Margaret NG was elected Chairman of the Subcommittee.

II. Meeting with the Administration

District Court Civil Procedure (Fees) (Amendment) Rules 2000

Adm 2. The Chairman requested the Administration to provide a paper to outline the salient points of the District Court Civil Procedure (Fees) (Amendment) Rules 2000 for members' reference.

The Rules of the District Court (RDC)

Adm 3. Assistant Legal Adviser (4) said that the RDC was being scrutinized by five legal advisers because it was voluminous. The Legal Service Division would seek clarification from the Administration on drafting and legal points and would report back to the Subcommittee before the next meeting.

Adm 4. The Chairman requested the Administration to highlight the major changes made to the RDC since the draft Rules were presented to the Bills Committee on the District Court (Amendment) Bill 1999 in March 2000.

Action
Column

Deputy Judiciary Administrator (DJA) agreed.

Adm 5. The Chairman said that the Bills Committee on District Court (Amendment) Bill 1999 had expressed concern on two issues, namely the interim payment of costs forthwith without taxation and the requirement of counsel certificate. She requested the Administration to provide a paper elaborating on the two issues. DJA agreed.

Interim payment of costs (Order 62, rule 9A)

6. The Chairman advised members that the same provision had already been incorporated into the Rules of the High Court.

Requirement of certificate of counsel (Part II, schedule 1 to order 62)

7. DJA said that the threshold of \$150,000 for the requirement of certificate of counsel was recommended by the Kempster Report. The Judiciary had considered whether the threshold of \$150,000 should be revised in this exercise, and came to the view that no revision should be made for the time being for two reasons -

- (a) The recovered amount of \$150,000 or above was considered an amount substantive enough to justify the dispensation of the certificate requirement, despite the further increase in jurisdictional limits of the District Court since the completion of the Kempster Report; and
- (b) The Judiciary considered that the level of the threshold should not be singled out for a revision, without the benefit of an overall review of all the items of costs in the schedules to Order 62 of the Rules of the District Court.

8. Pointing out that the Administration had undertaken to review the jurisdictional limits of the District Court in two years' time, DJA said that the level of the threshold should be reviewed in that context. She further said that the District Court Rules Committee which comprised among others members from the two legal professional bodies had considered the proposed threshold and did not raise any objection.

Clerk 9. The Chairman suggested that the Hong Kong Bar Association and the Law Society of Hong Kong should be invited to give views on the proposal. Members agreed.

III. Date of next meeting

Action
Column

10. The Chairman advised members that the next meeting would be held on 7 June 2000 at 10:45 am.

11. The meeting ended at 9:00 am.

Legislative Council Secretariat

3 July 2000