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A Bill doomed to stay shelved

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The Bill to allow the Court of Appeal to hear appeals against its own decisions is not likely to be revived, according to Legal Department sources.

The Supreme Court (Amendment) (No 2) Bill 1983, which was shelved after its first reading in July last year, would have allowed appeal hearings before five or more Appeal Court judges to over-rule decisions of earlier Appeal Court hearings before fewer judges.

Commentators at the time described the Bill as an attempt to set up a court of final appeal in Hongkong.

And the fact that it was

dropped was interpreted as a wish to avoid prejudicing the outcome of the Sino-British talks on Hongkong's future.

However, the Government denied the Bill was connected with the 1997 question, and insisted that it was shelved because of serious misgivings expressed by the Bar Committee.

Since then the draft agreement has stipulated that the power of final adjudication will be vested in the courts of Hongkong.

On Thursday, Mr Justice Yang called for a final court of appeal, comprising three to five judges, to be set up in good time for the transfer of sovereignty over Hongkong to China in 1997.

However, Legal Department sources said yesterday that while the stipulations of the draft agreement had been noted, work on planning a court of final appeal had yet to begin.

The provisions of the Supreme Court (Amendment) (No 2) Bill 1983 would not serve the purpose of vesting the power of final adjudication in Hongkong courts, according to the sources, and it was not likely to be revived.

Apart from anything else, the Bill would not have removed the right of appeal to the judicial committee of the Privy Council in London.

Work on setting up a court of final appeal in Hongkong, like the many other tasks which will have to be undertaken as a consequence of the Sino-British agreement, will probably not begin until after the agreement is ratified.