

立法會
Legislative Council

Ref : CB2/PL/AJLS

LC Paper No. CB(2)190/09-10
(These minutes have been cleared
with the Chairman)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Thursday, 15 October 2009, at 11:50 am
in the Chamber of the Legislative Council Building

- Members present** : Dr Hon Margaret NG (Chairman)
Hon Albert HO Chun-yan (Deputy Chairman)
Hon James TO Kun-sun
Dr Hon Philip WONG Yu-hong, GBS
Hon LAU Kong-wah, JP
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Dr Hon Priscilla LEUNG Mei-fun
Hon IP Wai-ming, MH
Hon Paul TSE Wai-chun
- Members absent** : Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEUNG Kwok-hung
- Clerk in attendance** : Miss Flora TAI
Chief Council Secretary (2)3
- Staff in attendance** : Ms Amy YU
Senior Council Secretary (2)3
- Mrs Eleanor CHOW
Senior Council Secretary (2)4
- Miss Vivien POON
Council Secretary (2)1
- Mrs Fanny TSANG
Legislative Assistant (2)3
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Action

I. Election of Chairman and Deputy Chairman
[Appendices V and VI to LC Paper No. CB(2)8/09-10]

Election of Chairman

Dr Margaret NG, the incumbent Chairman, called for nominations for the chairmanship of the Panel. Dr Margaret NG was nominated by Mr LAU Kong-wah and the nomination was seconded by Ms Miriam LAU and Dr Philip WONG. Dr Margaret NG accepted the nomination.

2. Mr Albert HO, the incumbent Deputy Chairman, presided over the election of Chairman. As there was no other nomination, Mr HO declared Dr Margaret NG elected as the Chairman of the Panel for the 2009-2010 session.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship of the Panel. Mr Albert HO was nominated by Mr LAU Kong-wah and the nomination was seconded by Dr Philip WONG. Mr Albert HO accepted the nomination.

4. As there was no other nomination, the Chairman declared Mr Albert HO elected as the Deputy Chairman of the Panel for the 2009-2010 session.

Application for late membership

5. Members noted and accepted the application for late membership made by Mr Timothy FOK.

II. Schedule of meetings for the 2009-2010 session

6. Members agreed that the regular meetings of the Panel would be held on the fourth Monday of each month at 4:30 pm, except the meetings in December 2009 and March 2010 which were re-scheduled as follows –

- (a) as the Council would be having its Christmas break during the end of December 2009, the meeting on 28 December 2008 was re-scheduled for Tuesday, 15 December 2009, at 4:30 pm; and
- (b) as the Finance Committee was scheduled to hold a series of special meetings from 22 to 26 March 2010 to examine the Estimates 2010-2011, the meeting on 22 March 2010 was re-scheduled for Monday, 29 March 2010, at 4:30 pm.

Action

7. Members also agreed that the next regular Panel meeting would be held on 23 November 2009.

(Post-meeting note: The meeting schedule for the 2009-2010 session was issued vide LC Paper No. CB(2)47/09-10 on 16 October 2009.)

III. Items for discussion at the next meeting

[Appendices II and III to LC Paper No. CB(2)8/09-10]

Discussion items for the next regular meeting

8. Members agreed to discuss the following items at the next regular meeting to be held on 23 November 2009:

- (a) Class actions; and
- (b) Drafting of legislation.

9. Regarding the item referred to in paragraph 8(a) above, members noted that the Research and Library Services Division of the Legislative Council Secretariat was finalizing its research report on class actions and aimed at presenting it to the Panel at the same meeting to facilitate members' discussion of the subject.

Items proposed for future discussion

Conviction rates

10. Ms Miriam LAU suggested inviting the new Director of Public Prosecutions (DPP), Mr Ian Charles McWalters, SC, to meet with the Panel.

11. The Chairman said that in view of recent concerns about the high conviction rates in various levels of court, she had instructed the Clerk to write to the Department of Justice and the Legal Aid Department to request information relating to conviction rates in the past five years and criminal legal aid applications respectively. The information received had been circulated to members for consideration [LC Paper Nos. CB(2)2613/08-09(01) and (02)]. The subject of conviction rates had also been included in the Panel's list of outstanding items for discussion. The Chairman further said that members would have the opportunity to meet with the new DPP when the subject was discussed.

Action

Jury system

12. The Chairman said that apart from the issues of mode of trial (i.e. choice of court for trial) and conviction rates, recent debate had also been sparked on the use of juries in the criminal justice system in Hong Kong. Under the existing system, a District Court Judge sat alone without a jury. This was because when the Court was established in the 1950's, most of the trials were conducted in English and the pool of eligible jurors was small. It had been suggested that, as Chinese was now commonly used in courts and the size of the jury pool had grown significantly, jury trials should be extended to the District Court. At the suggestion of the Chairman, members agreed to include the subject in the Panel's list of outstanding items for discussion.

Procedures to fill the anticipated vacancy of the Chief Justice

13. Ms Emily LAU suggested and members agreed that the Administration should be requested to provide a working timetable, and the progress made, in respect of the procedures to fill the anticipated vacancy of the Chief Justice who would leave office by August 2010.

Clerk

IV. Any other business

Joint Subcommittee on Amendments to Land Titles Ordinance

14. Members agreed that the Subcommittee would continue its work in the new legislative session. Members also noted that the Subcommittee's membership would be re-opened, but it would be for the Subcommittee to decide whether re-election of its chairman was necessary.

15. There being no other business, the meeting ended at 12:05 pm.

Council Business Division 2
Legislative Council Secretariat
3 November 2009