

Translation of opening remarks by Secretary for Justice at
LegCo Panel on Administration of Justice and Legal Services

Following is the translation of the opening remarks by the Secretary for Justice, Mr Rimsky Yuen, SC, on the implementation of the recommendations made by the Law Reform Commission at the Panel on Administration of Justice and Legal Services of the Legislative Council today (May 27):

Madam Chair, Members of this Panel,

This is the second time I report to this Panel on the implementation of recommendations made by the Law Reform Commission (LRC) pursuant to the mechanism introduced by this Panel in 2012.

As the Secretary for Justice and as the Chairman of the LRC, I place great importance in keeping Hong Kong's systems of laws up-to-date. On the other hand, this Panel, together with other relevant Panels of the Legislative Council (LegCo), also has a role to play in facilitating the work of law reform.

In this dual capacity, not only do I (together with the Chief Justice and other members of the LRC) place emphasis on choosing appropriate topics for consideration by the LRC, I continue with my efforts to impress upon the relevant Government policy bureaux or departments the importance of responding to and following up on the LRC reports.

Madam Chair, you and members of this Panel should have before you an information paper for this meeting, setting out by way of a table, information of each of the LRC's reports since 1982, when the first report was published, including details of implementation. The LRC has over the years published a total of 63 reports, making law reform recommendations on both substantive and procedural laws, civil and criminal alike. By adopting the suggestion made by the Hon Wong Yuk-man last year, we have on this occasion

re-organised the table so as to set out the various reports according to their implementation status.

With the exception of one report recommending no change to the law (Note 1), the remaining 62 reports are tabulated under the following five categories in accordance with their implementation status:

(1) implemented fully (32 reports, 51.6 per cent of the 62 reports);

(2) implemented partially (7 reports, 11.3 per cent of the 62 reports);

(3) being considered or implemented (18 reports, 29 per cent of the 62 reports);

(4) rejected outright by the Administration (3 reports, 4.8 per cent of the 62 reports); and

(5) the Administration has no intention to implement at this juncture (2 reports, 3.2 per cent of the 62 reports).

I appreciate that there remain various reports not implemented, whether by way of legislation or administrative measures. I can report that, except those 39 reports which have been fully or partially implemented: one report recommending no reform; three rejected outright and two indicating no intention to implement at this juncture. All the remaining 18 reports are being received by the Government with constructive feedback, either in terms of considering the LRC's recommendations or making headway in introducing detailed proposals, including legislative ones, within the next two to three years. Indeed, draft bills have been, or are being, produced in respect of a number of reports, including the Child Abduction Legislation (Miscellaneous Amendments) Bill 2013 and the Contracts (Rights of Third Parties) Bill 2013 (which was introduced into the LegCo on

March 26, 2014).

The LRC attaches great importance to speedy and effective implementation of its reports. First, since last year, progress on implementation is now a standing item for discussion at each meeting of the LRC. Second, the LRC keeps in regular contact with the relevant Government bureaux/departments so as to obtain updates on progress of implementation. In this regard, I am most grateful to colleagues in the bureaux/departments concerned for filing the updated progress regularly. Third, to provide easy reference for the public, the progress of implementation is also regularly uploaded onto the LRC's website. Together with members of the LRC, I will continue to monitor progress, in collaboration with this Panel and other Panels of LegCo.

Thank you.

Note 1: Report on the procedure governing the admissibility of confession statements in criminal proceedings (July 2000).

Ends/Tuesday, May 27, 2014