

**Speech by the Secretary for Justice,
Ms Elsie Leung,
at the Ceremonial Opening of
the Legal Year 2003
on Monday, 13 January 2003**

Chief Justice, Mr Chairman, Mr President, Distinguished Guests, Ladies and Gentlemen,

In my speech last year, I described the initiatives that the Department of Justice was taking in respect of legal education and the administration of justice. Today, I propose to review the progress made since then, and to outline the major challenges ahead.

Legal education

2. With regard to legal education, I am pleased to report that a consensus has been reached on the need to expand the length of the undergraduate law degree from three to four years. The University Grants Committee has given its approval in principle to this change and, provided the two universities give their full support, the new course can begin next year. However, it is important that additional funding is made available not only for the extra year of undergraduate training, but also for resource-intensive teaching and assessment methods that the consultants recommended. Unless those methods are introduced, the extra year will not achieve its purpose of producing law graduates who can compete with the best in the common law world.

3. Consensus has also been reached on the need for a new approach to teaching professional legal skills in the PCLL course. Some welcome reforms have already been introduced. The two universities are now consulting the Law Society and Bar Association over further reforms. I would like to commend all involved for their constructive approach in resolving difficult

issues that have caused concern for many years.

4. In order to ensure that the momentum for improvement does not fade once these reforms are implemented, I will be introducing legislation to establish a new Standing Committee on Legal Education and Training. This committee will be composed of representatives from the two branches of the profession, the two universities, other providers of legal education, and government, as well as lay members. It will replace the existing Advisory Committee on Legal Education.

Community Legal Services Centre

5. Last year, I referred to an initiative that was being taken, outside of government, to improve the delivery of free legal services within the community. Since then, the Community Legal Services Centre has been established and has begun an outreach programme. Under that programme, lawyers give talks to interested NGOs and members of the community on areas of the law that commonly affect the man or woman in the street. My department has provided a modest sum to help this outreach programme get started. I fully support such efforts to spread knowledge of the law throughout the community, and hope the programme will be successful.

Community legal needs

6. I also mentioned last year a proposed survey of the demand for legal and related services in the community. The planning of such a survey has since got under way, under the guidance of an advisory committee that includes members of the two branches of the profession, the two law faculties, relevant NGOs and members of the Legislative Council.

7. The advisory committee has recommended that two surveys be

carried out – one focussing on the existing supply of legal services, and the other on the demand for such services. By conducting the project in this way, it is hoped that any mismatch between supply and demand can be identified. Future policy-making by all concerned can then attempt to address that mismatch.

Developing Hong Kong's legal services

8. I have on many occasions called for the development of legal services in respect of activities in the Mainland. One important way of achieving this is by developing links between the legal professions in Hong Kong and in the Mainland.

9. During the past year, I have done my best to foster such links. I visited Shenzhen in April; Qingdao in July; Guangzhou in September; Chengdu in November and Chongqing in December. Apart from promoting the legal services provided by the practitioners of Hong Kong, I also led members of the legal profession to visit various law related bureaux and departments with a view to their gaining a better understanding of the legal system in the Mainland. In addition, I helped launch the mock trial that was staged in Chongqing in order to illustrate how an intellectual property case is handled under Hong Kong law.

10. The Law Society and Bar Association were actively involved in all of these events, and I am sure that their members will benefit from the links and exchanges that are being forged in the Pearl River Delta, Bohai Bay Economic Belt and the Western region of the Mainland.

11. One statistic that reflects the growing importance of professional work in the Mainland is the increasing number of Hong Kong law firms that operate there. Currently, 38 firms have 43 representative offices there, a

substantial increase from the number of 28 firms as at the same time last year.

12. My department will continue to do all it can to foster these increasing links; to help lawyers gain entry into the Mainland market; and to make Hong Kong an important legal services centre.

The challenges ahead

13. In July of last year, the second term of the Chief Executive began. I have given a detailed explanation of the role of my department in that second term to the Legislative Council's Panel on the Administration of Justice and Legal Services. Needless to say, the promotion of the rule of law remains a vital part of our work. This will be achieved through the provision of legal advice and services to government bureaux and departments and through the conduct of prosecutions.

14. Along with other parts of the government, my department will need to make a significant reduction in its expenditure by 2006-7. This will mean heavier workloads for my colleagues and fewer support facilities in the carrying out of their duties. We are still planning ways to achieve this, and will do our utmost to ensure that the professional services that we render to the government and, indirectly, to the community do not suffer in any way. I must pay tribute to my Law Officers and Director of Administration and Development in sparing no effort in the pursuit of cost-saving measures and at the same time trying to maintain the morale of the Department in a difficult time.

15. As all of you are no doubt aware, my department is actively involved in the proposed implementation of Article 23 of the Basic Law. Our main functions are to ensure that the proposed new laws are consistent with the human rights guarantees in the Basic Law and the ICCPR; to provide advice on relevant laws in other jurisdictions; and to provide legal policy advice on the

way forward.

16. Ultimately, the manner in which the right balance is found between the need to protect national security and the need to protect fundamental rights and freedoms is for the community and Legislative Council to decide. The Consultation Document aroused widespread interest and, not surprisingly, controversy. Many concerns that were expressed were understandable, and the government will take those concerns into account as it decides on the way forward. Within a few weeks, a report on the results of the public consultation exercise will be published and, in February, we hope that draft legislation will be published. This will give everyone a chance to study the precise wording that is proposed and to continue to be involved in the second stage of this important project.

17. I look to members of the legal profession to help in resolving controversial issues under Article 23 in a rational and constructive manner. I have no doubt that we all respect our constitutional obligations and are committed to safeguarding fundamental rights and freedoms. Article 23 can, and will, be implemented in a way that does not violate those rights and freedoms.

Conclusion

18. The year ahead will be challenging. Economic problems affect all of us, and some legal issues will be particularly difficult to resolve. But the legal profession has the strength and resilience to overcome these difficulties. I am confident that, in a year's time, we will have put many of the controversies behind us, and our legal profession and legal system will continue to gain in strength. With our contribution towards the pursuit of the Government's objectives and a vibrant economy, it is only a matter of time before we welcome

better times.

19. It now only remains for me to wish everyone a peaceful and successful New Year.

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