立法會
Legislative Council

LC Paper No. CB(4)1195/15-16

Ref : CB4/PL/AJLS

Report of the Panel on Administration of Justice and Legal Services for submission to the Legislative Council

Purpose

This report gives an account of the major work of the Panel on Administration of Justice and Legal Services ("the Panel") during the 2015-2016 Legislative Council ("LegCo") session. It will be tabled at the Council meeting of 13 July 2016 in accordance with Rule 77(14) of the Rules of Procedure of the Council.

The Panel

2. The Panel was formed by a resolution passed by the Council on 8 July 1998 and as amended on 20 December 2000, 9 October 2002, 11 July 2007 and 2 July 2008 for the purpose of monitoring and examining policy matters relating to the administration of justice and legal services. The terms of reference of the Panel are in **Appendix I**.

3. The Panel comprises 19 members, with Hon Martin LIAO Cheung-kong and Hon Dennis KWOK elected as Chairman and Deputy Chairman respectively. The membership of the Panel is in **Appendix II**.

Major work

Manpower and other support for the Judiciary

4. The Panel continued to monitor the manpower and other support for the Judiciary during the current legislative session.

5. Noting that the vacancy rate of judicial posts still stood at 11.9% as of November 2014 despite the numerous rounds of recruitment exercises conducted by the Judiciary, the Judiciary was urged to expedite its review on

the retirement ages of judges and judicial officers ("JJOs") so as to better attract quality candidates and experienced private practitioners to join the bench.

6. The Judiciary advised that given the complexity of the issues in that JJOs at different court levels had different retirement ages and different extension of term of office as prescribed under relevant ordinances and that any proposed changes to the existing retiring ages and whether they would be applicable to serving JJOs and to different levels of court would have much impact on the manpower situation at different court levels, and that the Judiciary did not have the expertise and experience in assessing manpower and financial implications arising from different scenarios etc., the internal Working Group on Retirement Ages of Judges and Judicial Officers ("Working Group") set up by the Chief Justice ("CJ") and chaired by a Permanent Judge of the Court of Final Appeal ("CFA") had engaged a consulting firm to review the statutory retiring ages of JJOs at all levels of courts. The consultant had submitted an inception report on how to go about the study to the Judiciary in early 2016. It was expected that the consultancy study would be completed at the latest in 2017. The Judiciary further advised that a Steering Group chaired by the Chief Judge of the High Court ("CJHC") had been set up under the Working Group to work closely with the consultant.

7. To address the recruitment difficulties, particularly at the Court of First Instance ("CFI") level, a member was of the view that the Judiciary should also recruit judges from outside Hong Kong. The Judiciary advised that appointments of CFI judges were made through open recruitment exercises. In each open recruitment exercise, advertisements were published in the Judiciary website and newspapers. Candidates from local and overseas might apply. In the CFI judge recruitment exercises in 2013 and 2014, the numbers of eligible applicants who were non-permanent residents of the Hong Kong Special Administrative Region were zero and one respectively.

8. As lack of judicial support was another major factor discouraging outside law talents to join the bench, the Judiciary was also urged to expand the Scheme on Judicial Assistants ("JDA") to provide assistance to judges other than appellate judges in CFA and the Court of Appeal of HC. Concern was raised that the heavy caseload of judges had given rise to long court waiting times as well as the long time required for judges to deliver judgments.

9. The Judiciary advised that with a view to enhancing support for appellate judges, it had been decided that starting from 2015 CFA and HC would have separate JDA schemes for providing assistance to their judges and separate recruitment exercises for such purposes would be conducted. In addition, the Judicial Institute would provide continued support to JJOs at all levels of court on matters relating to judicial training, legal research and

production/updating of manuals and directions etc. for enhancing their judicial skills and knowledge. An Executive Body ("EB") was also being set up under the Judicial Institute to provide dedicated legal and professional support to all JJOs. The EB would be staffed by 10 legally qualified professionals comprising the Executive Director (Judicial Institute) as its head, three Directors and six Counsel.

10. Some members were concerned whether the Judiciary would be able to attract new blood to join the bench, given the relatively low remuneration of JJOs as compared to the remuneration of private legal practitioners. The Administration advised that the Standing Committee on Judicial Salaries and Conditions of Service ("Judicial Committee") had decided to conduct another benchmark study in 2015 to ascertain whether judicial pay had been kept broadly in line with the movements of legal sector earnings over time. The consultant engaged by the Judicial Committee to carry out the Benchmark Study was presently collecting information from the legal practitioners in private practice through a questionnaire, to be followed by 15 to 20 rounds of interviews with the respondents. The Judicial Committee hoped to draw on the findings of the 2015 Benchmark Study in the context of the next year, i.e. 2016, judicial remuneration review. The Administration further advised that the findings of the last Benchmark Study conducted in 2010 revealed that no clear trends on the differentials between judicial pay and legal sector earnings could be established and remuneration was not a key concern in considering judicial appointment.

11. Due to heavy caseload, members noted that some judges had to write judgments on weekends and/or public holidays. Question was raised as to whether the Judiciary would allow a judge to devote one to two weeks' time to write judgment and not undertaking any other judicial duties, upon request of the judge.

12. The Judiciary advised that presently, a judge could apply to his Court Leader for setting aside certain time period to write judgment. CJHC, who was responsible for ensuring that HC judges would have reasonable time to prepare for cases and write judgments and who held regular meetings with the listing officers to receive reports on the listing position, would also take the initiative to make instructions to relieve the heavy caseload of certain HC judges.

Mechanism for handling complaints against judicial conduct

13. The Panel continued to follow up with the Judiciary on the mechanism for handling complaints against judicial conduct ("complaint handling mechanism"). Members noted that following a review of the complaints

handling mechanism, the Judiciary would introduce various improvement measures with effect from 1 April 2016, i.e. (i) introducing a standard form to make it easier for complainants to provide the necessary information for complaints against the judicial conduct of JJOs; (ii) releasing statistics and details on justified and partially justified complaints against judicial conduct to the public, as appropriate, on an annual basis; and (iii) setting up a new Secretariat for Complaints against Judicial Conduct for coordinating the handling of complaints against judicial conduct.

14. Whilst agreeing that judicial independence should be maintained and upheld, a member questioned the appropriateness of restricting the handling of complaints against the conduct of judges, such as rudeness and excessive intervention in court, to judges only. The member pointed out that it was the practice of professional bodies, such as the Hong Kong Institute of Certified Public Accountants, to engage persons who had no connection in any way with the practice of their professions to take part in the handling of complaints against the professional conduct of their members so as to ensure that the investigations would be seen/perceived by the public to have been conducted in a fair and proper manner.

15. The Judiciary explained that the justifications for confining the handling of complaints against the conduct of judges to judges only were viz: (i) the constitutional responsibility of JJOs to discharge their responsibilities independently and impartially; (ii) the separation of roles and responsibilities amongst the Government, LegCo and the Judiciary in dealing with their respective internal affairs; (iii) the potential high risk that the processing of complaints would be politicized if outside parties were involved in the process; (iv) all JJOs had to take the Judicial Oath requiring them to discharge their duties "honestly and with integrity..... without fear or favour, self-interest or deceit"; and (v) Articles 89 and 91 of the Basic Law ("BL") and relevant provisions of the Judicial Officers (Tenure of Office) Ordinance (Cap. 433) all stipulated that the Judiciary should continue to be allowed to handle complaints against judicial conduct without outside influences or interference. Even if a complaint against the conduct of a judge was found to be justified, the judge concerned might only be removed by the Chief Executive ("CE") on the recommendation of a tribunal appointed by CJ and consisting of not fewer than three local judges under BL89.

16. In noting that a substantial proportion (slightly more than half) of the complaints received through the mechanism for dealing with complaints regarding judicial conduct in the past five years from 2011 to 2015 were related to judicial decisions, the Judiciary was urged to step up efforts in making clear to the public that complaints against judicial decisions could only be dealt with through appropriate legal procedures such as lodging an appeal.

17. On the question as to how the Judiciary handled those complaints which involved both judicial conduct and judicial decisions, the Judiciary advised that the Court Leader would, in accordance with the principle of judicial independence, only investigate the part of the complaint against judicial conduct upon completion of the judicial proceedings of the relevant case. The complainant would also be informed that the part of his complaint involving judicial decision could not and would not be handled through the complaint handling mechanism and should be pursued through the appropriate legal procedures such as lodging an appeal.

18. Members noted that the follow up actions taken for justified or partially justified complaints were making apologies to the complainants and giving advice or counsel to the JJOs concerned. Queries were raised as to whether such follow up actions were too lenient.

19. The Judiciary pointed out that the complaints processed under the complaint handling mechanism would be minor in nature, or substantial in nature but not serious enough to trigger BL89 or Cap. 433. Also, there were complaints which were frivolous and vexatious. Hence, the Judiciary considered that the action to be taken following from a justified or partially justified complaint should not be more serious than those sanctions as laid down in the formal disciplinary procedures as a matter of principle. If a complaint against the conduct of a JJO appeared to have any substance and was serious, it would be dealt with either under BL89 or Cap. 433. Under BL89, a judge might be removed for misbehaviour proved, whereas a JJO might be subject to one of the sanctions under section 8 of Cap. 433 for misbehaviour proved.

20. The Judiciary also took the view that it would be more appropriate to take a positive attitude towards lessons learnt in dealing with complaints against judicial conduct. In handling the various complaints, CJ and the Court Leaders would come to know about the problems and difficulties which might be encountered by the JJOs in their daily work, and hence, any room for improvements could be suitably addressed by the provision of judicial training under the Judicial Institute.

21. Suggestion was made that the Judiciary should at least consider inviting retired senior judges to give advice or take part in the handling of complaints against judicial conduct so to enhance the transparency and impartiality of the complaint handling mechanism. It was pointed out that appointing Permanent Judges of CFA to handle complaints against the conduct of CJ would still give rise to the criticism about judges investigating their own peer, not to mention that Permanent Judges of CFA were subordinates of CJ. BL89 also had the

same drawback in that the tribunal appointed by CE to investigate the alleged misbehaviour of CJ or his inability to discharge duties only comprised local judges.

22. As the complaint handling mechanism would not handle the issue of the long time taken by the courts to hand down judgments, question was raised as to whether the lawyer representing a party to a hearing already concluded could request the Court Leader to approach the judge concerned to enquire when a judgment would be handed down and the reason(s) for the long time required without disclosing the identity of the party making the enquiries.

23. The Judiciary advised that CJHC had recently promulgated a set of guidelines on notifying parties to court proceedings of the estimated time for handing down reserved judgments. Notably, when a judgment was outstanding for 90 days or more, an estimated handing down date ("EHDD") would be given by the court to the parties. The EHDD was intended to be a realistic one and adhered to by the court. Only exceptionally would the EHDD be revised in which event the parties would be notified of the revised EHDD. In case of serious departure from the EHDD (or revised EHDD), the parties might bring the matter to the attention of CJHC. If for any reason no EHDD was given by the court, the parties might write to the court for an EHDD, and the parties were entitled to expect a reply from the court supplying one or, exceptionally, an explanation as to why an EHDD could not be given for the time being. If for any reason no such reply was received, the parties might bring the matter to the attention of CJHC. The aforesaid guidelines had also been issued to the legal sector.

Legal education and training

24. On 25 April 2016, the Panel received a briefing from the Law Society of Hong Kong ("Law Society") on the progress of its plan to introduce a common entrance examination ("CEE") for admission as trainee solicitors in Hong Kong starting from 2021. Secretary for Justice as well as representatives from the law schools of the University of Hong Kong ("HKU"), the Chinese University of Hong Kong ("CUHK") and the City University of Hong Kong ("CityU"), Hong Kong Bar Association ("Bar Association") and law students' and alumni's associations also attended the meeting to give views on the issue of CEE.

25. Members noted that the Law Society was in discussion with the law schools of the three universities on implementing a CEE for students of their respective Postgraduate in Certificate in Laws ("PCLL") programmes. Notably, the Law Society was proposing a CEE in the format of a centralized assessment, so that PCLL students of the three universities did not have to take

two sets of examinations. A centralized assessment meant that all PCLL students of the three universities would be required to take the same examinations in the same subjects within their respective PCLL programme. For the moment, the Law Society proposed to conduct the CEE on the core subjects of the PCLL programme. The Law Society would set the examination questions, mark the scripts, and have the final say on the final mark of each answer to the CEE questions.

26. Both the Administration and the Bar Association as well as law students and alumni hoped that the Law Society, when considering the issue of CEE, would wait for the outcome of the comprehensive review on legal education and training being conducted by the Standing Committee on Legal Education and Training ("SCLET")[1], which should become available later in 2016, before finalizing the implementation details of the CEE.

27. The Law Society advised that it would consult the three universities as well as the Bar Association after it had come up with the details on implementing the CEE. In the course of considering all matters relating to the CEE, the Law Society would consider the model of "Commonly Recognized Assessments" proposed by the three universities and the findings and recommendations of the consultants commissioned by SCLET to conduct a comprehensive review on legal education and training in Hong Kong. The Law Society was confident that it could reach a consensus with the three universities on how to implement the CEE in the format of a centralized assessment.

28. A member pointed out due to limited PCLL places, many law graduates who were awarded Upper Second Class Honours degrees failed to gain admission into the PCLL programmes run by HKU, CUHK and CityU. To enable more law graduates with good academic results to become solicitors, the member asked the Law Society whether it would also consider administering an open qualifying examination for admitting a certain number of law graduates to enter into the solicitors' profession.

29. The Law Society advised that it had studied different routes to admission as solicitors, including a CEE in the form of an open qualifying examination. Balancing the interests of all relevant stakeholders, the Law

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[1] Established since 2004, the SCLET is empowered under section 74A(2)(a)(ii) of the Legal Practitioners Ordinance (Cap. 159) to, amongst other things, keep under review legal education and training in Hong Kong and make recommendations thereon. Members of the SCLET are appointed by CE upon the nomination of various stakeholders in the legal community. Members of the public are also represented on the SCLET.

Society considered that the present proposed format of the CEE was the best option for the time being to ensure professional standards and provide fair access to those PCLL students who had the ability to qualify as a solicitor.

30. As the Law Society had decided not to implement CEE as an alternative route for law graduates to enter into the solicitors' profession, the three law schools were urged to consider admitting those law graduates who had failed to gain admission into the PCLL programme in the past but who had subsequently attained certain number of years of legal work experience, say, through working at reputable law firms and had good recommendations from their employers.

31. Representative from from the Faculty of Law of HKU advised that the Faculty had launched a pilot scheme to interview borderline PCLL applicants and admit them after taking into account, amongst other things, their interview performance and legal working experience. The Faculty was closely monitoring the progress of these students admitted to the PCLL programme with a view to further enhancing and expanding the pilot scheme where appropriate.

32. Regarding the Faculty of Law of CUHK, its respresentative advised that the Faculty had a task force looking at providing an alternative route for admission into its PCLL programme. For those PCLL applicants who did not succeed on the basis of academic performance, alternative arrangements, including interviews to evaluate their suitability for admission to the PCLL programme, were being considered. Apart from changing the admission strategies, the Faculty also planned to increase its PCLL places from 150 to 200 for the next intake and would continue to maintain the increased number of places after the double cohorts.

33. As to the School of Law of CityU, its representative advised that the School of Law had all along been taking into account all relevant factors, such as recommendation letters, in its consideration of PCLL applications. Following his meeting with the Panel last year, the School of Law had reviewed and revised the admission policy for its PCLL programme by setting aside a few quota for those applicants who had failed in their first-time application to the PCLL programme by taking into account, in particular, their working experience. The School of Law was monitoring the progress of these students' situation to see whether, and if so, how the admission policy to the PCLL programme should be further revised.

Access to justice

Expansion of the Supplementary Legal Aid Scheme ("SLAS")

34. Members have all along called upon the Administration to improve legal aid services to improve access to justice. As SLAS was a self-financing scheme and as a stringent approach was adopted by the Legal Aid Department in assessing the merits of an application under SLAS, such as whether the case had a reasonable chance of success and whether the likely benefit would be sufficient to cover the costs that might be incurred in the proceedings, members could not see why the scope of SLAS could not be further expanded to improve access to justice.

35. The Administration advised that subsequent to the substantial expansion of the scope of SLAS in November 2012 following the previous review, the Legal Aid Services Council ("LASC") had been invited to conduct a further review on the scope of SLAS with a view to presenting a new round of recommendations to the Government. LASC had formed a Working Group on Expansion of SLAS to follow up and the review was close to the final stage. LASC would consider comments expressed by stakeholders including the two legal professional bodies before finalizing its recommendations. The Government would study LASC's recommendations on receipt and report to the Panel in due course.

Provision of legal assistance for persons detained in Police stations

36. A member was of the view that due to the possible dire consequence to the detainees for making statements in Police stations in the absence of legal advice provided to them, the Administration should provide legal aid to detainees to safeguard their rights, albeit there were technical issues which needed to be resolved.

37. The Administration advised that the proposal of providing legal assistance to detainees at Police stations would entail substantial financial and operational implications. The Home Affairs Bureau was studying the issue in consultation with relevant bureaux and departments. The Administration further advised that the LASC's Interest Group on Scope of Legal Aid, which included members from the two legal professional bodies, also conducted a study on the matter. The Government would take into account LASC's findings and brief the Panel on the issue in due course.

Remuneration for part-time interpreters ("PTIs") engaged by the Judiciary

38. As the provision of public interpretation services was an essential component of access to justice, especially in Hong Kong with its multi-linguistic heritage and multi-cultural diversity, members urged the Judiciary to improve the remuneration for PTIs engaged for the provision of interpretation services during court proceedings. Members noted that although the Judiciary required that a foreign language PTI must possess a recognized university degree or an equivalent academic qualification, amongst others, the current hourly rate of PTI was only $287. A member was of the view that the Judiciary should take into account the hourly rate paid by the market in determining the hourly rate of its PTIs to ensure that the quality of interpretation services provided was of a satisfactory standard.

39. The Judiciary advised that given the irregular demand for interpretation services for foreign languages as well as Chinese dialects and having regard to the variation regarding the duration of engagement, the Judiciary had been remunerating the PTIs generally on the basis of hourly rates for prudent use of public resources. The hourly rate of PTIs was reviewed and adjusted having regard to the annual changes in the preceding year in the Consumer Price Index (A) ("CPI(A)") published by the Census and Statistics Department of the Government. Where the annual change or cumulative changes since the last adjustment reached an increase of 5% or more, the hourly rate would be adjusted according to the actual change(s) in the CPI(A). Any decrease in CPI(A) in a year would however not result in any immediate reduction in the hourly rates, but would be taken into account in an accumulative manner in subsequent year(s). The current hourly rate of PTIs at $287 was comparable to that of the full-time Court Interpreters ("CIs") at $290. The Judiciary further advised that as the present remuneration arrangements for PTIs had been in use for some time, the Judiciary would review them and take into account members' views as appropriate.

40. Members also urged the Judiciary to ensure the adequate supply of qualified PTIs in foreign languages to improve access to justice and to review its procedure in assessing the eligibility of applicants as PTIs to ensure the quality of interpretation services provided by PTIs.

41. The Judiciary advised that it would continue to strive to ensure that there was adequate supply of qualified PTIs in foreign languages for court proceedings to ensure justice to all in court proceedings. To ensure that applicants were qualified for registering as foreign language PTIs, the Judiciary had been enlisting the assistance of the relevant Consulates in Hong Kong in assessing the eligibility of the applicants and/or referring suitable persons to apply as foreign language PTIs. Examiners who possessed greater proficiency

in the foreign languages concerned were also appointed to assist the Judiciary in assessing the oral and written entrance tests attended by the applicants. An applicant deemed to have met the eligibility requirements as a foreign language PTI would first be assigned simple jobs to test his/her performance. Only when the applicant had proven that he/she could perform well in more complicated jobs would he/she be made a registered PTI with the Judiciary.

42. A member suggested that requiring a party to court proceedings to compensate the PTI assigned by the Judiciary to provide interpretation service, if the party to court proceedings failed to give at least one day notice to the Judiciary for not appearing before the scheduled court hearing without valid reason(s). The Judiciary advised that there might be difficulty in implementing the suggestion. Currently, the PTIs assigned by the Judiciary to provide interpretation services in court proceedings would be remunerated a two-hour payment if they were informed late, for example when they were on the way to the court or they had arrived at the courts, that their services were not required for the hearings concerned.

43. At the request of members, the Judiciary undertook to revert to members on the outcome of the Judiciary's overall review of the remuneration arrangements for the PTIs.

Bilingual legislation drafting

44. At the meeting on 21 December 2015, the Panel received a briefing from the Department of Justice ("DoJ") on the suggestion made by the LegCo Subcommittee to Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions of setting up a panel of advisory language specialists to help ensure that there were no discrepancies between the English and Chinese defined terms in the drafting of legislation. Specifically, DoJ did not see the need to set up the proposed panel for the following reasons. First, the Law Drafting Division ("LDD") of DoJ had put in place a number of quality assurance measures to maintain a high standard in the draft legislation prepared by its counsel. Second, drafters with LDD had sufficient experience and expertise to ensure that there were no discrepancies in the defined terms in the two language texts of the legislation prepared by LDD. Third, the involvement of outside experts at the drafting stage could be a sensitive matter as legislative proposals, particularly at the early stage of drafting, were confidential and subjected to continuous development. Fourth, the ability of LDD counsel to meet the deadlines imposed by the legislative timetable might be compromised if external panels were required to vet the legislation before it was finalized.

45. A member pointed out that that many LegCo Members, including himself and others with legal training, were often frustrated by the reluctance of LDD counsel to depart from their drafting practice to make the drafting of legislation more user-friendly. The member asked whether DoJ had ruled out setting up of a panel of external experts to give advice to LDD counsel in the drafting of legislation.

46. DoJ advised that it had not ruled out setting up of a panel of external specialists to advise LDD counsel on general law drafting issues, and would discuss such proposition with the new Law Draftsman after she had assumed office on 4 January 2016. DoJ further advised that LDD had all along adopted an open-minded attitude towards any views and suggestions raised on drafting issues by LegCo Members, and had frequently adopted their views in drafting legislation. To improve ease of comprehension of legislation by the general public, LDD had been trying out different approaches in the drafting of legislation. One of these approaches was drafting the legislation in Chinese language first. The Promotion of Recycling and Proper Disposal (Electrical Equipment and Electronic Equipment) (Amendment) Bill 2015 was a case in point. As the results of drafting legislation in Chinese language first had so far been positive, LDD planned to draft more legislation in Chinese language first in future.

Renovation works for the West Wing of the former Central Government Offices for office use by the Department of Justice and law-related organizations

47. Members noted that pursuant to the policy objective of enhancing Hong Kong's status as a centre for international legal and dispute resolution services in the Asia Pacific region, the Government planned to provide certain space to international and local Law Related Organizations ("LROs") in the West Wing (of the former Central Government Offices ("CGO") and the entire former French Mission Building ("FMB"). Together with DoJ offices already housed in the Main and East Wings and to be housed in part of the West Wing of the former CGO, the area was planned to become a legal hub.

48. As the availability of professional and state-of-the-art hearing facilities was essential to attract arbitration users, question was raised as to whether the Administration would foot the bill for fitting out professional and state-of-the-state hearing facilities the LROs in the CGO West Wing.

49. The Administration advised that due to the varied operational requirements of LROs because of the differences in the services they provided, only basic provisions would be provided for the space for use by LROs in the former CGO West Wing so as to enable LROs to carry out their own fitting-out works to suit their specific operational needs. As the aforesaid arrangement

would involve financial commitment from LROs which could be considerable, the Administration would discuss with individual LROs, if necessary, to work out ways so as to ensure that the quality of their services to be provided in the former CGO West Wing and/or the former FMB would not be inferior to the quality of their services provided at their present offices.

50. On the question as to whether DoJ would take back some space used by LROs in the former CGO West Wing and the former FMB, if DoJ should require more space to accommodate additional manpower in future, DoJ advised that it would explore all feasible options, including other government properties outside the former CGO.

Provision of screens for complainants in sexual offence cases during court proceedings

51. The Panel continued to follow up with the Administration on changing the law to provide for automatic provision of screens for complainants in sexual offence cases. At the meeting on 27 June 2016, members were briefed by the Administration on its plan to further consider the feasibility of adding a new provision to section 79B of the Criminal Procedure Ordinance (Cap. 221), so that where a complainant within the meaning of section 156(8) of the Crimes Ordinance (Cap. 200) was to give evidence in proceedings in respect of a specified sexual offence within the meaning of section 117(1) of Cap. 200, the court might, on application or on its own motion, permit the complainant to give evidence by way of a live television link, subject to such conditions as the court considered appropriate in the circumstances.

52. Members welcomed the Administration's plan to introduce legislative amendments to allow the provision of screens for complainants in sexual offences cases, and urged for its expeditious implementation. The Administration advised that it would consult the stakeholders (including relevant non-governmental organizations, the Judiciary, the legal profession and relevant law enforcement agencies/government departments) thereon with a view to taking forward the necessary legislative amendments. In the interim, the Judiciary had recently promulgated amended/new Practice Directions, as a result of which the consideration of the need for screens as shields had become a standing procedure in every sexual offences case that was brought before the court. To complement the new standing procedure as required by the Practice Directions, the Police had drawn up a leaflet to provide information to adult victims of sex crimes on what they might undergo and their rights whilst assisting the Police investigation. Through this leaflet, adult complainants of sex crimes would be informed of the availability of protective measures, such as a screen and/or a special passage, during the court proceedings, by the appropriate party.

Other issues

53. During the session, the Panel also discussed the issues of the Law Reform Commission ("LRC")'s Consultation Paper on "Third Party Funding for Arbitration", report of public consultation on enactment of apology legislation and second round consultation, 2015-2016 Judicial Service Pay Adjustment, implementation of the recommendations made by the LRC as well as proposed arrangements on reciprocal recognition and enforcement of judgments on matrimonial and related matters with the Mainland. The Panel was also consulted on the following legislative and staffing proposals before their introduction into LegCo or submission to the Establishment Subcommittee and the Finance Committee of LegCo:

(a) proposed amendments to the Arbitration Ordinance (Cap. 609) which sought to make it clear that disputes over intellectual property rights ("IPRs") were capable of resolution by arbitration and it would not be contrary to public policy to enforce an arbitral award solely because the award was in respect of a dispute or matter which concerned IPRs;

(b) proposed amendments to implement the final phase of a five-day week in the Judiciary;

(c) proposed amendments to the Schedule to the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) to increase (i) the criminal legal aid fees by the following percentages, viz: 50% for counsel; 25% for instructing solicitors; and 40% for solicitors acting as both advocate and instructing solicitor in the District Court; and (ii) to introduce a new category of criminal legal aid fees for HC cases for Solicitor Advocates with higher rights of audience. The proposed increases of criminal legal aid fees were inclusive of a 7.7% increase required under the prevailing practice to reflect the accumulated change in the Consumer Price Index(C) recorded between July 2012 and July 2014; and

(d) proposed creation of one permanent post of Deputy Principal Government Counsel (DL2) in the Legal Policy Division of DoJ.

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Panel meetings held

54. From October 2015 to June 2016, the Panel held a total of nine meetings.

Council Business Division 4
Legislative Council Secretariat
4 July 2016

Appendix I

Legislative Council

Panel on Administration of Justice and Legal Services

Terms of Reference

1. To monitor and examine, consistent with maintaining the independence of the Judiciary and the rule of law, policy matters relating to the administration of justice and legal services, including the effectiveness of their implementation by relevant officials and departments.

2. To provide a forum for the exchange and dissemination of views on the above policy matters.

3. To receive briefings and to formulate views on any major legislative or financial proposals in respect of the above policy areas prior to their formal introduction to the Council or Finance Committee.

4. To monitor and examine, to the extent it considers necessary, the above policy matters referred to it by a member of the Panel or by the House Committee.

5. To make reports to the Council or to the House Committee as required by the Rules of Procedure.

Appendix II

Panel on Administration of Justice and Legal Services

Membership list for the 2015-2016 session

Chairman	Hon Martin LIAO Cheung-kong, SBS, JP
Deputy Chairman	Hon Dennis KWOK
Members	Hon Albert HO Chun-yan Hon James TO Kun-sun Hon CHAN Kam-lam, GBS, JP (up to 20 January 2016) Hon Emily LAU Wai-hing, JP Hon TAM Yiu-chung, GBM, GBS, JP Hon Starry LEE Wai-king, SBS, JP Dr Hon Priscilla LEUNG Mei-fun, SBS, JP Hon Alan LEONG Kah-kit, SC Hon LEUNG Kwok-hung Hon WONG Yuk-man Hon Claudia MO (up to 19 November 2015) Hon NG Leung-sing, SBS, JP Hon Steven HO Chun-yin, BBS Hon MA Fung-kwok, SBS, JP Hon Alice MAK Mei-kuen, BBS, JP Dr Hon Elizabeth QUAT, JP Hon TANG Ka-piu, JP Dr Hon CHIANG Lai-wan, JP Hon Alvin YEUNG Ngok-kiu (since 4 March 2016) (Total : 19 Members)
Clerk	Mary SO
Legal Adviser	Stephen LAM