

立法會
Legislative Council

Ref : CB4/PL/AJLS

LC Paper No. CB(4)55/16-17
(These minutes have been
cleared with the Chairman)

Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Tuesday, 18 October 2016, at 6:00 pm
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)
Hon Dennis KWOK Wing-hang (Deputy Chairman)
Hon James TO Kun-sun
Hon Abraham SHEK Lai-him, GBS, JP
Prof Hon Joseph LEE Kok-long, SBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon Starry LEE Wai-king, SBS, JP
Hon CHAN Hak-kan, BBS, JP
Hon CHAN Kin-por, BBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon LEUNG Kwok-hung
Hon Michael TIEN Puk-sun, BBS, JP
Hon Steven HO Chun-yin, BBS
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon YIU Si-wing, BBS
Hon MA Fung-kwok, SBS, JP
Hon Charles Peter MOK, JP
Hon CHAN Chi-chuen
Hon LEUNG Che-cheung, BBS, MH, JP
Hon Kenneth LEUNG
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon KWOK Wai-keung

Hon Christopher CHEUNG Wah-fung, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Dr Hon Helena WONG Pik-wan
Hon IP Kin-yuen
Dr Hon Elizabeth QUAT, JP
Hon Martin LIAO Cheung-kong, SBS, JP
Hon POON Siu-ping, BBS, MH
Dr Hon CHIANG Lai-wan, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
Hon CHUNG Kwok-pan
Hon Alvin YEUNG
Hon Andrew WAN Siu-kin
Hon Jimmy NG Wing-ka, JP
Hon HO Kai-ming
Hon LAM Cheuk-ting
Hon Holden CHOW Ho-ding
Hon Wilson OR Chong-shing, MH
Hon YUNG Hoi-yan
Hon CHAN Chun-ying
Hon Tanya CHAN
Hon CHEUNG Kwok-kwan, JP
Hon HUI Chi-fung
Hon LUK Chung-hung
Hon LAU Kwok-fan, MH
Hon Kenneth LAU Ip-keung, MH, JP
Hon KWONG Chun-yu
Hon Jeremy TAM Man-ho

Members absent : Hon LEUNG Yiu-chung
Hon WONG Ting-kwong, SBS, JP
Hon WONG Kwok-kin, SBS, JP
Hon Claudia MO
Hon CHAN Han-pan, JP
Hon CHU Hoi-dick
Dr Hon Junius HO Kwan-yiu, JP
Hon SHIU Ka-chun
Hon Nathan LAW Kwun-chung

Dr Hon YIU Chung-yim
Dr Hon LAU Siu-lai
Hon Sixtus LEUNG Chung-hang
Hon YAU Wai-ching

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

Staff in attendance : Mr Matthew LOO
Assistant Secretary General 4

Miss Joyce CHING
Senior Council Secretary (4)2

Ms Jacqueline LAW
Council Secretary (4)2

Miss Vivian YUEN
Legislative Assistant (4)2

Mr Chris CHAN
Clerical Assistant (4)1

I. Election of Chairman and Deputy Chairman

Election of Chairman

Mr James TO, member of the highest precedence among members present, presided over the election of the Chairman of the Panel. Mr TO called for nominations for the chairmanship of the Panel. Mr Kenneth LEUNG nominated Mr Dennis KWOK and Dr Fernando CHEUNG seconded the nomination. Mr KWOK accepted the nomination.

2. Dr LO Wai-kwok nominated Dr Priscilla LEUNG and Dr Elizabeth QUAT seconded the nomination. Dr LEUNG accepted the nomination.

3. Mr James TO called for other nominations. As there was no other nomination, Mr TO announced that voting be conducted by secret ballot. After all members had cast their votes, Mr TO invited Mr Kenneth LEUNG and

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Dr LO Wai-kwok who had nominated Mr Dennis KWOK and Dr Priscilla LEUNG respectively to monitor the counting of votes.

4. Mr James TO announced that 14 and 31 members voted for Mr Dennis KWOK and Dr Priscilla LEUNG respectively. Mr TO declared that Dr Priscilla LEUNG was elected Chairman of the Panel for the 2016-2017 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.

6. Mr Alvin YEUNG nominated Mr Dennis KWOK and Mr WU Chi-wai seconded the nomination. Mr KWOK accepted the nomination.

7. The Chairman called for other nominations. As there was no other nomination, the Chairman declared that Mr Dennis KWOK was elected Deputy Chairman of the Panel for the 2016-2017 session.

II. Schedule of meetings for the 2016-2017 session

8. Members noted the proposed schedule of meetings for the 2016-2017 session tabled at the meeting.

9. Members agreed to hold the regular meetings of the Panel for the 2016-2017 session on the fourth Monday of each month at 4:30 pm.

10. As the fourth Monday of December 2016, i.e. 26 December 2016, was a public holiday, members also agreed to hold the December 2016 regular meeting on 19 December 2016 at 5:30 pm.

11. The Chairman suggested and members agreed to advance the date of the July 2017 regular meeting, i.e. 24 July 2017. The Secretariat was requested to explore an alternative date for holding the July 2017 meeting for members' consideration after the meeting.

(Post-meeting note: The July 2017 Panel meeting will be held on 18 July 2017 (Tuesday) at 4:30 pm. The schedule of meetings for the 2016-2017 session was issued to members vide LC Paper No. CB(4)23/16-17 on 19 October 2016.)

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II. Items for discussion at the next meeting

12. Members noted the "List of issues suggested to be considered" and the "List of follow-up actions" tabled at the meeting.

(Post-meeting note: The "List of issues suggested to be considered" and the "List of follow-up actions" were issued to members vide LC Paper No. CB(4)19/16-17 on 19 October 2016.)

13. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 28 November 2016:

- (a) Proposed Apology Legislation; and
- (b) Law Reform Commission's report on Third Party Funding for Arbitration.

14. Members further agreed to include the following items in the list of outstanding items for discussion by the Panel:

- (a) Mr CHAN Chi-chuen proposed to discuss the issue of the "Progress of work of the Inter-departmental Working Group on Gender Recognition";
- (b) Mr Jeffrey LAM proposed to discuss the issue of "Measures to prevent the misuse of the legal aid system in Hong Kong", having regard to the increasing handling of torture/non-refoulement claims under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by legal aid and that some of these aided persons often selected the same lawyers on the Legal Aid Panel of the Legal Aid Department;
- (c) the Chairman proposed to discuss the issue of "Assignment of lawyers in legal aid cases";
- (d) Mr Steven HO proposed to follow up on the issue of "Mechanism for handling complaints against judicial conduct"; and the issue of "Legal education and training in Hong Kong, in particular the lack of places for the Postgraduate Certificate in Laws programmes offered by the three local law schools"; and
- (e) Mr Holden CHOW proposed to discuss the issue of "Raising the amount of claims that could be handled by the Small Claims

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Tribunal" to enable more cases to be settled in a quick and inexpensive manner at the Small Claims Tribunal; and the issue of "Measures for protecting mentally incapacitated persons during court proceedings".

15. Dr Elizabeth QUAT urged the Panel to actively follow up with the Administration and Judiciary Administration ("JA") on the implementation of measures for handling sexual offence cases and the provision of screens for complainants in sexual offence cases during court proceedings discussed at the Panel meeting held on 27 June 2016. The Chairman said that she would also follow up with JA on the issue of "Shortage of judicial manpower", having regard to the increasing deployment of deputy judges.

IV. Any other business

16. The Chairman said that she and the Deputy Chairman would shortly hold a meeting with the Administration and JA to discuss a work plan for the Panel for the current session.

17. There being no other business, the meeting ended at 6:26 pm.

Council Business Division 4
Legislative Council Secretariat
4 November 2016