

**Replies to supplementary questions raised by Finance Committee Members
in examining the Draft Estimates of Expenditure 2001-02**

**[Controlling Officer : Director of Administration and Development]
[Session No. : 10]**

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Bureau Serial No.

S-SJ001

Question Serial No.

S081

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Head : 92 Department of Justice Subhead (No. & title) :

Programme : Prosecutions

Controlling Officer : Director of Administration and Development

Question :

With reference to Magistrates' Court prosecution in 2000, and estimates for 2001,

- (1) what is the average number of court days attended by each Court Prosecutor?
- (2) on how many court days are there more than one prosecutor (including court prosecutor and government counsel) attending the same court for the same cases?
- (3) in terms of number of court days, how many court days were briefed out to lawyers in private practice?
- (4) what is the average cost per court day of prosecution conducted by Court Prosecutor?
- (5) what is the basis of calculation in (4): besides salaries, does it include allowance, training costs, costs of supervising officers, etc. - what is the breakdown?

Asked by : Hon Margaret Ng

Reply :

- (1) In 2000, a total of 14 852 court days, involving 214 805 cases in the magistracies, were undertaken by 89 Court Prosecutors, averaging 167 court days or 2 414 cases per Court Prosecutor. The same estimate, in round figures, of 14 860 court days is made for 2001.
- (2) When prosecuting in the magistracies every Court Prosecutor does so independently by himself/herself and does not appear as a junior to Government Counsel or other Court Prosecutors.
- (3) In 2000, we briefed out a total of 660 court days in the magistracies, of which 140 court days were for replacement of Court Prosecutors and 520 court days were for special fiat. In 2001, we estimate that a total of 680 court days in the magistracies will be briefed out, 160 court days being for replacement of Court Prosecutors and 520 court days for special fiat.
- (4) The average cost per court day of prosecution conducted by Court Prosecutors is \$2,933.

- (5) The average costs in (4) are calculated on the basis of the Full Annual Staff Cost at Mid-point which takes into account the fringe benefits (such as pensions, housing, leave and medical benefits) on a full cost basis of 89 CP grade officers on court duties.

The cost of employing 19 CP grade officers (2 Chief Court Prosecutors, 7 Senior Court Prosecutors I and 10 Senior Court Prosecutors II) who are responsible for administrative duties has been excluded from the above calculation. This is because vetting of case files in relation to charges and summonses as well as day-to-day deployment of manpower at the 9 magistracies are necessary whether cases are prosecuted by Court Prosecutors, Government Counsel or counsel on fiat.

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| Name in block letters | <u>Peter H K Cheung</u> |
| Post Title | <u>Director of Administration and Development (Ag)</u> |
| Date | <u>26 March 2001</u> |

Bureau Serial No.

S-SJ002

Question Serial No.

S082

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Head : 92 Department of Justice Subhead(No. & title) :

Programme : Prosecutions

Controlling Officer : Director of Administration and Development

Question :

With reference to Magistrates' Court prosecution in 2000, and estimates for 2001, what is the average cost per court day of prosecution briefed out to lawyers in private practice?

Asked by : Hon Margaret Ng

Reply :

The standard fee for a counsel prosecuting on general fiat in place of Court Prosecutors is \$5,670 per day. The standard brief fee for a counsel on special fiat is \$8,530 and the refresher rate is \$4,260 per day.

Name in block letters Peter H K Cheung

Director of Administration

Post Title and Development (Ag)

Date 26 March 2001

Bureau Serial No.

S-SJ003

Question Serial No.

S083

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Head : 92 Department of Justice Subhead (No. & title) :

Programme : Prosecutions

Controlling Officer : Director of Administration and Development

Question :

What does "Government Counsel who are not court specialists" refer to?

Asked by : Hon Margaret Ng

Reply :

The Prosecutions Division comprises 16 Sections two of which are "Court Specialists" Sections. There are 4 counsel in each of the Court Specialist Sections. Their main duty is to be advocates in the more significant trials in the higher courts, and they are generally kept free of advisory duties. Counsel in other sections perform specialist advisory functions and, when available, also court duties, sometimes related to their areas of expertise, and are "Government Counsel who are not court specialists".

Name in block letters Peter H K Cheung

Director of Administration

Post Title and Development (Ag)

Date 26 March 2001

Bureau Serial No.

S-SJ004

Question Serial No.

S084

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Head : 92 Department of Justice Subhead (No. & title) :

Programme : (4) Law Drafting

Controlling Officer : Director of Administration and Development

Question :

To follow up the Secretary for Justice's reply at the Special Meeting of the Finance Committee on 22 March to the question on the drafting of bilingual legislation, I would like to know -

- (1) as the compilation of the Chinese-English Glossary of Legal Terms was completed, should the performance indicator be deleted to avoid unnecessary misunderstanding?
- (2) with the dissolution of the Bilingual Laws Advisory Committee, how could consultation be conducted in case controversial issues on the use of both languages arose? To which department should members of a profession or language experts forward their comments on or objection against the use of certain terms? How could consultation be conducted in such cases?

Asked by : Hon Henry WU King-cheong

Reply :

- (1) The number of entries in the glossaries of legal terms will not be an indicator in next year's Controlling Officer's Report. The indicator was included to show the year of completion of the project, in line with the standard format of Controlling Officer's Reports.
- (2) Both the English and Chinese versions of legislation should convey exactly the same meaning. Counsel in the Law Drafting Division of the Department of Justice take great pains to ensure that this objective is achieved in all the legislation they draft. Nevertheless, views on linguistic issues arising out of the wording of legislation can be made known to the policy bureau concerned, which may consult such persons as it considers to be able to give useful advice including (but not limited to) legal practitioners, legal academics, linguists and experts in the relevant area.

Name in block letters Peter H K Cheung

Director of Administration

Post Title and Development (Ag)

Date 26 March 2001