

**Presentation by Secretary for Justice
at the Special Meeting of the Finance Committee
on Thursday, 22 March 2001**

Mr Chairman,

INTRODUCTION

The Department of Justice's role is to provide legal services to the Government of the Hong Kong Special Administrative Region (SAR). It also makes independent prosecution decisions and conducts prosecutions in court. In the financial year 2001-02, a total provision of \$987 million is sought.

HIGHLIGHTS

2. I would like to begin by mentioning the transfer of provision in respect of the briefing out of construction related cases.

Briefing Out

3. At present, these cases are charged to two subheads. Those relating to Port and Airport Development Strategy are charged to Subhead 287 "Legal services for projects relating to the Port and Airport Development Strategy", whereas other construction cases are charged to Subhead 243 "Hire of legal services and related professional fees."

4. With effect from 1 April 2001, provision for the briefing out of construction related cases will be transferred from Subhead 243 to Subhead 287. This involves the transfer of \$43.7 million from Subhead 243 to Subhead 287 in 2001-02. Subhead 287 will also be retitled to "Legal services for construction dispute resolution". The transfer does not involve any increase in overall provision for construction related cases, but brings all provision for such cases under a single, discrete, subhead.

5. Members may wish to note that for 2001-02, a provision of \$23.6 million has been included in Subhead 243 to cater for the handling of judicial review proceedings arising from Right of Abode claims. In addition, a provision of \$49.6 million has been earmarked to deal with proceedings in the Lands Tribunal for compensation, following the resumption of land for the West Rail project.

6. Let me now highlight some of the other areas of work of the Department of Justice.

Legal Bilingualism

7. The Department of Justice is committed to the further development of legal bilingualism. With effect from April, nine Law Translation Officer posts will be re-deployed to our Prosecutions Division and Legal Policy Division. Experienced officers will be posted to the two divisions to provide legal translation service. This exercise will enhance the quality of service and will also allow us to delete 12 Chinese Language Officer posts.

Legislative Drafting

8. The smooth and timely implementation of government policies requires high quality and speedy legislative drafting service. We attach great importance to the training of our team of legislative counsel. Two tailor-made 6-month legislative drafting training courses have been organised for 12 counsel in the Law Drafting Division. We plan to organise a third course towards the end of 2001.

Prosecution of Crime

9. In 2001, we will continue to prosecute cases to the best of our ability, to enhance our capacity to advise on new and more sophisticated types of criminality, and to work closely with others to promote effective cooperation and better law enforcement.

10. Modern prosecutors must be intensively trained. This year we will put in place a comprehensive training programme to cater for prosecutors at all levels. For new Government Counsel and Legal Trainees, we will arrange a comprehensive, 3-month package of seminars, mock trials and prosecutions under supervision. For more experienced prosecutors, we will devise a scheme of continuing legal education, and in that we will liaise with the Director of Advanced Legal Education of the Hong Kong Bar Association.

11. As the Prosecutions Division has just become an organisational member of the International Association of Prosecutors, it will, in 2001, take full advantage of its new role to develop prosecutorial thinking and closer liaison at the international level. That will promote better and more effective law enforcement at the world and regional levels. That, in turn, will benefit the stability, well-being and reputation of Hong Kong and its people.

International Law

12. In the area of international law, we will continue our efforts in expanding Hong Kong's international network in various areas of legal co-operation with other jurisdictions to bring benefits to the Hong Kong SAR. For the year 2001-02, we plan to second a counsel to the Permanent Bureau of the Hague Conference.

Review of Legal Education

13. In order to strengthen legal education and improve both the quality and efficiency of legal services, the Department of Justice (in collaboration with the Law Society, the Bar Association, the two law faculties and others) is steering a comprehensive review of legal education and training in Hong Kong. The first stage of the review, which started in January 2000, is being conducted by two overseas consultants with funds provided by the Innovation and Technology Fund. In September last year, the consultants issued a public consultation document, setting out the issues that need to be addressed. More than 50 submissions were received. The consultants are now preparing their final report, which will be published in the summer.

CONCLUSION

14. I would like to conclude my introductory statement this morning by emphasizing that the Department of Justice in all its work will be guided by an unconditional commitment under the Basic Law to uphold the rule of law and the independence of the judiciary. We will continue our efforts to promote those vital concepts, and to enhance confidence in the legal system. We are also committed to provide efficient and effective legal services to the Hong Kong SAR Government, and to maintain and improve the present legal system.