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(These minutes have been seen by the Administration)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Monday, 23 April 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

Members absent :

Dr Hon Philip WONG Yu-hong, GBS
Hon Timothy FOK Tsun-ting, GBS, JP
Hon LEUNG Kwok-hung

Public Officers attending :

Item III

Mr Peter H H WONG
Deputy Solicitor General
Department of Justice

Miss Sally YAM
Senior Government Counsel
Department of Justice

Mr Byron LEUNG
Secretary of the Hearsay in Criminal Proceedings Sub-committee of the Law Reform Commission

The Law Reform Commission

Mr Paul W T Shieh, SC
Chairman of the Double Jeopardy Sub-committee

Professor Simon YOUNG
Member of the Double Jeopardy Sub-committee

Ms Michelle Ainsworth
Acting Secretary

Mr Byron LEUNG
Secretary of the Double Jeopardy Sub-committee

Item V

Mr Peter H H WONG
Deputy Solicitor General
Department of Justice

Miss Michelle TSANG
Senior Assistant Solicitor General
Department of Justice

Ms Alice CHOY
Senior Government Counsel
Department of Justice

Attendance by invitation :

Item III and IV

Hong Kong Bar Association

Mr Osmond LAM

Mr Edwin CHOY

Item V

Hong Kong Bar Association

Mr Andrew MAK

The Law Society of Hong Kong

Mr Ambrose LAM
Vice President

Mr Wilfred TSUI
Vice-chairman of the Greater China Legal Affairs Committee

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

Ms Wendy LO
Council Secretary (2)3

Mrs Fonny TSANG
Legislative Assistant (2)3

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I. Information papers issued since last meeting

Members noted that no information paper had been issued since the last meeting.

II. Items for discussion at the next meeting
[LC Paper Nos. CB(2)1746/11-12(01) to (03)]

2. Members noted that according to the work plan of the Panel, the following two items had originally been scheduled for discussion at the next regular meeting on 28 May 2012 –

(a) Prosecutorial independence; and

(b) Judicial manpower situation.

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3. Regarding item (a) referred to in paragraph 2 above, the Chairman said that it had been agreed that the Panel would consider how to follow up on the issue upon receiving a written submission from the Hong Kong Bar Association ("Bar Association"). Pending the written submission from the Bar Association, the Chairman proposed and members agreed that discussion of item 2(a) above be deferred to a future meeting. The Chairman further proposed and members agreed that the item of "Procedure for seeking an interpretation of the Basic Law ("BL") under BL158(1)" be discussed at the next regular meeting on 28 May 2012 in view of the availability of the Administration's paper on the relevant subject as per the Panel's request.

Staff costs arrangement for the proposed creation of two new judicial posts in the Lands Tribunal of the Judiciary

4. Mr James TO raised concern about the staff costs arrangement for the proposed creation of two new judicial posts in the Lands Tribunal of the Judiciary to help cope with the increase in workload arising from the rising number of compulsory sale applications filed with the Lands Tribunal under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545). He was given to understand that these new posts would be funded by the operating expenditure of the Development Bureau, instead of the Judiciary, and he queried if such arrangement was appropriate. The Chairman suggested that the Panel would seek a reply from the Administration.

> *(Post-meeting note: The Panel wrote to the Chief Secretary for Administration's Office on the issue. The Panel then received a reply from the Development Bureau attaching an information note provided by the Judiciary Administration ("JA") explaining the prevailing arrangements. The Administration's response was circulated to members on 24 May 2012 vide LC Paper No. CB(2)2133/11-12(01).)*

III. Law Reform Commission ("LRC") Report on Hearsay in Criminal Proceedings

[LC Paper Nos. CB(2)1729/11-12(01), CB(2)1746/11-12(04) and LRC Report on Hearsay in Criminal Proceedings]

Briefing by the Administration

5. At the invitation of the Chairman, Deputy Solicitor General ("DSG") of the Department of Justice ("DoJ") briefed members on the Administration's paper [LC Paper No. CB(2)1729/11-12(01)] which set out the proposals of the Law Reform Commission ("LRC") Report on Hearsay in Criminal Proceedings ("the Report") with an executive summary prepared by the LRC Secretariat attached thereto. In its Report, the Hearsay in Criminal Proceedings

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Subcommittee ("the Subcommittee") of LRC set out 42 recommendations and recommended that the existing law of hearsay in Hong Kong criminal proceedings should be reformed to provide greater scope to admit hearsay evidence in specific circumstances. In the light of the New Zealand Law Commission model, the Subcommittee considered that the admission of hearsay evidence, saved for some specific exceptions, should be based on a single statutory discretionary power to admit hearsay evidence if it was both necessary and reliable. A Core Scheme was recommended to be adopted as a whole as the major vehicle for reforming the law of hearsay in criminal proceedings. The Administration was supportive of most of the recommendations and proposals in the Report and a team had been set up within the DoJ to consider implementation of the Report; and it was the plan of the Administration to proceed with the law drafting work in the latter half of the year. DSG added that a half-day legal discussion about the Report with the two legal professional bodies and other stakeholders would be held in the morning of 26 May 2012 so as to solicit views on the relevant proposals.

6. Members noted the relevant extract from the minutes of the Panel meeting held on 23 January 2006 [LC Paper No. CB(2)1746/11-12(04)] on its discussion on the Consultation Paper on Hearsay in Criminal Proceedings published by LRC in November 2005.

Views of the Bar Association

7. Mr Edwin CHOY said that the Bar Association had provided its position paper to LRC on 4 May 2006 in response to the Consultation Paper on Hearsay in Criminal Proceedings. He said that the acquittal rate in Hong Kong courts was generally not very high and as defence counsel their duty was to cross-examine witnesses to ensure a fair trial for the accused. Against such background, Mr CHOY stated below the concerns of members of the Special Committee on Criminal Law of the Bar Association –

(a) unavailability of a hearsay declarant for cross-examination of witnesses, which was the right of the other party to the proceedings to challenge the accuracy of evidence;

(b) admission of hearsay evidence might complicate and create uncertainties for the criminal proceedings and thereby put the unprepared defendants at a disadvantaged position and would undermine the defence counsel's ability to defend the case;

(c) the proposed discretionary power vested in the court to admit hearsay in prescribed circumstances in meeting the necessity and threshold reliability criteria might run the risk of producing inconsistent results;

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(d) the condition of necessity was considered beneficial to the prosecution in particular where a witness in favour of the prosecution could not be located, which would easily satisfy the condition as specified in item (d) of proposal 8 of the Core Scheme; and

(e) adequate safeguards should be put in place to ensure the rights of the public who were charged with criminal offences, including different standards of proof should be imposed on parties to establish the right in producing hearsay evidence, since it was the nature of criminal proceedings that the burdens and standards of proof of different parties were fundamentally asymmetrical.

8. At the request of the Chairman, Mr Edwin CHOY undertook to provide a copy of the Bar Association's position paper issued in May 2006 for the Panel's reference.

(Post-meeting note: The Bar Association has provided its position paper (issued in May 2006) on the LRC Consultation Paper on Hearsay in Criminal Proceedings, which was circulated to members on 27 April 2012 vide LC Paper No. CB(2)1842/11-12(01).)

Discussions

Standard of proof and safeguards

9. DSG said that in proposing the recommendations, the Subcommittee had drawn on overseas experience in reforming the hearsay rule. Under the original proposal of the Subcommittee, before the court was able to admit hearsay evidence under its discretionary power, the court had to be satisfied on a balance of probabilities that it was necessary to admit the hearsay evidence and that the evidence was reliable. Taking into account the view of the Bar Association, the LRC now proposed in its Report that in the case of the prosecution, the standard of proof was beyond reasonable doubt while in the case of the defence, the standard was on the balance of probabilities.

10. Noting the concern of the Bar Association with regard to proposal 8(d) of the Core Scheme, the Chairman enquired whether the Administration would only proceed with those proposals when a consensus could be reached. DSG emphasized that under the proposal, a Core Scheme was proposed as a whole as the major vehicle for reforming the law of hearsay in criminal proceedings and the Administration would consider the views of the two legal professional bodies before reaching a conclusion on the relevant recommendations. DSG added that the general trend in most jurisdictions which had reformed their law favoured a relaxation of the hearsay rule to make it more flexible and more equitable.

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11. Mr Albert HO enquired about the situation where the prosecution's case against the defendant was wholly based on hearsay evidence or otherwise the facts of the case could not be established. In this regard, Mr Osmond LAM of the Bar Association was of the view that hearsay evidence would undermine the fundamental rights of the defendants and thereby put the unprepared defendants at a disadvantaged position. In his view, criminal proceedings should not be instituted solely based on hearsay evidence on the ground that its admissibility would be subject to the discretion of the court, and other supporting evidence for prosecution should also be available.

12. DSG advised that hearsay evidence could be of critical importance in considering whether there was sufficient evidence to institute the criminal proceeding. This was also the case for confession statement of the accused which might be the main evidence for prosecution albeit its admissibility would be decided by the court.

13. Mr Osmond LAM said that there was a mechanism in place regarding the admissibility of confession statements in criminal proceedings to ensure voluntariness of confessions, and he considered that for admission of hearsay evidence, adequate safeguards should be put in place to ensure the rights of the public who were charged with criminal offences. Pointing to the safeguards in relation to the admission of hearsay evidence, DSG said that the party proposing to tender hearsay evidence should serve on each party to the proceedings such notices and particulars of the evidence as might be presented; and according to proposal 15 of the Core Scheme, the court shall direct the acquittal of an accused against whom such evidence had been admitted under the terms of the proposals where the judge considered that it would be unsafe to convict the accused. The proposed Core Scheme would aim to strike a balance between the prosecution and the defence, protect the rights of defence and ensure a fair trial process.

14. Mr Edwin CHOY said that there was a clear difference between relying solely on hearsay evidence to prove the guilt of a defendant and relying on the defendant's own admission statement as the main evidence. He was concerned that once the court was convinced that the hearsay statement was both necessary and reliable according to proposal 7 of the Core Scheme, and in the absence of an opportunity to have the hearsay statement cross-examined, it was unlikely that the court would consider, at the end of the trial, that a conviction of the accused would be unsafe.

15. Concluding the discussion, the Chairman said that the proposed discretionary power vested in the court to admit hearsay in prescribed circumstances might lead to more prosecutions and create uncertainties for the accused. The Administration ought to take a cautious approach in its decision to

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implement any changes to the existing system and the proposals should require more thorough consideration by the Administration in the light of the concerns of members and the legal profession. The Chairman also requested the Bar Association to provide its further submission on the Report, if any, to the Panel in future.

IV. LRC Report on Double Jeopardy

[LRC Report on Double Jeopardy and Executive Summary of the LRC Report on Double Jeopardy]

Briefing on the Report on Double Jeopardy

16. Mr Paul Shieh, SC, Chairman of the Double Jeopardy Subcommittee of LRC, briefed members on the Report on Double Jeopardy published in February 2012. The Double Jeopardy Subcommittee was set up in 2006 to examine the protections against double jeopardy found in the present law and issued a consultation paper containing its preliminary recommendations for reform in March 2010. A total of 22 persons and organizations responded to the consultation paper. The Double Jeopardy Subcommittee highlighted that rapid developments in recent years in forensic science and DNA testing had raised the concern that new and compelling evidence could be brought to light after the completion of the original proceedings which pointed to the guilt of an acquitted defendant. The Subcommittee took the view that the rule against double jeopardy ("the rule") should be retained, but relaxed in exceptional circumstances. It recommended, among others, that the court should be empowered to make an order to quash an acquittal and direct a retrial when there was subsequent revelation of "fresh" and "compelling" evidence against an acquitted person in relation to a serious offence of which he was previously acquitted or an acquittal was tainted.

17. Mr Paul Shieh, SC said that a series of safeguards were recommended to ensure that the power to quash an acquittal would not be abused and that the scope of the relaxation was narrowly tailored to its legitimate purpose. The salient features of these safeguards were as follows:

(a) the reform would only apply to acquittals of serious offences and not all criminal offences;

(b) consent of the Director of Public Prosecutions ("DPP") would be needed before law enforcement agencies could reinvestigate the acquittal case;

(c) only the Court of Appeal would have the jurisdiction to quash the acquittal and order a retrial;

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(d) new evidence which could have been found by law enforcement agencies acting with reasonable diligence would not meet the "fresh and compelling" evidence exception for reopening an acquittal;

(e) before quashing the acquittal and ordering a retrial, the Court of Appeal must be satisfied that it would be in the "interests of justice" to do so;

(f) prohibitions on publication would apply to protect the identity of the accused so as to prevent prejudicial publicity from affecting the fairness of any retrial; and

(g) the prosecution would only have one opportunity to apply for a retrial in respect of any particular case that originally resulted in an acquittal.

View of the Bar Association

18. Mr Edwin CHOY said that while the Bar Association generally supported the recommendations made by LRC, it had the following concerns:

(a) noting that it was recommended in the Report that the consent of DPP should be obtained for the law enforcement agencies to investigate an acquitted person and the conditions to be fulfilled, the Bar Association was of the view that the Secretary for Justice ("SJ") would be a more appropriate person than DPP to determine whether it was appropriate to give consent to such an investigation after acquittal. This was to avoid the conflict of role as the DPP who might be the losing party in the original trial; and

(b) what would be the standard by which the Court of Appeal would grant an order for retrial under the "fresh and compelling" evidence limb and the "tainted acquittal" limb respectively. Since the acquitted person had already suffered a lengthy trial, it would be onerous for him to go through another ordeal of a criminal trial if the threshold for reopening a trial was not set high enough, in particular for cases of tainted acquittal. It was suggested that either the tainting itself should have been proved beyond reasonable doubt in a criminal court or that the Court of Appeal should set a reasonably high threshold for reopening a trial.

Discussions

Reopening of an acquittal

19. The Chairman said that it was unclear with regard to the circumstances for reopening of an acquittal, which was found to be quite an ordinary procedure

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rather than exceptional as suggested by the Subcommittee on Double Jeopardy. She pointed out that the existing system prohibited even the power of an appellate court to quash a criminal conviction and to order a retrial if new evidence or a procedural defect was discovered after the ordinary appeals process had been concluded. It was inconsistent with the present proposal of reopening of an acquittal under the "fresh and compelling" criterion or the "tainted acquittal" criterion. Mr Albert HO expressed a similar view.

20. Mr Albert HO enquired whether the prosecution could appeal if an accused was acquitted in a jury trial in criminal proceedings under the existing criminal justice system. Mr Paul Shieh, SC said that the prosecution could appeal to the Court of Appeal by way of case stated where significant points of law were engaged. However, the Court of Appeal could only admit that the trial judge got the law wrong in arriving at that finding but the acquittal would still stand. Mr Edwin CHOY and Mr Osmond LAM said that in respect of criminal trials in the District Court and Magistrates' Courts, the appellate court, in a case stated, could reverse the verdict of the lower courts if there was a wrong application of the law by the trial judge having regard to the facts of the case. Mr Albert HO considered that the proposal of introducing a mechanism for the exercise of the court's discretion in considering whether it would be in the interests of justice to order a retrial was inconsistent with the existing criminal justice system which maintained that even if a trial judge was wrong in law in a jury trial, the acquittal or conviction of that offence must be final. Mr Paul Shieh, SC noted the view on the inconsistency in treatment between acquittals in the jury trial of the High Court and the District Court trial due to errors of law, but it should not detract from the legitimate objective of the proposal to deal with wrongful acquittals and it would depend on the views of the community after weighing the pros and cons of the proposal.

Constitutional and human rights implications

21. Mr TAM Yiu-chung said that the Democratic Alliance for the Betterment and Progress of Hong Kong queried whether the relaxation of the rule would be compatible with the International Covenant on Civil and Political Rights ("ICCPR") which provided that no one shall be liable to be tried or punished again for an offence for which he had already been finally convicted or acquitted in accordance with the law and penal procedure of each country. He also expressed concerns about various issues which had to be fully considered if the proposal was taken forward by the Administration: what evidence was considered compelling; whether the evidence was limited to those arising out of new technology or appearance of new witness; and how the police powers of investigation after acquittal should be monitored.

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22. Mr TAM Yiu-chung and the Chairman expressed concerns that an acquitted person would have to live in constant fear of having to go through another ordeal of a criminal trial if the threshold for re-opening a trial was not set high enough. They also took the view that the police powers of investigation after acquittal should be monitored. Given the far-reaching implications of the proposed reform on the society, Mr TAM Yiu-chung considered that a wider public consultation exercise should be conducted.

23. In the context of human rights under Article 14(7) of ICCPR, Mr Paul Shieh, SC reiterated that in interpreting an international covenant, it was the general consensus in other overseas jurisdictions that the right guaranteed under ICCPR and other human rights laws was not absolute and reopening of criminal proceedings 'justified by exceptional circumstances' did not infringe the rule. The presence of a series of safeguards proposed in the Report could ensure that the power to quash an acquittal would not be abused. By setting a relatively high threshold and creating safeguards, he considered that the proposed reform should be able to withstand constitutional challenge.

24. The Chairman expressed concern that fundamental human rights could hardly be protected if they were subject to interpretation by judicial organs or public opinions as suggested by Mr Paul Shieh, and should not be dependent upon the majority view of the society. Mr Paul Shieh, SC said that there was a distinction between yielding to public opinion and deciding whether, the objective of the law to be achieved was legitimate.

V. Framework Agreement on Hong Kong/Guangdong Co-operation relating to co-operation on legal matters
[LC Paper Nos. CB(2)1729/11-12(02), CB(2)1746/11-12(05) and CB(2)1786/11-12(02)]

Briefing by the Administration

25. DSG briefed members on the Administration's paper which provided further information on the implementation of measures concerning the co-operation on legal matters under the Framework Agreement on Hong Kong/Guangdong Co-operation ("Framework Agreement") [LC Paper No. CB(2)1729/11-12(02)]. He outlined the initiatives put forward by the Bar Association and the Law Society on the development of legal services both under the Framework Agreement and the Mainland and Hong Kong Closer Economic Partnership Arrangement ("CEPA") and briefed members on the Administration's response. DSG said that following the discussion of the Panel at its meeting on 23 May 2011, the views and suggestions of the two legal professional bodies on further liberalization of the Mainland legal services market had been related to and discussed with the Mainland authorities in the context of CEPA discussions, and efforts had been

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made trying to explore new service opportunities for Hong Kong's legal profession under the Qianhai development and the Framework Agreement. Pursuant to the "Co-operative Arrangement on Legal Matters between Shenzhen/Hong Kong" signed in November 2011, DoJ would continue to make vigorous efforts to actively promote in Qianhai arbitration services to be provided by Hong Kong, including international arbitration. To promote the legal and arbitration services of Hong Kong to Mainland businesses and other users, DSG said that the Hong Kong Legal Services Forum would be held in September 2012 in Guangzhou, Guangdong.

26. Members noted the background brief prepared by the LegCo Secretariat on the subject [LC Paper No. CB(2)1746/11-12(05)].

Views of the deputations

Bar Association

27. Members noted the submission from the Bar Association [LC Paper CB(2)1786/11-12(02)]. Mr Andrew MAK said that further efforts on liberalization of the Mainland legal services market should work on the basis of mutual benefit and complementary advantages. The Bar Association aimed to achieve the goal of strengthening Hong Kong's position as the international hub for legal services and dispute resolution, supporting the development of the legal system in the Mainland as well as enhancing service capability of its members. The Bar Association had the following suggestions:

(a) on acting as citizen agents in civil litigation cases, the Bar Association hoped that the Supreme People's Court or the Ministry of Justice could formulate a set of rules for the purpose of implementing the measure to enable Hong Kong barristers to provide assistance to litigants in the courts in Mainland following the promulgation of the 2006 Supplement III to CEPA;

(b) on the mechanism to verify Hong Kong law, the Bar Association proposed at the Panel meeting on 23 May 2011 the establishment of a mechanism to verify Hong Kong law in relevant disputes heard by the courts in the Mainland. It was further agreed to explore possible pilot measures under the framework of CEPA for implementation in Qianhai as for trial purposes to provide a one-stop shop for professional legal services by the Hong Kong legal profession. The Bar Association took a positive attitude towards these proposals, and agreed that these proposals should be finalized and implemented as soon as possible. The Bar Association would also look for new service opportunities for Hong Kong lawyers to access the Mainland legal services market in addition to the Qianhai development; and

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(c) the Bar Association proposed that the courts in the Mainland might engage/retain Hong Kong barristers (other than the legal representatives of the plaintiffs and defendants) as "Friends of Court" to provide independent legal advice when required. Under the proposed mechanism, the courts in the Mainland would be more impartial when obtaining legal advice on foreign law matters. The Bar Association hoped that the initiative would also be implemented in other parts of the Guangdong Province.

Law Society

28. Mr Ambrose LAM said that the Law Society was in liaison with DoJ on the related developments. He had looked into the operation of legal services in some overseas countries and noted that instead of operating law firms in a traditional manner, the current trend was to develop alternative business structures for the provision of multi-disciplinary services for enhanced profit-sharing, citing the recent development in the United Kingdom as an example. As Mainland enterprises continued to grow bigger, "going-out" had become the trend and related legal issues had to be explored in this regard. The Law Society had proposed developing a new mode of association of Hong Kong and Mainland law firms towards the form of partnership on the Mainland and would look further into the details on its development. His views were supported by Mr Wilfred TSUI, Vice-chairman of the Greater China Legal Affairs Committee.

(The Chairman proposed at this juncture to extend the meeting for 15 minutes to complete discussion of this item.)

Discussion

29. Noting that SJ had led a delegation comprising the representatives of the two legal professional bodies and the Hong Kong International Arbitration Centre ("HKIAC") to visit Shenzhen and Qianhai in October 2011, Mr TAM Yiu-chung asked if the Administration had gained any useful insights to facilitate the Panel's discussion. DSG said that those issues raised and the follow-up actions were outlined in paragraphs 10 to 13 of the Administration's paper, including the signing of the "Co-operative Arrangement on Legal Matters" between the DoJ and the Shenzhen Municipal Government on 25 November 2011; and the follow-up meeting on 23 March 2012 between the Administration, the two legal professional bodies, HKIAC and the representatives of various organs in Shenzhen to further exchange views on issues concerning the provision of Hong Kong arbitration and legal services in Qianhai.

30. Mr TAM Yiu-chung enquired about the general response of the legal profession of the Mainland towards the competition of Hong Kong legal service

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providers consequent upon the liberalization measures under CEPA. DSG said that with the accession of the People's Republic of China to the World Trade Organization and the implementation of CEPA, the legal services market in the Mainland would to an extent be opened up to foreign and Hong Kong service providers. He said that while lawyers on the Mainland accepted that they would, to a certain degree, face competition from legal professionals in Hong Kong but they favoured such positive competition as co-operation in legal matters on both sides would be pursued under the principles of reciprocity and mutual respect.

31. Mr Albert HO enquired about the difference between citizen agents and the "Friends of court", and the number of such cases in which Hong Kong lawyers were engaged to act as a citizen agent. Mr HO further asked whether only barristers would become eligible. Mr Andrew MAK of the Bar Association explained that the citizen agent was a liberalization measure stipulated under the 2006 Supplement III to CEPA allowing barristers to act as agents in civil litigation cases in the Mainland in the capacity of citizens but details on how the measure would be taken forward were not yet available from the Mainland side. He related one case which involved a member of his chamber who had Mainland legal qualification and acted as an agent for a party in a civil litigation case in Hangzhou. On the other hand, "Friends of the court" was proposed by the Bar for the courts on the Mainland to engage barristers (other than the legal representatives of the plaintiffs and defendants) to provide independent legal advice on Hong Kong law to the court when required. Under the proposed mechanism, the courts on the Mainland would be more impartial when obtaining legal advice on foreign law matters. The Bar Association maintained the proposal to establish a mechanism to verify Hong Kong law for the purposes of the hearing and determination of cases related to Hong Kong, Macau and Taiwan before the courts on Mainland.

32. DSG said that the Administration had maintained close working relationship with the stakeholders to monitor the implementation of the liberalization measures in respect of legal services under CEPA and its Supplements. He said that the Administration had reflected to the Mainland the views to expedite the provision of implementation details concerning the measure with respect to citizen agents in civil litigation cases on the Mainland and noted that the Mainland court indicated that such implementation details had to be thoroughly considered. DoJ had transmitted the information note on "Amicus Curiae (Friends of the Court) and its Role" prepared by the Bar Association to the Shenzhen side for information. The Administration was aware of the Law Society's suggestion of implementing a mechanism to verify the Hong Kong law through notaries public and any further initiatives would also be explored. DSG informed the meeting that further discussions would continue in order to carefully consider the proposals and to address the relevant issues raised by both sides; and the Administration would continue to work closely with the Hong Kong legal and arbitration professions to

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consider the relevant issues involved in the provision of their respective services in the Mainland.

33. Concluding the discussion, the Chairman noted that while both the Mainland side and Hong Kong legal services providers had been positive to enhancing mutual cooperation, the relevant details for implementation should require more vigorous follow-up actions.

VI. Any other business

34. There being no other business, the meeting ended at 6:45 pm.

Council Business Division 2
Legislative Council Secretariat
26 September 2012