

**Replies to supplementary questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2010-11**

**Director of Bureau : Secretary for Home Affairs
Session No. : 18**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
<u>S-HAB01</u>	SV025	Hon. NG Margaret	53	Subvention : Duty Lawyer Service and Legal Aid Services Council
<u>S-HAB02</u>	S050	Hon. WONG Kwok-hing	53	District, Community, and Public Relations
<u>S-HAB03</u>	S046	Hon. CHAN Mo-po, Paul	94	Litigation Services
<u>S-HAB04</u>	S047	Hon. CHAN Mo-po, Paul	94	Processing of Legal Aid Applications
<u>S-HAB05</u>	S048	Hon. CHAN Mo-po, Paul	94	Processing of Legal Aid Applications
<u>S-HAB06</u>	S051	Hon. WONG Kwok-hing	95	Heritage and Museums

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB01

Head: 53 – GS : Home Affairs Bureau

Subhead (No. & title):

Question Serial No.

SV025

Programme: (7) Subvention: Duty Lawyer Service and Legal Aid Services Council

Controlling Officer: Permanent Secretary for Home Affairs

Director of Bureau: Secretary for Home Affairs

Question :

In response to the enquiry of Hon Margaret NG on the Tel-Law Scheme of the (Reply Serial No. HAB076), the Administration agreed to check and advise members of the Finance Committee on the languages currently in use on Tel-Law.

Asked by : Hon. NG Margaret

Reply :

The Tel-Law Scheme provides recorded legal information on a wide range of legal topics through telephone. The tape record is available in Cantonese, Putonghua and English.

Signature SIGNED

Name in block letters RAYMOND YOUNG

Post Title Permanent Secretary for Home Affairs

Date 7 April 2010

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB02

Head: 53 – GS : Home Affairs Bureau

Subhead (No. & title):

Question Serial No.

S050

Programme: (3) District, Community, and Public Relations

Controlling Officer: Permanent Secretary for Home Affairs

Director of Bureau: Secretary for Home Affairs

Question :

It is stated in Reply Serial No. HAB093 that the Secretary for Home Affairs (SHA)'s approval is required for the opening of new off-course betting branches (OCBBs) and relocation of existing OCBBs by the Hong Kong Jockey Club (HKJC). In this connection, would the Administration inform this Committee of the following :

- (a) What are the respective numbers of new OCBBs set up and existing OCBBs relocated by HKJC with SHA's approval in the past three years (i.e. 2007-08, 2008-09 and 2009-10)? Please provide the addresses of these OCBBs.
- (b) It is also stated in Reply Serial No. HAB093 that in considering HKJC's applications to open or relocate an OCBB, the Home Affairs Bureau pays due regard to a host of factors. Please give details of these factors.
- (c) In considering opening or relocating OCBBs, will the Administration set any requirements for the distance between OCBBs and other community facilities (e.g. schools)? If yes, what are the details? If no, will the Administration consider setting such requirements?

Asked by : Hon. WONG Kwok-hing

Reply :

- (a) No new off-course betting branch (OCBB) has been set up in the past three years. From 2007-08 to 2009-10, the Home Affairs Bureau (HAB) approved the relocation of the following five OCBBs :

Branch	Address
Kwai Chung OCBB	Shop 5 on G/F, Victory Garden, No. 153 Tai Loong Street, Kwai Chung, New Territories
Lam Tin OCBB	Shop 1B, G/F, Kai Tin Shopping Centre, Lam Tin, Kowloon
Choi Wan OCBB	Shop 202A, 2/F, Phase 2, Choi Wan Commercial Complex, Choi Wan Estate, Kowloon
Lok Fu OCBB	Shop 2159B, 2/F, Lok Fu Shopping Centre, Kowloon
Tung Chung OCBB	Shop No. 34, G/F, Yat Tung Shopping Centre, Tung Chung, Lantau Island

- (b) In considering an application to relocate or open an OCBB, HAB would give due regard to the views received from the local community (including the Mutual Aid Committees and Area Committee of the area concerned), assessment by the Hong Kong Police Force, the distance between the proposed OCBB and educational institutions or recreational facilities catering for children and youth, as well as circumstantial factors specific to the area. The major objective is to balance the need for authorised gambling outlets and the need to minimise the adverse impact of gambling on the community.
- (c) The above considerations serve as general guiding principles adopted by the Government in considering an application for opening a new OCBB or relocation of an existing OCBB. As different locations have different characteristics and their individual circumstances, the Government does not intend to set any specific requirements for the distance between OCBBs and other community facilities.

Signature SIGNED

Name in block letters RAYMOND YOUNG

Post Title Permanent Secretary for Home Affairs

Date 7 April 2010

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB03

Question Serial No.

Head: 94 – Legal Aid Department

Subhead (No. & title):

S046

Programme: (2) Litigation Services

Controlling Officer: Director of Legal Aid

Director of Bureau: Secretary for Home Affairs

Question:

What is the provision earmarked for implementing the adjustments made to criminal legal aid fees? How many practitioners are expected to take up criminal legal aid work? How many cases are expected to be handled?

Asked by: Hon. CHAN Mo-po, Paul

Reply:

An amount of \$15 m has been earmarked for the anticipated increase in criminal legal aid fees for 2010-11.

All practitioners whose names are included on the Legal Aid Panel can undertake criminal legal aid work subject to their meeting the “minimum experience requirements and limits on legal aid assignment” criteria for legal aid assignments.

In 2010-11, it is anticipated that 2 130 cases will be assigned to practitioners in private practice for handling.

Signature

SIGNED

Name in block letters

William CHAN

Post Title

Director of Legal Aid

Date

8 April 2010

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB04

Question Serial No.

Head: 94 – Legal Aid Department Subhead (No. & title):

S047

Programme: (1) Processing of Legal Aid Applications

Controlling Officer: Director of Legal Aid

Director of Bureau: Secretary for Home Affairs

Question:

What is the provision earmarked for implementing the recommendations of the Five-yearly Review of the criteria for assessing the financial eligibility limit for legal aid applicants? How many applicants will benefit from the review and the number of cases involved?

Asked by: Hon. CHAN Mo-po, Paul

Reply:

The Administration is at present engaged in a consultative process with the Legal Aid Services Council and the Legislative Council's Panel on Administration of Justice and Legal Services over the recommendations arising out of the Five-yearly Review. Judging from the progress of the exercise, it is anticipated that the recommendations will be implemented in early 2011. As such, the financial implication arising from the review for 2010-11 will be minimal.

It is not possible to make any meaningful forecast about the likely increase in caseload as a result of the implementation. This is because the need for litigation would neither arise automatically nor increase proportionately as more people become eligible for legal aid.

Signature _____ SIGNED

Name in block letters _____ William CHAN

Post Title _____ Director of Legal Aid

Date _____ 8 April 2010

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB05

Question Serial No.

Head: 94 – Legal Aid Department Subhead (No. & title):

S048

Programme: (1) Processing of Legal Aid Applications

Controlling Officer: Director of Legal Aid

Director of Bureau: Secretary for Home Affairs

Question:

What is the revised estimate for the mediation service for legally aided cases introduced in April 2009 and what is the estimate for such service for 2010-11? How many mediation cases can be dealt with and how many people will benefit from this service?

Asked by: Hon. CHAN Mo-po, Paul

Reply:

Mediation expenses in aided proceedings are disbursements which form part of the costs of litigation. It is not possible to forecast the number of cases that will undergo mediation, the number of people who stands to benefit from as well as the estimated amount of such services in 2010-11 because whether a case proceeds to mediation depends on a number of factors such as the nature and circumstances of the case, the willingness of the parties to attempt mediation etc. Nevertheless, there is a rising trend for parties involving in litigation to attempt mediation. Statistics kept by the Department show that between April and December 2009, approval was given to aided persons in 39 cases to undergo mediation; the figure for 2010 up to 25 March was 62. The total expenses incurred so far were \$173,556. As mediation expenses are disbursements of aided proceedings, they are absorbed by the legal aid costs provision for 2010-11.

Signature _____ SIGNED _____

Name in block letters _____ William CHAN _____

Post Title _____ Director of Legal Aid _____

Date _____ 8 April 2010 _____

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB06

Head: 95 – Leisure and Cultural
Services Department

Subhead (No. & title):

Question Serial No.

S051

Programme: (3) Heritage and Museums

Controlling Officer: Director of Leisure and Cultural Services

Director of Bureau: Secretary for Home Affairs

Question :

According to item (c) in Reply Serial No. HAB219, the number of staff on contract terms and under outsourced service contracts employed by the Leisure and Cultural Services Department in different museums throughout the territory are 175 and 620 respectively. In this connection, will the Administration consider employing the above staff on civil service terms? If it will, what are the details? When will the relevant employment take effect? If not, the reasons for that?

Asked by : Hon. WONG Kwok-hing

Reply :

The Leisure and Cultural Services Department is reviewing the long-term operational needs of the non-civil service contract (NCSC) positions of the public museums. The timing for replacing NCSC positions with civil service posts depends on the outcome of the review, the availability of funding and the outcome of the open recruitment exercises. In this connection, the Department is currently conducting open recruitment exercises for a number of museum-related grades including Assistant Curator II and Technical Officer II, Cultural Services. NCSC staff working in the museums can apply for these openings.

As regards the workers provided under outsourced service contracts, the Department will continue with the present mode of services delivery by outsourcing the provision of cleansing, security and venue management services.

Signature SIGNED

Name in block letters Mrs. BETTY FUNG

Post Title Director of Leisure and Cultural Services

Date 1 April 2010