

立法會
Legislative Council

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(These minutes have been
cleared with the Chairman)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Tuesday, 16 October 2012, at 2:40 pm
in Conference Room 3 of the Legislative Council Complex

Members present :

- Dr Hon Priscilla LEUNG Mei-fun, JP (Chairman)
- Hon Dennis KWOK (Deputy Chairman)
- Hon LEE Cheuk-yan
- Hon James TO Kun-sun
- Hon CHAN Kam-lam, SBS, JP
- Hon Emily LAU Wai-hing, JP
- Hon TAM Yiu-chung, GBS, JP
- Hon Abraham SHEK Lai-him, SBS, JP
- Hon Ronny TONG Ka-wah, SC
- Hon Cyd HO Sau-lan
- Hon Starry LEE Wai-king, JP
- Hon CHAN Kin-por, BBS, JP
- Hon Paul TSE Wai-chun, JP
- Hon Alan LEONG Kah-kit, SC
- Hon LEUNG Kwok-hung
- Hon Claudia MO
- Hon Michael TIEN Puk-sun, BBS, JP
- Hon NG Leung-sing, SBS, JP
- Hon Steven HO Chun-yin
- Hon YIU Si-wing
- Hon MA Fung-kwok, SBS, JP
- Hon Charles Peter MOK
- Dr Hon Kenneth CHAN Ka-lok
- Hon Kenneth LEUNG
- Hon Alice MAK Mei-kuen, JP
- Dr Hon KWOK Ka-ki

Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, JP
Hon TANG Ka-piu
Dr Hon CHIANG Lai-wan, JP
Hon CHUNG Kwok-pan
Hon Tony TSE Wai-chuen

Members attending : Hon IP Kwok-him, GBS, JP

Member absent : Hon Albert HO Chun-yan
Hon WONG Yuk-man

Clerk in attendance : Mary SO
Chief Council Secretary (4)2

Staff in attendance : Percy MA
Assistant Secretary General 4

Cindy CHAN
Senior Council Secretary (4)2

Rebecca LEE
Council Secretary (4)2

Sandy SZETO
Administrative Assistant I (4)2

Mandy WAN
Administrative Assistant (4)1

I. Election of Chairman and Deputy Chairman

Election of Chairman

Mr LEE Cheuk-yan, member of the highest precedence among members present, presided over the election of the Chairman of the Panel. Mr LEE called for nominations for the chairmanship of the Panel. Mr Dennis KWOK

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was nominated by Mr Alan LEONG and seconded by Ms Claudia MO. Mr Dennis KWOK accepted the nomination.

2. Ms Starry LEE nominated Dr Priscilla LEUNG and Mr Abraham SHEK seconded the nomination. Dr Priscilla LEUNG accepted the nomination.

3. Mr LEE Cheuk-yan called for other nominations. As there was no other nomination, Mr LEE announced that voting be conducted by secret ballot. After all members had cast their votes, Mr LEE invited Mr Alan LEONG and Ms Starry LEE who had nominated the two candidates to monitor the counting of votes.

4. Mr LEE Cheuk-yan announced that 13 and 19 members voted for Mr Dennis KWOK and Dr Priscilla LEUNG respectively. Mr LEE declared Dr Priscilla LEUNG elected as the Chairman of the Panel for the 2012-2013 session. Dr Priscilla LEUNG then took the chair.

Election of Deputy Chairman

5. The Chairman called for nominations for the deputy chairmanship of the Panel. Mr Dennis KWOK was nominated by Mr Alan LEONG and the nomination was seconded by Dr KWOK Ka-ki. Mr Dennis KWOK accepted the nomination.

6. As there was no other nomination, the Chairman declared Mr Dennis KWOK elected as the Deputy Chairman of the Panel for the 2012-2013 session.

II. Schedule of meetings for the 2012-2013 session

7. The Chairman recommended members to consider holding the regular meetings of the Panel on the fourth Friday of each month at 10:45 am in the new session as this timeslot was deemed to be more preferable. She invited members to give their views on the proposed schedule.

8. Ms Emily LAU wished that the Panel meetings could remain at 4:30 pm as in the past as one of the main reasons for holding the meetings in the afternoons was to facilitate attendance of legal professionals who were invited to attend the meetings to give views.

9. The Chairman responded that in addition to the fact that she had regular personal meetings held on Monday afternoons, the other consideration was that the proposed timeslot would be convenient to more members of the Panel. She said that it required a higher quorum for the Panel meetings in this session than

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in the past because of the increased size of the Panel, which had now more than 30 members. In the past, the proposed timeslot was used for holding meetings of Subcommittee to Study Issues Arising from Lehman Brothers-related Minibonds and Structured Financial Products, of which attendance rate of members had been high corresponding to its high quorum for the meetings.

10. Ms Emily LAU queried whether legal professionals had been consulted of on the arrangement when the Chairman discussed the meeting schedule with the Secretariat. She reiterated her view that the regular meetings should be held in the afternoons.

11. In response to Ms Cyd HO's enquiry, the Chairman replied that she enquired about the other possible timeslots and venues with the Secretariat this morning.

12. Mr Dennis KWOK opined that participation of legal professionals, particularly professionals from the Hong Kong Bar Association and The Law Society of Hong Kong, was important as their views were crucial to the work of the Legislative Council. He said that legal professionals would be unlikely to attend the meetings until they finished businesses from the courts in the afternoons. He wished the Chairman would consider the need of legal professionals in addition to the convenience of the Panel members.

13. The Chairman agreed that participation of legal professionals at the meetings was essential. She would ask the Secretariat to explore other timeslots for 4:30 pm and inform members for consideration.

14. Mr Paul TSE indicated that according to his understanding, meeting timetables were prepared by the Secretariat in advance. Even though members might not agree with the Chairmanship of Dr Priscilla LEUNG, members should not argue on the issue. He said that he attended most of the Panel meetings held in the last session and found that the attendance rate in the afternoons was always very low and there were usually a few members attended the meetings. Most often, it was difficult to maintain the quorum as required for the meetings.

15. Mr TSE further added that there was only one regular meeting each month and not every meeting required the attendance of legal professionals. It might worth considering whether it was necessary to facilitate the need of legal professionals in scheduling the regular meetings of the Panel.

16. Mr LEUNG Kwok-hung expressed that he preferred the regular meetings be held in the afternoons during weekdays, i.e. Monday to Friday.

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17. Mr Kenneth LEUNG said that based on what he had heard, he had the perception that the meeting schedule prepared by the Secretariat was based on the suggestion made by a particular member and that was different from the situation described by Mr Paul TSE earlier that the schedule was initiated by the Secretariat. He queried why not all members were consulted on the issue. He wondered if it was possible for the Secretariat to recommend a few other timeslots for members' consideration.

18. The Chairman stressed that it was a common practice among the panels that the chairman would start with a proposed schedule at the beginning of the first meeting for members' consideration. She emphasized that the proposed timeslot was for consideration only. She felt that this occasion was a good opportunity to seek members' view on the issue.

19. Mr Charles Peter MOK queried why there were different ways of handling dispute over the scheduling of meetings by individual panels, e.g. Panel on Health Services had sorted out the issue by voting, which had changed the meeting schedule from a morning session to an afternoon session.

20. The Chairman explained that having collected members' views, the Secretariat would need some time to confirm the availability of venues for meetings at 4:30 pm.

21. Mr TAM Yiu-chung said that he was a member of the Panel in the last session. He agreed with Mr Paul TSE that most of time there were only two members in addition to the Chairman attended the Panel meetings in the last session. Therefore, he felt that adopting the meeting schedule of the last session might not be an ideal option. He said that although he accepted the suggestion of holding the meetings at 10:45 am, he did not object to the idea of maintaining the meetings at 4:30 pm if the venues were available.

22. Mr TAM also indicated that he noticed that legal professionals might not be invited for every meeting and even if they were invited, not the same person from the invited organization had attended the meetings in the past.

23. Ms Claudia MO challenged the Chairman whether it was appropriate for her to approach the Secretariat before she took up the Chairmanship and proposed a timeslot at her preference for members' consideration.

24. The Chairman responded that the suggested timeslot was only a proposal for members to consider and she had indicated earlier that this meeting was the best occasion to discuss the issue and obtain members' views. The Chairman emphasized that it was only a proposal for discussion, and not a final decision. She surely would consider the views of members before making the final

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decision.

25. Mr Alan LEONG enquired the Secretariat on how it came up with the proposed schedule which was tabled at the meeting. The Clerk confirmed that she first met with Dr Priscilla LEUNG in the morning and continued to discuss with Dr LEUNG throughout the day till the afternoon about the possible timeslots and venues for the Panel meetings. Dr LEUNG considered that the suggested timeslot would enable more members to be present at the Panel meetings.

26. The Chairman expressed that there was no specific rule in the Rules of Procedure governing that the meeting schedule of a panel should follow that of the last session. In view of the increased size of the Panel (i.e. more than 30 members) and her actual experience on the attendance rate and quorum in the last session, she just wanted to propose a timeslot which could facilitate a higher attendance rate.

27. Upon enquiry of Mr Alan LEONG, the Clerk confirmed that the original proposed schedule of the meetings was the fourth Monday of every month at 4:30 pm, which was in line with the schedule for the last session.

28. The Deputy Chairman expressed his strong disagreement to the way that the Chairman had approached the Secretariat and made her suggestion. The Chairman explained that her discussion with the Secretariat before the meeting was to ensure a more effective discussion on different proposed timeslots. The proposed timeslot was on the agenda for discussion at the first meeting and was open for members' deliberation.

29. At the request of Ms Emily LAU, the Chairman agreed that she would discuss the issue with the Deputy Chairman and the Secretariat to identify possible timeslots for the regular meetings for members' consideration at the next meeting.

30. The meeting ended at 3:20 pm.