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

PURPOSE

This report gives an account of the work of the Panel on Administration of Justice and Legal Services during the 2006-2007 Legislative Council (LegCo) session. It will be tabled at the Council meeting on 11 July 2007 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 MA Lik elected as Chairman and Deputy Chairman of the Panel respectively. The membership of the Panel is in **Appendix II**.

MAJOR WORK

Matters relating to the Judiciary

Civil Justice Reform

4. In March 2004, the Working Party on the Civil Justice Reform (CJR) appointed by the Chief Justice to review the civil rules and procedures of the High Court published a Final Report containing 150 recommendations. The Steering Committee which took overall charge of the implementation of the recommendations pertaining to the Judiciary had identified 21 recommendations which required amendments to primary legislation and 84 which required amendments to subsidiary legislation, and published a consultation paper in April 2006 for a three-month consultation. In December 2006, the Panel was briefed on the outcome of the consultation exercise and the way forward.

5. The Panel noted that the question of whether the CJR should be implemented by adopting a new set of Rules along the lines of the Civil Procedure Rules (CPR) in

England and Wales, or amending the existing Rules of the High Court (RHC) was one of the matters put forward for consultation by the Working Party in its Interim Report and Consultation Paper published in November 2001. The Working Party had concluded in its Final Report that the proposed reforms should be implemented by way of amendment to the RHC rather than by adopting a new set of rules along the lines of the CPR, as this approach would be less disruptive and less demanding to the legal community as a whole.

6. As the new rules were created or modified from those of the CPR in England and Wales, some members expressed concern about the interface between the existing and revised RHC, and that there would be no precedent case law in the United Kingdom to which Hong Kong could make reference. The Judiciary Administration explained that upon the coming into effect of the new legislation for the implementation of the CJR, appropriate reference might be made to the case law (whether pre-CPR or post-CPR) in England and Wales or the pre-existing RHC case law in Hong Kong, having regard to the provision in question and the circumstances of the individual case.

7. In response to the Panel on the concerns raised by the two legal professional bodies, the Judiciary Administration advised that it had held separate meetings with the two legal professional bodies and their concerns had largely been addressed. The Judiciary had also agreed to consult the two legal professional bodies on the draft Practice Directions before their promulgation.

Implementation of a five-day week for the Judiciary

8. In December 2006, the Panel was updated on the implementation of a five-day week in the Judiciary by three phases. The Panel noted that Phase I which covered court sittings and back offices was implemented on 1 July 2006. Phase II to be implemented on 1 January 2007 covered offices with a public interface where the implementation of a five-day week would require administrative preparations but not legislative amendments. Phase III would mainly cover the remaining offices which had a public interface in respect of which the implementation of a five-day week would require legislative amendments to primary and/or subsidiary legislation. The implementation of Phase III was under consideration by the Judiciary.

9. In response to members' concern on Phase I, the Judiciary Administration explained that as a general rule, no court sittings would be listed on Saturdays, except for admission ceremonies for senior counsel, barristers and solicitors in the High Court. Judges, however, had the discretion to list a court sitting on a Saturday when warranted, for example in a part-heard case that had to be concluded quickly. In the circumstance, the necessary support services would be rendered for that court sitting on Saturday.

10. The Panel noted that libraries would be covered under Phase II, as their usage rates on Saturdays were on the low side. The Panel requested the Judiciary to take into account other relevant considerations, such as the needs of small law firms and junior members of the Bar, in determining the opening hours of libraries. The

Judiciary had subsequently agreed that the High Court Library would not be covered under Phase II and would review the situation by July 2007.

11. The Panel urged the Judiciary to seriously consider the needs of court users in deciding whether a five-day week should be implemented in court registries/offices covered under Phase III. The Judiciary Administration assured members that the implementation of a five-day week in the Judiciary would not adversely affect its existing level of services to court users. The implementation of Phase III and its timing would depend on the outcome of the comprehensive study being conducted by the Judiciary Administration on all necessary amendments to legislation as well as the Practice Directions.

12. The Panel expressed concern about the impact of a five-day week on the operation of time limits. In the absence of any statutory provision to extend a time limit which expired on a Saturday as in the case of a public holiday under section 71(1) of the Interpretation and General Clauses Ordinance (Cap. 1), a litigant would be deprived of the right to perform an act at a court where the time limit expired on a Saturday. The Judiciary Administration agreed to look into the necessary amendments to be made to section 71(1) of Cap. 1 in the context of the comprehensive study on legislative amendments for the implementation of Phase III.

Fees for transcript and record of proceedings

13. The Panel had previously requested the Judiciary to review the fees for transcript and record of proceedings so that litigants would benefit from a more equitable fee charging basis and more affordable fees. After a review, the Judiciary proposed to implement the following proposals -

(a) instead of adopting a single fee of $85 per page of transcript across-the-board, the charging basis for transcripts from the Digital Audio Recording and Transcription Services (DARTS) would be changed from "per page" to "per English word and per Chinese character". The proposed fees would translate into about $46.20 per page of English transcript and $86 per page of Chinese transcript;

(b) at present, the fee of $85 per page also applied to copies of DARTS transcripts. The Judiciary proposed to charge only the photocopying fee if the transcripts concerned had already been produced, and to allow parties to reproduce the transcript or its copy for the purposes of pursuing the relevant legal proceedings; and

(c) the existing fee at $105 per hour of audio tape produced from DARTS would be revised to $80 (per 60-minute of audio tape or part thereof). In addition, record of proceedings on Compact Disc (CD) and Digital Versatile Disc (DVD) would be introduced. The proposed new fees were $315 for CD (about 14 hours of recording or part thereof) and $570 for DVD (about 98 hours of recording or part thereof).

14. The Panel agreed that the Judiciary should implement the proposed fees for transcript and record of proceedings with effect from 1 February 2007, and review the following matters outside the context of the present exercise -

(a) the fees for DARTS recording on audio tape/CD/DVD;

(b) the transcript fee in respect of criminal appeals; and

(c) a waiver mechanism for transcript fees for civil appeals.

Budgetary arrangement and resources for the Judiciary

15. The Panel was pleased to note that the Administration and the Judiciary had adopted the revised budgetary arrangement for compiling the Judiciary's Estimates for 2006-2007 and 2007-2008, and the arrangement had been working satisfactorily. Under the revised budgetary arrangement, the Judiciary would submit its forecast resource requirements prior to the drawing up of operating expenditure envelopes by the Administration. As the experience in the past two years had shown that the revised budgetary arrangement could ensure the provision of adequate resources to the Judiciary in upholding its service quality, both the Judiciary and the Administration agreed that it would continue to be adopted for the coming Estimates.

16. The Panel noted that in April 2003, the Chief Justice submitted to the Chief Executive the Judiciary's proposal of adopting the views and recommendations contained in the Consultancy Report by Sir Anthony Mason (the Mason Report) as the appropriate system for the determination of judicial remuneration in Hong Kong. The Chief Executive appointed the Standing Committee on Judicial Salaries and Conditions of Service (the Judicial Committee) in January 2004 to make recommendations to him on an appropriate institutional structure, mechanism and methodology for the determination of judicial remuneration in Hong Kong. The Judicial Committee submitted a report to the Chief Executive on 25 November 2005.

17. The Panel expressed concern about the time taken for the Administration to consider the recommendations of the Mason Report and the report of the Judicial Committee. The Panel was advised that the Administration needed some more time to consider the Mason Report which had very far-reaching effect on the judicial remuneration system in Hong Kong. The Panel was assured that the Administration attached the greatest importance to judicial independence, one of the cornerstones of Hong Kong. In considering the matter, the Administration would also take full account of the Judiciary's position as well as the Panel's views.

Matters under the portfolio of the Department of Justice

Recovery agents

18. In the last session, the Panel requested the Administration to consider deterrent measures, including prosecution and introducing legislation to regulate the operation

of recovery agents (RAs), i.e. organisations which assisted victims to recover damages, usually arising from personal injury cases in return for a fee as a percentage of the recovered damages.

19. The Administration updated the Panel in January and April 2007 on the developments in areas of work relating to public education, possible prosecution and possible legislation to protect victims from the activities of RAs. On public education, the Panel noted that apart from putting up posters or notices at Government offices where serious touting activities had been carried out by RAs, the Administration had made arrangements for a radio Announcement of Public Interest (API) to be broadcast shortly and was exploring the feasibility of the production of a television API.

20. On the possibility of introducing legislation, the Panel noted that the preliminary thinking of the Administration was to legislate to the effect that the contracts entered into by RAs and accident victims were illegal and unenforceable. However, in view of the implications on other types of contracts, the proposed legislative amendments would only apply to cases of personal injury.

21. Regarding possible prosecution, the Panel was advised that the Police had encountered difficulties in gathering evidence for the seven cases under investigation. The involvement of overseas insurance companies had also complicated the investigation as the information on such companies was difficult to obtain.

22. The legal professional bodies expressed disappointment about the lack of progress in tackling the issue of RAs since it was discussed by the Panel in November 2005. As RAs charged 20% to 25% of the compensation recovered and encroached on the interests of victims who were unaware of their rights and entitlements in personal injury claims, they considered that the Administration should step up enforcement action against RAs whose activities clearly amounted to maintenance and champerty which were criminal offences in Hong Kong.

23. Members considered that to safeguard public interest, the Administration should take prosecution action against RAs, and in the event that the Police encountered difficulties in taking enforcement action under the existing law, introduce legislation. The Panel requested the Administration to report to the Panel on further developments.

Professional Indemnity Scheme of the Law Society of Hong Kong

24. The Panel had closely monitored the progress of the review on the Professional Indemnity Scheme (PIS) conducted by the Law Society of Hong Kong (the Law Society). In 2001, the Law Society undertook to review the PIS and report to LegCo on the insurance arrangements which would be in the best interests of the legal profession and the public. The main criticism of the PIS was that it made solicitors the insurers of last resort for each other and for unlimited amounts in the event of insurer insolvency. 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). Members of the Law Society voted in favour of a QIS at an Extraordinary General Meeting (EGM) in November 2004. However, after considering the implications of the QIS, members of the Law Society voted against the implementation of the QIS by a majority at the EGM on 26 April 2006.

25. Since then, the Law Society had set up the PIS Review Working Party to follow up the matter. In February 2007, the Panel was advised by the Working Party that pending the review to improve the structure and operation of the existing PIS, indemnity would continue to be provided by the existing scheme. The reinsurance contract was renewed with effect from 1 October 2006 for a period of three years, with an option to terminate after two years. The Solicitors Indemnity Fund took the liability on the first $100 million of claims and the reinsurers took the entirety of whatever was in excess of the $100 million without limit.

26. The Panel was also advised that members of the Law Society held the view that unlimited mutual liability for the wrongdoing of individual practitioners was fundamentally unacceptable, and that the existing system, which put solicitors at risk in the event of insurer insolvency, would have to be changed. Members of the Law Society had found that while the QIS could remove the element of mutuality, other problems had surfaced, such as the uncertainty of the amount of premium payable. As the QIS had been decisively rejected by the Council of the Law Society and to address the question of mutuality, the Working Party was reconsidering the MPS, under which part of the liability would be undertaken by the existing fund and the remainder by a consortium of insurers. The Working Party was reaching the final stage of its work, and would come up with a conceptual scheme for the consideration of the Council in a few months' time. The Panel agreed to follow up the matter in the next session.

Implementation of international agreements in Hong Kong

27. The Panel discussed the approach of implementing international agreements in local legislation, an issue referred by the Bills Committee on Hazardous Chemicals Control Bill. The main concern of the Bills Committee was the implications of the use of general reference clauses to implement international conventions in local legislation. The Panel noted that the prevailing approach was to expressly set out the relevant parts of the conventions that were to have force in Hong Kong in the legislation concerned, often in a Schedule, with or without adaptation. Under this approach, the provisions of international conventions which had the force of law in Hong Kong as enacted by the LegCo were clear and certain. However, the approach to include general reference clauses of conventions requirements, as in the case of the Hazardous Chemicals Control Bill, would create uncertainty and ambiguity and future amendments to the conventions concerned would have the force of law in Hong Kong without undergoing the law-making process.

28. The Administration advised that some implementing legislation contained general references to an international agreement, or to the requirements of the international agreement as a whole, without referring to specific provisions. The general reference approach was used where the legislation/international agreement in question concerned matters of a technical nature, and there was a need to ensure compliance with international standards. Examples of general reference clauses could also be found in legislation of other common law jurisdictions.

29. The question of whether general reference clauses in implementing legislation would give effect to future amendments of an international agreement was raised. The Panel was advised that in some implementing legislation, the international agreement was defined to mean the agreement "as amended from time to time and as applied to Hong Kong". Such provisions might be found from time to time in implementing legislation in Hong Kong and in other common law jurisdictions, particularly in cases where the international agreements and relevant amendments were of a technical nature, or where it was highly desirable to ensure uniform international practice. Defining the "Convention" in the implementing legislation to include future amendments to the Convention meant that the implementing legislation referred to the latest version of the Convention applicable to the relevant jurisdiction.

30. In view of some members' concerns about the possibility of ambiguity arising from the use of general reference clauses and references to future amendments of an international agreement, the Department of Justice would, when advising policy bureaux/departments on the enactment of implementing legislation in future, relay to them LegCo's concerns, and would advise them to examine carefully the appropriateness of including such references in the draft legislation concerned.

Legislative proposals

31. The Panel was briefed on the main proposals in the following bills to be introduced into the LegCo within the current session -

(a) the Mainland Judgments (Reciprocal Enforcement) Bill - which sought to make provisions for the enforcement of judgments in civil and commercial matters between the Mainland and Hong Kong;

(b) the Domicile Bill - which sought to implement the recommendations of the report of the Law Reform Commission on "Rules for Determining Domicile" published in April 2005; and

(c) the Statue Law (Miscellaneous Provisions) Bill 2007 - which sought to introduce a number of amendments to various Ordinances for the purpose of updating or improving existing legislation.

Matters under the portfolio of the Chief Secretary for Administration's Office

Criminal legal aid fee system

32. The request for a comprehensive review of the criminal legal aid fee system (i.e. the system of payment of fees to lawyers in private practice engaged by the Legal Aid Department (LAD) to act as defence lawyers in criminal legal aid cases) was raised by the two legal professional bodies in 2003. The request was supported by the Panel, the Legal Aid Services Council (LASC) and the Chief Justice. The Administration agreed that there was room for improvement in the current system and had since March 2006 engaged stakeholders in a comprehensive review.

33. The Administration reported on the progress of the review to the Panel in the current session. The Panel noted that the Administration had reached a broad consensus with the two legal professional bodies on the proposed structure of the criminal legal aid fee system which would operate on a marked-brief basis. The proposed structure aimed to bring about improvements, i.e. proper recognition for preparation or pre-trial work, rationalisation of fee items, and enhanced transparency for the fee setting and re-determination basis.

34. The Panel was advised by the Law Society of Hong Kong in June 2007 that the review had reached an impasse. While the Administration had offered to the two legal professional bodies the proposed rates for the various items for various court levels in March 2007, the Law Society considered that the proposed rates totally unacceptable. The Law Society pointed out that according to the Administration, the estimated increase in criminal legal aid expenditure arising from the proposed change in the fee structure was about 30%, or roughly $30 million per annum, on the basis of current rates. However, such an increase, which might look substantial in terms of percentage change, did not in reality represent any significant improvement to the existing fee system, given that many lawyers at present took up criminal legal aid work on a charitable or pro bono basis.

35. The Law Society also considered that there was a conflict of interest for the Director of Legal Aid (DLA) to be the final arbitrator on fee disputes between the LAD and assigned lawyers. The Law Society proposed that a system similar to the civil legal aid fee system with the right to taxation should be adopted for criminal legal aid work. The Administration advised that unlike the current system, the rates would be assessed beforehand and marked on the brief when making the assignment, and lawyers would be allowed to view the bundle before accepting assignments under the proposed system. In addition, assigned lawyers could seek the LAD's re-determination of fees both during and at the end of the case. The Administration therefore did not see the need for a taxation system for resolving disputes on criminal legal aid fees.

36. The Law Society considered that it was unlikely for a consensus to be reached on the fee rates for the new system unless the Administration could provide proper funding for the criminal legal aid fee system. The Panel requested the

Administration to continue discussion with the legal professional bodies with a view to reaching a mutually acceptable solution. Subject to the outcome of the discussion, the Administration indicated that it would consult the LASC on the whole package (i.e. the proposed fee structure and the applicable rates) and report to the Panel on the way forward.

Provision of legal aid services

2007 five-yearly review of the criteria for assessing financial eligibility limits of legal aid applicants

37. The Panel received views from organisations, including the LASC and the Hong Kong Bar Association, on the approach of the 2007 five-yearly review of the criteria for assessing financial eligibility limits of legal aid applicants and related issues. The organisations considered that the existing stringent criteria for assessing financial eligibility of legal aid applicants had deterred victims of personal injuries from seeking legal aid and made a number of suggestions for the consideration of the Administration.

38. The Administration advised that the means test and the merits tests were the two cardinal criteria for granting legal aid. In assessing the financial eligibility of legal aid applicants, the Administration adopted a "financial capacity" approach. The Administration had introduced in 2006 a number of deductible items in computing the disposable income and disposable capital. The Administration would take into account the views and suggestions of members and the organisations in conducting the 2007 five-yearly review.

Supplementary Legal Aid Scheme

39. The Government's policy objective on legal aid was to ensure that no one with reasonable grounds for taking legal action in the Hong Kong courts was prevented from doing so because of a lack of means. The Panel pointed out that the two schemes provided by the LAD, namely the Ordinary Legal Aid Scheme (OLAS) and the Supplementary Legal Aid Scheme (SLAS), had not addressed the needs of the middle class who was often not eligible for legal aid. The SLAS, which started off with a seed money of $1 million and financed by applicants' contributions and compensation recovered, had been profitable. The Administration, however, had no intention to expand its scope and relax its financial eligibility limit to address the demand of the middle class for legal aid services. Members held the view that the policy of the Administration had not kept pace with social developments.

40. The Panel further pointed out that the Law Reform Commission (LRC) had recommended in the Consultation Paper on Conditional Fees that consideration should be given to expanding the SLAS on an incremental basis, by raising the financial eligibility limits and by increasing the types of cases which could be taken up by the SLAS.

41. The Panel requested the Administration to take into account the following issues when conducting the five-yearly review -

(a) there was a consensus among the Bar Association, the Law Society, the LRC, the LASC and the Panel that the scope of the SLAS should be expanded;

(b) the policy objective of legal aid was to ensure that no one with reasonable grounds for taking or defending legal action in the Hong Kong court was prevented from doing so because of a lack of means. The Administration should consider the appropriateness of having a one-line financial eligibility limit for all types of cases; and

(c) consideration should be given to extending the present scope of legal aid from litigation to legal advice.

42. The Administration agreed that it would formulate more specific proposals for the five-yearly review in the latter half of 2007. The Administration would take the opportunity of this review to examine whether there was scope of improving the SLAS without undermining or jeopardising the financial viability of the Scheme.

Proposed transfer of the legal aid portfolio to the Home Affairs Bureau

43. In May 2007, the Panel received views from the Hong Kong Human Rights Monitor (HKHRM) and the legal professional bodies on the proposed transfer of the legal aid portfolio from the Administration Wing of the Chief Secretary for Administration's Office (the Administration Wing) to the Home Affairs Bureau (HAB), one of the proposals of the re-organisation of policy bureaux of the Government Secretariat announced by the Chief Executive on 3 May 2007.

44. The Administration considered it appropriate to place legal aid, a stand-alone policy subject which was becoming increasingly detailed and complex, on par with other equally important policies, i.e under a Director of Bureau. Taking into account the fact that legal aid involved the provision of services to the community, the Administration proposed to place the portfolio under the purview of HAB. Led by the Secretary for Home Affairs and underpinned by the Permanent Secretary, the HAB would be able to offer enhanced policy support to legal aid issues compared with the current set-up under the Administration Wing. The proposed transfer would not affect the day-to-day operation of the LAD and the progress of the various reviews in the pipeline.

45. Some members criticised the Administration for not consulting the LASC, the two legal professional bodies and the public on the proposal. They considered that the proposed transfer of the legal aid portfolio to a "policy bureau" would undermine the independence of the legal aid administration which was an integral part of the administration of justice, and therefore a retrogression. The proposal also raised the question of whether the LAD would be subject to tighter control under the new set-up

in respect of provision of legal aid in cases against the Government or in respect of allocation of resources to the LAD. As the Administration had not provided sufficient justifications on the need and urgency for the proposal to be implemented on 1 July 2007, they considered that the status quo should be maintained. These members noted that the Bar Association and the HKHRM had similar views. A member, however, considered that the concerns raised were conceptual rather than real. The member was of the view that safeguards existed in statute and in practice to ensure that the DLA's powers and functions were exercised in an impartial, transparent and accountable manner.

46. The LASC had subsequently advised the Panel in writing that the Administration had briefed it on the proposal on 10 May 2007. While the majority of LASC members did not have strong views on this administrative arrangement, there was some concern on the operational independence of the LAD after the transfer. There was call for the LASC to step up its supervisory role to ensure that the provision of legal aid services was undertaken professionally and objectively without interference. The LASC also advised the Panel that although it had recommended to the Chief Executive the establishment of an independent statutory legal aid authority in September 1998, the recommendation was not accepted by the Administration at the time. The LASC would seek a review of the issue in the current year. The Panel agreed to follow up the matter in due course.

Other issues

Juvenile justice system

47. Subsequent to the minimum age of criminal responsibility having been raised from seven to 10 in 2003, the Panel had discussed enhanced support measures targeting at unruly children/juveniles and the proposal to incorporate the principles and practices of restorative justice in dealing with juvenile offenders in the past sessions.

48. In the current session, the Administration reported on the progress and effectiveness of the enhanced support measures targeting at unruly children/juveniles introduced in October 2003, including the pilot Family Conference (FC) scheme. The FC scheme was operated on a voluntary basis for juveniles aged 10 to below 18 and cautioned under the Police Superintendent's Discretion Scheme (PSDS). Following a review, the Administration was in support of extending the FC scheme to unruly children under 10. In response to members' request, the Administration did not consider it necessary to make it a mandatory requirement for young offenders and their parents/guardians to attend FCs, given that there were many support measures other than FCs and they were also effective.

49. On the proposal to incorporate the principles and practices of restorative justice in dealing with juvenile offenders, the Administration explained that many elements and practices of the existing measures in handling juvenile offenders in Hong Kong were similar to those underlying restorative justice practised overseas.

The main element absent was perhaps victim participation (VP). The VP process sought to address the emotional needs and tangible losses of a victim, and at the same time allow a young offender to learn how his behaviour had adversely affected others and hold him accountable for his misdeeds, thus facilitating his rehabilitation. There was, however, a lack of sufficient empirical proof in overseas jurisdictions demonstrating the long-term positive effects of VP. The Administration considered that in Hong Kong's context, possible extra benefits that VP in the criminal justice system might bring on top of the existing measures were not apparent. The Administration did not consider it necessary to introduce the VP process into Hong Kong.

50. On the request for a general review to be conducted on the juvenile justice system in Hong Kong, as recommended by the LRC in its report on "Minimum Age of Criminal Responsibility in Hong Kong", the Administration advised that it would continue to monitor the effectiveness of the support measures, and did not have any plan to conduct a large-scale review on the juvenile justice system at this stage.

51. Some members requested the Administration to review the minimum age of criminal responsibility with a view to raising it further. The Administration explained that since the LRC's recommendation of raising the minimum age of criminal responsibility from seven to 10 years of age was implemented in 2003, the number of young offenders at the ages of 10 and 11, and between 12 and 17 had remained quite stable. On the other hand, the number of unruly children between seven and nine years of age had increased from some 100 in 2004 to over 200 in 2006. The Administration would continue to monitor the trend of crimes committed by different age groups of youngsters and had no plan to further raise the age of criminal responsibility for the time being.

52. While the Panel was disappointed at the Administration's position, it agreed to submit a report on its deliberations to the House Committee.

PANEL MEETINGS

53. Between the period from October 2006 to June 2007, the Panel held a total of 11 meetings.

Council Business Division 2
Legislative Council Secretariat
6 July 2007

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 2006-2007 session

Chairman	Hon Margaret NG
Deputy Chairman	Hon MA Lik, GBS, JP
Members	Hon Martin LEE Chu-ming, SC, JP Hon James TO Kun-sun Hon Jasper TSANG Yok-sing, GBS, JP Hon Miriam LAU Kin-yee, GBS, JP Hon Emily LAU Wai-hing, JP Hon Audrey EU Yuet-mee, SC, JP Hon LI Kwok-ying, MH, JP (Total : 9 members)
Clerk	Mrs Percy MA
Legal Adviser	Mr Arthur CHEUNG
Date	12 October 2006