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LC Paper No. CB(2)2855/11-12
(These minutes have been seen by the Administration)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Monday, 26 March 2012, at 4:30 pm
in Conference Room 3 of the Legislative Council Complex

Members present	:	Dr Hon Margaret NG (Chairman) Dr Hon Priscilla LEUNG Mei-fun, JP (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 Emily LAU Wai-hing, JP Hon TAM Yiu-chung, GBS, JP Hon Audrey EU Yuet-mee, SC, JP Hon Paul TSE Wai-chun, JP Hon LEUNG Kwok-hung
Members absent	:	Dr Hon Philip WONG Yu-hong, GBS Hon Timothy FOK Tsun-ting, GBS, JP
Public Officers attending	:	Item IV Mr Gilbert MO Deputy Law Draftsman (Bilingual Drafting and Administration) Department of Justice Miss Louisa LAI Deputy Director of Public Prosecutions Department of Justice Ms Adeline WAN Senior Assistant Solicitor General Department of Justice

Ms Jenny FUNG
Senior Assistant Law Officer (Civil Law) (Acting)
Department of Justice

Ms FUNG Ngar-wai, Aubrey
Principal Assistant Secretary for Home Affairs
(Civic Affairs) 2

Ms CHUNG Yee-ling, Alice
Deputy Director of Legal Aid / Administration

Judiciary Administration

Mr NG Sek-hon
Deputy Judiciary Administrator (Operations)

Item V and VI

Mr Eamonn Moran
Law Draftsman
Department of Justice

Ms Leonora IP
Senior Assistant Law Draftsman
Department of Justice

Ms Karmen KWOK
Senior Government Counsel
Department of Justice

Item VI

Ms Adeline WAN
Senior Assistant Solicitor General
Department of Justice

Miss Ida CHAN
Senior Government Counsel
Department of Justice

Miss Emma WONG
Senior Government Counsel
Department of Justice

Attendance by invitation	:	Item V and VI Hong Kong Bar Association Ms Liza Jane Cruden
Clerk in attendance	:	Miss Flora TAI Chief Council Secretary (2)3
Staff in attendance	:	Mr KAU Kin-wah Senior Assistant Legal Adviser 3 Miss Cindy HO Senior Council Secretary (2)3 Dr Yuki HUEN Research Officer 8 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)1356/11-12]

The minutes of the meeting held on 20 October 2011 were confirmed.

II. Information papers issued since last meeting
[LC Paper No. CB(2)1320/11-12(01)]

2. Members noted the Judiciary Administration's paper on "Proposed Opening of Offices of the Courts on Christmas and Lunar New Year's Eves" [LC Paper No. CB(2)1320/11-12(01)].

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III. Items for discussion at the next meeting
[LC Paper Nos. CB(2)1462/11-12(01) to (03)]

3. In accordance with the list of items tentatively scheduled for discussion in the current session, members agreed to discuss the following items at the next regular meeting on 23 April 2012 –

(a) Law Reform Commission ("LRC") Report on Hearsay in Criminal Proceedings;

(b) LRC Report on Double Jeopardy; and

(c) Framework Agreement on Hong Kong/Guangdong Co-operation relating to co-operation on legal matters.

Procedure for seeking an interpretation of the Basic Law ("BL") under BL158(1)

4. The Chairman recapped that in the course of the discussion on the issue relating to the procedure for seeking an interpretation of BL under BL158(3) at the meeting on 27 February 2012, members had raised issues relating to interpretation of BL under BL158(1) including whether the Standing Committee of the National People's Congress ("NPCSC") should exercise its power of interpretation of BL under BL158(1) and the procedure for seeking an interpretation of BL under BL158(1). Since some members had indicated their wish to explore the relevant issues at a future meeting, the Chairman invited members' views on how the issue would be pursued.

5. Mr LAU Kong-wah and Ms Miriam LAU said that while the mechanism for interpretation of BL was provided under BL158(1), the relevant procedure for seeking such an interpretation from NPCSC had not been specified in the same or other provision of BL, and the Panel should take the opportunity to sort out the relevant procedure for the avoidance of doubt. Ms Emily LAU shared their view. To facilitate the Panel's consideration of the issue, members agreed that the Administration should provide information on (a) previous instances where the Administration had sought an interpretation of BL from NPCSC including the circumstances leading to the Government's decisions; (b) the procedures adopted in seeking the interpretation and the justifications for such requests; and (c) the interpretation by NPCSC made in 1996 in respect of the National Law that had been applied to the Hong Kong Special Administrative Region from 1 July 1997. Members also agreed that the Legislative Council ("LegCo") Secretariat should prepare a background brief on the past deliberations of Members on these interpretations. The Chairman said that the timing for discussion of the item would be confirmed in due course when the relevant information was available.

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(Post-meeting note: The Panel agreed to discuss issues relating to the procedure for seeking an interpretation of BL under BL158(1) at its regular meeting held on 28 May 2012)

Referral from the Subcommittee on the Six Orders Made under Section 5(1) of the Public Bus Services Ordinance and Gazetted on 20 January 2012

6. The Chairman advised that the six Schedule of Routes Orders 2012 ("the Orders") were made by the Chief Executive in Council under section 5(1) of the Public Bus Services Ordinance (Cap. 230) to repeal the Schedule of Routes Orders made in 2011 and to set out in the new schedules specified routes on which each of the franchised bus companies had the right to operate a public bus service. In its letter addressed to the Panel, chairman of the former Subcommittee on the Six Orders Made under Section 5(1) of the Public Bus Services Ordinance and Gazetted on 20 January 2012 requested this Panel to follow up the question of whether the Six Orders were subsidiary legislation. After discussion, members considered that it was not necessary to pursue the matter further on the ground that issues relating to the definition of subsidiary legislation and the power of the LegCo to amend subsidiary legislation had been examined thoroughly by the former Subcommittee to Study Issues Relating to the Power of LegCo to Amend Subsidiary Legislation.

IV. Use of Chinese in court proceedings

[LC Paper Nos. CB(2)1353/11-12(01) to (08) and IN17/11-12]

Briefing by the Administration

7. At the invitation of the Chairman, Deputy Law Draftsman (Bilingual Drafting and Administration) ("DLD") of the Department of Justice ("DoJ") introduced the DoJ's paper [LC Paper No. CB(2)1353/11-12(01)] which set out its initiatives on various fronts to enhance the development of a bilingual legal system and to nurture bilingual legal talents. Such measures included the provision of training for its officers in the use of Chinese in legal proceedings, in the drafting of legal documents and the writing of submissions in Chinese, and in the drafting of legislation in Chinese; as well as the publication of glossaries of legal terms.

8. Principal Assistant Secretary for Home Affairs (Civic Affairs) 2 went on to brief members on the work to facilitate the use of Chinese in court proceedings by the Legal Aid Department ("LAD") and the Duty Lawyer Service ("DLS") under the policy purview of the Home Affairs Bureau ("HAB") as set out in its paper [LC Paper No. CB(2)1353/11-12(02)].

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Briefing by the Judiciary Administration

9. Deputy Judiciary Administrator (Operations) ("DJA") introduced the paper prepared by Judiciary Administration ("JA") which set out the policy and measures for developing the use of Chinese in court proceedings [LC Paper No. CB(2)1353/11-12(03)]. DJA said that proceedings at all levels of court could now be conducted in either one of the two official languages and the percentage of Chinese hearings was on the rise. The guidelines issued for the judges and judicial officers ("the judge") on the use of Chinese in court proceedings had set out nine factors which a judge would take into consideration in the exercise of his/her discretion as to which official language should be used in conducting proceedings, and the paramount consideration for the judge was to ensure the just and expeditious disposal of the case. While a judge might choose to use one of the two official languages in court, a witness or party in any court proceedings had always been permitted to use whatever language he/she so wished with the assistance of a court interpreter. Similar arrangements also applied to legal representatives. In recognition of the potential difficulties encountered by litigants in person ("LIPs"), the Judiciary was committed to providing procedural assistance (not legal advice) and facilities to facilitate them to deal with the applicable procedures in the conduct of their cases through provision of the Resource Centre for Unrepresented Litigants.

Information provided by the legal professional bodies and law schools

10. Members noted that in response to the Panel's request, the Hong Kong Bar Association ("Bar Association") and the Law Society of Hong Kong had made submissions on their respective efforts made to assist legal practitioners in meeting the growing demand for legal practice in Chinese [LC Paper Nos. CB(2)1353/11-12(04) and (08)] The Faculty of Law of the University of Hong Kong, the Faculty of Law of the Chinese University of Hong Kong and the School of Law of the City University of Hong Kong had also made submissions on their measures to enhance the proficiency of law students in using Chinese as a legal language [LC Paper Nos. CB(2)1353/11-12(05) to (07)].

11. Members also noted the information note prepared by the Research Division of the LegCo Secretariat on the subject [IN 17/11-12].

Issues raised by members

Unrepresented litigants and the use of Chinese in courts

12. The Chairman noted that 72% of the appeals from lower courts conducted at the Court of First Instance in 2010 had been conducted in Chinese. She expressed concerns over the number of cases in which both or one of the parties

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were or was unrepresented. She also noted that the percentage of Chinese hearings of appeal cases was quite high. DJA said that the Judiciary did not keep separate record on the number of cases which was conducted in Chinese and where LIPs were involved. But according to the available statistics at Appendix II to JA's paper, 42% of civil trials/appeals conducted in the High Court involved LIPs, of which 67% were conducted in Chinese.

13. Mr LAU Kong-wah pointed out that according to paragraph 5 of DoJ's paper, the percentage of criminal cases conducted in Chinese at the Court of First Instance (both magistracy appeals and trials), District Court and Magistrates' Courts had dropped in 2010 when compared to that in 2009. He enquired about the reason for the decline. Noting that 115 out of 150 judges (i.e. 77%) were fully bilingual, Mr LAU was concerned that not all bilingual judges would have the necessary expertise to conduct proceedings in Chinese. He also noted the figure provided by the Bar Association that over 60% of the barristers in practice in Hong Kong were bilingual, but that number included legal practitioners who knew Chinese but might not be able to discharge their professional duties in Chinese in court proceedings.

14. DLD said that English was the language of the common law and the teaching of law was traditionally English-focused. Against such background, he said that the language proficiency of legal practitioners factored in the development of legal bilingualism, be it in law drafting or advocacy work of DoJ. While short courses to DoJ officers relating to the use of Chinese in legal proceedings were held, the focus of which was on the application of legal practice skills in Chinese and not on language skill; and therefore officers were expected to be sufficiently skilled in the Chinese language itself. It would also take time for the various efforts to nurture bilingual legal talents to bear fruits. DLD added that the launch of glossaries of legal terms had aided greatly the development of a bilingual legal system as they provided handy reference tools for locating bilingual legal terms in legislation.

Legal education

15. Mr LAU Kong-wah recognized the importance of Chinese language proficiency of law faculty students and suggested that the Administration should attach importance to the basic training. He said that legal language was no ordinary language; it involved the use of Chinese as a legal language and the translation of English legal concepts and terms into Chinese with precision and accuracy. He suggested that the Administration should put in more resources and training with joint efforts of the law faculties in order to build a solid foundation for the mastery of both languages by the law students in the legal context. Noting that training courses on writing submissions in Chinese and

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other Chinese language writing courses were arranged by the Sun Yat-sen University for the DoJ Counsel, Mr LAU emphasized that local training was more essential given the differences between the legal systems on the Mainland and in Hong Kong. While the lecturers were well versed in Chinese, the use of Chinese in writing legal submissions had to be subject to specific rules and requirements of its contents and expressions. Expressing concern about the quality of law drafting in Chinese, Mr LAU stressed that the development of bilingual drafting of the laws was yet another important aspect in the bilingualism of the legal system and the comprehensibility of Chinese legislation should be enhanced.

16. According to the submission of the Faculty of Law of the University of Hong Kong, the subject of Chinese law was a compulsory subject for all first year law students, while other courses on the use of Chinese in the legal context were only elective modules. Mr Paul TSE noted with concern that the popularity of these elective courses was to a large extent market-driven, showing that the importance of English as a language of the law was still generally recognized while many students would still regard the use of Chinese as of secondary importance. He considered the situation not conducive to nurturing bilingual legal talents.

17. DLD said that Hong Kong was a common law jurisdiction. It would be in the public interest if non-Chinese speaking legal professionals continued to have opportunities to contribute their experience and expertise. Although the majority of Hong Kong population was Chinese, Hong Kong was an international city. Many litigants were non-Chinese-speaking. It might therefore not be ideal to set a target in terms of percentage for trials in Chinese. The aim to develop a bilingual legal system was to ensure that all litigants have their cases disposed of in a just and expeditious manner regardless of the mother tongue of the litigants. DoJ would keep up its efforts for enhancing the development of a bilingual legal system and in nurturing bilingual legal talents.

Judgment writing in Chinese

18. Noting that the Chinese had been used more extensively at Magistrates' courts in conducting litigation and quite a substantial number of Chinese judgments were available, the Chairman asked if there were any difficulties in writing judgments in Chinese. DJA said that a higher percentage of cases tried in the lower courts were conducted in Chinese; while trials conducted in the higher courts were more complex cases and the parties concerned usually preferred the proceedings to be conducted in English. He said that the Judiciary had organized training courses on Chinese judgment writing for the judges to enhance their Chinese language proficiency in collaboration with the Tsinghua University and local law schools. DJA said that with the increasing use of

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Chinese in courts, the Judiciary had started in August 2008 to upload onto the Judiciary website Chinese judgments of jurisprudential value handed down since 1995 along with their English translation; leading judgments written in English were also translated in Chinese and suitably uploaded onto the Judiciary website to facilitate the work of the judges and the legal profession to facilitate the use of Chinese in court proceedings. The Judiciary also commenced maintaining a database of reasons for sentence handed down by the High Court and the District Court on the Judiciary website.

Availability of bilingual judges and the choice of language used in trials

19. Mr Albert HO pointed out that there were cases where a party to the proceedings had requested that the proceedings be conducted in Chinese but the request was rejected, notably the case of *Re. Cheng Kai Nam Gary* HCAL 3568/2001 in which the applicant was seeking to have his case tried by a judge who spoke Cantonese in addition to English. Mr HO was concerned that some litigants might not be permitted to use Chinese due to a lack of bilingual judges to conduct hearings in Chinese and enquired about the number of such cases. DJA said that the Judiciary did not keep separate record on the number of cases in respect of which requests to conduct court proceedings in Chinese had been turned down due to unavailability of bilingual judges or other reasons. However, such situation should be rare. DJA assured members that the Judiciary had strived to increase the number of bilingual judges and there was a sufficient pool of bilingual judges to conduct hearings which were considered suitable to be heard in Chinese. The judge would consider a number of factors, including the language ability of the accused, the litigants and the lawyers representing the accused and the litigants, the factual issues and legal issues in dispute, and the volume of documents which might be required to be translated into the other official languages etc, in deciding the choice of official language for the whole or part of the case. Mr Paul TSE suggested that the guidelines issued to judges should accord different weighting to the nine factors, in particular the paramount factor(s) to facilitate the judge in deciding which official language should be used for the proceedings.

20. The Chairman said that she understood from a recent hearing of an appeal case that the language for conducting the appeal would be the language used in the original trial. She was not aware of any recent instance where request for court proceeding to be conducted in Chinese was rejected but the request for conducting the Coroner's inquest into the death of a Nepalese being shot by a policeman in English was rejected. Mr Albert HO noted that for cases heard by the higher courts usually involved arguments of points of law or where the parties to proceedings had engaged expatriate legal practitioners, the parties concerned might prefer to use English for conducting the trial. DJA advised that the judge

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could adopt a pragmatic approach and might consider at the outset that part of the hearing would be conducted in Chinese and part of it in English. An example was that Cantonese was used for the oral evidence and English for the submissions.

Court users' survey on the choice of official language in court proceedings

21. Mr LEUNG Kwok-hung strongly urged that in the interest of the litigants, the relevant statistics on such rejected cases on the choice of official language should be kept by the courts, in particular where the rejection was due to the unavailability of bilingual judges in order to keep the situation under review. The Chairman asked the JA to consider the request. To achieve the objective of using Chinese in conducting trials to ensure a just and expeditious disposal of the case, Mr Paul TSE enquired whether a survey had been conducted in this regard to gauge the views of the public who were parties to proceedings. DLD said that DoJ had not conducted a survey on users of its service which were solely government departments. Deputy Director of Legal Aid / Administration said that most of the legally aided cases were assigned out and the choice of language for litigation would be decided by assigned solicitors and aided persons. LAD had not conducted any survey on the views of the legally-aided persons with regard to the language requirement in court in their respective cases. Mr Paul TSE considered it desirable if LAD would conduct an analysis in this regard.

Conclusion

22. Concluding the discussion, the Chairman shared the view of DLD that the objective of achieving bilingualism in court was to develop a system which was capable of functioning in both languages for the just and expeditious disposal of the proceedings. The Chairman emphasized that language proficiency of the legal practitioners in both English and Chinese was important given that the majority of the common law cases were conducted in English. Those who were not conversant in English would find their hands tied as English would continue to be the only medium in which judgments from overseas was reported. On the other hand, conducting a case in Chinese involved the conveyance of the legal concepts in Chinese, in addition to its literal meaning. She hoped that the Panel would revisit the relevant issues in future.

V. Editorial Record 1 of 2012 (compiled in accordance with section 2B of the Laws (Loose-leaf Publication) Ordinance 1990)

[LC Paper Nos. CB(2)1452/11-12(01) and CB(2)1462/11-12(04)]

Briefing by the Administration

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23. At the invitation of the Chairman, Law Draftsman ("LD"), the Law Drafting Division ("LDD") of DoJ, briefed members on the Editorial Record ("ER") 1 of 2012. Members noted that it was the first exercise of the editorial power conferred upon the Secretary for Justice ("SJ") by the new section 2A of the Laws (Loose-leaf Publication) Ordinance 1990 ("Loose-leaf Ordinance") which came into operation on 16 January 2012, and the publication of editorial records pursuant to the new section 2B of the said Ordinance. LD highlighted the overriding principle that any editorial amendment should not change the legal effect of a provision as an important safeguard to the mechanism.

24. Senior Assistant Law Draftsman ("SALD") introduced the Administration paper on issues relating to the editorial amendments. She also briefed members on two new legislative proposals relating to editorial powers under the Loose-leaf Ordinance and the Legislation Publication Ordinance (Cap. 614) ("LPO") and the exercise of revision powers under LPO as set out in the paper.

25. Members noted the background brief prepared by the LegCo Secretariat on the subject, with Appendix I attached thereto setting out the new sections 2A and 2B of the Loose-leaf Ordinance. Members also noted the mark-up copy of section 113C as extracted from the Criminal Procedure Ordinance (Cap. 221) tabled at the meeting.

Views of deputation

Bar Association

26. Ms Liza Jane Cruden said that the Bar Association had no particular comment on the ER 1 of 2012 but would monitor any future changes made by LDD.

Discussion

27. Senior Assistant Legal Adviser 3 ("SALA 3") briefed members on his observations on the changes made in ER 1 of 2012 as follows -

(a) Regarding the example set out in paragraph 7(b) of the Administration paper, while editorial changes could be made pursuant to the new section 2A(1)(d) of the Loose-leaf Ordinance, he queried its applicability to subsection (3) of section 113C of the Criminal Procedure Ordinance (Cap. 221) which was only a deeming provision concerning the corresponding level of fine instead of an amendment to a provision. Moreover, SJ was already empowered under the original subsection (5) of section 113C of Cap. 221 to make changes before the introduction of the new section 2A of the Loose-leaf Ordinance;

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(b) By repealing the arrangement under the original subsection (5) of section 113C of Cap. 221, SJ had to rely on the new section 2A of the Loose-leaf Ordinance and exercised his power for the purpose. There was doubt on the need to exercise afresh SJ's delegated power under the new section 2A when such right had already been lawfully exercised under the original subsection (5) of section 113C of Cap. 221; and

(c) By omitting enacting, expired and spent provisions in the loose-leaf edition, users had to look up the gazetted version for tracing the historical versions or provisions that no longer existed, which was considered not quite user-friendly. He cited the examples that some provisions relating to implementation of resolutions of the United Nations in local subsidiary legislation and those expired provisions would be omitted from the Ordinance or subsidiary legislation in the loose-leaf edition.

28. The Chairman shared the concerns of SALA 3, saying that the question at issue was whether the changes made were outside the scope of the new section 2A(1)(d) of the Loose-leaf Ordinance which was supposed to deal only with legislative amendments deemed to have been made. The Chairman expressed doubt as to whether replacing the amount of fine by the corresponding level of fine was within the scope of editorial changes as defined. She was also concerned that the wordings in the original subsection (5) of section 113C of the Criminal Procedure Ordinance (Cap. 221) were "alter the text" and "changes", not amendments. In her view, legislative amendment was within the prerogatives of LegCo; and it was undesirable for LPO to adopt an interpretation of "amendment" to expand the scope of the power under the Loose-leaf Ordinance.

29. LD explained that in the exercise of SJ's editorial power, the amendments would include a textual amendment, a non-textual amendment, or an implied amendment in accordance with legal textbooks on statutory interpretation. He recapped the definition under section 3 of the Interpretation and General Clauses Ordinance (Cap. 1) that *"amend includes repeal, add to or vary and the doing of all or any of such things simultaneously or by the same Ordinance or instrument"*. In the present case, he was satisfied that the editorial amendment was within the scope of paragraph 2A(1)(d) of the Loose-leaf Ordinance by altering the text to reflect the amendment deemed to have been made by section 113C of Cap. 221.

30. The Chairman said that she preferred to have the omitted provisions shown in the loose-leaf edition for easy reference. LD said that omission of enacting, expired and spent provisions which ceased to operate was part of the law

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consolidation process in order to provide an up-to-date version of the law, and users could revert to the gazette for historical versions, the Bilingual Laws Information System or the new electronic database to be operated by DoJ in future.

31. Mr Paul TSE asked which party would be responsible to verify the editorial amendments made by LDD and the mechanism to guard against any amendment exceeding the scope of the editorial power. Mr TSE further enquired if the Panel would be briefed again when the next issue of ER was due in future. LD said that an important safeguard was that any editorial amendment should not change the legal effect of a provision; and LDD had gone through the exercise in a meticulous manner in the exercise of SJ's editorial power within its pre-defined scope, and the textual change made should not change the legal effect. LD said that it had been agreed by the former bills committee that no scrutiny would be required for editorial amendments made under the pre-defined scope of SJ's editorial powers.

32. Concluding the discussion, the Chairman said that the former Bills Committee formed to scrutinize LPO had put in place various safeguards, including, inter alia, requiring the editorial changes not to change the legal effect of any Ordinance, and the compilation of a record of editorial amendments for public inspection to enhance its transparency and accountability. Accordingly, SJ had exercised his power and so published the first issue of ER. The Chairman suggested that SALA 3 should discuss his concerns with LDD after the meeting and revert to the Panel if necessary. Members agreed.

(Post-meeting note: After exchange of correspondence with LDD, SALA3 considered that there was no legal issue that would need to be followed up.)

VI. Statute Law (Miscellaneous Provisions) Bill 2012

[LC Paper Nos. CB(2)1452/11-12(02), CB(2)1462/11-12(05) and (06)]

33. Senior Assistant Solicitor General ("SASG") said that the Statute Law (Miscellaneous Provisions) Bill 2012 was an omnibus bill proposing miscellaneous amendments to improve existing legislation. The proposed amendments were technical and largely non-controversial. The Administration would introduce the Bill into the LegCo in May 2012. SASG then briefed members on the proposed amendments as set out in the Administration's paper. She highlighted that the proposed amendment to the Crimes Ordinance (Cap. 200) was to give effect to the recommendation of the Law Reform Commission ("LRC") to abolish the common law presumption that a boy under 14 was incapable of sexual intercourse. When the Panel was consulted at its meeting on 28 February 2011, members generally supported this recommendation.

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34. Mr Paul TSE asked about the relevant criteria to justify the inclusion of some amendments but not others in a miscellaneous amendment bill and the timing for introducing such a bill. Mr TSE further asked why amendments to the Crimes Ordinance were not made by way of a separate amendment bill under the principal legislation.

35. SASG said that the Administration had used omnibus bills in recent years as an efficient way of effecting miscellaneous improvements to existing legislation. This avoided the requirement to make bids for separate slots relating to each Ordinance, the amendments to which typically involved only a few clauses, as in the case of adding a new section to the Crimes Ordinance to abolish the common law presumption that a boy under 14 being incapable of sexual intercourse. SASG reiterated that the amendments to be included in the form of omnibus bill should be technical, non-controversial, and minor in nature. She also clarified that although a review of the Legal Practitioners Ordinance (Cap. 159) together with the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997, which involved some 100 provisions, was a mammoth task, the Administration decided to take forward the proposed amendments by including them in the Statute Law (Miscellaneous Provisions) Bill 2012 as the abovementioned criteria had been met. She said that other minor and technical amendments to various Ordinances or subsidiary legislation included in the bill would be discussed in further details when the relevant Bills Committee was formed to scrutinize the bill.

36. Responding to Mr Paul TSE on the timing and frequency for introducing a miscellaneous amendments bill, the Chairman said that such bill was formerly known as the Administration of Justice (Miscellaneous Provisions) Bill, which would be introduced in around two to three years' time. The amendments made were largely administrative in nature for the purpose of dispelling inconsistencies and discrepancies with existing or new provisions or new rulings made by the court. Any controversial clauses could be deleted from the bill during the scrutiny process of the relevant Bills Committee.

VII. Any other business

37. There being no other business, the meeting ended at 6:40 pm.

Council Business Division 2
Legislative Council Secretariat
26 September 2012