

Panel on Administration of Justice and Legal Services

List of outstanding items for discussion

(position as at 27 October 2017)

**Proposed
timing for
discussion**

1. Consultation on gender recognition by the Inter-departmental Working Group on Gender Recognition

The Inter-departmental Working Group on Gender Recognition ("IWG") reported to the Panel the progress of IWG's work on 18 July 2017. Members agreed that a public hearing should be held to listen to stakeholders' views on the Consultation Paper on Gender Recognition issued by IWG in June 2017.

20 November
2017

2. Proposed arrangement with the Mainland on reciprocal recognition and enforcement of judgments in civil and commercial matters

Proposed by the Department of Justice ("DoJ"). The Administration seeks to consult the Panel on matters concerning proposed arrangement with the Mainland on reciprocal recognition and enforcement of judgments in civil and commercial matters. The proposed arrangement will, by way of preliminary suggestion, cover judgments made by the courts in circumstances where the parties have not entered into exclusive choice of court agreements.

November
2017

3. Enhancing the operation model for the Law Reform Commission in Hong Kong

DoJ proposes to brief the Panel on a study of possible options to enhance the efficiency and operation of the Law Reform Commission in Hong Kong. The study includes examining the experience of various law reform agencies in other jurisdictions.

December
2017
(tentative)

4. Mechanism for handling complaints against judicial conduct

At the Panel meeting on 18 October 2016, Hon Steven HO proposed to follow up on the issue of "Mechanism for handling complaints against judicial conduct".

End 2017

**Proposed
timing for
discussion**

5. Abolition of the common law offence of champerty

At the Panel meeting on 25 March 2014, members were briefed by DoJ on the recent developments of the common law offences of maintenance and champerty in Hong Kong and the Administration's position in relation to the item. Members were generally of the views that the common law offences of maintenance and champerty were outdated and should be reviewed to better suit the present day circumstances. DoJ was urged to adopt a liberal approach in addressing the issue and come up with ways to enhance access to justice for the middle-income group.

To be advised
by DoJ

The Secretariat has received a letter from Hon LEUNG Kwok-hung dated 1 September 2014 requesting the Panel to discuss the issue of abolition of the common law offence of champerty again.

6. Recovery of costs in pro bono cases

Hon Dennis KWOK proposed to discuss the issue of "Recovery of costs in pro bono cases".

To be advised
by DoJ

At the Panel meeting on 24 November 2014, members agreed that the issue should be included in the Panel's List of outstanding items for discussion.

7. Implementation of Land Titles Ordinance (Cap. 585)

During the discussion of the item on "Law Reform Commission Report on Adverse Possession" at the Panel meeting on 22 December 2014, Hon Dennis KWOK proposed that the Administration should be invited to brief members on the implementation progress of the Land Titles Ordinance (Cap. 585) ("LTO") enacted in 2004.

To be advised
by DEVB

Development Bureau ("DEVB") advised the Secretariat on 17 November 2015 that it plans to report the progress of the post-enactment review of the LTO to this Panel and the Panel on Development when the full package of necessary legislative

proposed amendments to LTO is available.

DEVB is still engaging with major stakeholders on various proposed changes to the rectification, indemnity and conversion arrangements under the LTO for bringing existing land under the new title registration system as well as the proposal of implementing title registration on new land first. DEVB is actively forging consensus amongst the key stakeholders, subject to which will DEVB be in a position to consider launching a public consultation. The full package of necessary legislative amendments would only be available after considering the views of the public.

In view of the complexity of the issues involved and that consensus amongst stakeholders is yet to be reached, it would be difficult for DEVB to commit to a definite timeframe for report to members on the package of necessary legislative amendments at this stage; but DEVB and the Panel Clerk will keep in touch with each other should there be any update to such timeframe.

8. Legal issues relating to the co-location arrangements at the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link

At the Panel meeting on 18 May 2015, Hon Alice MAK proposed and members agreed to discuss the issue of "Legal issues relating to the co-location arrangements at the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link" as soon as practicable.

DoJ proposes to delete this item on the grounds that the matter was recently discussed at the joint Panel meeting (which included the Panel on Administration of Justice and Legal Services) held on 8 August 2017 and the special House Committee meeting held on 3 August 2017, and that there will also be the Government Motion debate to be held at the Council meeting of 25 October 2017.

**Proposed
timing for
discussion**

9. Reducing the use of paper in the Judiciary

Dr Hon Elizabeth QUAT proposed to discuss the issue of "Reducing the use of paper in the Judiciary" in her letter dated 19 May 2017 to the Chairman of the Panel. Dr Hon Elizabeth QUAT stated that paper was predominantly used to date in various aspects of the current court procedures and litigation landscape, and it was environmentally unfriendly, given the sheer quantity of paper consumed annually. The Judiciary should keep abreast of technology development and promote the use of less paper in the Judiciary and encourage less consumption of paper in the judicial sector.

To be advised
by the
Judiciary

At the Panel meeting on 22 May 2017, members agreed that the issue should be included in the Panel's List of outstanding items for discussion.

10. Enhancing the Judiciary's website

Dr Hon Elizabeth QUAT proposed to discuss the issue of "Enhancing the Judiciary's website" in her letter dated 19 May 2017 to the Chairman of the Panel. Dr Hon Elizabeth QUAT stated that the Judiciary's website was not user-friendly and retrieval of information was difficult. Take the searching of Daily Cause Lists as an example, the absence of a search function made it difficult for members of the public to retrieve the information they needed.

To be advised
by the
Judiciary

At the Panel meeting on 22 May 2017, members agreed that the issue should be included in the Panel's List of outstanding items for discussion.

11. Community legal assistance in Hong Kong

Dr Hon Fernando CHEUNG proposed to discuss the issue of "Community legal assistance in Hong Kong" in his letter dated 26 May 2017 to the Chairman of the Panel because he considered that the society had long been concerned about the challenges faced by the less advantaged people in accessing assistance services. Moreover, Dr CHEUNG requested to

To be advised
by Home
Affairs Bureau

**Proposed
timing for
discussion**

discuss the report titled "Finding Community Legal Assistance in Hong Kong " recently published by the Global Network for Public Interest Law on this issue.

At the Panel meeting on 26 June 2017, members agreed that the issue should be included in the Panel's List of outstanding items for discussion.

12. Legal education and training in Hong Kong

DoJ proposes to brief the Panel on the progress of the comprehensive review conducted by the Standing Committee on Legal Education and Training. The report of the comprehensive review is pending.

To be advised
by DoJ