

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 23):

Chairman,

This is the fourth time that I have reported to this Panel on the implementation of recommendations made by the Law Reform Commission (LRC) in my capacity as the Chairman of the LRC.

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

Not only do I, together with the Chief Justice of the Court of Final Appeal and other members of the LRC, place emphasis on choosing appropriate topics for consideration by the LRC, I continue to impress upon the relevant government policy bureaux/departments the importance of responding to and following up on the LRC reports.

The Chairman and members of this Panel should have received an information paper prepared 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 published a total of 64 reports, making law reform recommendations on different aspects of substantive and procedural laws in both civil and criminal contexts.

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

(1) proposals implemented in full (34 reports, i.e. 54 per cent of the 63 reports);

(2) proposals implemented in part (seven reports, i.e. 11 per cent of the 63 reports);

(3) proposals under consideration or in the process of being implemented (17 reports, i.e. 27 per cent of the 63 reports);

(4) proposals rejected outright by the Government (three reports, i.e. 4.8 per cent of the 63 reports); and

(5) proposals that the Government has no intention to implement 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 other measures. However, I can report that, except for those 41 reports which have been fully or partially implemented, one report that recommended no reform, three reports that were rejected outright and two reports for which the Government indicated no intention to implement at this juncture, all the remaining 17 reports are being reviewed by the relevant government policy bureaux/departments with feedback to be provided in due course.

On the whole, progress on implementation of the 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 Insolvency - Part 3: Winding-up Provisions of the Companies Ordinance, published in 1999; 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 2013, progress on implementation is made a standing item for discussion at each meeting of the LRC. Second, the LRC keeps in regular contact with the relevant government policy bureaux/departments so as to obtain updates on progress of implementation. Third, to provide easy reference for the public, the progress of implementation is uploaded to 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.

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

Ends/Monday, May 23, 2016