

**Replies to supplementary questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2002-03**

**[Bureau Secretary/Controlling Officer : Director of Administration]
[Session No. : 14] [File name : S-CSO-e.doc]**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-CSO001		LAU Wai-hing, Emily	142	CSO-Administration Wing
S-CSO002		NG Margaret	94	Processing of Legal Aid Applications Litigation Services Support Services Official Solicitor's Office
S-CSO003		EU Yuet-mee, Audrey	94	Litigation Services

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO001

Question Serial No.

Head: 142 – Government Subhead(No. & title):
Secretariat: Offices of the
Chief Secretary for
Administration and the
Financial Secretary

Programme: (3) CSO-Administration Wing

Controlling Officer: Director of Administration

Bureau Secretary: Director of Administration

Question :

Will the Administration provide example showing how the sustainability assessment is conducted by bureau or department and a form or table used in the process?

Asked by: Hon. LAU Wai-hing, Emily

Reply:

Sustainability assessment (SA) provides a structured framework to facilitate bureaux and departments to integrate economic, social and environmental considerations into their planning or formulation of major initiatives or programmes. The objectives are twofold – it helps bureaux and departments to think wider and deeper into the full implications of their proposals and scope out sensitive or cross-sectoral issues at the early planning stage; and the assessment findings also facilitate a comprehensive decision in line with the sustainability principles. Effective from April 2002, bureaux' and departments' submissions to the Chief Secretary's Committee (including its Policy Groups) and Executive Council should also set out the SA findings of their relevant proposals.

A computer tool has been developed and training provided to guide bureaux and departments through the SA system. In particular, they are required to assess their proposals against a set of prescribed indicators identified under eight guiding principles covering the economic, social and environmental aspects (see Annex A). The indicators are the result of wide public consultation in the context of the Planning Department's Study on Sustainable Development in Hong Kong for the 21st Century. Where appropriate, a responsible bureau or department may also incorporate other key or non-quantifiable indicators into its SA and report.

A sample report on sustainability assessment is attached at Annex B.

Signature _____

Name in block letters _____ Andrew H Y Wong

Post Title _____ Director of Administration

Date _____ 28 March 2002

EIGHT GUIDING PRINCIPLES

<i>Economy</i>	Hong Kong should achieve a competitive and prosperous market-based economy which provides the resources to meet the needs and aspirations of the population, both now and in the future.
<i>Health and Hygiene</i>	Hong Kong should provide a living and working environment and pursue policies which promote and protect the physical and mental health and safety of the people of Hong Kong.
<i>Natural Resources</i>	Hong Kong should promote the sustainable use of natural resources to minimise its ecological footprint through improving consumption efficiency, minimising the use of non-renewable resources and re-using, recycling waste and recovering energy from wastes.
<i>Society and Social Infrastructure</i>	Hong Kong should foster a stable, equitable, ethical and progressive society and enable present and future individuals to contribute to and fulfil their potential by providing universal access to adequate and appropriate educational opportunity and social infrastructure.
<i>Biodiversity</i>	To maintain the biodiversity of Hong Kong and to minimise any threat which consumption in Hong Kong may have on biodiversity elsewhere.
<i>Leisure and Cultural Vibrancy</i>	Protect and enhance the vibrancy of Hong Kong's recreational opportunities, leisure activities, cultural diversity, archaeological, historical and architectural assets.
<i>Environmental Quality</i>	Hong Kong should be pro-active in avoiding environmental problems for present and future generations, seek to find opportunities to enhance environmental quality, and minimise the unwanted side effects, locally, nationally and internationally, of development and inefficiencies such as air, noise and water pollution or land contamination.
<i>Mobility</i>	Hong Kong should provide safe, accessible, efficient and clean transport systems and pedestrian facilities along with an efficient transport network for the movement of goods and facilitation of services for the community.

Annex A (Cont'd)

Sustainability Indicators

<i>Economy</i>	<ul style="list-style-type: none"> • Economic return as determined through cost benefit analysis. • Percentage change in income less income tax for the upper quartile household minus the percentage change in income less income tax for the lower quartile. • Gross domestic fixed capital formation as a ratio to GDP. • Expenditure on primary, secondary and tertiary education as a ratio to GDP. • Unemployment rate.
<i>Health and Hygiene</i>	<ul style="list-style-type: none"> • Notification of communicable diseases. • In patient discharges and deaths per 100,000 population due to diseases of the respiratory system.
<i>Natural Resources</i>	<ul style="list-style-type: none"> • Consumption of energy per unit of output (\$ GDP). • Quantity of municipal solid waste, public fill and construction and demolition waste requiring final disposal per capita. • The total remaining landfill capacity (by volume). • Volume of freshwater supplied per capita. • Percentage of demand met by locally-derived freshwater resources. • Area of countryside.
<i>Society and Social Infrastructure</i>	<ul style="list-style-type: none"> • Average length of waiting list for public rental housing. • Median rent to income ratio for private housing. • Percentage of households residing in inadequate housing. • Living space per person. • Number of registered volunteers. • Waiting lists for subsidized residential care homes for the elderly. • Number of student members of civic education and community services organizations. • Proportion of people of working age who have received post-secondary education or above.
<i>Biodiversity</i>	<ul style="list-style-type: none"> • Area of Hong Kong of high terrestrial ecological value. • Area of Hong Kong of high marine ecological value. • Area of managed terrestrial habitat for conservation. • Area of managed marine habitat for conservation.
<i>Leisure and Cultural Vibrancy</i>	<ul style="list-style-type: none"> • Number of recorded archaeological sites. • Number of recorded cultural and historical sites. • Percentage of population living within districts with a shortfall of required provision of open space. • Annual ticket sales for major cultural, entertainment and sporting events.

<i>Environmental Quality</i>	<ul style="list-style-type: none"> • Composite index for criteria air pollutants based on percentage of the Air Quality Objectives. • Composite index for toxic air pollutants based on percentage of Acceptable Risk. • Quantity (tonnes) of carbon dioxide emitted per year. • Percentage of population exposed to excessive noise. • Percentage of EPD’s river monitoring stations ranked “Excellent” or “Good” using the EPD’s Water Quality Index. • Composite index for marine water quality pollutants based on percentage of the Water Quality Objectives. • Number of beach-days per year ranked “Good” or “Fair”.
<i>Mobility</i>	<ul style="list-style-type: none"> • Average travel distances; the distance in kilometers travelled by passengers during morning peak by all major groups of transport modes. • Average network speed; calculated as total passenger kilometers divided by total passenger hours. • The cost of road-based freight transport; the cost of charges and operating costs as a ratio to GDP.

Sample

**Policy Bureau's
Report on Sustainability Assessment**

Objective

To accommodate additional population in new town development through the following possible options:

- (a) reclaiming the bay area;
- (b) intensifying current development; and/or
- (c) relocating existing industries to make way for development.

Scenarios Considered

Scenario 1

Minimum development – accommodate XX,XXX population only

No reclamation of the bay area; no intensification of current development; no strategic road link; but relocation of existing industries only.

Scenario 2

Medium development – accommodate YYY,YYY population only

Reclamation of the bay area; coastal alignment of strategic road link; relocation of existing industries; but no intensification of current development.

Scenario 3

Maximum development – accommodate ZZZ,ZZZ population

Reclamation of the bay area; intensification of current development; but with tunnel alignment of strategic road link and relocation of existing industries.

Assumptions Made

- (a) By the assessment year of 2016, the population will reach XXX million;

- (b) Traffic forecasts and patterns based on the Third Review of the Comprehensive Transport Study (CTS-3) and the Second Railway Development Study (RDS-2);
- (c) Expenditure on public works/services assumed at XX% of GDP; and
- (d) The strategic road link is to be a dual- two carriageway. For the tunnel option, it is assumed that the tunnel will be tolled.

Affected Indicators

After responding to the prescribed questions, the same 13 indicators have been revealed and confirmed as ‘affected indicators’.

Economy

Affected indicator: cost benefit, employment

Positive economic return generated from further reclamation, more investment in infrastructure and increase in economic activities in the new town. Scenario 2 compares more favourably than the other two scenarios. Economic return for scenario 3 is marginally lower than that for scenario 2 due to high tunnel construction cost.

Employment will also be improved during the construction stage and afterwards (due to increase in economic activities). Scenario 3 compares more favourably than the other two scenarios.

Environmental Quality

Affected indicators: carbon dioxide emitted per year; criteria air pollutants; excessive noise and marine water quality

Owing to increase in density of development and vehicular traffic, the affected environmental indicators all reveal deterioration. Excessive noise poses no significant problem, as appropriate mitigation measures would be implemented. Scenario 2 presents the worst case, mainly because of the negative environmental impact generated by the costal alignment of the strategic road link.

Natural Resources

Affected Indicators : landfill capacity

Reclamation of the bay area in scenarios 2 and 3 will absorb fill material requiring disposal, including material generated from the construction of proposed strategic road.

The landfill capacity indicator therefore reveals improvement in both scenarios. Scenario 2 compares more favourably than 3 as the latter will generate spoil from tunnel excavation.

Mobility

Affected indicators: travel distance; and travel speed

With the construction of a strategic road link in scenarios 2 and 3, there will be improvement in travel speed. The impact on travel distance will be negligible as while travel distance for workers will slightly increase, such increment will be offset by reduction in travel distance for students studying at the same district.

Social and Social Infrastructure

Affected indicator: housing waiting list and housing inadequacy

More housing units will be provided in larger scale development which can thus reduce waiting list for public housing and provide better housing for those residing in inadequate housing. Scenario 3 compares more favourably than the other scenarios in this respect.

Biodiversity

Affected indicators: marine eco-value

For scenario 1 which involves no reclamation or coastal road construction, the impact on marine eco-value compares more favourably than the other two scenarios. Scenario 2 which involves construction of coastal road link may affect coastal coral habitat and therefore is likely to compare less favourably than scenario 3 which involves only tunnel alignment.

Leisure and Cultural Vibrancy

Affected indicator: open space shortfall

Scenario 2 compares most favourably than the other two scenarios as new development on the reclaimed bay area will provide better opportunity for open space provision and it also involves no intensification of existing development. Scenario 1 compares more favourably than scenario 3 as scenario 3 involves intensification of existing development.

Other Major Considerations: Non-quantifiable indicators

Two non-quantifiable considerations should be taken into account: visual impact and public acceptance.

Coastal alignment of the strategic road in scenario 2 will bring about adverse visual impact and will likely be unacceptable to the green groups and local residents. Strong local objection is expected for scenario 1 as local residents have long pressed for the early construction of the roadlink.

Indicators “triggered” in the SA processed but considered irrelevant

The indicator “terrestrial eco-value” is considered not relevant as no area of high terrestrial ecological value is involved.

Analysis and Evaluation

SA diagram attached.

Both scenarios 2 and 3 will bring about improvement to the economic, social and mobility indicators, but have adverse effects on some of the environmental and natural resources indicators. The tunnel option in scenario 3 will bring less environmental impacts.

Major cross-sectoral issues

The adverse environmental impact is mainly caused by reclamation and construction of strategic road link, which is essential as we seek to provide more housing and improve mobility. EPD’s and AFCD’s advice has been taken into account in addressing the adverse environmental impacts through the tunnel option, albeit at a higher cost and longer lead-time. Detailed technical studies will be conducted at later stage to address the environmental issues flagged up and appropriate mitigation measures will be devised and implemented.

The Bureau’s Proposal

Scenario 3 is preferred as it will:

- (a) accommodate additional population to ZZZ, ZZZ;
- (b) improve existing traffic congestion; and
- (c) entail less adverse environmental impacts.

Further Development of a New Town (Assessment Year: 2016)

Indicator	Scenario 1	Scenario 2	Scenario 3
Carbon dioxide emitted per year	○	x	x
Cost-Benefit	✓	✓✓✓	✓✓
Criteria air pollutants	○	xx	x
Employment	○	✓	✓✓
Excessive noise	x	x	x
Housing waiting list	✓	✓✓✓	✓✓✓✓
Housing inadequacy	○	✓✓	✓✓✓
Landfill capacity	x	✓✓✓	✓✓
Marine eco-value	○	xx	x
Marine water quality	○	xxx	xx
Open space shortfall	✓✓	✓✓✓	✓
Travel distance	○	○	○
Travel speed	x	✓✓	✓✓
Non-Quantifiable Issues			
Visual Impact	x	xxx	xx
Public Acceptance	xx	xx	✓

Legends

○ Annotates no change to the current baseline situation

	Very Small	Small	Moderate	Moderate to Large	Large	Very Large
Improvement	✓	✓✓	✓✓✓	✓✓✓✓	✓✓✓✓✓	✓✓✓✓✓✓
Deterioration	x	xx	xxx	xxxx	xxxxx	xxxxxxx

Examination of Estimates of Expenditure 2002-03
CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION

Reply Serial No.

S-CSO002

Question Serial No.

Oral

Head: 94 Legal Aid Department

Subhead (No. & title):

Programme: (1) Processing of Legal Aid Applications
(2) Litigation Services
(3) Support Services
(4) Official Solicitor's Office

Controlling Officer: Director of Legal Aid

Bureau Secretary: Director of Administration, Chief Secretary for Administration's Office, Government Secretariat

Question : Following on Questions Serial Nos. 0832 and 0833, please list the number of lawyers in the relevant sections and their respective nature of duties.

Asked by: Hon. NG Margaret

Reply: The number of lawyers in the relevant sections and their respective nature of duties are appended below:-

Division	Estimated Establishment as at 31.3.2003	Estimated Strength as at 31.3.2003	Nature of Duties
Director of Legal Aid	1	1	Head the Legal Aid Department
Administration	2	2	Handle legal aid policy issues, departmental administrative issues and legislative matters.
Application & Processing	33	33	Process civil legal aid applications and monitor assigned out civil legal aid cases.
Litigation	2	2	Head the Division in the operation of the following sections.
- Personal Injury Litigation Section	13	13	Litigate personal injuries cases, including medical negligence and employees' compensation.
- Family Litigation Section	7	7	Litigate matrimonial and related legal aid cases.

Division	Estimated Establishment as at 31.3.2003	Estimated Strength as at 31.3.2003	Nature of Duties
- Insolvency & Enforcement Section	7	7	Process related legal aid applications, refer suitable cases to the Protection of Wages on Insolvency Fund Board, litigate insolvency cases and enforce judgments and orders on default of payment.
- Crime Section	9	9	Process criminal legal aid applications, monitor assigned out cases and handle litigations assigned in-house.
Sub-total	38	38	
Official Solicitor's Office	2	2	Assist the Official Solicitor in matters relating to his statutory duties, provide service to persons under legal disability and assist the court in proceedings.
Grand Total	76	76	

Signature _____

Name in block letters Benjamin CHEUNG

Post Title Director of Legal Aid (Acting)

Date 4.4.2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-CSO003

Question Serial No.

Oral

Head: 94 Legal Aid Department

Subhead (No. & title):

Programme: (2) Litigation Services

Controlling Officer: Director of Legal Aid

Bureau Secretary: Director of Administration, Chief Secretary for Administration's Office, Government Secretariat

Question: It is noted that there is a considerable difference in the number of counsel responsible for criminal litigations between the Department of Justice and the Legal Aid Department. The much larger number of counsel, and hence resources in DoJ, may do injustice to legal aid clients. Will the Administration provide a comparison of the level of expenditure of the two departments in respect of comparable cases?

Asked by: Hon. EU Yuet-mee, Audrey

Reply: In so far as the Legal Aid Department is concerned, there are currently 9 professional officers posted to its Crime Section which handles criminal legal aid cases.

Section 3(3) of the Legal Aid Ordinance, Cap.91 provides that professional officers of the Department shall not undertake or conduct as counsel the case for a defendant at the trial of such defendant in any criminal cause or matters or conduct any appeal on his behalf. As such, the advocacy work is assigned out to practitioners in the private sector. The main duties of the professional officers are to process criminal legal aid applications, to monitor assigned out cases, to act as instructing solicitors in those cases assigned in-house and to represent the legally aided defendants at plea days and committal hearings.

The provision for legal costs is not cash-limited; supplementary provision may be sought if necessary. This ensures that the grant of legal aid is not prejudiced by financial constraints.

We have, as per Members' request, relayed the question to Department of Justice (D of J). According to D of J, the Department does not maintain any individual record of litigation costs as it is considered inappropriate to put any cost considerations in upholding the rule of law in Hong Kong. The D of J also does not keep any record of cases where the other litigant(s) are assisted by legal aid.

In any event, it is not meaningful to compare the level of resources available to the two departments due to the vast difference in their nature of work and responsibilities.

Signature _____

Name in block letters Benjamin CHEUNG

Post Title Director of Legal Aid (Acting)

Date 4.4.2002