

立法會
Legislative Council

LC Paper No. CB(2)1312/01-02
(These minutes have been
seen by the Administration)

Ref : CB2/BC/19/00

**Bills Committee on Hong Kong Court of Final Appeal
(Amendment) Bill 2001**

**Minutes of the third meeting
on Friday, 8 February 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon Margaret NG (Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon Albert HO Chun-yan
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, JP
Hon Ambrose LAU Hon-chuen, GBS, JP
Hon Emily LAU Wai-hing, JP

Public Officers Attending : Ms Emma LAU
Deputy Judiciary Administrator

Ms Rebecca PUN
Assistant Judiciary Administrator

Mr Michael SCOTT
Senior Assistant Solicitor General

Ms Miranda NG
Senior Assistant Law Draftsman

Ms Doris LO
Government Counsel

Mr James CHAN
Assistant Director (Administration)

Mr Yu-yuen WONG
Assistant Secretary (Administration)

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

Staff in Attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mr Paul WOO
Senior Assistant Secretary (2)3

Meeting with the Administration

(The Bill and LC Paper Nos. 1017/01-02(01) and (02), 1034/01-02(01) and 1100/01-02(01))

The Committee deliberated (index of proceedings attached at **Annex**).

2. To facilitate the work of the Committee, the Administration was requested -

- (a) in relation to appeals which involved both leapfroggable and non-leapfroggable points of law, to advise whether it was the policy intent for the proposed leapfrog procedure to apply to all the points of law in question, or only to the leapfroggable point;

Proposed new section 27C(3)

- (b) to consider whether the reference to "the judge" should be amended to "a judge"; and

Proposed new clause 5

- (c) to consider members' suggestion that the clause should be amended to read :

"The amendments made under section 4 of this amending Ordinance applies to a judgment of the Court of First Instance given before or after the commencement of this amending Ordinance."

3. The Chairman requested the Administration to provide a written response to the above issues, together with any revised Committee Stage amendments (CSAs), for the consideration of the Bills Committee. She said that subject to the Bills Committee having no other queries, the Administration could give notice for resumption of the Second Reading debate on the Bill.
4. There being no other business, the meeting ended at 5:55 pm.

Business Council Division 2
Legislative Council Secretariat
12 March 2002

**Proceedings of the third meeting of the Bills Committee on
Hong Kong Court of Final Appeal (Amendment) Bill 2001
on Friday, 8 February 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building**

Time	Speaker	Subject(s)	Action required
000001-000233	Chairman	Invitation for comments on the Administration's newly proposed Committee Stage amendments (LC Paper No. CB(2)1017/01-02(01))	
000234-000411	Mr Martin LEE	Proposed new clause 5 - Transitional provision (Item (f) in LC Paper No. CB(2)1017/01-02(01))	
000412-000507	Adm	-ditto-	
000508-000527	Mr Martin LEE	-ditto-	
000528-000703	Chairman	-ditto-	
000704-000720	Ms Audrey EU	-ditto-	
000721-000737	Chairman	-ditto-	
000738-000752	Ms Audrey EU	-ditto-	
000753-000758	Chairman	-ditto-	
000759-000816	Mr Martin LEE	-ditto-	
000817-000853	Ms Audrey EU	-ditto-	
000854-000901	Mr Martin LEE	-ditto-	
000902-000905	Chairman	-ditto-	
000906-000956	Ms Audrey EU	-ditto-	
000957-001006	Chairman	-ditto-	
001007-001012	Ms Audrey EU	-ditto-	
001013-001034	Chairman	-ditto-	
001035-001048	Adm	-ditto-	
001049-001059	Chairman	-ditto-	
001100-001118	Mr Martin LEE	-ditto-	
001119-001124	Chairman/ Ms Audrey EU	-ditto-	
001125-001132	Chairman	-ditto-	
001133-001210	Ms Audrey EU	Section 22(2) of Hong Kong Court of Final Appeal Ordinance	
001211-001220	Chairman	-ditto-	
001221-001231	Ms Audrey EU	-ditto-	

001232-001307	Chairman	Clause 3 - Appeal relating to the Chief Executive Election (Item (a) of LC Paper No. CB(2)1017/01-02(01))	
001308-001313	Ms Audrey EU	-ditto-	
001314-001316	Chairman	-ditto-	
001317-001319	Mr Martin LEE	-ditto-	
001320-001351	Chairman	Clause 4 - Proposed section 27B(2)(a)	
001352-001359	Ms Audrey EU	Proposed new section 27C(4)	
001400-001402	Chairman	-ditto-	
001403-001412	Ms Audrey EU	-ditto-	
001413-001655	Chairman	Proposed new section 27C(2)(a) and 27C(2)(b) (LC Paper Nos. CB(2)1017/01-02(01), 1034/01-02(01) and 1100/01-02(01))	
001656-001657	Mr Martin LEE	-ditto-	
001658-001847	Chairman	-ditto-	
001848-001849	Mr Martin LEE	-ditto-	
001850-001913	Chairman	-ditto-	
001914-001943	Chairman/ Ms Audrey EU	-ditto-	
001944-001957	Ms Audrey EU	-ditto-	
001958-002009	Mr Martin LEE	-ditto-	
002010-002014	Mr Martin LEE/ Ms Audrey EU	-ditto-	
002015-002036	Chairman	-ditto-	
002037-002344	Adm	-ditto-	
002345-002419	Chairman	-ditto-	
002420-002427	Chairman/Adm	-ditto-	
002428-002516	Chairman	-ditto-	
002517-002530	Adm	-ditto-	
002531-002543	Chairman/Adm	-ditto-	
002544-002709	Adm	-ditto-	
002710-002759	Mr Martin LEE	-ditto-	
002800-002838	Chairman	-ditto-	
002839-002951	Adm	-ditto-	
002952-003013	Chairman	-ditto-	
003014-003058	ALA	-ditto-	
003059-003107	Chairman	-ditto-	
003108-003148	ALA	-ditto-	
003149-003154	Chairman	-ditto-	
003155-003203	ALA	-ditto-	

003204-003214	Chairman	-ditto-	
003215-003228	Mr Martin LEE/ Chairman	-ditto-	
003229-003506	ALA	-ditto-	
003507-003514	Chairman	-ditto-	
003515-003636	Ms Audrey EU	Appeals involving both leapfroggable and non-leapfroggable points of law	
003637-003658	Mr Martin LEE/ Chairman/ Ms Audrey EU	-ditto-	
003659-003717	Chairman	-ditto-	
003718-003721	Chairman/ Ms Audrey EU	-ditto-	
003722-003732	Chairman	-ditto-	
003733-003740	Ms Audrey EU	-ditto-	
003741-003742	Chairman	-ditto-	
003743-003805	Mr Martin LEE	-ditto-	
003806-003833	Chairman	-ditto-	
003834-003837	Ms Audrey EU	-ditto-	
003838-003850	Chairman	-ditto-	
003851-003856	Mr Martin LEE	-ditto-	
003857-003916	Chairman	-ditto-	
003917-003921	Mr Martin LEE	-ditto-	
003922-003935	Chairman	-ditto-	
003936-004035	Ms Audrey EU	-ditto-	
004036-004044	Chairman	-ditto-	
004045-004130	Ms Audrey EU	-ditto-	
004131-004134	Chairman	-ditto-	
004135-004140	Ms Audrey EU	-ditto-	
004141-004226	Mr Martin LEE	-ditto-	
004227-004359	Chairman	-ditto-	
004400-004537	Adm	-ditto-	
004538-004648	Ms Audrey EU	-ditto-	
004649-004719	Chairman	-ditto-	
004720-004924	Mr Martin LEE	-ditto-	
004925-005147	Chairman	-ditto-	
005148-005206	Ms Audrey EU	-ditto-	
005207-005212	Mr Martin LEE	-ditto-	
005213-005221	Chairman	-ditto-	
005222-005229	Mr Martin LEE	-ditto-	
005230-005310	Chairman	-ditto-	

005311-005319	Mr Martin LEE	-ditto-	
005320-005409	Chairman	-ditto-	
005410-005437	Adm	-ditto-	
005438-005445	Chairman	-ditto-	
005446-005621	Ms Audrey EU	-ditto-	
005622-005623	Mr Martin LEE	-ditto-	
005624-005630	Chairman/ Ms Audrey EU	-ditto-	
005631-005716	Mr Martin LEE	-ditto-	
005717-005835	Chairman	-ditto-	
005836-005841	Mr Martin LEE	-ditto-	
005842-005920	Chairman	-ditto-	
005921-005938	Mr Martin LEE	-ditto-	
005939-010017	Chairman	-ditto-	
010018-010040	Mr Martin LEE	-ditto-	
010041-010120	Chairman	-ditto-	
010121-010259	Adm	Proposed section 27F	
010300-010314	Mr Martin LEE/ Chairman/Adm	-ditto-	
010315-010324	Adm	-ditto-	
010325-010409	Chairman/Adm	-ditto-	
010410-010413	Chairman	-ditto-	
010414-010428	Mr Martin LEE	-ditto-	
010429-010437	Adm	-ditto-	
010438-010449	Chairman	-ditto-	
010450-010538	Adm	-ditto-	
010539-010541	Mr Martin LEE	-ditto-	
010542-010616	Adm	-ditto-	
010617-010638	Mr Martin LEE	-ditto-	
010639-010948	Chairman	Adm to revisit the application of the leapfrog procedure to appeals involving both leapfroggable and non-leapfroggable points of law	Adm (paragraph 2(a) of the minutes)
010949-011007	Ms Audrey EU	Proposed new section 27C(3)	
011008-011028	Mr Martin LEE	-ditto-	
011029-011034	Chairman	-ditto-	
011035-011046	Ms Audrey EU	-ditto-	
011047-011117	Chairman	-ditto-	Adm (paragraph 2(b) of the minutes)
011118-011149	Ms Audrey EU	Proposed new clause 5 - Transitional provision	

011150-011156	Chairman	-ditto-	
011157-011159	Mr Martin LEE	-ditto-	
011200-011218	Chairman	-ditto-	
011219-011222	Mr Martin LEE	-ditto-	
011223-011315	Chairman	Adm to review the drafting of proposed new clause 5	Adm (paragraph 2(c) of the minutes)
011316-011435	ALA	Purpose of proposed new clause 6A - Time for appealing (Paragraphs 5 to 7 of LC Paper No. CB(2)1034/01-02(01))	
011436-011440	Chairman	-ditto-	
011441-011511	ALA	Adm's reply in relation to the effect of new clause 6A (Paragraphs 14 and 15 of LC Paper No. CB(2)1100/01-02(01))	
011512-011616	Chairman	-ditto-	
011617-011619	Mr Martin LEE	-ditto-	
011620-011749	Chairman	Completion of scrutiny of the Bill subject to the Bills Committee's consideration of the written response to be provided by the Adm to address the concerns raised at the meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library

Business Council Division 2
Legislative Council Secretariat
 12 March 2002