

~~It has always been our aim to improve the efficiency of the public sector and ensure that the services we provide meet today's needs through modern management practices and up-to-date technology. I am at the same time fully conscious of the fact that changes in the way we operate can cause concern, both to our clients and to the staff involved. We will continue to address these concern with understanding and sincerity.~~

It is, nevertheless, clear to everybody that we cannot stand still if we wish to achieve our aspiration of making Hong Kong a world class city. With regard to government services, there are some services that are commercial in nature or can be provided more efficiently by the private sector. With a view to reducing the burden placed on taxpayers, we must continue to explore various options, including corporatization, to ensure that the Government remains efficient and cost-effective. That said, I wish to reassure Members that we will proceed carefully, bearing in mind the wider interest of community and the legitimate concerns of staff.

Madam President, several of my colleagues will respond specifically to some of the remarks and suggestions made by Members before the Financial Secretary winds up the debate with his observations.

In line with the clear wish of the community, I urge all Members to vote in support of our proposals in the 2001-02 Budget.

~~Thank you, Madam President.~~

SECRETARY FOR JUSTICE: Madam President, the examination of the estimates and the debate on the Appropriation Bill are, of course, as relevant to the Department of Justice as to other government organs. Our duty is to account to the legislature both on specific funding proposals and on our overall vision for achieving high quality, cost-effective public law services.

I have, therefore, taken careful note of all Members' speeches during this debate.

Underlying many of the important economic, socio-economic and fiscal points made by Members is the fundamental assumption that Hong Kong will continue to be governed by the rule of law. As Secretary for Justice, I am

acutely aware of the importance of this legal bedrock. 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 providing efficient and effective legal services to the Government of the Hong Kong Special Administrative Region, and in this connection, I should like to respond to the issues raised by the Honourable Miss Margaret NG in her speech regarding the delivery of prosecution services in the magistrates' courts. Miss NG's concern is that most of the prosecution cases in magistrates' courts are prepared and presented by Court Prosecutors who are, for the most part, not barristers or solicitors. Whilst Miss NG did not criticize the actual performance standards of Court Prosecutors, she nevertheless argued that independent prosecution of a high standard is central to the rule of law and that maintaining a system of Court Prosecutors is unjustified while qualified lawyers are in good supply.

In reply to Honourable Member's concerns, may I first assure her and Members that I share her concern for high standards of prosecution work in the magistrates' courts. I also agree with her that prosecution work must be independent, in the sense of being free from any interference, as provided for in Article 63 of the Basic Law. However, I am firmly of the view that the Court Prosecutor system is indeed achieving the necessary high standard of service, is free from interference, and is considerably more cost-effective than briefing out to barristers or solicitors in the private sector.

As to the standards of Court Prosecutors, I can assure Miss NG that Court Prosecutors receive intensive training. New Court Prosecutors must satisfactorily complete a nine month full-time training course, including advocacy, rules of evidence, court procedure, prosecutorial ethics and substantive criminal law. They must pass a written as well as a practical examination before they are appointed to conduct prosecutions. They then receive structured continuing legal education through attending seminars on such subjects as fraud, copyright and expert evidence, as well as refresher courses on trial advocacy and recent developments in the criminal law. At present, all Court Prosecutors have at least three years full-time experience. Since they appear in court almost every day, their level of practical experience, coupled with their intensive continuing training programme, ensure a high quality

prosecution service in the magistrates' courts. Although legal qualification is not a job requirement, many of the fine young men and women amongst our Court Prosecutors have acquired academic achievements whilst in service: nine of them have been called to the Bar, 23 obtained law degrees, five are studying for the Postgraduate Certificate in Law (PCLL) Course and 20 others are currently studying for law degrees.

Prosecutorial skills apart, I must also reassure Miss Margaret NG on the cost effectiveness issue. Miss NG argued that the true cost per court day for Court Prosecutors should include the cost of 19 Court Prosecutors who provide administrative and supervisory duties for the approximately 214 000 cases annually in the magistracies. However, there is no doubt that for such a substantial caseload, these administrative and supervisory services would still be essential even if these cases were all briefed out to the private sector. The average cost of a Court Prosecutor is \$3,020 per court day inclusive of accommodation cost, whilst that of a counsel prosecuting on general fiat is \$5,670 per day.

We do indeed have a policy of briefing out a certain proportion of magistrates' court cases to junior barristers and solicitors to provide them with some exposure to criminal prosecution work at summary level. However, our primary obligation is to provide a high quality, efficient and cost-effective prosecution service. The Court Prosecutor system delivers exactly that. For example, if all the 14 860 court cases to be conducted by Court Prosecutors in 2001 were briefed out to private counsel, the cost to the public purse would be \$84 million, which is 87% more than the \$45 million cost for Court Prosecutors. It may be true that junior members of the Bar and solicitors are willing to do magisterial work. The question is whether they are prepared to do it at the salary of \$14,000 to \$15,000 per month.

Members and Miss NG will no doubt understand if I do not go into further detail on this matter today. But I hope that I have said enough to demonstrate that we respect the Honourable Member's views on the Court Prosecutor system, even though we do not share them. We are, of course, continually examining ways to improve all our public law services and we always value comments, criticisms and suggestions from Members as well as from the community generally.

Thank you.