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Legislative Council

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Report of Panel on Administration of Justice and Legal Services for submission to the Legislative Council

Purpose

The report gives an account of the work of the Panel on Administration on Justice and Legal Services during the 2004-2005 Legislative Council (LegCo) session. It will be tabled at the Council meeting on 6 July 2005 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000 and 9 October 2002 for the purpose of monitoring and examining Government policies and issues of public concern relating to administration of justice and legal services. The terms of reference of the Panel are in **Appendix I.**

3. The Panel comprises nine members, with Hon Margaret NG and Hon LI Kwok-ying elected as Chairman and Deputy Chairman of the Panel respectively. The membership of the Panel is in **Appendix II**.

Major work

Budgetary arrangements for the Judiciary

4. The Panel expressed concern that the savings measures introduced by the Judiciary to cope with budgetary constraints since 2003-04, such as the closure of Magistrates' Courts and reduction in the number of judges and temporary judges, had already given rise to problems in the face of increasing workload, i.e. the lengthening of waiting times at all levels of court. Further savings measures introduced to minimise the impact on waiting times, such as Saturday sittings in Magistrates' Courts and the District Court, would pose additional strain on judges and judicial officers, and might affect the quality of justice in the long term. The Panel noted that the Judiciary was exploring a number of options to address the situation which was no longer considered acceptable.

5. The Administration advised members that in addition to the constitutional safeguards under the Basic law to protect the independent operation of the Judiciary, it would also observe the relevant provisions of the Beijing Statement of Principles of the Independence of the Judiciary which provided, among other things, that the needs of the Judiciary and the court system be accorded a high level of priority in the allocation of resources for the purpose of the maintenance of the rule of law when there were economic constraints.

6. Members agreed that the Judiciary's budgetary arrangement should be reviewed to build in clearer institutional safeguards to ensure that judicial independence was not subject to executive influence, and the Judiciary was provided with adequate resources for the proper administration of justice. Members considered that the existing arrangement for the Administration to set savings targets to be achieved by the Judiciary, and to determine the approved provisions for the Judiciary in the annual resource allocation exercise should be reviewed. Under Article 62(4) of the Basic Law, it was the function of the Government to draw up and introduce budgets and final accounts. Members considered that there was nevertheless scope under the Basic Law for the Administration to establish practices and procedures to provide greater flexibility and autonomy for the Judiciary to prepare its budget.

7. Members requested the Administration and the Judiciary to consider the following suggestions -

(a) judicial remuneration should be protected by statute in line with other jurisdictions in which judicial independence was given constitutional importance, as recommended in Sir Anthony Mason's Consultancy Report on "System for the Determination of Judicial Remuneration";

(b) the Administration should not impose those savings targets set for bureaux and departments on the Judiciary, but should consult the Judiciary as to what savings targets might be compatible with the proper administration of justice;

(c) the Judiciary should have the autonomy to prepare its own budget on the basis of objective yardsticks, such as existing resources, projected needs, workload and staff remuneration;

(d) the Administration should formally adopt as a rule of practice that the budgetary proposals of the Judiciary would not normally be reduced;

(e) the Administration should, in due course, consider the establishment of a consolidated fund to cater for the payment of judicial remuneration, as continuing security for the payment of remuneration was a necessary element in safeguarding judicial independence; and

(f) as a matter of urgency, the Administration should give special consideration to the Judiciary's 2006-07 budget, to ensure that the quality of administration of justice was not compromised as a result of accumulated budgetary constraints.

Review of the Labour Tribunal and related issues

8. The Panel held two joint meetings with the Panel on Manpower to discuss the Report of the Working Party on the Labour Tribunal published in June 2004, and received views from deputations at one of the meetings.

9. The Panel was advised that of the 37 recommendations made in the Report, while those involving legislative amendments had to be followed up separately, those on measures to improve the operation and practices of the Labour Tribunal (the Tribunal) had been implemented.

10. Some members questioned the need for one more attempt at settlement in the Tribunal as recommended by the Working Party. They considered that where conciliation in the Labour Department failed and the claim was referred to the Tribunal, the Tribunal should proceed with adjudication right away without further attempt to settle. The Judiciary Administration explained that the Tribunal was required by law to carry out thorough investigation and attempt to settle an employment dispute after the case was brought to it. Past experience had also shown that the chance of achieving settlement in the Tribunal was high.

11. Some members objected to the recommendation that the time limit under section 13(1) of the Labour Tribunal Ordinance for fixing a hearing should be extended. They considered that the recommendation represented a retrogressive step in increasing the efficiency and efficacy of the Tribunal. The Judiciary Administration explained that the existing time limit prescribed was unrealistic by reference to the actual operation in the Tribunal and what was generally required to enable a claim to be properly prepared for the first hearing. The Working Party believed that the implementation of its recommendations as a package could enhance the overall efficiency of the Tribunal. Whether or not the target could be achieved would have to be further examined in the light of operational experience after implementation.

12. Some members called upon the Judiciary Administration to take into account the practices adopted in other jurisdictions such as New Zealand and the United Kingdom, in considering measures to improve the mechanism for enforcement of awards. They also expressed disappointment that the Report had recommended that issues relating to the payment of a deposit for execution of judgment, which posed hardship to some parties, should be left to an overall review of enforcement of judgments. The Judiciary Administration responded that the Working Party had recognised that similar problems with enforcement of Tribunal awards also existed in the execution of judgment and order of other levels of court. It would be

inappropriate for the Working Party to recommend measures solely in the context of awards made by the Labour Tribunal.

13. Some members considered that the mode of operation of the Tribunal had deviated from the objective of providing a quick, simple, cheap and informal forum for resolving employment disputes when it was established 30 years ago. A major review of the existing system for resolving employment disputes should be conducted. As the terms of reference of the Working Party were limited to reviewing the operation of the Tribunal and recommending improvements thereto, proposals on improvement measures involving policy considerations should be considered and pursued by the Administration.

14. The Panels agreed that matters relating to the review of the operation of the Tribunal should be followed up by the Panel on Manpower. The Panel on Administration of Justice and Legal Services would follow up issues relating to the existing mechanism of enforcement of court judgments in civil cases.

Establishment of a third law school

15. In May 2005, the Panel discussed the establishment of the School of Law of The Chinese University of Hong Kong (CU) and the likely impact of such a development on the provision of legal services. The Panel noted that it was CU's firm target to offer the Bachelor of Laws (LLB) programme in the academic year 2006-07, and a planned target to offer the Postgraduate Certificate in Laws (PCLL) programme by 2007-08.

16. Representatives of the Faculty of Law of The University of Hong Kong (HKU) and the School of Law of The City University (CityU) attending the meeting believed that a larger community of legal scholars and healthy competition among quality law schools would enhance the standard and quality of legal education in Hong Kong. However, HKU expressed concern about resource constraints and division of limited resources among providers of legal education. CityU considered that there should be a level playing field for the three law schools, in terms of government funding and allocation of places in the LLB and PCLL. Representatives from CU ensured the Panel that a professor of law had just been appointed as the Chair Professor and Director of the new law school, and several more appointments were expected to be made very soon.

17. The Bar Association was particularly concerned about maintaining a high quality in legal education and training, and the limited capacity of the two legal professional bodies in providing an adequate pool of experienced practitioners to teach in the PCLL, which was a professional training course essential for the practice of law in Hong Kong. It also considered that CU should finalise the academic plans of its law school as soon as possible, in particular the curricula, if it were to meet the target dates of its inaugural programmes. Members invited the Planning Committee of the new law school to revert to the Panel on the progress of planning of the new law school and academic curricula in six months' time.

18. Members shared the concern that the setting up of a new law school would dilute the existing limited resources, and considered that the overall resources provided for the three law schools should be increased to ensure that they could cooperate and compete on fair and equal terms in improving legal education and training in Hong Kong. The Panel requested the University Grants Committee to provide information relating to the overall estimated funding required for the establishment of the law school at CU, as well as the levels of funding for the two existing law schools since 2000-01, and whether the establishment of a new school at CU would affect the allocation of resources for the other law schools in future.

Limited liability for professional practices

19. On the issue of limited liability for professional practices, the Panel had considered the Research Report on "Limited Liability Partnership and Liability Capping Legislation for the Practice of Law in Selected Places" prepared by the Research and Library Services Division of the LegCo Secretariat. The Research Report examined the basic concepts of business structures to limit liability, with particular reference to limited liability partnership (LLP) in the practice of law. In brief, LLP was a model for doing business which limited the liability of innocent members/partners so as to insulate their personal assets from claims incurred by the faults of other members/partners. The jurisdictions covered in the Research Report were the United Kingdom, the State of New York and New South Wales of Australia. The Panel had also received views from representatives of the Hong Kong Institute of Certified Public Accountants (HKICPA) and The Law Society of Hong Kong (the Law Society) on the matter.

20. Both the HKICPA and the Law Society considered that a reform on limiting professional liability was urgently needed as Hong Kong was trailing behind other jurisdictions in implementing professional liability reform. The HKICPA proposed, in addition to LLP, the introduction of a system of proportionate liability under which the liability of a defendant was limited to that proportion of the damages suffered by a plaintiff which was directly referable to that defendant's degree of fault. In the view of the Law Society, LLP was a vehicle which had the advantages of being relatively simple and easier to administer, as compared with proportionate liability and liability capping legislation.

21. The Administration's preliminary response was that it would not be rational or fair to introduce LLP for only the legal profession or the accountancy profession. Introduction of "proportionate liability" would have an even greater potential impact. Under the proposal, the well known and well understood concept of joint and several liability of tort-feasors would be replaced. This would be a fundamental change of the general law of tort. The various proposals on limiting liability would shift the burden of risk from the professionals to their clients. The Government could not make any commitment to introduce any of the major forms of limiting liability without undertaking a comprehensive assessment of the overall impact and implications. A paper was under preparation for consideration by the Policy Committee to determine the way forward in about six months' time.

22. Members considered that the Administration should undertake a detailed study on the subject of limited professional liability and their likely impact on the community without further delay, and to revert to the Panel on the progress as soon as possible. Members requested the Administration to consider recommending to the Policy Committee that the proposal on LLP should be studied separately from the issue of proportionate liability, and LLP should be introduced for professions where partnership was a common business model, e.g. the solicitors, accountants, and medical practitioners.

Professional Indemnity Scheme (PIS) of The Law Society of Hong Kong

23. In 2001, the Law Society undertook to review the PIS and report to LegCo on what insurance arrangements would be in the best interests of the legal profession and the public, before the present contract with the reinsurers expired in September 2005. In April 2004, the Law Society consulted members of the profession on the two options proposed by the consultant commissioned by the Law Society, namely, a Master Policy Scheme (MPS) and a Qualifying Insurers Scheme (QIS). The Panel had closely monitored the progress of the review on PIS since then.

24. Members of the Panel shared the concern of solicitors who had written to the Panel to express their dissatisfaction about the current scheme. Members considered it unfair for solicitors to act as insurers of last resort for each other and be mutually liable for unlimited amounts. Members also noted with disappointment the Administration's position that the options of MPS and QIS should not be supported unless they were backed up by alternative mechanisms such as a Policyholders' Protection Fund (PPF) or "insurance on insurance" to deal with the risk of insurer's default.

25. In November 2004, the Panel was advised that members of the Law Society voted in favour of a QIS. The Law Society had commenced drafting of a new set of rules for the purpose of putting in place a QIS to replace the existing scheme, and would consult its members as well as commence discussion with the insurance sector on the minimum terms and conditions as well as other practical details of the scheme.

26. The Administration explained to the Panel that a major issue of concern was the proper safeguarding of consumers' interests in the event of the insurer going into liquidation. In its opinion, a QIS would expose a client to the risk of a complete loss if the insurer went insolvent. The Administration considered that if the Law Society decided to proceed with a QIS, safeguards should be built into the system to afford adequate protection for the clients as well as for solicitors. The Administration maintained the view that an MPS with arrangements for more than one insurer and the insurers taking out re-insurance would provide better consumer protection than under a QIS.

27. The Law Society explained that under a QIS, the insurers would be well-established and qualified insurers acceptable to the Commissioner of Insurance. Solicitors could take out insurance cover with more than one insurance company. For example, solicitors might choose an insurer to cover specifically conveyancing risks, and place insurance with another insurer for the other aspects of practice.

28. Some members urged the Administration to reconsider its bottom-line of consumer protection, as the costs of a scheme which provided absolute protection would be unbearable to the solicitors. Some members opined that a proper balance should be struck between addressing the hardship of solicitors and protecting the clients' interests. The Panel urged the Administration and the Law Society to work out details of the future scheme as soon as possible.

29. At a meeting in June 2005, the Panel was briefed by the Law Society on the proposed QIS and provided with a copy of the draft QIS Rules. The Panel was advised that given the outstanding issues and the practical steps required to be taken, a more realistic date for implementing a QIS would be 1 October 2006.

Reciprocal enforcement of judgments in commercial matters between the HKSAR and the Mainland

30. The Administration advised the Panel that despite active discussions on the proposed arrangement for reciprocal enforcement of judgments (REJ) in commercial matters between the HKSAR and the Mainland (the Arrangement), there were still differences between both sides as regards the preferred arrangement to be adopted. Although the Mainland authorities wished that the scope of the Arrangement could be extended to include, inter alia, judgments on matrimonial and employment matters, the HKSAR considered that such cases should be excluded in view of the vast differences which existed in the laws of the HKSAR and the Mainland in relation to those areas. The HKSAR maintained the view that the scope of the Arrangement should remain as originally proposed, i.e. covering only money judgments given by a court of either the Mainland or the HKSAR exercising its jurisdiction pursuant to a valid choice of forum clause contained in a commercial contract.

31. The Hong Kong Bar Association raised a number of issues for the attention of the Administration and the Panel. First, as the Arrangement proposed to cover judgments given by the Intermediate People's Courts or above, the Bar Association was concerned about the quality of justice and judicial decisions rendered by these courts which existed in different provinces and municipalities in the Mainland. Second, the criteria for determining whether cases fell within the jurisdiction of the Intermediate People's Courts or above and the HKSAR's District Court or above might be different and should be looked into. Third, the time limits for initiating proceedings for enforcement of judgments in the HKSAR and the Mainland should be clarified. Fourth, the uncertainty relating to finality and conclusiveness of judgments of the Mainland courts should be resolved before concluding the Arrangement.

32. Some members proposed that the Arrangement should initially cover only claims in the region of $500,000 to $1 million. The limit could be raised at a later stage having regard to the experience in the implementation of the Arrangement. Some other members expressed support for the proposal of the Bar Association that the HKSAR should conclude REJ arrangements only with those regions of the Mainland where there were substantial economic activities involving foreign direct investment and where the current improvements to the Mainland judicial system were more advanced, e.g Tianjin, Shanghai, and Guangdong. These members further suggested that certain well-developed cities in the Mainland should be designated as "trial points" at the initial stage of implementation in order to assess the effectiveness of the Arrangement.

33. While the Administration agreed to give consideration to the suggestions made by members, it had pointed out that there might be difficulties in deciding the criteria for determining which places and regions in the Mainland were qualified as "trial points". Any proposals which imposed unilaterally certain restrictions on the Mainland might not get easy acceptance by the Mainland authorities, given the principle of reciprocity on which the Arrangement was based.

Pilot Scheme on Mediation of Legally Aided Matrimonial Cases

34. The Administration briefed the Panel on the scope and features of the Pilot Scheme on Mediation of Legally Aided Matrimonial Cases (the Scheme). Under the Scheme, the Legal Aid Department (LAD) should have power in suitable cases, to limit its initial funding of persons who qualified for legal aid to the funding of mediation, alongside its power to fund court proceedings where mediation was inappropriate or where mediation had failed. The purpose of the Scheme was to evaluate the cost-effectiveness of providing mediation for legally aided matrimonial cases before deciding on the way forward. The Scheme would last for one year from the first quarter of 2005, and the Administration aimed at completing the evaluation of the Scheme by the first quarter of 2007 the earliest.

35. Members expressed support for the Scheme as experience in both Hong Kong and places elsewhere provided evidential support that mediation was an effective and desirable means of dispute resolution, as a settlement reached by mutual consensus was more likely to be complied with than a settlement which was forced upon the parties by the court. Members requested the Administration to take proactive measures to promote the Scheme through various channels.

36. Members considered it important that mediation should not be imposed against the will of legal aid applicants as a condition for the grant of legal aid for initiating court proceedings. The Administration assured members that aided persons would be advised of the availability of mediation, and whether or not an aided person opted for mediation would not affect the legal aid funding for that person to initiate court proceedings. The information leaflet on the Scheme would clearly explain that participation in the mediation was voluntary.

37. On members' concern whether the assigned solicitors would take proactive steps to advise their clients on the availability of mediation and encourage them to undertake mediation, the Administration responded that the assigned solicitors would be provided with an Explanatory Note on details of the Scheme and the role played by them in the Scheme. The solicitors were required to advise the legal aid applicants of the availability of mediation in accordance with the court's Practice Directions as well as the particulars of the Scheme. The Administration would also make use of the video produced by the Judiciary on mediation and the information leaflets to publicise the features and details of the Scheme.

Appointment of Special Advocates

38. In a judicial review heard in June and July 2004 before the Court of First Instance in *PV and Director of Immigration* (the PV case), a Special Advocate was appointed for the first time in Hong Kong. In the light of the court case, the Administration briefed the Panel on the policy and procedure relating to the appointment of Special Advocates as well as the principles and criteria for selecting Special Advocates.

39. The Administration explained that in the PV case, the judge ruled that certain documents relied on by the Director of Immigration in opposing an application for bail were protected by public interest immunity and should not therefore be disclosed to the applicant. This rendered the applicant's counsel unable to advocate the applicant's case with any knowledge of the material which had caused the applicant to be detained. Upon the application of the applicant's counsel, citing an English decision of the House of Lords *(R v H and others*) in support, the judge made a request to the Secretary for Justice (S for J) for the appointment of a Special Advocate to protect the interests of the applicant who could not be fully informed of all the materials relied on against him and to assist the court. S for J put forward several names of counsel available for selection by PV and subsequently appointed a Special Advocate for the first time in Hong Kong. The judge granted bail to the applicant after hearing submissions from the Special Advocate.

40. The Panel shared the concerns expressed by the Bar Association about the arrangements for the appointment of Special Advocates. The Administration advised that the doctrine of public interest immunity had been developed over a long time. In appropriate cases, the judge would undertake a balancing exercise and decide whether certain information was the subject of immunity and whether an order should be made for its non-disclosure to an affected party. The appointment of Special Advocates provided an additional means to protect the interests of the affected persons to meet the requirement of fairness in appropriate cases. The Administration's position was that situations which warranted the appointment of Special Advocates must be extraordinary and exceptional.

41. A member pointed out that there appeared to be a role conflict of the Department of Justice (DOJ) in the PV case. While DOJ represented the

respondent, the Special Advocate acting for the applicant was appointed by S for J. The Administration explained that, in *R v H and others*, the House of Lords endorsed the appointment of a Special Advocate by the Attorney General who acted as an independent, unpartisan guardian of the public interest in the administration of justice. The Court had broadly followed the procedures and guidelines in the PV case. In future, the appointment of a Special Advocate, if required, would also be made by S for J, adopting the procedures as expounded in R v H and others and the PV cases. The member found it difficult to reconcile the position of the United Kingdom (UK) with that of Hong Kong in the appointment of Special Advocates, as the Government of UK was directly elected and the ministers could be removed from office if the government failed in an election. However, the Principal Officials of Hong Kong, including S for J, could not be so removed.

42. As the handling of the PV case was an exceptional procedure which represented a fundamental departure from the normal rules and procedures of legal proceedings, some members expressed concern that the procedure would have far-reaching and complicated implications. Issues such as the duties of Special Advocates, how and to whom Special Advocates were answerable, the rules and code of conduct applicable to the Special Advocates, and how appeal cases should be dealt with would need to be addressed. The Panel requested the Administration and the Bar Association to give further thoughts to the issues raised.

43. In response to the request of the Panel, the Administration subsequently provided a paper to provide information on the systems in other jurisdictions concerning appointment of Special Advocates, and the guidelines which the Administration should follow in future in relation to the procedure for appointment of Special Advocates.

Financial eligibility limits of legal aid

44. The Panel was advised of the Administration's decision to withhold adjustment of the financial eligibility limits of the Ordinary Legal Aid Scheme and the Supplementary Legal Aid Scheme (SLAS) pending the outcome of the next annual review due for August 2005, in view of the minor change in CPI(C) during July 2003 to July 2004 (i.e. +0.4%) and the small impacts on the limits. The majority of the members of the Panel had no objection to the Administration's proposal.

45. The two legal professional bodies considered that there was an urgent need for the Administration to conduct an overall review of the legal aid system to improve the way legal aid was administered to help those in deserving cases. Hence, making only piece-meal adjustments to the financial eligibility limits based on price and cost indices was a narrow approach inconsistent with the concept of access to justice.

46. The Panel supported an overall review of the legal aid system. The Panel

considered that there was a strong case for raising the financial eligibility limits of SLAS, which was a profit making scheme, to benefit more legal aid applicants. The Panel also requested the two legal professional bodies to join efforts in reviewing how the overall legal aid system could be improved, and submit its recommendations for consideration of the Panel and Administration.

Court procedure for repossession of premises

47. In the last session, the Judiciary Administration advised members that the Chief Justice had directed that the Lands Tribunal Rules (LTR) as a whole should be reviewed, and the Panel would be consulted when the review was completed.

48. The Judiciary Administration briefed the Panel on the recommendations of the review of both the Lands Tribunal Ordinance and LTR. Most of the recommendations made in the review were related primarily to application for possession of premises with a view to streamlining the procedures. Recommendations were also made in respect of the jurisdiction and other practice and procedure of the Lands Tribunal, with a view to making the processing of claims in the Tribunal more efficient and expeditious.

49. The Panel noted that that the legislative amendments to implement the recommendations were expected to be introduced into LegCo in 2006. Members requested the Judiciary Administration to revert to the Panel on the progress after it had completed its consultation with the two legal professional bodies.

Government's policy on subsidiary legislation

50. The Panel discussed the criteria for determining whether an instrument made under an ordinance should be subsidiary legislation. The Panel noted that "subsidiary legislation" was defined in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) as "any proclamation, rule, regulation, order, resolution, notice, rule of court, bylaw or other instrument made under or by virtue of any ordinance and having legislative effect". There was, however, no statutory definition of the term "legislative effect" in the definition of subsidiary legislation in section 3 of Cap. 1.

51. The Administration explained that it was not easy in some cases to draw a distinction whether an instrument was legislative or administrative in character. Since October 1999, the Administration had adopted the approach of including in new legislation an express provision declaring or clarifying the character of the instrument, in cases of doubt as to whether or not an instrument was subsidiary legislation. When such a provision was proposed, it would come under the scrutiny of LegCo and was subject to amendment and debate by LegCo. Once enacted, the provision could be regarded as expressing the legislative intent as to the nature of the instrument.

52. The Panel agreed that there were inherent difficulties to provide a definition for instruments with or without legislative effect. It was also impracticable to review all existing instruments to determine whether they should be subsidiary legislation or not. The Panel was of the view that in future cases, the Government should seriously consider the views expressed by Members in deciding its position on the nature of an instrument and whether or not it should be subsidiary legislation. Any dispute over whether or not an instrument was subsidiary legislation having legislative effect could be dealt with by the relevant Bills Committee on a case-by-case basis, if necessary. In case of a dispute as to whether or not an instrument was subsidiary legislation, it would be a matter for the court to adjudicate ultimately.

Legislative and staffing proposals

53. During the session, the Panel was consulted on the following legislative and staffing proposals by the Administration –

(a) Statute Law (Miscellaneous Provisions) Bill 2005;

(b) Solicitor Corporations Rules;

(c) subsidiary legislation relating to consular matters; and

(d) proposed deletion of the post of Principal Executive Officer in the Office of The Ombudsman.

Visit to the Judiciary

54. On 24 May 2005, members of the Panel and other interested Members made a visit to the Lands Tribunal and Kowloon City Magistrates' Courts. Members had an opportunity to discuss matters of common concern and interest with the Chief Justice and other senior members of the Judiciary.

Panel meetings

55. Between the period from October 2004 and June 2005, the Panel held a total of 14 meetings. Of these meetings, two were joint meetings held with the Panel on Manpower.

Council Business Division 2
Legislative Council Secretariat
30 June 2005

Appendix I

Panel on Administration of Justice and Legal Services

Terms of Reference

1. To monitor and examine, consistent with maintaining the independence of the Judiciary and the rule of law, policy matters relating to the administration of justice and legal services, including the effectiveness of their implementation by relevant officials and departments.

2. To provide a forum for the exchange and dissemination of views on the above policy matters.

3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.

4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.

5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Appendix II

Panel on Administration of Justice and Legal Services

Membership list for 2004 - 2005 session

Chairman	Hon Margaret NG
Deputy Chairman	Hon LI Kwok-ying, MH
Members	Hon Albert HO Chun-yan Hon Martin LEE Chu-ming, SC, JP Hon Miriam LAU Kin-yee, GBS, JP Hon Emily LAU Wai-hing, JP Hon Audrey EU Yuet-mee, SC, JP Hon MA Lik, JP Hon KWONG Chi-kin (Total : 9 members)
Clerk	Mrs Percy MA
Legal Adviser	Mr Arthur CHEUNG
Date	12 October 2004