

**Panel on Administration of Justice and Legal Services**

**Information paper for meeting on 24 April 2006**

**Mentorship Scheme in the Law Drafting Division,  
Department of Justice**

This paper informs Members of the Panel of the history and operation of the Mentorship Scheme (“the Scheme”) in the Law Drafting Division of the Department of Justice.

**The Mentorship Scheme**

2. Under the Scheme, every counsel (mentee) in the Government Counsel (GC) or Senior Government Counsel (SGC) rank is assigned a mentor in the Deputy Principal Government Counsel (DPGC) or Principal Government Counsel (PGC) rank, which are both directorate ranks. As at 1 April 2006, there were 6 mentors and 21 mentees, with each mentor looking after 3 to 4 mentees.

3. A mentee’s English drafting is vetted by his or her mentor. They have regular discussions on the progress of the mentee’s drafting items. The mentor also gives general guidance on other aspects of the mentee’s work, including the handling of drafting instructions and assisting the client bureau in steering the legislation through the legislative process. The mentee also assists the mentor in the latter’s drafting work by doing research and the less complicated parts of the mentor’s work. The mentor and mentee usually work as a pair. If the mentor is assigned to draft the English text of a piece of legislation, the Chinese text is normally drafted by one of his mentees.

4. Mentees are re-shuffled at an interval of 18 to 24 months so that they can learn from different mentors. Mentors’ comments are taken into account when the appraisal reports of mentees are prepared.

## **The old system**

5. Before the introduction of the Scheme, the English drafting of GCs and SGCs was cleared by a DPGC or PGC on a random basis, depending on the workload and expertise of the directorate officers. The role of a clearing officer was limited to ensuring that the drafts were sound in legal and drafting terms. A GC or SGC had his drafting items cleared with different clearing officers. Each directorate counsel vetted the works of a large number of different colleagues.

6. A review of the old system was conducted in 2001. As a result of the review, it was found that while the clearance system was considered adequate for guaranteeing the quality of the drafting of the non-directorate counsel, the lack of a stable working relationship with the experienced colleagues was not conducive to efficient imparting of drafting experience and skills.

## **Development of the Scheme**

7. The Scheme started as a trial scheme in November 2001. All SGC and a few selected directorate officers participated. In view of the positive initial response to the trial scheme, the Scheme was extended to GC in August 2002. A survey was conducted in 2003. The majority of the mentees indicated, on a no name basis, that they found the mentorship arrangement better than the traditional clearance mechanism under the old system. After further trial, the Scheme was made permanent in September 2005.

## **Advantages of the Scheme**

8. The Scheme has a dual purpose. It is a quality control mechanism under which the drafting of the mentees is vetted by the mentors. It also serves a training function.

9. When compared with the old system, the Scheme has several distinct advantages.

- (a) The mentor-mentee relationship formalises the duty on the part of the mentor to give close guidance to the mentee on all aspects of the latter's work. The mentors develop a sense of responsibility as regards the development of the mentees in this highly specialised profession. The mentees are also more ready to consult the mentors.
- (b) The mentors also develop a greater sense of responsibility for the mentees' work. A mentor will tend to regard a mistake by his mentee as the mentor's mistake, giving additional incentive to do the vetting work well.
- (c) Mentors are more ready to involve their mentees in their own drafting items. This allows the mentors to concentrate their efforts on the more complicated parts of their work thus enhancing cost efficiency. By working as a team with his or her mentor, a mentee is allowed access to complicated work at the early stage of his or her career.
- (d) Under the Scheme, a mentor gets to know the performance of his mentees very well. The stable and close working relationship afforded by the Scheme allows the management of the Division to better identify the strengths, weaknesses and development needs of a mentee.

## **Way Forward**

10. Bilingual legislative drafting requires special expertise that is not abundant in the private practice. In-house on-the-job training is the most important form of training. The feedback from the junior drafters in the Division testifies to the effectiveness of the Scheme in providing an environment in which better and faster progress can be made. The Scheme is still at an early stage and is evolving to meet changing circumstances. While the basic features of the Scheme remain unchanged, new features are added from time to time. For example, in the last round of re-shuffling, a pairing arrangement was introduced for the mentors under which a mentor will perform the function for his partner if the latter is on leave or too heavily engaged. Mentors are also

trying out different ways of working with their mentees so as to maximise the benefits of the Scheme. For instance, a mentor has regular group discussions with his mentees which allow them to learn from others' mistakes. Regular reviews will continue to be conducted and experience shared.

Law Drafting Division  
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