

**SJ's Opening Statement at
the Special Meeting of Finance Committee
to examine the Estimates of Expenditure 2012-13
on 7 March 2012**

Chairman and Members,

Thank you, Chairman and Members. I believe Members are familiar with the five programmes areas (namely: Prosecutions, Civil, Legal Policy, Law Drafting and International Law) of the Department of Justice (DoJ). In 2012-13, the estimated expenditure of the Department amounts to \$1,250.5M, representing an increase of 11.5% (\$128.6M) over the revised estimated expenditure for 2011-12. This increase is mainly due to the filling of vacancies and the creation of 31 posts (including directorate and non-directorate posts comprising professional lawyers and supporting staff) to cope with increasing demand for legal services. We also expect an increase in briefing-out to lawyers in private practice and in court costs. In relation to briefing-out, the provision we made in 2012-13 is \$235.8M, which is 7.6% higher than the corresponding 2011-12 revised estimates.

2. I would now highlight the DoJ's work in the new financial year.

Programme 1 - Prosecutions

3. In the coming year, the Prosecutions Division will continue to prosecute cases professionally and fairly and in accordance with published prosecution policy guidelines. Measures have also been adopted to enhance the quality of our advocacy and advisory work.

4. In the coming year, training programmes on prosecution matters will be provided to new counsel while serving counsel will receive continuing legal education. At the same time, we have also looked beyond the Department. As I mentioned last year, we organised a one-day training course jointly with the Bar Association and the Law Society, followed by a two-week supervised engagement to prosecute in the Magistrates' Courts, for new lawyers who wish to join our fiat lists. This arrangement has proved to be a great success. It will continue in the coming financial year.

Programme 2 – Civil

5. The Civil Division provides legal advice on a wide range of legal issues on civil matters to all government bureaux and departments. The Division also represents the government in all forms of civil litigation and dispute resolution. The advice and litigation cases handled by the Division cover diverse legal issues and areas of law, and they are increasing in volume and complexity. We have provided additional resources in the past few years to cope with the increasing workload and there is no exception this year. There is a 20.9% anticipated increase in the provision for the Civil Division.

6. The Civil Division continues to assist me and the Mediation Task Force to further the promotion of wider use and development of mediation. Thanks to the concerted efforts of Members of the Bills Committee, to whom I am grateful, the scrutiny of the Mediation Bill has made good progress. I look forward to the early enactment of the Bill so that a statutory framework would be provided to mediation.

7. I expect that public law litigation, in particular those that raise challenges of constitutional importance will continue to be a major area of practice in the Division.

Programme 3 – Legal Policy

8. An important policy objective of this Department is to promote Hong Kong as a regional centre for legal services and dispute resolution. In this coming financial year, we shall seek, under the framework of CEPA and its latest Supplement VIII, to explore ways of improving the mode of association of law firms of the two jurisdictions. We shall also make good use of the “Co-operative Arrangement on Legal Matters between Shenzhen/Hong Kong” signed by the two sides. We will seek to secure greater market access for Hong Kong lawyers and arbitration professionals in Qianhai, Shenzhen. The Arrangement provides a new platform and exchange mechanism for enhancing co-operation on legal matters between the two places. In relation to the promotion of Hong Kong legal services to users in the Mainland, the Department will organize a Forum in September 2012 in Guangzhou jointly with the legal professional bodies and arbitration institutions of Hong Kong as well as the Hong Kong Trade Development Council. The Forum will reach out to our targeted service users including business enterprises and legal practitioners of the Mainland.

Programme 4 – Law Drafting

9. The Law Drafting Division will continue to provide quality professional drafting and related advisory service on demand by policy bureaux.

10. We are continuing to review how legislation can be made even more accessible. Included in this review is consideration of the use of examples and of the numbering system used in very big items of legislation. The Legislation Publication Ordinance which provides statutory backing for a verified and authenticated electronic database of Hong Kong legislation has been enacted and we have initiated the tendering process for the database project.

Programme 5 – International Law

11. In the coming year, the International Law Division will continue to provide advice on international law issues, negotiate international agreements or contribute as legal advisers in negotiations, and handle requests for international legal co-operation to bring benefits to the HKSAR. We will also continue to handle and co-ordinate requests to and from the HKSAR concerning surrender of fugitive offenders, transfer of sentenced persons, mutual legal assistance and international child abduction cases.

Conclusion

12. The above outlines the major work in the Department in the coming financial year. My colleagues and I will be pleased to provide further information.

13. Thank you.

* * * * *