

立法會
Legislative Council

LC Paper No. CB(2)124/05-06

Ref : CB2/PL/AJLS

Panel on Administration of Justice and Legal Services

**Minutes of meeting
held on Thursday, 13 October 2005 at 11:50 am
in the Chamber of the Legislative Council Building**

Members present : Hon Margaret NG (Chairman)
Hon LI Kwok-ying, MH (Deputy Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon James TO Kun-sun
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon MA Lik, GBS, JP

Members absent : Hon Audrey EU Yuet-mee, SC, JP

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2) 3

Staff in attendance : Mrs Justina LAM
Assistant Secretary General 2

Mrs Eleanor CHOW
Senior Council Secretary (2) 4

Miss Lolita SHEK
Senior Council Secretary (2) 7

Action

I. Election of Chairman and Deputy Chairman

Election of Chairman

Ms Margaret NG, Chairman of the Panel for the 2004-2005 session, called for

Action

nominations for the chairmanship of the Panel for the 2005-2006 session.

2. Ms Margaret NG was nominated by Mr Martin LEE and the nomination was seconded by Ms Miriam LAU. Ms Margaret NG accepted the nomination.

3. Mr LI Kwok-ying, Deputy Chairman, presided at the election. There being no other nomination, Mr LI Kwok-ying declared Ms Margaret NG elected as Chairman of the Panel.

Election of Deputy Chairman

4. The Chairman called for nominations for the deputy chairmanship of the Panel for the 2005-2006 session.

5. Mr LI Kwok-ying was nominated by Mr Martin LEE and the nomination was seconded by Ms Miriam LAU. Mr LI Kwok-ying accepted the nomination.

6. There being no other nomination, the Chairman declared Mr LI Kwok-ying elected as Deputy Chairman of the Panel.

II. Schedule of meetings for the 2005-2006 session

7. Members agreed that future regular meetings of the Panel would be held on the fourth Monday of each month at 4:30 pm. As the fourth Monday of December 2005 was a public holiday, members agreed that the regular meeting of the Panel in December 2005 would tentatively be scheduled for 15 December 2005, subject to the Panel's confirmation nearer the time.

III. Discussion items for next meeting

(Appendix II to LC Paper No. CB(2)13/05-06 – List of outstanding items for discussion)

8. The Chairman proposed and members agreed to discuss the following items at the next Panel meeting on 24 October 2005 –

(a) reciprocal enforcement of judgments (REJ) in commercial matters between the Hong Kong Special Administrative Region and the Mainland; and

(b) Consultation paper on Conditional fees.

9. The Chairman informed members that for the item in paragraph 8(a) above, the Administration had proposed to brief the Panel on the progress of discussion with the Mainland authorities on the REJ arrangement. For the item in paragraph 8(b) above, the Law Reform Commission's Conditional Fees Sub-committee had published

Action

the Consultation paper to invite comments on its recommendations by 15 November 2005.

10. Members noted that the Judiciary Administration/Administration would be able to revert to the Panel on the following three items on the “list of outstanding items for discussion” in October 2005 –

- (a) transcript fees (item 11);
- (b) recovery agents (item 19); and
- (c) issues relating to legal professional privilege (item 20).

In order to allow adequate time for discussion of the two items in paragraph 8 above, members agreed not to schedule a third item for the meeting on 24 October 2005, and that discussion of the three items in paragraph 10 above would be deferred to a later meeting.

11. Mr Martin LEE requested that the item on “Recovery agents” should be discussed as soon as possible. The Chairman said that the two legal professional bodies had conducted studies on this subject and forwarded their views to the Panel and the Administration. Some deputations had previously given views on the subject to the Panel. She suggested that the Clerk should request the Administration to provide a substantive response to facilitate further discussion by the Panel. Members would decide at the meeting on 24 October 2005 when the item should be discussed.

12. Ms Emily LAU said that it was likely that Ms Elsie LEUNG would soon step down from the post of the Secretary for Justice (SJ), and a new SJ would be appointed. Ms LAU suggested and members agreed that if the appointment of a new SJ was formally announced, the new SJ should be invited to attend a special meeting of the Panel as soon as possible to brief members on his work plan and the work of the Department of Justice.

IV. Any other business

13. There being no other business, the meeting ended at 12:02 pm.