立法會
Legislative Council

LC Paper No. CB(2)1482/10-11
(These minutes have been seen by the Administration)

Ref : CB2/PL/AJLS

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Monday, 28 February 2011, at 4:30 pm
in Conference Room A of the Legislative Council Building

Members present	:	Dr Hon Margaret NG (Chairman) Dr Hon Priscilla LEUNG Mei-fun (Deputy Chairman) Hon Albert HO Chun-yan Hon James TO Kun-sun Hon LAU Kong-wah, JP Hon Miriam LAU Kin-yee, GBS, JP Hon Timothy FOK Tsun-ting, GBS, JP Hon TAM Yiu-chung, GBS, JP Hon Audrey EU Yuet-mee, SC, JP Hon Paul TSE Wai-chun Hon LEUNG Kwok-hung
Members absent	:	Dr Hon Philip WONG Yu-hong, GBS Hon Emily LAU Wai-hing, JP
Public Officers attending	:	Item IV Mr LAI Tung-kwok Under Secretary for Security Mrs Millie NG Principal Assistant Secretary (Security) E Item V Mr Peter WONG Deputy Solicitor General

Ms Alice CHOY
Senior Government Counsel

Item VI

Miss Jennifer MAK
Director of Administration

Miss Agnes WONG
Deputy Director of Administration

Mr Frank POON
Solicitor General

Item VII

Ms Grace LUI Kit-yuk
Deputy Secretary for Home Affairs

Ms Christine CHOW Kam-yuk
Principal Assistant Secretary for Home Affairs

Ms Alice CHUNG Yee-ling
Deputy Director of Legal Aid

Ms Julianna CHAN Oi-yung
Assistant Director of Legal Aid (Acting)

Attendance by invitation :

Item IV

The Law Reform Commission of Hong Kong

Ms Michelle Ainsworth
Deputy Secretary to the Law Reform Commission

Item VII

Hong Kong Bar Association

Mr Kumar Ramanathan, SC
Chairman

Mr Nicholas Pirie

		The Law Society of Hong Kong Mr Patrick Burke Member of Legal Aid Committee
Clerk in attendance	:	Miss Flora TAI Chief Council Secretary (2)3
Staff in attendance	:	Mr KAU Kin-wah Senior Assistant Legal Adviser 3 Ms Amy YU Senior Council Secretary (2)3 Miss Ivy LEONG Senior Council Secretary (2)4 Ms Wendy LO Council Secretary (2)3 Mrs Fonny TSANG Legislative Assistant (2)3

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I. Confirmation of minutes of meeting
[LC Paper No. CB(2)1134/10-11]

The minutes of the meeting held on 21 December 2010 were confirmed.

II. Information papers issued since last meeting

2. Members noted that the following papers had been issued since the last meeting -

(a) Letter dated 26 January 2011 from the Law Society of Hong Kong on its proposed amendments to the Solicitors (General) Costs Rules [LC Paper No. CB(2)933/10-11(01)];

(b) Direction issued by the President of the Lands Tribunal pursuant to section 10(5)(a) of the Lands Tribunal Ordinance (Cap. 17) provided by the Judiciary Administration [LC Paper No. CB(2)942/10-11(01)]; and

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(c) Information paper provided by the Administration on outcome of the 2010 annual review of financial eligibility limits ("FELs") of legal aid applicants [LC Paper No. CB(2)1148/10-11(01)].

3. Regarding the Administration's paper referred to in paragraph 2(c) above, the Chairman said that the Administration had reported that the change in the Consumer Price Index (C) during the 2010 annual review was 2.6%. According to the Administration, as it was seeking legislative amendments to increase the FELs for the two legal aid schemes, it would not make adjustments to the FELs pursuant to the 2010 annual review to avoid revising them twice within a short time span. Members raised no objection to such an arrangement.

III. Items for discussion at the next meeting

[LC Paper Nos. CB(2)1136/10-11(01) to (03)]

4. Members agreed to discuss the following items at the next regular meeting to be held on 28 March 2011:

(a) Expansion of the Supplementary Legal Aid Scheme;

(b) Criminal legal aid fee system; and

(c) Solicitor Corporation Rules.

5. Members also agreed that the following items tentatively scheduled for discussion in March 2011 be deferred to the April 2011 meeting -

(a) Free legal advice service;

(b) Development of mediation services; and

(c) Mediation service for building management cases.

6. The Chairman referred to the article by Mr Grenville Cross, the former Director of Public Prosecutions ("DPP"), recently published in the South China Morning Post expressing the view that the control of prosecutions should rest with an independent DPP rather than the Secretary for Justice who was a political appointee to safeguard against political influence in the prosecution process. To facilitate members' further consideration of the issue, the Clerk was requested to prepare a background brief covering past discussions by Members and relevant incidents which had aroused public concern, including the cases of Ms Sally Aw Sian, Mr Anthony LEUNG Kam-chung, Mr Michael

Clerk

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WONG Kin-chau and the families of Mr Mugaby, President of the Republic of Zimbabwe.

IV. Law Reform Commission Report on "The Common Law Presumption that a Boy under 14 is Incapable of Sexual Intercourse"
[LC Paper Nos. CB(2)574/10-11(01) to (02) and CB(2)1136/10-11(04)]

7. Members noted the submission from the Hong Kong Human Rights Monitor ("HKHRM") which was tabled at the meeting and subsequently issued to members vide LC Paper No. CB(2)1196/10-11 (01) on 1 March 2011.

8. Under Secretary for Security ("US for S") briefed members on the Administration's paper [LC Paper No. CB(2)1136/10-11(04)] setting out its response to the Law Reform Commission Report on "The Common Law Presumption that a Boy under 14 is Incapable of Sexual Intercourse" ("LRC report") recommending the abolition of the common law presumption. US for S said that the Administration's preliminary view was that the recommendation in the LRC report was justifiable, had not aroused much controversy, and was worth supporting. If the response received by LRC indicated general support from the community and the legal profession, the Administration would take forward the relevant legislative amendments to implement the LRC proposal.

9. Ms Michelle Ainsworth, Deputy Secretary to LRC, said that LRC had considered that the issue in the LRC report straightforward and was not expected to be controversial. Therefore, it had proceeded straight to the publication of a final report in this case. Since the report's release, LRC had received a number of responses which had generally indicated support for the proposal. The only objection it had received expressed concern that the abolition of the common law presumption would increase the criminal liability of children. This concern was raised by the Hong Kong Committee on Children's Rights and Against Child Abuse, but was in fact related to the separate issue of the minimum age of criminal responsibility, which was last reviewed by LRC in a report issued in 2000. The minimum age of criminal responsibility was raised from seven years to 10 years in 2003 as a result of proposals made by LRC in the 2000 report. LRC did not wish to see the proposal arising from the present review being held up by the separate issue of the minimum age of criminal responsibility on which another review was unlikely to be conducted in the short term.

10. US for S concurred that the age of criminal responsibility was a separate issue. He elaborated that even if the presumption that a boy under the age of 14 was incapable of sexual intercourse was to be abolished as proposed by LRC, the separate rebuttable presumption of *doli incapax* would continue to apply to a

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boy between the ages of 10 and 14 years. That presumption meant that the prosecution must prove beyond reasonable doubt that the boy knew his actions were seriously wrong rather than merely naughty or mischievous before he could be found guilty of an offence such as rape. This would afford sufficient protection to children between the ages of 10 and 14 years.

11. In response to the Chairman's enquiry on the views of the legal profession on the proposed reform, Ms Michelle Ainsworth said that both the Bar and the Law Society were in favour of the proposed reform, which was considered to be logical and straightforward. She reiterated that the Hong Kong Committee on Children's Rights and Against Child Abuse were the only two bodies which had indicated some objection to the proposal, and this was on the ground that it might in some circumstances increase the chance of children being subjected to criminal liability at an early age because of the minimum age of criminal responsibility. She further said that the submission from HKHRM tabled at the meeting raised similar concerns. HKHRM had expressed support in principle for the proposed reform, but was concerned about the age of criminal responsibility in Hong Kong and requested that a review be conducted on the issue.

12. Mr TAM Yiu-chung indicated support for the LRC proposal. He considered that the Administration should also review and take forward proposals to prevent sex offenders from undertaking child-related work. US for S responded that the area of review raised by Mr TAM Yiu-chung was wider in scope than the LRC proposal under discussion. In the current legislative exercise, the Administration aimed at focusing on the implementation of the specific LRC proposal of abolishing the common law presumption that a boy under 14 was incapable of sexual intercourse.

Security Bureau

13. At the request of the Chairman, US for S agreed to provide a written response to the relevant views and concerns expressed by the Hong Kong Committee on Children's Rights, Against Child Abuse and HKHRM, in particular on the issue of age of criminal responsibility.

V. Reciprocal recognition / enforcement of arbitral awards with Macao

[LC Paper Nos. CB(2)1129/10-11(01) and CB(2)1136/10-11(05)]

14. Deputy Solicitor General ("DSG") briefed members on the Administration's paper [LC Paper No. CB(2)1129/10-11(01)] setting out, among other things, its proposed arrangement on mutual enforcement of arbitral awards between Hong Kong and Macao.

15. Members noted the information note prepared by the Legislative Council

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("LegCo") Secretariat [LC Paper No. CB(2)1136/10-11(05)] on the subject under discussion.

16. The Chairman enquired whether the proposed arrangement on mutual recognition and enforcement of arbitral awards between Hong Kong and Macao would be similar to that between Macao and the Mainland. DSG replied in the affirmative, adding that reference would also be made to the arrangement entered between Hong Kong and the Mainland in 1999. The Administration hoped to start discussion with the Macao authorities as soon as possible on details of the arrangement.

17. Ms Audrey EU asked whether the Administration had consulted the relevant organizations, in particular organizations doing business with Macao, on the proposed arrangement, and if so, the views of the organizations being consulted.

18. DSG said that at the current stage, the Department of Justice ("DoJ") had conducted internal consultation with the relevant policy bureaux and had also consulted the Judiciary Administration. It had also made initial contact with the relevant Macao authorities which had expressed interest in further discussion on the proposal. Although DoJ had yet to consult the relevant organizations, it had all along maintained close liaison with the Hong Kong International Arbitration Centre ("HKIAC") and had raised the proposal with HKIAC. In his speech delivered at the Ceremonial Opening of the Legal Year 2011, the Secretary for Justice had stated that DoJ would seek actively the signing of an arrangement on reciprocal recognition and enforcement of arbitral awards with Macao with a view to fostering closer legal co-operation with Macao.

19. Ms Audrey EU said that she did not object to the proposed arrangement, but considered it important for the Administration to consult as early as possible parties who would be affected, such as companies doing business with Macao or having investments there, to ascertain whether they had any concerns and their views on the quality of arbitration organizations and arbitral awards made in Macao.

20. Referring to paragraphs 11 to 15 of the Administration's paper, DSG said that Hong Kong awards were enforceable in Macao pursuant to either the Code of Civil Procedure or the Decree Law 55/98M which embodied the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law ("Model Law"). Such arrangements accorded with accepted international arbitration practices. He added that the Administration would take forward the matter cautiously and would consult the relevant parties at an appropriate stage.

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21. Ms Audrey EU further asked whether there was any arrangement on mutual legal assistance between Hong Kong and Macao, and whether there was any arrangement on reciprocal recognition and enforcement of arbitral awards between Hong Kong and Taiwan.

22. DSG responded that there was no agreement on mutual legal assistance signed between Hong Kong and Macao. However, there were reciprocal arrangements between the two places on such matters as civil aviation and transfer of sentenced persons.

23. DSG further said that it was the Administration's plan to establish a mechanism for reciprocal recognition and enforcement of arbitral awards with Taiwan. If a mechanism for reciprocal recognition and enforcement of arbitral awards was established between Hong Kong and Macao, the Administration hoped to take forward, as part of the Greater China concept, the establishment of a similar mechanism between Hong Kong and Taiwan in the next step. Unlike Hong Kong and Macao, the New York Convention was not applicable to Taiwan. Thus, it was envisaged that the implementation details for any arrangement on reciprocal recognition and enforcement of arbitral awards with Taiwan would be more complex than that with Macao. Since the relevant Macao authorities had indicated their willingness to further discuss the establishment of such a mechanism with Hong Kong, the Administration therefore actively sought to take forward the matter with Macao first.

24. Mr LEUNG Kwok-hung said that both Macao and Taiwan adopted the civil law system. In his view, it was a question of whether the Administration was committed to establishing a mechanism on reciprocal recognition and enforcement of arbitral awards with Taiwan. He enquired whether the Taiwan authorities had expressed any interest in establishing such a mechanism with Hong Kong.

25. DSG said that there was as yet no opportunity for the Administration to pursue the matter with the Taiwan authorities. In the case of Macao, given that the Macao Special Administrative Region had been established for some time and in view of the rapid economic development there in recent years in a wide range of areas including construction, banking, finance as well as gaming and tourism, the Administration considered that there were clear advantages to be gained in establishing a specific and clear mechanism for reciprocal enforcement of arbitral awards between Hong Kong and Macao.

26. The Chairman, however, said that the Administration had not justified the necessity for establishing an arrangement for reciprocal enforcement of arbitral awards with Macao. The Administration had indicated in the past that it was

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not necessary to have such an arrangement. As pointed out in the Administration's paper, while no such arrangement existed at present, arbitral awards made in Macao could be summarily enforced in Hong Kong under section 2GG of the Arbitration Ordinance (Cap. 341) (albeit the leave of court was required) and Hong Kong awards could also be enforced in Macao under the Decree Law 55/98M and Code of Civil Procedure. She considered it necessary for the Administration to provide more information to the Panel on the need for the proposed arrangement, including number of cases on the enforcement of Macao awards in Hong Kong and vice versa. In her view, there was more economic interflow between Hong Kong and Taiwan than between Hong Kong and Macao.

27. DSG responded that as stated in paragraph 8 of the Administration's paper, it appeared that there had not been any decided cases on the enforcement of Macao awards in Hong Kong under section 2GG. While at present there was a mechanism for enforcement of arbitral awards between the two places, the Administration considered that it would be beneficial to Hong Kong as a whole to enter into a separate arrangement with Macao which would add certainty to the enforceability of Macao arbitral awards in Hong Kong and vice versa. The arbitration profession was generally in support of the proposed arrangement. DSG further clarified that even if the proposed arrangement was put in place between Hong Kong and Macao, an arbitral award would still require the leave of court before it could be enforced. The same also held true for the New York Convention and the arrangement on reciprocal enforcement of arbitral awards between Hong Kong and the Mainland.

28. The Chairman considered that the fact that the government authorities in the two places and the arbitration profession were eager to pursue such an arrangement did not provide sufficient justification for establishing the proposed arrangement, and there must be clear societal needs for the proposed arrangement. The Chairman requested that when the Administration further consulted the Panel on the matter in due course, it should provide more information in this regard and the Administration should also provide information on how it planned to take forward the establishment of a mechanism for reciprocal recognition and enforcement of arbitral awards with Taiwan.

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29. DSG said that the Administration agreed on the need for sufficient consultation before taking the matter forward. It was the Administration's plan to conduct wider consultation with relevant stakeholders including users of arbitration services in parallel with conducting discussion with the Macao authorities on the direction of the proposed arrangement. After these work had been done, the Administration would further consult the Panel on the matter.

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VI. Membership of the Secretary for Justice in the Judicial Officers Recommendation Commission
[LC Paper Nos. CB(2)1129/10-11(02) and CB(2)1136/10-11(06) to (07)]

30. Director of Administration ("D of Admin") introduced the Administration's paper [LC Paper No. CB(2)1129/10-11(02)] which set out the Administration's views on the membership of the Secretary for Justice ("SJ") in the Judicial Officers Recommendation Commission ("JORC").

31. Members noted the background brief prepared by the LegCo Secretariat [LC Paper No. CB(2)1136/10-11(06)] on the subject under discussion.

32. Referring to paragraph 4 of the Administration's paper, the Chairman did not consider that the reasons given by the Administration justified SJ's membership in JORC. In her view, as the Chief Executive ("CE") must accept the recommendations of JORC, she did not see the need for SJ to advise CE on the judicial appointments recommended by JORC. Neither did she consider it necessary for SJ to sit on JORC in his capacity as head of DoJ. Where necessary, SJ could be requested to provide views or information in writing to facilitate JORC's deliberations.

33. Mr LEUNG Kwok-hung said that given SJ's status as a political appointee directly accountable to CE, his membership in JORC was a violation of the principle of separation of powers and would undermine the independence of JORC. In his view, a staff member of DoJ who was not directly accountable to CE could sit on JORC instead of SJ.

34. D of Admin responded that SJ's role as head of DoJ was one of the reasons why it was considered appropriate for him to serve on JORC. She elaborated that DoJ employed a large number of lawyers and briefed out a significant number of cases to private practitioners. It was also a major court user. As head of the Department, SJ had considerable knowledge to contribute to JORC's deliberations in respect of judicial appointments.

35. The Chairman said that even granting that DoJ, as a major court user, should be represented on JORC, it was not necessary for SJ himself to sit on JORC. As stated in the letter from the Chairman of the Bar Association dated 17 February 2011 [LC Paper No. CB(2)1136/10-11(07)], it was the Bar Association's view that, to ensure the independence of the Judiciary, it was more appropriate to have a representative of DoJ, rather than SJ himself, serving as a member of JORC. She further said that JORC was not only responsible for recommending judicial appointments, but also promotion of judicial officers.

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As SJ himself was often named as the defendant in judicial review cases, there was concern that the promotion prospect of judges who made rulings against the Government in such cases might be adversely affected. She stressed that there was inherent conflict of interest for SJ, being a political appointee, to serve on JORC.

36. D of Admin reiterated the Administration's view that it was appropriate and necessary for SJ to continue to serve on JORC. She explained that it would not be appropriate for the other Law Officers in DoJ to take up SJ's role in JORC since each of them had his/her own role within the Department and did not have the overall responsibility for the Department as SJ did. She further said that there was no cause for the concern that SJ's status as a political appointee would undermine the independence of JORC. There was nothing in the political appointment system which would undermine the principle of exercising judicial power independently by the courts as entrenched in Article 85 of the Basic Law. She added that SJ was only one of the nine members of JORC and did not have any veto power.

37. Mr LAU Kong-wah did not see any problem with CE appointing SJ to serve on JORC, pointing out that it was an established mechanism for CE to appoint Government officials to advisory bodies. He further said that as judicial appointments were ultimately made by CE, he did not consider it inappropriate for SJ, being the principal adviser on legal matters to CE, to be involved in making recommendations to CE on judicial appointments.

38. In response to the Chairman, D of Admin clarified that pursuant to the JORC Ordinance (Cap. 92), SJ was an ex-officio member of JORC. At the invitation of the Chairman, Senior Assistant Legal Adviser 3 said that according to section 3(1) of the JORC Ordinance, JORC consisted of the Chief Justice, SJ and seven members appointed by CE. The Chairman pointed out that SJ was an ex-officio member of JORC under law, and not a member appointed by CE.

39. The Chairman further sought clarification from D of Admin on whether CE was the final authority deciding on judicial appointments. D of Admin said that in accordance with the Basic Law, all judicial appointments were made by CE on the recommendation of JORC. In the case of appointment of judges of the Court of Final Appeal and the Chief Judge of the High Court, CE had to obtain the endorsement of LegCo before the appointments could be made. As the judicial appointments were made by CE, the final approving authority rested with him. Mr LAU Kong-wah reiterated his view that as judicial appointments were ultimately made by CE, there was no conflict of interest for SJ to participate in the deliberations of JORC.

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40. Mr Albert HO said that according to Schedule 2 to the JORC Ordinance, all JORC members had to take an oath that they would undertake their duties "freely and without fear or favour, affection or ill-will". In his view, in line with the independent nature of JORC and the spirit of the oath, SJ should serve on JORC in his individual capacity, and not as a representative of the Administration. However, given that SJ was head of DoJ, his membership in JORC would give the impression that he was serving on JORC as a representative of the Administration. Mr HO considered it inappropriate for a political appointee to sit on JORC which would give the perception that the appointment of judges could be subject to political influence. He shared the view of the two legal professional bodies that a member of DoJ, rather than SJ himself, should sit on JORC.

41. D of Admin responded that the politically appointed status of SJ did not prevent him from being able to carry out his duties as a JORC member without fear or favour. She further said that since the establishment of the Political Appointment System, senior judicial appointments had been made on a number of occasions, including the appointment of the Chief Judge of the High Court in 2003, the appointment of the Chief Justice in 2010 and the appointment of a number of CFA judges. The appointment process had been smooth and no major problem had been encountered in these appointment exercises.

42. Mr Albert HO asked whether SJ could disclose the deliberations of JORC to CE. D of Admin responded that according to her understanding, all deliberations of JORC were confidential. In response to the Chairman, D of Admin further said that pursuant to section 11(1) of the JORC Ordinance, a member of JORC or other person could not, without the permission of CE, disclose any information relating to the deliberations of JORC.

43. Mr Albert HO said that given the close working relationship between CE and SJ and having regard to section 11(1) of the JORC Ordinance, SJ's membership in JORC would undermine the independence of JORC. D of Admin reiterated that in accordance with the oath taken by SJ on appointment as a member of JORC, he had to discharge his duties "without fear or favour". It was also necessary for him to abide by Article 88 of the Basic Law which provided for the independent status of JORC. She added that SJ did not have any veto power and more than two dissenting votes were required to vote down a resolution of JORC on a recommended appointment.

44. Ms Miriam LAU said that in considering whether it was appropriate for SJ to serve on JORC, it was important to look at the judicial appointment system as a whole. As SJ was only one of the nine members of JORC and given that senior judicial appointments required the endorsement of LegCo, she

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considered that there were adequate institutional safeguards to prevent abuse and injustice. So far, there was no evidence of unfairness resulting from SJ's membership in JORC. Having regard to the above considerations, she did not consider it necessary to make any change to SJ's membership on JORC.

45. Ms Audrey EU referred to the recent article by Mr Grenville Cross expressing the view that control of prosecutions should rest with an independent DPP and not SJ who was a political appointee. She said that when the Political Appointment System was established in 2002, she had expressed the view that the post of SJ should not be a political appointment given the possible conflict of interest in his roles as the principal legal adviser to the Government and the guardian of public interest in the administration of justice and upholder of the rule of law. His control over prosecutions was but one manifestation of the inherent conflict in the various roles he assumed. In her view, if SJ was not a political appointee, concern would not be raised on his membership on JORC.

46. The Chairman said that some members had maintained their view that it was not appropriate for SJ, being a political appointee, to serve on JORC. She stressed that there was a loophole in the current mechanism as it provided a channel for CE to influence judicial appointments through SJ's membership on JORC.

47. D of Admin said that the views raised by members had been thoroughly discussed in the past. The Administration, however, maintained its view that it was appropriate and necessary for SJ to continue to serve on JORC.

VII. Legislative amendments to implement the proposals arising from the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants

[LegCo Brief on five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants and LC Paper No. CB(2)1136/10-11(08)]

48. Deputy Secretary for Home Affairs ("DSHA") briefed members on the LegCo Brief setting out the legislative amendments to implement the following proposals arising from the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants –

(a) the median monthly household expenditure be used to replace the 35-percentile household expenditure as a deductible component in calculating disposable income of legal aid applicants;

(b) savings of an amount equivalent to the FEL of the Ordinary Legal

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Aid Scheme ("OLAS") be disregarded when calculating the disposable capital of the elderly legal aid applicants who had reached the age of 60, irrespective of their employment status; and

(c) the FEL for OLAS be raised from the present $175,800 to $260,000 and that for the Supplementary Legal Aid Scheme ("SLAS") from $488,400 to $1.3 million.

49. DSHA informed members that the subsidiary legislation for effecting the improvement measures referred to in paragraph 48(a) and (b) above, which would be subject to the negative vetting procedure, would be tabled in the Council on 2 March 2011. As regards the improvement measure set out in paragraph 48(c) above, the Administration would give notice to move the relevant resolution at the Council meeting of 30 March 2011. The legislative amendments relating to the three improvement measures were expected to be put into effect in April/May 2011.

50. Members noted the updated background brief prepared by the LegCo Secretariat [LC Paper No. CB(2)1136/10-11(08)] on the subject under discussion.

51. In response to Mr Patrick Burke's enquiry on the day on which the legislative amendments were expected to come into operation, DSHA replied that in respect of the legislative amendments on the improvements measures referred to in paragraph 48(a) and (b) above, the scrutiny period by LegCo was 28 days plus an extra 21 days if the scrutiny period was extended by resolution of the Council after their tabling in the Council on 2 March 2011. After the expiry of the scrutiny period on 4 May 2011 and subject to their endorsement by LegCo, the improvement measures were expected to come into operation within 14 days upon the publication of a commencement notice in the Gazette. As regards the improvement measure referred to in paragraph 48(c) above, subject to the passage by LegCo of the relevant resolution, it would be brought into operation on the same day as the other two improvement measures.

52. In response to Mr TAM Yiu-chung's enquiry on whether the Administration would make any adjustments to the contribution rate of the legal aid schemes, DSHA responded that the Administration would revert to the Panel on its consideration in this regard when it reported to the Panel on its proposals for expanding SLAS.

53. Members raised no further queries on the legislative proposals.

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VIII. Any other business

54. There being no other business, the meeting ended at 6:24 pm.

Council Business Division 2
Legislative Council Secretariat
15 April 2011