

Speech by Secretary for Justice on implementation of recommendations made by Law Reform Commission at LegCo AJLS Panel

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Following is the translation of the speech by the Secretary for Justice, Mr Rimsky Yuen, SC, on the implementation of recommendations made by the Law Reform Commission at the Panel on Administration of Justice and Legal Services of the Legislative Council today (July 20):

Madam Chair, members of this Panel,

This is the third 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 on 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 64 reports, making law reform recommendations on different aspects of both substantive and procedural laws, civil and criminal alike.

With the exception of one report recommending no change to the law (Note 1), the remaining 63 reports can be tabulated under the following five categories in accordance with their implementation status:

- (a) proposals implemented in full (34 reports, i.e. 54 per cent of the 63 reports);
- (b) proposals implemented in part (seven reports, i.e. 11 per cent of the 63 reports) ;
- (c) proposals under consideration or in the process of being implemented (17 reports, i.e 27 per cent of the 63 reports);
- (d) proposals rejected outright by the Government (three reports, i.e. 4.8 per cent of the 63 reports); and
- (e) the Government has no intention to implement these proposals at this juncture (two reports, i.e. 3.2 per cent of the 63 reports).

I appreciate that there remain various reports not implemented, whether by way of legislation or administrative measures. I can report that, except for those 41 reports which have been fully or partially implemented; one report recommended no reform; three were rejected outright; and for two reports, the Government indicated no intention to implement at this juncture. All the remaining 17 reports are being reviewed by the relevant bureaux/departments with constructive feedback to be provided in due course. In brief, progress on implementation of LRC's recommendations has been made, including the introduction of legislative proposals within the next two to three years. Indeed, draft bills have been, or will be, produced in respect of a number of reports, including the Report on Child Custody and Access published in 2005, the Report on Criteria for Service as Jurors published in June 2010 and the Report on Enduring Powers of Attorney: Personal Care published in July 2011.

The LRC attaches great importance to 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/Monday, July 20, 2015