

立法會
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Legislative Council
Panel on Administration of Justice and Legal Services

Minutes of meeting
held on Monday, 16 October 2000 at 5:00 pm
in the Chamber of the Legislative Council Building

Members Present : Hon Margaret NG (Chairman)
Hon Jasper TSANG Yok-sing, JP (Deputy Chairman)
Hon Martin LEE Chu-ming, SC, JP
Hon James TO Kun-sun
Hon Mrs Miriam LAU Kin-ye, JP
Hon Mr Ambrose LAU Hon-chuen, JP

Member Attending : Hon Henry WU King-cheong, BBS

Members Absent : Hon Albert HO Chun-yan
Hon Emily LAU Wai-hing, JP

Public Officers Attending : Department of Justice

Ms Elsie LEUNG, JP
Secretary for Justice

Mr Robert ALLCOCK, BBS
Solicitor General (Acting)

Mr Peter CHEUNG, JP
Director of Administration and Development (Acting)

Mr Jonathan DAW
Legal Adviser (Legislative Affairs)

Chief Secretary for Administration's Office

Mr Andrew WONG, JP
Director of Administration

Mr P C LEUNG
Deputy Director of Administration (1)

Ms Miranda CHIU
Deputy Director of Administration (2)

Clerk in Attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in Attendance : Mr Jimmy MA, JP
Legal Adviser

Mr Paul WOO
Senior Assistant Secretary (2)3

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I. Briefing by the Secretary for Justice and the Director of Administration on the Chief Executive's Policy Address 2000

The Secretary for Justice (SJ) and the Director of Administration (D of A) briefed members on the policy objectives, the key result areas and the new initiatives within their respective policy portfolios. (The Opening Statements of SJ and D of A were tabled at the meeting and attached at Appendices I and II respectively)

Government's role in building up a strong and independent Bar in Hong Kong

2. Mr Martin LEE asked SJ whether the existence of a strong and independent Bar was important in upholding the rule of law in Hong Kong, and if so, what measures would be taken by the Government to encourage talented graduates from the law schools to actually join the Bar.

3. SJ said that the Administration was fully aware of the need to maintain a strong and independent Bar. The stance of the Administration had always been to respect the autonomy of the two legal professional bodies in relation to matters that fell within their own purview. She added that an important policy objective of the Department of Justice (D of J) was to ensure that there was continuous improvement to the legal system. In helping to achieve this objective, the Department was actively participating in the comprehensive

review of legal education and training that was being undertaken. It was hoped that the outcome of the review could throw light on the requirements of a system which could best enable the legal profession to meet the challenges of legal practice and the future needs of Hong Kong.

4. SJ further advised that the practice of briefing out cases to counsel in the private sector also facilitated the development of an independent and competent Bar.

5. On the briefing out system mentioned by SJ, Acting Director of Administration and Development, D of J informed members that an allocation of about \$169 million had been made available under D of J's briefing out vote for the current financial year, comparing to the actual expenditure of over \$100 million for the past few years. For briefing out of standard approved scale fee cases, a roster system was in place. For the purposes of briefing out more complicated cases, there were three separate selection boards in D of J, one each in the Prosecutions Division, the Civil Division and the International Law Division.

6. Mr Martin LEE further enquired about the stance of the Administration on certain proposals recently made by the Law Society which, in his opinion, if implemented, would weaken the role of the Bar.

7. SJ replied that the Law Society's proposal of rights of audience for solicitors in the higher courts was discussed by the Legal Practitioners Liaison Committee. Some preliminary points had yet to be worked out between the Bar Association and the Law Society. The Administration's view was that the matter was largely one which should be resolved between the two branches of the legal profession. The Administration would provide necessary administrative assistance and introduce necessary legislative measures to implement any changes that might be considered appropriate. The Administration had not taken any stance on the matter at this stage.

Enactment of legislation for Article 23 of the Basic Law (BL)

8. Mr James TO enquired about the progress of legislative proposals to give effect to BL 23 and the degree of involvement of D of J in preparing any draft consultation document for that matter.

9. SJ advised that legislative proposals and enforcement to deal with the prohibited acts stated in BL 23 fell within the policy responsibility of the Security Bureau (SB). This included the preparation of consultation documents for the purpose of wide public debate on such matters. SB would seek advice from the D of J on legal policy issues as well as the drafting of the consultation documents. Acting on agreed policy, D of J was responsible for

the drafting of the necessary legislation. She informed members that law drafting concerning BL 23 had not commenced yet.

10. The Chairman opined that the scope of some existing Ordinances such as the Crimes Ordinance appeared to have covered some of the prohibited acts described in BL 23. She asked whether D of J would consider conducting a comprehensive review of the current laws to see if they were sufficient to give effect to BL 23. She said that if such was found to be a workable option, enacting new laws for the purpose of BL 23 might not be necessary.

11. In response to the Chairman, SJ said that D of J had made a comparison of the existing laws with the requirements of BL 23. The Administration's view was that the Hong Kong Special Administrative Region (HKSAR) should enact new laws because of the inadequacies of the laws currently in force. For example, the concept of secession and subversion against the Central People's Government (CPG) as well as theft of state secrets etc. was unknown in existing legislation. She said that D of J had advised SB of its views accordingly.

12. The Chairman asked whether the information provided by D of J to SB could be made available for the Panel's consideration.

13. SJ replied that as D of J's advice was given to SB, she would need to consult the latter as to whether the Chairman's request could be acceded to. As the Administration had yet to come up with any firm views and recommendations on the matter, it was her concern that premature disclosure of the information could lead to unnecessary arguments or misunderstanding.

14. Mr Martin LEE queried the necessity to seek SB's consent for the release of the information sought by the Chairman. He said that as D of J was part of the Administration and SJ being a Member of the Executive Council, the relationship between D of J and other policy Bureaux should not be seen simply within the ordinary bounds of lawyers serving their clients. Mr LEE further pointed out the Chief Executive (CE) in his Policy Address had spoken of the need to strengthen communication between the executive and the legislature, and that to promote this objective, CE seemed to agree that important issues should be referred to the relevant Panels for discussion as early as possible. He said that enactment of laws for the purpose of BL 23 obviously belonged to this category of important issues.

15. The Chairman asked SJ to consider her request and revert to the Panel when a decision was made.

Mechanism for amending the Basic Law

16. Mr James TO enquired about whether the delay in implementing a mechanism for amending the Basic Law was due to the deliberation of the Basic Law Unit of D of J on the matter.

17. SJ replied in the negative. She said that the Secretary for Constitutional Affairs had repeatedly explained on various occasions the complexities involved in the task, including the requirement to thoroughly consult CPG. The Basic Law Unit's role was to give advice on a proposal put to it for comment, from the perspective of established legal policy and compliance with the Basic Law.

Negotiation of bilateral agreements on reciprocal enforcement of judgments

18. Referring to the above initiative which was behind schedule, Mrs Miriam LAU asked what were the stumbling blocks holding up progress.

19. SJ explained that necessary authorization from CPG had to be obtained for the negotiation of bilateral agreements on reciprocal enforcement of judgments between Hong Kong and foreign jurisdictions. To date, consultation with the Office of the Commissioner of the Ministry of Foreign Affairs in HKSAR had not been concluded. She advised that although certain hurdles had been cleared, a number of other issues remained to be resolved, one of which was consideration of the necessity to include in an agreement an adequate safeguard against enforcement in HKSAR of a foreign judgment which was unacceptable to the People's Republic of China. SJ added that consideration was being given on a proposal to incorporate a remedy modelled on the provisions in the Mutual Legal Assistance in Criminal Matters Ordinance in order to address the issue.

20. In further response to Mrs LAU on the need to expedite action, SJ advised that judgments had been enforced in Hong Kong in accordance with common law principles. In a recent case, the court had ruled that a bankruptcy order made in Taiwan was enforceable in the HKSAR. Furthermore, a new multilateral convention was being discussed in the Hague Convention on Private International Law, and if it materialized, it might not be necessary for an agreement to be made between HKSAR and other jurisdictions.

Review of the existing legislation to identify outdated and unclear provisions

21. Mrs Miriam LAU asked the Administration to explain the present position of D of J's initiative to redraft outdated and unclear provisions in plain and modern language.

22. SJ said that the exercise was on-going and progress was being made. She pointed out that the Elections (Corrupt and Illegal Conduct) Ordinance was redrafted and enacted to replace the former Corrupt and Illegal Practices Ordinance which was enacted back in the 1950s. She added that in the past three years, priority had been accorded to some urgent tasks such as the Adaptation of Laws Programme and the drafting of the complex Securities and Futures Bill. She assured that the Department would strive to deliver results in reviewing outdated legislation.

Adm

23. Mrs Miriam LAU opined that a review of outdated and unclear provisions of existing legislation with a view to redrafting them was also an urgent task, pointing out that some legislation relating to transport matters warranted a timely review. She suggested and the meeting agreed that the Administration should provide an information paper on how D of J would take forward the review and what Ordinances would be given priority for review.

Administration of legal aid

24. The Chairman said that she was disappointed at the Administration's decision not to establish an independent legal aid authority as previously suggested by the Legal Aid Services Council (LASC). She asked what safeguards were in place to ensure that the Director of Legal Aid (DLA) would act independently in making his decision as to whether or not to approve a legal aid application, and that DLA's decision would not be unduly affected by political considerations in controversial cases such as constitutional litigation involving the HKSAR Government. In posing her questions, the Chairman declared interest as a practising counsel who occasionally took up legal aid cases.

25. In reply to the Chairman, D of A said that LASC was principally responsible for overseeing the legal aid services provided by the Legal Aid Department (LAD) to enhance the independence of legal aid administration. The Legal Aid Ordinance required that DLA should consider each application for legal aid independently and free from any undue influence. DLA also had the discretion, in circumstances where he saw fit, to seek independent outside legal advice to assist him in making a decision on a particular application. Furthermore, under existing policy, LAD could assign a certain proportion of cases to private practitioners. He said that the Administration was satisfied that the independence of legal aid administration was well guaranteed under the present system.

Adm

26. At the request of the Chairman, D of A agreed to provide information on the number of cases in the past three years on which DLA had sought legal advice from outside the Department.

Legal aid for proceedings in respect of defamation

27. Mr Martin LEE pointed out that under existing policy, legal aid was not available to litigants in defamation cases. Recently, there were cases in which the plaintiffs commenced proceedings against allegedly libellous articles published by the press. A striking feature of these cases was that the action was taken against the writers of the articles instead of the newspaper publishers. Mr LEE opined that without legal aid, such action would bring tremendous hardship to the defendants because of the high costs of litigation. In addition, libellous articles were published in newspapers shortly before the 2000 LegCo election. He was concerned that the exclusion of defamatory or libel suits from the scope of legal aid could be taken advantage of by some people as a means to suppress freedom of expression, and asked the Administration to consider whether a review of the existing policy was warranted.

Adm 28. Echoing on Mr Martin LEE's views, the Chairman requested D of A to provide an information paper on the existing legal aid policy, including the justifications for excluding proceedings in respect of defamation cases from the scope of the Legal Aid Ordinance.

The Securities and Futures Bill

29. Mr Henry WU noted that D of J intended to develop a specialized team in its Civil Division for inquiries into market misconduct following the enactment of the Securities and Futures Bill. He asked whether the market practitioners had been consulted on how best market misconduct should be regulated.

30. SJ responded that the proposed Securities and Futures Bill was published as a "white bill" in the last LegCo session, and would soon be introduced into the Council. She considered that the issue raised by Mr Henry WU should be a matter for the Financial Services Bureau to consider, as D of J was only responsible for the drafting of the Bill and the establishment of a specialized team after enactment of the Bill. She added that when a bills committee was formed to scrutinize the Bill, there should be ample opportunities for members of the public including the members of the trade to express views on the various issues covered in the Bill, including the legislative framework for inquiries into market misconduct.

Briefing by the Ombudsman

31. In reply to the Chairman as to whether the Office of the Ombudsman fell within the purview of the Panel, D of A advised that the Ombudsman would brief LegCo Members on her work portfolios in a separate forum.

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32. There being no other business, the meeting ended at 6:30 pm.

Legislative Council Secretariat
20 November 2000

**Secretary for Justice's Briefing Note for the
Administration of Justice and Legal Services Panel Meeting
on Monday, 16 October 2000**

Good afternoon, ladies and gentlemen. It gives me great pleasure to brief you this afternoon on the Department of Justice's Policy Objective; on the progress made in the past twelve months in respect of previous pledges; and on the new initiatives set out in our Policy Objective Booklet released last week.

Policy Objective

2. The Policy Objective of the Department of Justice is to uphold the rule of law, provide efficient and effective legal services to the Hong Kong Special Administrative Region Government, and to maintain and improve the present legal system.

3. In the past year, we had three targets at the policy objective level.

4. Our first target related to the rule of law. The rule of law has been the overriding contributory factor for the success of Hong Kong and the bedrock of our community, both before and after reunification. My department is committed to upholding the rule of law.

5. The Basic Law has been in force for more than three years. It is clear that the Basic Law safeguards the rights, freedoms and lifestyle of the people of Hong Kong. Since Reunification, there have been numerous constitutional issues brought before our courts. Large numbers of litigants continue to have recourse to the courts to have their causes examined, adjudicated and determined. This is a striking demonstration of the rule of law and of confidence in the independence of the Judiciary.

6. The determination of constitutional issues helps to clarify relevant provisions of the Basic Law so that the courts, lawyers, and their clients will

know how to deal with similar issues in future. The interpretation of two provisions of the Basic Law by the Standing Committee of the National People's Congress, given in June last year, has been held by the Court of Final Appeal to be binding on Hong Kong courts. The courts are now applying that interpretation in the cases that come before them. Those claiming the right of abode in Hong Kong are being dealt with in strict accordance with the rule of law.

7. In the Flag case, the CFA upheld the freedom of expression granted to the people of Hong Kong as enshrined in the Basic Law but re-affirmed that the freedom is not an absolute right but may be subject to limited restrictions. This is another example of a potentially divisive issue being resolved in accordance with the rule of law.

8. The second target was to ensure that our legal services met the reasonable expectations of our clients, namely the Government bureaux and departments. I am pleased to report that we have been able to meet over 98% of our performance pledges in the past year.

9. Our third target was to ensure that there is continuous improvement to the legal system. As Honourable Members will appreciate, the education of future members of the legal profession is of crucial importance to the success of our legal system. The Department of Justice have actively participated in the establishment and work of the Steering Committee on the Review of Legal Education and Training, which is chaired by the Acting Solicitor General. I would like to take this opportunity to thank the Bar Association, the Law Society, the two law faculties and other members of the Steering Committee for their invaluable assistance in this project. I would also welcome further discussion of the project by members of this Panel. Copies of the Consultation Paper have been supplied to the Chairman and Secretary of the Panel.

10. Other initiatives to improve the legal system included introducing six relevant bills into this Council during the last session. Of these, five were passed and the remaining one lapsed. The first edition of the Chinese-English Glossary of Legal Terms was published last December. The legal profession and members of the public should find this, and the English-Chinese Glossary published earlier, helpful tools in legal research and education.

Key Results Areas

11. I now turn to my Department's six Key Results Areas. I am glad to say that in the past year, we have continued to produce good results in all six areas:

- mutual understanding of the two legal systems was further fostered: a second mock trial was staged and a Pilot Scheme to provide common law training to Mainland officials was successfully launched;
- Hong Kong's status as an international business and arbitration centre has been strengthened: legislation to provide for the enforcement in Hong Kong of arbitral awards made in the Mainland and Taiwan was enacted;
- we have strengthened our ability to fight computer crime and other white collar crimes by developing specialist teams of prosecutors;
- we continued to advise on human rights reports for United Nations treaty monitoring bodies, and to attend the related hearings;
- bilingualism in the law has been further developed through the publication of a Chinese-English Glossary of Legal Terms; through the work of the Committee on Bilingual Legal System which is chaired by me; and through the production of bilingual court documents, government franchises, contracts and tender documents;
- we have assisted in the negotiation of international agreements, including air services agreements, visa abolition agreements, and mutual legal assistance agreements; and
- we have provided legal advice for major government projects, including Disneyland, the sale of shares in MTRC, and the Securities and Futures White Bill.

12. In the context of the 1999 Policy Objective, my Department announced 13 new commitments. Adding the 12 outstanding pledges made since 1994, the Department of Justice is accountable for 25 pledges. Of these:

- we have completed 15;
- we are on schedule on 4;
- 4 are under review; and
- we are endeavouring to speed up the progress on the 2 pledges that have fallen behind schedule.

13. The 15 pledges that we have fulfilled are as follows –

- to establish a cross-divisional specialist team (the Basic Law Litigation Committee) and to conduct comparative constitutional studies on various topics under the Basic Law;
- to develop expertise in respect of legislative powers, procedures and practices under the Basic Law by appointing the Legal Advisor (Legislative Affairs) in September 1999;
- to present reports to and attend the relevant hearings of the United Nations human rights treaties monitoring bodies under the International Covenant on Civil and Political Rights (in November 1999) and the Convention Against Torture (in May 2000);
- to conduct the second mock trial in Guangzhou in May 2000;
- to launch the first round of training 12 Mainland officials common law;
- to arrange Hong Kong's participation in the Hague Conference on Private International Law;
- to identify and pursue three areas of civil law, namely, recognition of grants of probate, enforcement of maintenance orders and child

adoption, in which Hong Kong may benefit from international co-operation;

- to negotiate new bilateral agreements (10 in total) on mutual legal assistance, surrender of fugitive offenders, and transfer of sentenced persons;
- to publish the first edition of the Chinese-English Glossary of Legal Terms;
- to review the setting up of a specialised team for inquiries into market misconduct following the demutualisation of the Stock Exchange and Futures Exchange;
- to set up the Computer Crime Team;
- to strengthen the existing specialist teams for prosecution of white collar crime;
- to produce and screen new series of 12-episode legal docu-dramas (in April till July 2000), and to publish a booklet “Victim of Crime Charter” setting out the rights and duties of victims of crime; and
- to prepare a report of the Committee on Bilingual Legal System.

14. The 4 pledges that are on schedule are our pledges –

- to develop general awareness of the Basic Law issues by preparing Information Notes on the multifarious aspects of the Basic Law;
- to provide the second round of the training in the Common Law for Mainland lawyers;
- to present report to and attend hearing of the United Nations human rights treaties monitoring body under the International Covenant on Economic, Social and Cultural Rights (in April/May 2001);

- to draft, vet and advise on the Chinese versions of contracts, undertakings, tender documents, public franchises and other legal documents for the Government.

15. The 4 targets that are under review are –

- to identify suitable ordinances with a view to re-drafting them in plain and user-friendly legal language;
- to assess the scope of the work involved in a review of the existing legislation and to draw up a work plan to identify outdated and unclear provisions;
- to set up a special team to redraft the provisions in plain and modern language; and
- to complete the drafting of adaptation bills.

16. We are behind schedule on 2 pledges. The first one concerns the obtaining of the necessary authorisation from the Central People's Government for the negotiation of bilateral agreements on reciprocal enforcement of judgments. However, I am still optimistic that progress will soon be made in this respect. The other relates to the production of an educational video on the law-making process. I am pleased to say that the production is likely to be completed by the end of this year.

Looking Ahead

17. In the next 12 months, we will continue to press ahead with our work in all six Key Results Areas.

New Initiatives

18. In addition, we will implement nine initiatives.

19. In relation to the work of the Legal Policy Division, we will:

- consider how to take forward the comprehensive review of legal education;
- promote knowledge within the Civil Service on the application of the Basic Law and the new constitutional order; and
- provide further reports under international human rights treaties.

20. In relation to the work of the International Law Division, we will increase Hong Kong's capacity to receive and render legal co-operation in criminal matters relating to the surrender of fugitive offenders, criminal mutual legal assistance and the transfer of sentenced persons.

21. In relation to the work of the Civil Division, we will, following the enactment of the proposed Securities and Futures Bill, develop a specialised team for inquiries into market misconduct.

22. In relation to the work of the Prosecutions Division, we will:

- put in place six measures aimed at enhancing the performance of departmental prosecutors;
- prepare a set of standard forms and precedents for proceedings in the Court of Final Appeals in criminal matters; and
- produce a new Prosecutions Manual to assist prosecutors and law enforcement personnel in the discharge of their duties.

23. In relation to the work of the Administration and Development Division, we will enhance the Work Management System in order to improve efficiency.

Impact of China's accession to WTO

24. Madam Chairman, before I conclude, I wish to say a few words about the impact of China's imminent accession to the WTO on legal services in Hong Kong.

25. Given Hong Kong's competitive edge in service industries, we should benefit considerably from the Mainland's liberalisation of its huge services market. Market liberalisation will bring about, amongst other things, immense business and trade opportunities. We can benefit from Hong Kong's proximity to the Mainland, our knowledge and experience of the Mainland market, our historical and cultural ties, our world-class business and financial services as well as our excellent infrastructure. Legal practitioners in Hong Kong, in particular, will have great opportunities to participate directly in the economic development of the Mainland.

26. My Department has not been slow in assisting the legal profession to identify relevant issues, and in liaising with the authorities concerned, with a view to working out satisfactory practical arrangements. With this objective in mind, a special working group was formed in January this year. This group includes representatives of the Law Society and the Bar Association. They meet regularly and their views and recommendations are related to the relevant authorities. I am pleased to report that the Ministry of Justice has recently announced four items of good news:

- the restrictions on the number and locality of foreign law offices that may be established on the Mainland will be lifted;
- Hong Kong lawyers will be allowed to be employed by Mainland law firms to practise Hong Kong law and, upon receiving appropriate training, will be permitted to enter into partnership with their Mainland counterparts;
- Hong Kong residents will be eligible to sit for the PRC lawyers qualification examinations after completing recognised law courses; and

- the Bar Association will be permitted to set up liaison offices in Beijing, Shanghai and Guangzhou to provide services on the laws of Hong Kong.

27. These new developments are beneficial both to Hong Kong lawyers, and to the two legal systems, which will benefit from increased interaction. My Department will continue to work closely with the legal professions in Hong Kong and on the Mainland to work out how best these policies can be implemented.

Conclusion

28. In the year to come, my Department will continue to be extremely busy. The issues that I have highlighted today form only a small part of our work. The vast bulk of our work consists of the daily advice work, prosecutions, civil litigation and drafting. Our legal services will need to keep pace with ever changing demands and to conform with the new constitutional order. We remain committed to upholding the rule of law and ensuring that the Basic Law is fully implemented under the principle of “one country, two systems”. My colleagues in the Department of Justice and I will continue to strive our utmost to provide our services to the government in the best interests of the people of Hong Kong.

29. I am now happy to answer questions that Honourable Members may wish to raise.

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**Opening Statement of the Director of Administration
at the Meeting of the Administration of Justice and
Legal Services Panel of the Legislative Council
to be held on 16 October 2000**

I am pleased to present to this Council the 2000 Policy Objective booklet of the Administration Wing. This document “Administrative Redress and Legal Aid” describes a package of measures in pursuit of the Administration Wing’s Policy Objective of providing avenues for administrative redress and legal aid services as well as maintaining quality support services to the Government Secretariat and providing efficient protocol service.

2. In the past year, we have been working on 27 targets under a total of 16 initiatives that we had undertaken in 1999 and before. The areas covered include the provision of channels for administrative redress and legal aid services, maintaining effective communication between Government and the Legislature, provision of support to the Government Secretariat and to the management of government records, as well as the reception of VIPs and the administration of the consular corps’ affairs. I am pleased to report to Members that we have **completed 12 targets, 12 are proceeding on schedule and 3 are under review** (concerning the strengthening of the directorate of the Application and Processing Division of the Legal Aid Department (LAD) and two targets related to the relocation of the Central Government Offices to the Tamar Basin Reclamation site).

3. I shall briefly report on the progress that we have made in the past year and the direction that we will be heading in the coming 12 months regarding a few subject areas that will be of interest to this Panel.

Provide efficient legal aid services

4. Our legal aid policy is to ensure that no one with reasonable grounds for taking a legal action in the Hong Kong courts is prevented from seeking justice because of a lack of means. The Administration has always endeavoured to ensure a high degree of public satisfaction in

respect of legal aid services. Last year, we implemented a series of measures arising from the Legal Aid Policy Review to improve the existing services through legislative means. We are grateful for the useful comments provided by the Members of the first term of the HKSAR Legislative Council (LegCo) on our proposals and their passing of our amendment bill in May this year. We are also grateful that the current LegCo Members have raised no objection to the commencement notice of the legislation and this has confirmed that the new arrangements could be effective since July this year. The new arrangements have not only widened the scope of legal aid services, but also allowed 58% (i.e. more than 1 million households) of the total number of households in Hong Kong eligible for legal aid, up from 48% (i.e. about 800,000 households).

5. We will continue to keep the legal aid system under review after the implementation of the above new arrangements and initiate improvement measures as and when necessary to better meet the needs of the public.

6. One of the indicators we use to assess performance is the speed with which the LAD processes legal aid applications. I am glad to point out that LAD has been able to meet the existing target of processing 80% of civil legal aid applications within three months from the date of application. In order to fulfill our ongoing commitment to better legal aid services, we have decided to revise the target from 80% to 85% to keep pace with the times.

Maintain effective communication between Government and the Legislature

7. Another important aspect of the work of the Administration Wing is the maintenance of effective communication between Government and the Legislature. The Administration fully appreciates the need to work closely with the Legislature to enable it to carry out its business efficiently and effectively for the benefit of the community.

During the first term of the office of the LegCo, we introduced a total of 171 government bills, 679 pieces of subsidiary legislation, and 158 financial proposals for scrutiny and approval by the LegCo. After the Administration has explained the relevant legislation/proposals to LegCo Members, a total of 157 bills, nearly all the subsidiary legislation (674) and most of the financial proposals (149) were approved by the LegCo.

8. In the current LegCo term, we will continue to work closely with the LegCo. The Administration will, as far as possible, explain to and discuss with the relevant Panels major policy, legislative and financial proposals before their formal introduction into the Council or Finance Committee with a view to ensuring that the relevant proposals meet the needs and the overall interests of the community. In addition, we will provide a legislative programme setting out the bills that the Administration plans to introduce into the LegCo in the 2000/01 legislative session. As in the past, we will, in accordance with the legislative programme as far as possible, introduce bills into the LegCo in an orderly manner, and work closely with Bills Committees to ensure that the LegCo is given sufficient time and information to scrutinise the bills.

9. As regards the “hardware”, we note, to enhance operational efficiency, LegCo’s need for all the legislative facilities to be under one roof in the long term. We are doing a preliminary planning assessment. To facilitate the identification of possible sites, we are liaising with the LegCo Secretariat with a view to obtaining more detailed information on the new facilities.

Maintain public confidence in independent redress

10. As regards the maintenance of public confidence in independent redress, it is our aim to continue to provide fair, open and accessible avenues for members of the public to lodge appeals and complaints against administrative decisions and measures. The main channels of lodging appeals include the Administrative Appeals Board and the Municipal Services Appeals Board, the Ombudsman, as well as the Visiting Justices of the Peace (JPs) under the JP System.

11. In the past year, we have increased the number of sittings for the Administrative Appeals Board and the Municipal Services Appeals Boards from a total of 3 sittings to 4 sittings each month so as to further reduce the time required for an appeal to be heard after it has been filed. Moreover, we have expanded the scope of jurisdiction of the two Boards : we put 4 more pieces of legislation under the purview of the Administrative Appeals Board, and also expanded the scope of jurisdiction of the Municipal Services Appeals Boards to hear appeals against decisions on 3 more areas of municipal services. We shall continue to strive to maintain the efficiency of the two Boards.

12. As regards the Ombudsman, we have initiated discussion with her to expand her jurisdiction to cover more statutory bodies. In this regard, we shall actively consider the expansion of the jurisdiction of the Ombudsman to cover the Equal Opportunities Commission and the Office of the Privacy Commissioner for Personal Data. We hope to finalise this proposal as soon as possible so that the 2 organisations in question can be put under the jurisdiction of the Ombudsman. We shall also continue to keep under review the possibility of further extending the Ombudsman's jurisdiction to other major statutory bodies.

13. The Visiting JP System is an important channel for redress for inmates of various institutions (e.g. penal institutions). In the past year, we worked very hard to implement various proposals arising from the Review of the JP system conducted in 1999 to improve the JP visits system, which include, inter alia, allowing JPs to visit particular institutions of their choice on a more regular basis, to provide JPs with more up-to-date information on the institutions before their visit, to allow more time for JPs to submit their comments regarding their visits, and to start publishing annual reports on JP visits to various institutions. Moreover, we have decided to revise the pairing arrangements for JP visits so as to allow Non-official JPs to choose either a Non-official JP or an Official JP as their visiting partners; we plan to implement this new arrangement by the end of this year. We believe that with such extensive improvements, our Visiting JP System will become more efficient, effective and transparent.

Ensure an efficient service to support the Government Secretariat

14. Provision of support service to the Government Secretariat is another area of work under my purview. Regarding the accommodation need of the Government Secretariat, in 1998, we saw the need to build a new Central Government Complex because the existing premises were no longer capable of providing sufficient office accommodation for the Government Secretariat nor of providing a satisfactory infrastructure to cope with the rapid technological changes. In the past years, we planned for the relocation of the Central Government Offices to the Tamar Basin Reclamation site and have studied various development options. In order to ensure optimal use of government land, the relocation project is currently under review.

Ensure efficient administration of the Consular Corps' affairs and reception of VIPs

15. I do not intend to go into details regarding the work of the Protocol Division of my office in the reception of VIPs and the administration of consular corps' affairs. Let me just say that we have in Hong Kong a strong presence of foreign representation which gives us our international flavour. Including the newly established Hong Kong Sub Office of the International Monetary Fund Resident Representative Office in China, and the International Finance Corporation Regional Office for East Asia/the World Bank Private Sector Development Office for East Asia, we have at present 102 foreign missions in Hong Kong (97 consular posts and 5 international organisations), compared to a figure of 99 a year ago.

Conclusion

16. As Members will appreciate, the Administration Wing is responsible for a vast variety of policy areas. To help us continue to strive for improvements, I welcome the views and comments from Members of this Council regarding the areas of work falling within the purview of the Administration Wing.