

**Replies to initial written questions raised by Finance Committee Members  
in examining the Estimates of Expenditure 2003-04**

**[Controlling Officer : Director of Administration and Development]**

**[Session No. : 11] [File name : SJ-e1.doc]**

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Sub- head</b>	<b>Programme</b>
<a href="#">SJ001</a>	0121	Hon. HO Sau-lan, Cyd	92		(3) Legal Policy
<a href="#">SJ002</a>	0233	Hon. LAU Hon-chuen, Ambrose	92		(1) Prosecutions
<a href="#">SJ003</a>	0387	Hon. EU Yuet-mee, Audrey	92		(1) Prosecutions
<a href="#">SJ004</a>	0388	Hon. EU Yuet-mee, Audrey	92		(1) Prosecutions
<a href="#">SJ005</a>	0389	Hon. EU Yuet-mee, Audrey	92		(3) Legal Policy
<a href="#">SJ006</a>	0390	Hon. EU Yuet-mee, Audrey	92		(5) International Law
<a href="#">SJ007</a>	0757	Hon. LAU Hon-chuen, Ambrose	92		(1) Prosecutions
<a href="#">SJ008</a>	0758	Hon. LAU Hon-chuen, Ambrose	92		(2) Civil
<a href="#">SJ009</a>	0759	Hon. LAU Hon-chuen, Ambrose	92		(3) Legal Policy
<a href="#">SJ010</a>	0760	Hon. LAU Hon-chuen, Ambrose	92		(3) Legal Policy
<a href="#">SJ011</a>	0797	Hon. LAU Chin-shek	92		(3) Legal Policy
<a href="#">SJ012</a>	0798	Hon. LAU Chin-shek	92	000	
<a href="#">SJ013</a>	0848	Hon. NG Margaret	92		(3) Legal Policy
<a href="#">SJ014</a>	0849	Hon. NG Margaret	92		(3) Legal Policy
<a href="#">SJ015</a>	0850	Hon. NG Margaret	92		(2) Civil
<a href="#">SJ016</a>	0851	Hon. NG Margaret	92		(2) Civil
<a href="#">SJ017</a>	0852	Hon. NG Margaret	92		
<a href="#">SJ018</a>	0853	Hon. NG Margaret	92		(1) Prosecutions
<a href="#">SJ019</a>	0963	Hon. TSANG Yok-sing, Jasper	92		(2) Civil
<a href="#">SJ020</a>	0964	Hon. TSANG Yok-sing, Jasper	92		(2) Civil
<a href="#">SJ021</a>	0971	Hon. TSANG Yok-sing, Jasper	92		(3) Legal Policy
<a href="#">SJ022</a>	1002	Hon. CHOW LIANG Shuk-ye, Selina	92		(1) Prosecutions (2) Civil (3) Legal Policy (4) Law Drafting (5) International Law
<a href="#">SJ023</a>	1070	Hon. NG Margaret	92	000	
<a href="#">SJ024</a>	1279	Hon. LEE Cheuk-yan	92	000	
<a href="#">SJ025</a>	1489	Hon. NG Margaret	92		(1) Prosecutions
<a href="#">SJ026</a>	1496	Hon. HO Sau-lan, Cyd	92		(1) Prosecutions
<a href="#">SJ027</a>	1497	Hon. HO Sau-lan, Cyd	92		(3) Legal Policy
<a href="#">SJ028</a>	1498	Hon. HO Sau-lan, Cyd	92		(5) International Law
<a href="#">SJ029</a>	1499	Hon. HO Sau-lan, Cyd	92	000	
<a href="#">SJ030</a>	1500	Hon. HO Sau-lan, Cyd	92	234	
<a href="#">SJ031</a>	1509	Hon. TSANG Yok-sing, Jasper	92		(1) Prosecutions

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
 INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ001

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

0121

Controlling Officer : Director of Administration and Development

Question :

Regarding consultancy studies for policy making and assessment (if any) commissioned by your department, please provide details in the following format :

(1) Please provide the following details on the consultancy studies for which financial provision has been allocated respectively in 2001-02 and 2002-03 :

Names of consultants (if available)	Description	Consultancy fees	Progress on consultancy studies (planning/ in progress/ completed)	The Administration's follow-up action on the study reports and the progress made	Reasons for no follow-up action on the study reports and whether other measures are available to deal with the subjects under study

(2) Please provide the following details on the consultancy studies for which financial provision has not been allocated respectively in 2001-02 and 2002-03, though consultancy studies have been made during the year :

Names of consultants (if available)	Description	Consultancy fees	Progress on consultancy studies (planning/ in progress/ completed)	The Administration's follow-up action on the study reports and the progress made	Reasons for no follow-up action on the study reports and whether other measures are available to deal with the subjects under study

(3) Has financial provision been allocated for commissioning consultancy studies in 2003-04?

If yes, please provide the following details :

Names of consultants (if available)	Description	Consultancy fees	Status of consultancy studies (planning/ in progress/ completed)

Asked by : Hon. HO Sau-lan, Cyd

Reply :

(1) (a) Consultancy studies for which financial provision has been allocated in 2001-02 :  
Review of Legal Education and Training

Names of consultants (if available)	Description	Consultancy fees	Progress on consultancy studies (planning/ in progress/ completed)	The Administration's follow-up action on the study reports and the progress made	Reasons for no follow-up action on the study reports and whether other measures are available to deal with the subjects under study
A consultancy study was undertaken as part of a full-scale review of all stages of the legal education and training of legal professionals in Hong Kong.					
(a) Professor Paul Redmond, Dean of the Faculty of Law at the University of New South Wales, Australia  (b) Christopher Roper, formerly Director of the Centre for Legal Education and now Director of The College of Law Alliance, England & Australia	Two consultants were appointed to undertake a preliminary review of the current system of legal education and training and to make recommendations for improvement.	The consultancy fees incurred were about \$1 million. This was largely funded by a grant from the Innovation and Technology Fund.	The consultants published their report in August 2001, making altogether 160 recommendations	* See details below.	
<p>* After the two consultants have published their comprehensive report in August 2001, the Steering Committee on the Review of Legal Education and Training ("Steering Committee") proceeded to study the recommendations set out in the report, having regard to the submissions made in response to it.</p> <p>The Steering Committee endorsed the recommendation of the consultants that the LLB should be extended from three to four years in order to achieve its proper objectives. 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 commence in the academic year beginning in 2004.</p> <p>As regards the PCLL, the Steering Committee considered that it should not be discontinued as proposed by the consultants, but that it should be subject to major reforms in the areas of admission standards, curriculum contents, teaching and assessment methods, and exit standards for the PCLL. The two universities have established PCLL Academic Boards (with representatives from the two professional bodies, the Judiciary and the Department of Justice) to oversee such reforms. Some reforms have been instituted in the course beginning in September 2002, and further changes will be introduced in subsequent years.</p> <p>The Steering Committee has agreed that the improvement of English and Chinese language standards is a key issue and that measures need to be agreed to ensure that standards are raised. In this regard, it</p>					

has recommended that, as from this year, students who wish to enrol for the PCLL course must have their English proficiency assessed under the International English Language Testing System (IELTS).

The Steering Committee has further agreed that a new statutory body should be established in order to keep up the momentum of reform of the legal education and training system, and to keep under review the future direction of that system. This body will consist of representatives from the Judiciary, the two branches of the profession, the two universities, other providers of legal education, as well as lay members. It will replace the existing Advisory Committee on Legal Education.

The legislative provisions for the establishment of the above new body have been included in the Law Amendment and Reform (Miscellaneous Provisions) Bill which was gazetted on 7 March 2003. The Department of Justice is expected to provide the administrative and secretarial support to the new body. The additional resource requirements will be met by internal redeployment.

(b) Consultancy studies for which financial provision has been allocated in 2002-03 : Nil.

(2) Consultancy studies for which financial provision has not been allocated in 2001-02 and 2002-03 respectively : Nil.

(3) Consultancy studies in 2003-04 : Review of Legal and Related Studies

Names of consultants (if available)	Description	Consultancy fees	Status of consultancy studies (planning/ in progress/ completed)
Not yet available.	<p>On 7 November 2001, the Legislative Council passed a motion (moved by the Hon Audrey Eu) which, amongst other things, urged the Government to comprehensively review the demand for legal and related services.</p> <p>The purpose of the review is to ascertain, through an empirical study, the nature of legal problems commonly faced by members of the community and how those problems are handled. When this information is obtained, future policy formulation in relation to access to justice and legal education will be more soundly based, and can be better directed to improving the current arrangements.</p>	<p>It is expected that the overall cost of the research project is likely to be at least \$3 million, which may be spread out over three years.</p> <p>Funding has been earmarked for this project.</p>	<p>The Department will be shortly commencing the process of commissioning a consultant to carry out the necessary research.</p>

Signature  
Name in block letters

Miss Annie Tam

Director of Administration  
and Development

Post Title  
Date

20 March 2003

Examination of Estimates of Expenditure 2003-04

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

SJ002

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

0233

Controlling Officer : Director of Administration and Development

Question :

Regarding prosecutions, the number of cases conducted by counsel instructed to prosecute is estimated to decrease from 980 in 2002 to 850 in 2003. In this connection, will the Administration brief us on the following -

- (i) whether the number of cases briefed out at various levels of court will be affected by this decrease. If yes, please provide details;
- (ii) whether assessment has been made of the impact of the decrease on the quality of prosecutions and the time required for cases to be listed for hearing. If yes, please provide the details on departmental resources implications; and
- (iii) whether assessment has been made of the impact of the decrease on in-house counsel. Will there be any savings in staff cost?

Asked by : Hon. LAU Hon-chuen, Ambrose

Reply :

- (i) The actual amount of work to be briefed out at different levels of court will necessarily be determined by various factors, including the workload, the availability of in-house counsel, the nature of the cases and the desirability of employing outside counsel for a particular case. The extent of briefing out may, therefore, not be the same for all levels of court.
- (ii) We will not compromise the quality of prosecutions, no matter whether a case is to be conducted in-house or briefed out. Whenever cases are listed by the court for trial/appeal, we have a duty to provide prosecutors of the appropriate experience, either from the Division or from the Bar. The courts will not delay trial simply to suit the convenience of prosecuting counsel.
- (iii) The estimated number of cases to be briefed out in 2003 is worked out on the basis of our assumptions of the likely workload, the nature of the cases, the availability of in-house counsel and the desirability of employing outside counsel for a particular case. The question of savings in staff cost is not a relevant consideration.

Signature	_____
Name in block letters	Miss Annie Tam
	Director of Administration and Development
Post Title	_____
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ003

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

0387

Controlling Officer : Director of Administration and Development

Question :

Regarding the implementation of the National Security (Legislative Provisions) Bill under scrutiny by this Council, will the Administration brief us on the following-

- (a) Will the Department of Justice provide training for its staff so as to familiarize them with the legislation and prepare them for the related work in the future? If resources are allocated for this purpose, what are the details? If no, what is the reason?
- (b) Will the Prosecutions Division of the Department of Justice set up a special team or designate specific staff to deal with cases that involve the above legislation? If yes, what are the details? If no, what are the reasons?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

When the National Security (Legislative Provisions) Ordinance is enacted, counsel in the Prosecutions Division will be fully briefed on the new provisions to ensure that they are familiar with them. It is expected that there will be very few, if any, cases arising under this law. Accordingly, it is not proposed to set up a special team within the Division to deal with the subject. No additional resources are necessary.

Signature  
Name in block letters

Miss Annie Tam

Director of Administration  
and Development

Post Title  
Date

20 March 2003

Examination of Estimates of Expenditure 2003-04

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ004

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

0388

Controlling Officer : Director of Administration and Development

Question :

Regarding the plan of the Prosecutions Division of the Department of Justice to develop its capacity to advise on and prosecute terrorist cases and market misconduct cases in 2003-04, will the Administration inform us of the details of the plan, such as training programmes, expenditure involved and the number of government counsel to be benefited?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

In order to enhance its capacity to prosecute all forms of terrorist activities and to provide advice to others in government on this area, the Prosecutions Division has in November 2002 appointed a Senior Government Counsel as the Prosecution Policy Coordinator on Anti-Terrorism. A specialised team is set up for handling advisory and committee work in relation to anti-terrorism, triad and organised crimes, and attending court as required. The existing Asset Recovery Unit assumes the responsibility for the seizure of terrorist assets. Specialist prosecutors will liaise as required with their counterparts in other jurisdictions. They will contribute as well to the exchange of information and ideas at the international level.

The Prosecutions Division will develop the capacity of one of its existing commercial crime teams comprising one Directorate Officer and two Senior Government Counsel, to advise on and prosecute market misconduct cases. Meetings have been held, and will continue to be held, between the Securities and Futures Commission (SFC), the Police Commercial Crime Bureau, the ICAC and the Department of Justice regarding the implementation of the Securities and Futures Ordinance, Cap. 571 on 1 April 2003. In January 2003, the Chairman of SFC briefed senior prosecutors of the Department of Justice on tackling corporate fraud. In-house seminars and discussions will continue to be convened between the SFC and the Department of Justice to enhance its ability to combat market misconduct.

The above measures have been and will continue to be implemented with existing resources.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

SJ005

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

0389

Question :

Will the Administration provide details on the expenditure and the specific programme(s) to be launched by the Department of Justice during 2003-04 to promote the rule of law and Hong Kong's legal system to the citizens of Hong Kong and to the international community?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

The Secretary for Justice and officials of the Department of Justice will continue to promote the rule of law and the legal system in Hong Kong as an integral part of their duties through a variety of activities such as giving interviews to the media, attending public affairs programmes, contributing letters to the editors, attending seminars, delivering speeches, giving briefings, receiving international visitors and paying visits to places outside Hong Kong. Expenditure on these activities will be absorbed by the Department. In addition, the following dedicated promotion activities are planned for 2003-04 -

(a) Community Legal Services Centre Outreach Programme

This Department started to subsidise the cost of the promotional items, handouts and pamphlets of the Community Legal Services Centre (CLSC) Outreach Programme in 2002-03. The aim of the programme is to promote legal education and awareness on the broadest level of the community and to strengthen the rule of law through lectures, group discussions and advice to members of the public on their rights and obligations, and their access to justice. The Department will continue to subsidize the CLSC Outreach Programme and an estimated subsidy of \$269,000 has been reserved for future years.

(b) "Legal System in Hong Kong" publication

In 2003-04, this Department plans to revise the "Legal System in Hong Kong", a publication providing information about the essential features of the legal and judicial systems in Hong Kong. The revised version of the publication will be put on the webpage of this Department. The publication will be distributed to relevant bodies and visiting guests. It will also be put on sale at the Government Publications Centre. We believe that most of the printing cost will be recovered through the sale of the publication in due course.

(c) Basic Law Bulletin and Seminars

For 2003, this Department aims to provide counsel to give 20 seminars on the Basic Law organised by the Civil Service Training and Development Institute (CSTDI). The seminars will cover a variety of topics such as rights of residents and implementation of the Basic Law. This Department will also provide professional advice to the CSTDI on the publication of various Basic Law promotional materials. In particular, in the light of the readers survey initiated in the fourth issue of the Basic Law Bulletin, this Department intends to publish jointly with the CSTDI a further issue of the Bulletin before the end of 2003. The Bulletin will be distributed both locally and overseas and will also be accessible on the webpage of this Department. The design and printing cost will be borne by CSTDI.

Signature

Name in block letters

Post Title

Date

Miss Annie Tam

Director of Administration  
and Development

20 March 2003



Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ006

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (5) International Law

0390

Controlling Officer : Director of Administration and Development

Question :

The Department of Justice has estimated that 6 international agreements would be initialled in 2003. Will the Administration brief us on the countries involved and the scope or nature of these agreements?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

The agreements are in the area of international co-operation in criminal matters, i.e. agreements for the Surrender of Fugitive Offenders, Mutual Legal Assistance in Criminal Matters and Transfer of Sentenced Persons.

Negotiations are proceeding. After initialling, Hong Kong and its negotiating partner must complete their necessary internal procedures to obtain approval to sign. Before there is approval to sign, such negotiations, including the identity of our negotiating partners, should not be disclosed.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ007

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

0757

Controlling Officer : Director of Administration and Development

Question :

In 2003-04, the Prosecutions Division will continue to provide training for its counsel to conduct court proceedings in Chinese. In this connection, what is the number and percentage of counsel who are able to conduct court proceedings in Chinese? How many counsel can the Division train each year to conduct court proceedings in Chinese?

Asked by : Hon. LAU Hon-chuen, Ambrose

Reply :

As at 17 March 2003, there were 111 counsel in the Prosecutions Division. Of these, 21 counsel (19%) are monolingual and they will continue to conduct court proceedings in English. The other 90 counsel (81%) are bilingual and training is provided on an on-going basis to enhance their ability to conduct court proceedings in Chinese.

Signature  
Name in block letters

Miss Annie Tam

Post Title

Director of Administration  
and Development

Date

20 March 2003

Examination of Estimates of Expenditure 2003-04

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ008

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (2) Civil

Controlling Officer : Director of Administration and Development

0758

Question :

Regarding the expenditure on Programme (2) Civil, the provision for 2003-04 is \$18.8 million higher than the revised estimate for 2002-03. What are the specific allocations of this expenditure of \$18.8 million?

Asked by : Hon. LAU Hon-chuen, Ambrose.

Reply :

A table showing the specific allocations of the \$18.8 million increase in 2003-04 Estimate when compared with the 2002-03 Revised Estimate is provided below -

	<b>Increase</b>
	<b>\$M</b>
Personal Emoluments	1.9
Departmental Expenses	4.1
Court Costs	2.5
Briefing Out	10.0
Others	0.3
<b>Total increase</b>	<b><u>18.8</u></b>

The increase is mainly due to -

- (a) the transfer to the Civil Division in 2003-04 of
  - (i) one professional post from Home Affairs Department; and
  - (ii) one post from Information Technology Services Department for information technology support servicesbut these transfers are cost neutral to the Government as a whole as the corresponding posts will be deleted from the originating Departments;
- (b) an estimated increase in briefing out cost in 2003-04 in relation to major cases;
- (c) an estimated increase in court costs awarded against the Government in respect of civil cases in 2003-04; and
- (d) an additional provision for the employment of non-civil service contract (NCSC) staff which is required to meet -
  - (i) payment on a full-year basis of salaries for those NCSC staff recruited in 2002-03 for only part of that financial year and who will continue to work for the Division in 2003-04; and
  - (ii) the cost for employing contract staff to meet service needs of a temporary nature or service needs under review.

Signature	_____
Name in block letters	Miss Annie Tam
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	Director of Administration
	and Development
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Post Title	
Date	20 March 2003
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Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ009

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

0759

Controlling Officer : Director of Administration and Development

Question :

In 2003-04, the Secretary for Justice's Office and the Legal Policy Division will continue to explore opportunities for the legal profession to provide services in the Mainland. As far as such work is concerned, what are the specific results at present and what are the future objectives?

Asked by : Hon. LAU Hon-chuen, Ambrose

Reply :

In early 1999, an interdepartmental research group was set up to liaise with the Central People's Government authorities and experts on matters related to China's accession to the World Trade Organisation (WTO). Since then, representatives of the Department of Justice have been engaged in meetings with the Ministry of Justice in Beijing to discuss the situation and the difficulties encountered by Hong Kong lawyers in providing legal services in China, and to ascertain the Ministry's attitude to the issue of the Hong Kong legal profession providing legal services in the Mainland.

In January 2000, the Legal Practitioners' Liaison Committee established a subcommittee to study the impact of China's accession to the WTO on Hong Kong legal services. This subcommittee, chaired by the Solicitor General, comprises representatives of the Bar Association and the Law Society. Regular subcommittee meetings have been held in order to gather views and to explore opportunities arising from the opening up of the legal services market in the Mainland, including obtaining professional qualification and practising on the Mainland.

The Hong Kong SAR Government has commenced talks with the Mainland in respect of a proposed Closer Economic Partnership Arrangement with the Mainland (CEPA) in December 2001 and it was proposed that legal services be included in it. The Department of Justice has reflected the views of the Law Society and the Bar Association to the relevant authorities.

Since the latter part of 2001, the Secretary for Justice has been actively promoting Hong Kong as a legal services centre for the resolution of international trade disputes. Efforts have been made, and will continue to be made, to persuade parties to international trade agreements to choose Hong Kong law as the applicable law of their contracts, and to choose

Hong Kong as the place for disputes resolution – whether by litigation or arbitration. This topic was covered in the Secretary for Justice’s visit to New Zealand in October 2001 and to Australia in February 2002 as well as her speeches to local organisations and meetings with visitors to Hong Kong.

One important means of achieving the development of legal services in respect of activities in the Mainland is by developing links between the legal professions in Hong Kong and in the Mainland. During the past year, the Secretary for Justice made great efforts to foster such links. Visits were made to Shenzhen in April, Qingdao in July, Guangzhou in September, Chengdu in November and Chongqing in December 2002. Apart from promoting the legal services provided by legal practitioners of Hong Kong, the Secretary for Justice also led members of the legal profession to visit various law-related bureaux and departments with a view to enhancing better understanding of the legal system in the Mainland. In addition, a mock trial was launched and was staged in Chongqing in order to illustrate the disposal of a case concerning the dispute of intellectual property rights under Hong Kong law.

In September 2002, the Department of Justice entered into a co-operation agreement with the Director of Justice Bureau, Qingdao on legal co-operation. The co-operation agreement was signed pursuant to the Secretary for Justice’s visit to Qingdao in July 2002. After entering into the co-operation agreement, the legal professions of the two places agreed to pay regular visits, organise training and attend programmes for each other so that mutual understanding and co-operation will be enhanced. There will also be exchanges on legal news and information, and seminars will be conducted on topics of mutual interest to the legal communities of the two places.

The Department of Justice entered into a similar co-operation agreement with the Bureau of Justice of Chongqing in December 2002 when the mock trial was staged in Chongqing.

To help Hong Kong become a legal services centre for the resolution of disputes, the Department of Justice, the Judiciary and the Director of Administration have, since 2002, commenced discussions with the Mainland on the “Reciprocal Enforcement of Judgments in Commercial Matters” between the HKSAR and the Mainland.

In the coming year, the Department of Justice will continue to work closely with the Hong Kong legal profession to explore opportunities for the profession to provide legal services in the Mainland. The Department will continue to contribute to the consultations with the Mainland regarding the proposed CEPA and the proposed agreement on “Reciprocal Enforcement of Judgments in Commercial Matters”.

Signature	_____
Name in block letters	Miss Annie Tam
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	Director of Administration
	and Development
Post Title	_____
Date	20 March 2003
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Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ010

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

0760

Controlling Officer : Director of Administration and Development

Question :

In 2003-04, the Secretary for Justice's Office and the Legal Policy Division will continue to organise talks, seminars and visits in order to develop and enhance mutual understanding of the legal systems in HKSAR and the Mainland. What are the numbers of these activities in 2002 and 2003?

Asked by : Hon. LAU Hon-chuen, Ambrose

Reply :

In the year of 2002, the Secretary for Justice and officials of the Legal Policy Division attended seminars and received visitors from the Mainland on more than 70 occasions. Over 20 official visits were paid to the Mainland for the purpose of enhancing mutual understanding of the legal systems of Hong Kong and the Mainland. Five of these visits (to Shenzhen, Qingtao, Guangzhou, Chengdu and Chongqing) were led by the Secretary of Justice and joined by members of the Hong Kong legal profession. In the same year, the Department of Justice entered into two co-operation agreements with the respective Bureaux of Justice of Qingtao and Chongqing on mutual co-operation and legal professional exchanges.

For 2003, up to mid March, the Secretary for Justice and other officials from the Department have received 10 delegations from the Mainland and briefed them on the legal system of Hong Kong. In the coming months, the Department will continue to liaise closely with the Mainland counterparts to make arrangements for mutual visits and seminars to enhance mutual understanding.

Signature  
Name in block letters

Miss Annie Tam

Director of Administration  
and Development

Post Title

Date

20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ011

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

0797

Controlling Officer : Director of Administration and Development

Question :

Under Programme (3) of the Controlling Officer's Report, it is mentioned that 2 bills will be promoted in the Legislature. What are the contents of the bills and the time schedule for the bills to be introduced?

Asked by : Hon. LAU Chin-shek

Reply :

The two Bills to be promoted in 2003 -

(a) The Evidence (Miscellaneous Provisions) Bill 2002

The Bill was introduced into the Legislative Council in May 2002 and was on the waiting list for a Bills Committee for the remainder of the year. The Bill is in two parts and amends mainly the Evidence Ordinance (Cap. 8), the Criminal Procedure Ordinance (Cap. 221) and the Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525). Part I implements recommendations made by the Law Reform Commission in 1988 regarding the law on competence and compellability of spouses in criminal proceedings. Part II provides for the giving of evidence by way of live television link in criminal proceedings. Bills Committee hearings on the Bill began in February 2003.

(b) Law Amendment and Reform (Miscellaneous Provisions) Bill 2003

The Bill mainly proposes amendments concerning law-related issues. The more significant amendments are to the Conveyancing and Property Ordinance (Cap. 219) to resolve a problem regarding the execution of conveyancing documents by corporations, and to the Legal Practitioners Ordinance (Cap. 159) to improve the regulation of the legal profession, including notaries public, and to establish a Standing Committee on Legal Education and Training. The Bill was introduced into the Legislative Council on 19 March 2003.

Signature  
Name in block letters

Miss Annie Tam

Director of Administration  
and Development

Post Title  
Date

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INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ012

Head : 92 Department of Justice

Question Serial No.

Subhead (No. & title) : 000 Operational Expenses

0798

Programme :

Controlling Officer : Director of Administration and Development

Question :

Regarding departmental expenses, both the revised estimate for 2002-03 and the estimate for 2003-04 include "remuneration for special appointments". What are the details and the breakdown of the relevant expenses?

Asked by : Hon. LAU Chin-shek

Reply :

Prior to July 2002, the salary and non-accountable entertainment allowance for the Secretary for Justice (SJ) were provided for under Subhead 001 Salaries whilst end of term gratuity was payable out of Head 120 Pensions. On 1 July 2002, a new expenditure item "remuneration for special appointments" was created to provide for the payment of SJ's emoluments covering salary, non-accountable entertainment allowance and Mandatory Provident Fund contribution. We have revised the 2002-03 Estimates to provide for \$2,978,000 under "remuneration for special appointments" to cover SJ's emoluments for the nine months running from 1 July 2002 to 31 March 2003, partly offset by a reduced estimate of \$1,973,000 from Subhead 001 and with no provision for end of term gratuity from Head 120 Pensions (as no gratuity or retirement benefits are payable to SJ under the new terms of appointment). The estimate of \$3,537,000 for 2003-04 under "remuneration for special appointments" is intended to cover SJ's emoluments for 12 months.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003



**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

SJ013

Head : 92 Department of Justice Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

0848

Question :

In 2003-04, the Division will continue (1) to explore opportunities for the legal profession to provide services in the Mainland; and (2) to develop working relationships with counterparts in the Mainland in particular areas which call for co-operation between the HKSAR and the Mainland. In this connection, please brief us on the latest development, the estimated expenditure and the staffing involved?

Asked by : Hon. NG Margaret

Reply :

(1) Explore opportunities for the legal profession to provide services in the Mainland

In early 1999, an interdepartmental research group was set up to liaise with the Central People's Government authorities and experts on matters related to China's accession to the World Trade Organisation (WTO). Since then, representatives of the Department of Justice have been engaged in meetings with the Ministry of Justice in Beijing to discuss the situation and the difficulties encountered by Hong Kong lawyers in providing legal services in China, and to ascertain the Ministry's attitude to the issue of the Hong Kong legal profession providing legal services in the Mainland.

In January 2000, the Legal Practitioners' Liaison Committee established a subcommittee to study the impact of China's accession to the WTO on Hong Kong legal services. This subcommittee, chaired by the Solicitor General, comprises representatives of the Bar Association and the Law Society. Regular subcommittee meetings have been held in order to gather views and to explore opportunities arising from the opening up of the legal services market in the Mainland, including obtaining professional qualification and practising on the Mainland.

The Hong Kong SAR Government has commenced talks with the Mainland in respect of a proposed Closer Economic Partnership Arrangement with the Mainland (CEPA) in December 2001 and it was proposed that legal services be included in it. The Department of Justice has reflected the views of the Law Society and the Bar Association to the relevant authorities.

Since the latter part of 2001, the Secretary for Justice has been actively promoting Hong Kong as a legal services centre for the resolution of international trade disputes. Efforts have been made, and will continue to be made, to persuade parties to international trade agreements to choose Hong Kong law as the applicable law of their contracts, and to choose Hong Kong as the place for disputes resolution – whether by litigation or arbitration. This topic was covered in the Secretary for Justice's visit to New Zealand in October 2001 and to Australia in February 2002 as well as her speeches to local organisations and meetings with visitors to Hong Kong.

One important means of achieving the development of legal services in respect of activities in the Mainland is by developing links between the legal professions in Hong Kong and in the Mainland. During the past year, the Secretary for Justice made great efforts to foster such links. Visits were made to Shenzhen in April, Qingdao in July, Guangzhou in September, Chengdu in November and Chongqing in December 2002. Apart from promoting the legal services provided by legal practitioners of Hong Kong, the Secretary for Justice also led members of the legal profession to visit various law-related bureaux and departments with a view to enhancing better understanding of the legal system in the Mainland. In addition, a mock trial was launched and was staged in Chongqing in order to illustrate the disposal of a case concerning the dispute of intellectual property rights under Hong Kong law.

In September 2002, the Department of Justice entered into a co-operation agreement with the Director of Justice Bureau, Qingdao on legal co-operation. The co-operation agreement was signed pursuant to the Secretary for Justice's visit to Qingdao in July 2002. After entering into the co-operation agreement, the legal professions of the two places agreed to pay regular visits, organise training and attend programmes for each other so that mutual understanding and co-operation will be enhanced. There will also be exchanges on legal news and information, and

seminars will be conducted on topics of mutual interest to the legal communities of the two places.

The Department of Justice entered into a similar co-operation agreement with the Bureau of Justice of Chongqing in December 2002 when the mock trial was staged in Chongqing.

To help Hong Kong become a legal services centre for the resolution of disputes, the Department of Justice, the Judiciary and the Director of Administration have, since 2002, commenced discussions with the Mainland on the “Reciprocal Enforcement of Judgments in Commercial Matters” between the HKSAR and the Mainland.

In the coming year, the Department of Justice will continue to work closely with the Hong Kong legal profession to explore opportunities for the profession to provide legal services in the Mainland. The Department will continue to contribute to the consultations with the Mainland regarding the proposed CEPA and the proposed agreement on “Reciprocal Enforcement of Judgments in Commercial Matters”.

(2) Develop working relationships with counterparts in the Mainland

In the past years, the Department of Justice has developed working relationship with various Mainland authorities which have responsibility for legal affairs. They include the Ministry of Justice (MoJ), the Supreme People’s Procuratorate, and the Supreme People’s Court.

The Department of Justice has initiated different projects that require the assistance and co-operation of the above Mainland authorities. This often involves close liaison and exchange of information with the Mainland authorities. Examples of these projects include -

- (a) the conclusion of the “Arrangement Concerning Mutual Enforcement of Arbitral Awards” between the Mainland and Hong Kong in 1999 after consultation with the Supreme People’s Court;
- (b) the launching of the consultation on “Reciprocal Enforcement of Judgments in Commercial Matters between the HKSAR and the Mainland” requires much contribution from the Supreme People’s Court as to how the subject matter could be pursued;
- (c) in order to enhance greater understanding of the legal system of the two sides, the Department has worked closely with the MoJ regarding arrangements for study visits to and receiving delegations from the Mainland. During such visits, each side will be briefed on the legal system of the other. With the assistance of the MoJ, the Department entered into mutual co-operation agreements with both the Bureaux of Justice of Qingdao and Chongqing in 2002;
- (d) since early 1999, the Department of Justice has been liaising with the MoJ regarding the opening up of Mainland legal services markets for Hong Kong lawyers; and
- (e) in December 2002, with the assistance of the legal profession in Hong Kong, the Department of Justice joined the Chongqing Municipal Lawyers Association and the Southwest University of Political Science and Law to stage a mock trial in respect of an intellectual property right case in Chongqing which was well attended by the local lawyers, officials of the law-related bureaux and departments and law students.

The activities above involve primarily the work of the Legal Policy (General) Section under the Legal Policy Division of the Department and the expenditure on these activities is absorbed by the Department.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

SJ014

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

0849

Controlling Officer : Director of Administration and Development

Question :

In 2003-04, the Legal Policy Division will continue to take forward the comprehensive review of legal education and training. Please brief us on the specific work plan, the estimated expenditure and the staffing involved.

Asked by : Hon. NG Margaret

Reply :

In 2003-04, the Legal Policy Division will continue to participate in the work of the Steering Committee on the Review of Legal Education and Training ("Steering Committee"), and will promote the establishment of the proposed Standing Committee on Legal Education and Training ("Standing Committee"). After the Standing Committee comes into existence, the Division will actively participate in its work.

Having regard to the recommendations in a detailed consultancy report, the Steering Committee has reached a consensus on various reforms to improve the standards of legal education and training, including extending the length of the LLB from three to four years; adopting a new approach to teaching professional legal skills in the PCLL course; and developing a conversion course for those who obtain law degrees from institutions outside Hong Kong. The Legal Policy Division in conjunction with the Steering Committee will continue to support these reforms and oversee their implementation. For example, representatives of the Division will participate in the two universities' PCLL Academic Boards and their sub-committees.

In order to ensure that the momentum for improvement does not fade once the above reforms are implemented, the Legal Policy Division will promote the enactment of legislation to establish the new Standing Committee which 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. The Standing Committee will replace the existing Advisory Committee on Legal Education.

The Department of Justice will provide administrative and secretarial support for the Standing Committee. The additional resource requirements will be met by internal redeployment. There are no other costs implications for the Department of Justice arising from its work in this area.

Signature

Name in block letters

Post Title

Date

Miss Annie Tam

Director of Administration  
and Development

20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ015

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (2) Civil

0850

Controlling Officer : Director of Administration and Development

Question :

The estimated expenditure of the Division for 2003-04 includes the provision for the transfer of 1 professional post from Home Affairs Department. Please brief us on the reason for the transfer and the expenditure involved.

Asked by : Hon. NG Margaret

Reply :

One Senior Government Counsel (SGC) post will be transferred from the Home Affairs Department (HAD) to the Department of Justice (D of J) in 2003-04.

As an executive arm to implement the Building Management Ordinance (Cap. 344), a special Division was set up under HAD in 2001 to plan and coordinate building management matters. The Government committed in the 2001 Policy Address to create legal professional posts to enhance the legal support for HAD's building management staff, and in 2002 one SGC post was created on HAD's establishment. It is now considered appropriate to transfer the SGC post from HAD to D of J as from 1 April 2003. This transfer will enable D of J to achieve better deployment of counsel. D of J will continue to provide legal support to HAD after the transfer.

The transfer will involve an amount of \$988,680 to be transferred from HAD to D of J in 2003-04 and this is cost neutral to the Government as a whole.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ016

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (2) Civil

0851

Controlling Officer : Director of Administration and Development

Question :

What are the ranks and numbers of the non-civil service contract staff currently employed by the Division? What is the additional provision involved?

Asked by : Hon. NG Margaret

Reply :

There are 34 Non-Civil Service Contract (NCSC) staff working in the Civil Division. These include 3 Temporary Senior Government Counsel, 13 Temporary Government Counsel, 7 Contract Legal Clerks, 7 Contract Clerks and 4 Contract General Assistants.

We expect an increased expenditure in 2003-04 for Civil Division to meet -

- (i) payment on a full-year basis of salaries for those NCSC staff recruited in 2002-03 for only part of that financial year and who will continue to be employed during 2003-04; and
- (ii) the cost for employing additional NCSC staff to meet service needs of a temporary nature or service needs under review.

Signature  
Name in block letters

Miss Annie Tam

Director of Administration  
and Development

Post Title  
Date

20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ017

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme :

0852

Controlling Officer : Director of Administration and Development

Question :

It is expected that 6 permanent posts will be created by the Department in 2003-04. Please specify the ranks of these posts and the estimated expenditure.

Asked by : Hon. NG Margaret

Reply :

The 6 posts in question include 1 Senior Government Counsel (SGC), 1 Systems Manager, 3 Analyst/Programmers I and 1 Analyst/Programmer II.

The SGC is now accommodated in a post created on the establishment of the Home Affairs Department (HAD). We now propose to transfer the post to the Department of Justice (D of J). This will enable D of J to achieve better deployment of counsel. D of J will continue to provide legal support to HAD after the transfer of the SGC post.

As to the 5 other posts, the officers involved are now accommodated in the posts created on the establishment of the Information Technology Services Department. These 5 officers have been providing, and are expected to continue to provide, services solely to D of J. We therefore propose to transfer the 5 posts to D of J as from 1 April 2003.

The estimated expenditure of these 6 posts is \$3,574,860. The transfer of these posts between the Departments concerned is cost-neutral to the Government as a whole.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ018

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

0853

Controlling Officer : Director of Administration and Development

Question :

- (a) The number of court days undertaken by Counsel instructed to prosecute in Magistrates' Court in place of Court Prosecutors is estimated to decrease drastically from 691 days (actual) in 2002 to 340 days in 2003. Is this decrease related to cost-savings? If no, what are the reasons?
- (b) What are the establishment and strength of Court Prosecutors? Will additional Court Prosecutors be recruited in 2003-04? If yes, how many will be recruited and what are the personal emoluments involved?

Asked by : Hon. NG Margaret

Reply :

- (a) The number of court days undertaken by fiat counsel instructed to prosecute in Magistrates' Court in place of Court Prosecutors is estimated to decrease from 691 days (actual) in 2002 to 340 days in 2003. This is mainly due to two factors -
- (i) the new Court Prosecutors recruited in 2002 have completed their training, and started to prosecute on 2 January 2003; and
- (ii) there is expected to be a decrease in the number of prosecutions in the Magistrates' Courts in 2003, based on recent trends.
- (b) As at 17 March 2003, the establishment and strength of the Court Prosecutor grade were 112 and 108 respectively. Despite that there will be vacant posts, the Department has no plan to conduct recruitment exercise for the Court Prosecutor grade in 2003-04.

Signature	
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ019

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (2) Civil

0963

Controlling Officer : Director of Administration and Development

Question :

Apart from the need to appoint additional Presenting Officers as a result of the commencement of the *Securities and Futures Ordinance* in 2003 as shown in "Matters Requiring Special Attention in 2003-04", the workload of the Civil Division is not substantially different from that in 2002-03. In this connection, what are the reasons for the 5.2% increase in the provision of the Division for 2003-04 when other Departments are adopting cost saving measures?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

Provision for 2003-04 is \$18.8 million (5.2%) higher than the revised estimate for 2002-03, and this is mainly due to -

- (a) the transfer to the Civil Division in 2003-04 of
  - (i) one professional post from Home Affairs Department; and
  - (ii) one post from Information Technology Services Department for information technology support servicesbut these transfers are cost neutral to the Government as a whole as the corresponding posts will be deleted from the originating Departments;
- (b) an estimated increase in briefing out cost in 2003-04 in relation to major cases;
- (c) an estimated increase in court costs awarded against the Government in respect of civil cases in 2003-04; and
- (d) an additional provision for the employment of non-civil service contract (NCSC) staff which is required to meet –
  - (i) payment on a full-year basis of salaries for those NCSC staff recruited in 2002-03 for only part of that financial year and who will continue to work for the Division in 2003-04; and
  - (ii) the cost for employing contract staff to meet service needs of a temporary nature or service needs under review.

Signature	_____
Name in block letters	Miss Annie Tam
	Director of Administration and Development
Post Title	_____
Date	20 March 2003



Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ020

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (2) Civil

0964

Controlling Officer : Director of Administration and Development

Question :

What is the reason for an increase of 18.6% in the number of civil proceedings brought by the Government in 2003?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

The estimated increase of civil proceedings from 2002 to 2003 is mainly due to an increase in the number of applications for charging orders for the recovery of tax and rates in default as projected by the Inland Revenue Department and the Rating and Valuation Department.

Signature	_____
Name in block letters	Miss Annie Tam
	Director of Administration and Development
Post Title	_____
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ021

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

0971

Controlling Officer : Director of Administration and Development

Question :

Will the Government brief us on the following -

Under “Matters Requiring Special Attention in 2003-04”, the Secretary for Justice’s Office and the Legal Policy Division will continue to “develop working relationships with counterparts in the Mainland in particular areas which call for co-operation between the Hong Kong Special Administrative Region and the Mainland”. Will the Government elaborate on whether “the counterparts in the Mainland” refer to departments of the Central People’s Government or the local governments? As to “the particular areas which call for co-operation between the Hong Kong Special Administrative Region and the Mainland”, what are the levels involved? Please give examples.

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

In the past years, the Department of Justice has developed working relationship with various Mainland authorities which have responsibility for legal affairs, both at central and local levels. They include the Ministry of Justice (MoJ), the Supreme People’s Procuratorate, and the Supreme People’s Court at the central level, and various Bureaux of Justice, People’s Procuratorates and People’s Courts at the provincial level.

The Department of Justice has initiated different projects that require the assistance and co-operation of the above Mainland authorities. This often involves close liaison and exchange of information with the Mainland authorities. Examples of these projects include -

- (a) the conclusion of the “Arrangement Concerning Mutual Enforcement of Arbitral Awards” between the Mainland and Hong Kong in 1999 after consultation with the Supreme People’s Court;
- (b) the launching of the consultation on “Reciprocal Enforcement of Judgments in Commercial Matters between the HKSAR and the Mainland” requires much

contribution from the Supreme People's Court as to how the subject matter could be pursued;

- (c) in order to enhance greater understanding of the legal system of the two sides, the Department has worked closely with the MoJ regarding arrangements for study visits to and receiving delegations from the Mainland. During such visits, each side will be briefed on the legal system of the other. With the assistance of the MoJ, the Department entered into mutual co-operation agreements with both the Bureaux of Justice of Qingdao and Chongqing in 2002;
- (d) since early 1999, the Department of Justice has been liaising with the MoJ regarding the opening up of Mainland legal services markets for Hong Kong lawyers; and
- (e) in December 2002, with the assistance of the legal profession in Hong Kong, the Department of Justice joined the Chongqing Municipal Lawyers Association and the Southwest University of Political Science and Law to stage a mock trial in respect of an intellectual property right case in Chongqing which was well attended by the local lawyers, officials of the law-related bureaux and departments and law students.

Signature	_____
Name in block letters	Miss Annie Tam
	Director of Administration and Development
Post Title	_____
Date	20 March 2003

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

SJ022

Head : 92 Department of Justice Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions (2) Civil (3) Legal Policy  
(4) Law Drafting (5) International Law

1002

Controlling Officer : Director of Administration and Development

Question :

- (a) the establishment and strength (as at 1 March 2003) for implementing the above programme areas by the following categories -  
 I : Ranks with starting pay at MPS45 & above (including Directorate)  
 II : Ranks with starting pay at MPS34 to 44  
 III: Ranks with starting pay at MPS12 & 27  
 IV: Ranks with starting pay at MPS11 & below  
 (please provide breakdown by programme area)
- (b) the number of posts (by ranks) already deleted or redeployed in 2002-03 to enhance productivity and optimize resources; and
- (c) the number of posts (by ranks) to be deleted or redeployed in 2003-04 to accomplish the Government's "3R1M" objective.

Asked by : Hon. CHOW LIANG Shuk-ye, Selina

Reply :

- (a) As at 1 March 2003, the establishment and strength position in respect of the Department of Justice is as follows -

(i) Establishment	Programme					Total
	1	2	3	4	5	
MPS Point 45 & above including directorate	87	70	22	38	19	236
MPS Point 34-44	16	6	2	3	1	28
MPS Point 27-33	83	36	14	23	3	159
MPS Point 12-26	52	26	13	18	9	118
MPS Point 11 and below	<u>312</u>	<u>117</u>	<u>37</u>	<u>84</u>	<u>15</u>	<u>565</u>
Total	550	255	88	166	47	1 106

(ii) Strength	Programme					Total
	1	2	3	4	5	
MPS Point 45 & above including directorate	82	66	24	36	19	227
MPS Point 34-44	16	5	2	3	0	26
MPS Point 27-33	84	35	12	20	4	155
MPS Point 12-26	49	23	12	18	9	111
MPS Point 11 and below	<u>312</u>	<u>117</u>	<u>36</u>	<u>81</u>	<u>15</u>	<u>561</u>
Total	543	246	86	158	47	1 080

- (b) From 1 April 2002 to 15 March 2003, the Department has achieved a net decrease of the following six non-directorate posts to enhance productivity and optimise resources :  
 1 Personal Secretary II; 2 Assistant Clerical Officers; 2 Clerical Assistants and 1 Calligraphist.
- (c) The question of reduction, and better deployment, of posts will continue to be addressed in our ongoing exercise to implement the "3R1M".

Signature	_____
Name in block letters	Miss Annie Tam
	Director of Administration
	and Development
Post Title	_____
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ023

Head : 92 Department of Justice

Question Serial No.

Subhead (No. & title) : 000 Operational Expenses

1070

Programme :

Controlling Officer : Director of Administration and Development

Question :

The Department of Justice and its Prosecutions Division publish a separate annual report every year. Please brief us on the expenditure involved.

Asked by : Hon. NG Margaret

Reply :

The Department of Justice publishes a report biennially. It was last printed in 2001-02 and its cost was \$214,750, for 6,500 copies.

The Prosecutions Division produces a yearly review. The cost of producing the review for 2002 is \$71,832, for 2,250 copies.

Signature	_____
Name in block letters	Miss Annie Tam
	_____
Post Title	Director of Administration and Development
	_____
Date	20 March 2003
	_____

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ024

Head : 92 Department of Justice

Question Serial No.

Subhead (No. & title) : 000 Operational Expenses

1279

Programme :

Controlling Officer : Director of Administration and Development

Question :

Please provide the number of non-civil service contract staff employed and the level of expenditure involved in 2002-03. Are there any plans to employ more or less non-civil service contract staff in 2003-04? If so, what are the reasons, and what will be the number of staff and the level of expenditure involved?

Asked by : Hon. LEE Cheuk-yan

Reply :

As at 1 March 2003, the Department employed 85 non-civil service contract (NCSC) staff. The expenditure up to 28 February 2003 in 2002-03 was \$19,442,000.

In 2003-04, the Department will continue to employ NCSC staff to meet service needs of short-term or part-time nature or services needs under review. The number of NCSC staff to be employed during 2003-04 and the expenditure involved will depend on the extent of such service needs.

Signature	_____
Name in block letters	Miss Annie Tam
	_____
Post Title	Director of Administration and Development
	_____
Date	20 March 2003
	_____

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ025

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

1489

Controlling Officer : Director of Administration and Development

Question :

The Prosecutions Division has mentioned that one of the "Matters Requiring Special Attention in 2003-04" is that the Division will "develop its capacity to advise on and prosecute terrorist cases and market misconduct cases". Does it include the provision of in-house training for its staff? What is the estimated expenditure involved?

Asked by : Hon. NG Margaret

Reply :

In order to enhance its capacity to prosecute all forms of terrorist activities and to provide advice to others in government on this area, the Prosecutions Division has in November 2002 appointed a Senior Government Counsel as the Prosecution Policy Coordinator on Anti-Terrorism. A specialised team is set up for handling advisory and committee work in relation to anti-terrorism, triad and organised crimes, and attending court as required. The existing Asset Recovery Unit assumes the responsibility for the seizure of terrorist assets. Specialist prosecutors will liaise as required with their counterparts in other jurisdictions. They will contribute as well to the exchange of information and ideas at the international level.

The Prosecutions Division will develop the capacity of one of its existing Commercial Crime Teams comprising one Directorate Officer and two Senior Government Counsel, to advise on and prosecute market misconduct cases. Meetings have been held, and will continue to be held, between the Securities and Futures Commission (SFC), the Police Commercial Crime Bureau, the ICAC and the Department of Justice regarding the implementation of the Securities and Futures Ordinance, Cap. 571 on 1 April 2003. In January 2003, the Chairman of SFC briefed senior prosecutors of the Department of Justice on tackling corporate fraud. In-house seminars and discussions will continue to be convened between the SFC and the Department of Justice to enhance its ability to combat market misconduct.

The above measures have been and will continue to be implemented with existing resources.

Signature	_____
Name in block letters	Miss Annie Tam
	_____ Director of Administration and Development
Post Title	_____
Date	20 March 2003

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

SJ026

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

1496

Question :

- (a) Under "Matters Requiring Special Attention in 2003-04", the Prosecutions Division will "develop its capacity to advise on and prosecute terrorist cases and market misconduct cases". Please brief us on the details, and the staffing and expenditure involved.
- (b) Has the Administration allocated provision in 2003-04 to deal with matters concerning the establishment of a special team and the provision of legal advice after the enactment of the ordinance to implement Article 23 of the Basic Law? If yes, please provide the details, and the staffing and expenditure involved.

Asked by : Hon. HO Sau-lan, Cyd

Reply :

- (a) In order to enhance its capacity to prosecute all forms of terrorist activities and to provide advice to others in government on this area, the Prosecutions Division has in November 2002 appointed a Senior Government Counsel as the Prosecution Policy Coordinator on Anti-Terrorism. A specialised team is set up for handling advisory and committee work in relation to anti-terrorism, triad and organised crimes, and attending court as required. The existing Asset Recovery Unit assumes the responsibility for the seizure of terrorist assets. Specialist prosecutors will liaise as required with their counterparts in other jurisdictions. They will contribute as well to the exchange of information and ideas at the international level.

The Prosecutions Division will develop the capacity of one of its existing Commercial Crime Teams comprising one Directorate Officer and two Senior Government Counsel, to advise on and prosecute market misconduct cases. Meetings have been held, and will continue to be held, between the Securities and Futures Commission (SFC), the Police Commercial Crime Bureau, the ICAC and the Department of Justice regarding the implementation of the Securities and Futures Ordinance, Cap. 571 on 1 April 2003. In January 2003, the Chairman of SFC briefed senior prosecutors of the Department of Justice on tackling corporate fraud. In-house seminars and discussions will continue to be convened between the SFC and the Department of Justice to enhance its ability to combat market misconduct.

The above measures have been and will continue to be implemented with existing resources.

- (b) It is expected that there will be very few, if any, cases arising under the National Security (Legislative Provisions) Ordinance. Accordingly it is not proposed to set up a special team within the Prosecutions Division to deal with the subject. No additional resources are required.

Signature	_____
Name in block letters	Miss Annie Tam
	Director of Administration
	and Development
Post Title	_____
Date	20 March 2003



Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ027

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

1497

Controlling Officer : Director of Administration and Development

Question :

Under "Matters Requiring Special Attention in 2003-04", the Legal Policy Division will continue "to provide legal advice in respect of the implementation of the Basic Law and the development of our new constitutional order" and "to develop working relationships with counterparts in the Mainland". Please brief us on the items involved, their details as well as the staffing and expenditure.

Asked by : Hon. HO Sau-lan, Cyd

Reply :

- (1) Provide legal advice in respect of the implementation of the Basic Law and the development of our new constitutional order
- 

Specialist legal advice to the Government on the Basic Law has been provided by the Basic Law Unit ("BLU") of the Legal Policy Division of the Department of Justice ("D of J") since the establishment of the BLU in April 1997.

The BLU provides advice to the Government on the interpretation of the Basic Law, both in ensuring alignment of existing policies and legislation with the Basic Law and in the formulation of new policies and legislation. Questions concerning the interpretation of provisions of the Basic Law have arisen in a number of important constitutional lawsuits. The BLU works closely with other divisions of the D of J in the conduct of the Government's case, and provides advice and research on the Basic Law and other related issues, including comparative constitutional law research on other jurisdictions. The BLU maintains a collection of research materials relevant to the Basic Law and constitutional law generally. The collection is constantly added to and up-dated as more case precedents and other literature on the Basic Law become available.

Counsel of the BLU also attend LegCo panel meetings to explain to members the view and research results of the Government on complicated Basic Law issues.

In respect of the captioned matter, the BLU also assists in preparing various Basic Law promotional activities organized by the Civil Service Training and Development Institute and other Government's authorities.

At present, the BLU comprises one Deputy Principal Government Counsel, three Senior Government Counsel, one Government Counsel, one Temporary Government Counsel (contract due to expire in November 2003) and one Law Clerk.

(2) Develop working relationships with counterparts in the Mainland

In the past years, the Department of Justice has developed working relationship with various Mainland authorities which have responsibility for legal affairs. They include the Ministry of Justice (MoJ), the Supreme People's Procuratorate, and the Supreme People's Court.

The Department of Justice has initiated different projects that require the assistance and co-operation of the above Mainland authorities. This often involves close liaison and exchange of information with the Mainland authorities. Examples of these projects include -

- (a) the conclusion of the "Arrangement Concerning Mutual Enforcement of Arbitral Awards" between the Mainland and Hong Kong in 1999 after consultation with the Supreme People's Court;
- (b) the launching of the consultation on "Reciprocal Enforcement of Judgments in Commercial Matters between the HKSAR and the Mainland" requires much contribution from the Supreme People's Court as to how the subject matter could be pursued;
- (c) in order to enhance greater understanding of the legal system of the two sides, the Department has worked closely with the MoJ regarding arrangements for study visits to and receiving delegations from the Mainland. During such visits, each side will be briefed on the legal system of the other. With the assistance of the MoJ, the Department entered into mutual co-operation agreements with both the Bureaux of Justice of Qingdao and Chongqing in 2002;
- (d) since early 1999, the Department of Justice has been liaising with the MoJ regarding the opening up of Mainland legal services markets for Hong Kong lawyers; and
- (e) in December 2002, with the assistance of the legal profession in Hong Kong, the Department of Justice joined the Chongqing Municipal Lawyers Association and the Southwest University of Political Science and Law to stage a mock trial in respect of an intellectual property right case in Chongqing which was well attended by the local lawyers, officials of the law-related bureaux and departments and law students.

The activities above involve primarily the work of the Legal Policy (General) Section under the Legal Policy Division of the Department and the expenditure on these activities is absorbed by the Department.

Signature	_____
Name in block letters	Miss Annie Tam
	_____
	Director of Administration and Development
Post Title	_____
Date	20 March 2003
	_____

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ028

Head : 92 Department of Justice      Subhead (No. & title) :

Question Serial No.

Programme : (5) International Law

1498

Controlling Officer : Director of Administration and Development

Question :

Will the Administration provide the number of requests to and from the HKSAR in 2001 and 2002 for surrender of fugitive offenders, mutual legal assistance in criminal matters, transfer of sentenced persons and enforcement of confiscation orders? Please also list out the requested jurisdictions and the requesting jurisdictions of these requests. In addition, please brief us on the outcome of each of the surrender of fugitive offenders and the transfer of sentenced persons cases.

Asked by : Hon. HO Sau-lan, Cyd

Reply :

The following tables are attached -

- Annex A**      New requests for surrender of fugitive offenders cases in 2001 and 2002.
- Annex B**      New requests for mutual legal assistance cases in 2001 and 2002.
- Annex C**      Applications for transfer of sentenced persons processed by the HKSAR in 2001 and 2002 (prepared by the Security Bureau).
- Annex D**      Requests for recovery of assets in 2001 and 2002.
- Annex E**      Outcome of requests for provisional arrest and surrender of fugitives processed in 2001 and 2002.

As far as transfer of sentenced persons cases are concerned, the International Law Division of the Department advises the Security Bureau on legal aspects of applications for transfer into and out of Hong Kong . The Mutual Legal Assistance Unit also prepares the necessary legal documents to effect the transfer if approved. The Secretary for Security is the central authority under the Transfer of Prisoners Ordinance for receiving transfer of sentenced persons applications and for approving inward and outward transfers.

Signature	_____
Name in block letters	Miss Annie Tam
	Director of Administration and Development
Post Title	_____
Date	20 March 2003

**Annex A**

**Statistics on new requests for Surrender of Fugitive Offenders Cases in 2001 and 2002**

	<b>2001</b>		<b>2002</b>	
	<b>In</b>	<b>Out</b>	<b>In</b>	<b>Out</b>
Australia	1	0	2	2
Canada	0	1	1	5
New Zealand	0	0	0	1
Philippines	0	0	1	0
Singapore	0	0	0	2
United Kingdom	0	1	0	0
USA	4	3	13	7
<b>Total</b>	<b>5</b>	<b>5</b>	<b>17</b>	<b>17</b>

## Statistics on new requests for Mutual Legal Assistance Cases in 2001 and 2002

	2001		2002	
	In	Out	In	Out
Algeria	0	0	2	0
Argentina	0	0	2	0
Australia	5	1	5	3
Austria	0	0	1	0
Belgium	0	0	1	0
Canada	2	0	0	1
Czech Republic	0	0	1	0
France	4	1	2	0
Germany	2	0	2	0
India	3	0	5	0
Italy	1	0	2	0
Japan	3	0	1	0
Jersey	0	1	0	0
Korea	1	0	2	0
Lithuania	1	0	0	0
Liechtenstein	0	0	0	1
Myanmar	1	0	0	0
Netherlands	2	1	6	0
New Zealand	1	0	0	2
Nigeria	1	0	0	0
Pakistan	0	0	0	1
Philippines	1	0	0	0
Poland	7	0	3	0
Russia	1	0	1	0
Singapore	0	0	1	0
South Africa	1	0	2	0
Spain	2	0	1	0
Sri Lanka	0	0	1	0
Sweden	0	0	1	0
Switzerland	6	0	3	0
Thailand	3	0	2	1
Turkey	1	0	0	0
Turkmenistan	0	0	1	0
Ukraine	2	0	5	0
United Kingdom	11	1	14	0
USA	11	3	17	3
<b>Total</b>	<b>73</b>	<b>8</b>	<b>84</b>	<b>12</b>

**Statistics on Applications for Transfer of Sentenced Persons  
Processed by the Hong Kong Special Administrative Region**

Progress of Applications	Jurisdictions	Number of Prisoners			
		Application for transfer into Hong Kong		Applications for transfer out of Hong Kong	
		2001	2002	2001	2002
Already transferred	Nigeria			1	
The Applicant withdrew his/her application	Thailand			1	1
Application under processing	Colombia Nepal Nigeria Philippines Sierra Leone Thailand UK	1	3 1	1	1 1 2 5 1 1

**2001**

**Incoming requests for recovery of assets under the  
Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) &  
Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405)**

<b><u>Country</u></b>	<b><u>No. of cases</u></b>	<b><u>Status (as at 17.3.2003)</u></b>
Australia	1	Restraint order obtained
Myanmar	1	Pending (awaiting further information from requesting jurisdiction)
Thailand	2	Case no. 1 : order discharged Case no. 2 : could not be processed
<b>Total</b>	<b>4</b>	

**Outgoing requests for recovery of assets : Nil**

- 2 -

**2002**

**Incoming requests for recovery of assets under the  
Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) &  
Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405)**

<b><u>Country</u></b>	<b><u>No. of cases</u></b>	<b><u>Status (as at 17.3.2003)</u></b>
Netherlands	1	Restraint order obtained in Hong Kong court
USA	2	Restraint orders obtained in both cases
<b>Total</b>	<b>3</b>	

**2002**

**Outgoing requests for recovery of assets under the  
Mutual Legal Assistance in Criminal Matters Ordinance (Cap. 525) &  
Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405)**

<b><u>Country</u></b>	<b><u>No. of cases</u></b>	<b><u>Status (as at 17.3.2003)</u></b>
USA	1	Restraint order obtained in overseas courts
<b>Total</b>	<b>1</b>	



2001

**Incoming requests for provisional arrest and  
surrender of fugitives**

<u>Country</u>	<u>No. of cases</u>	<u>Status (as at 17.3.2003)</u>
Australia	1	1 pending
USA	4	all surrendered
<b>Total</b>	<b>5</b>	

**Outgoing requests for provisional arrest and  
surrender of fugitives**

<u>Country</u>	<u>No. of cases</u>	<u>Status (as at 17.3.2003)</u>
Canada	1	surrendered
UK	1	pending
USA	3	1 pending 2 surrendered
<b>Total</b>	<b>5</b>	

**2002**

**Incoming requests for provisional arrest and  
surrender of fugitives**

<b><u>Country</u></b>	<b><u>No. of cases</u></b>	<b><u>Status (as at 17.3.2003)</u></b>
Australia	2	1 pending 1 declined (request not in compliance with agreement)
Canada	1	pending
Philippines	1	pending
USA	13	9 surrendered 1 withdrawn 3 pending
<b>Total</b>	<b>17</b>	

**Outgoing requests for provisional arrest and  
surrender of fugitives**

<b><u>Country</u></b>	<b><u>No. of cases</u></b>	<b><u>Status (as at 17.3.2003)</u></b>
Australia	2	pending
Canada	5	pending
New Zealand	1	pending
Singapore	2	pending
USA	7	1 surrendered 1 withdrawn 5 pending
<b>Total</b>	<b>17</b>	

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ029

Head : 92 Department of Justice

Question Serial No.

Subhead (No. & title) : 000 Operational Expenses

1499

Programme :

Controlling Officer : Director of Administration and Development

Question :

Please provide details on "remuneration for special appointments" under Subhead 000 Operational Expenses of \$2,978,000 for 2002-03 revised estimate and \$3,537,000 for 2003-04 estimate.

Asked by : Hon. HO Sau-lan, Cyd

Reply :

Prior to July 2002, the salary and non-accountable entertainment allowance for the Secretary for Justice (SJ) were provided for under Subhead 001 Salaries whilst end of term gratuity was payable out of Head 120 Pensions. On 1 July 2002, a new expenditure item "remuneration for special appointments" was created to provide for the payment of SJ's emoluments covering salary, non-accountable entertainment allowance and Mandatory Provident Fund contribution. We have revised the 2002-03 Estimates to provide for \$2,978,000 under "remuneration for special appointments" to cover SJ's emoluments for the nine months running from 1 July 2002 to 31 March 2003, partly offset by a reduced estimate of \$1,973,000 from Subhead 001 and with no provision for end of term gratuity from Head 120 Pensions (as no gratuity or retirement benefits are payable to SJ under the new terms of appointment). The estimate of \$3,537,000 for 2003-04 under "remuneration for special appointments" is intended to cover SJ's emoluments for 12 months.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	20 March 2003

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ030

Head : 92 Department of Justice

Question Serial No.

Subhead(No. & title) : 234 Court Costs

1500

Programme :

Controlling Officer : Director of Administration and Development

Question :

Regarding Subhead 234 Court Costs, please provide particulars of each of the cases and the costs involved.

Asked by : Hon. Cyd HO Sau-lan

Reply :

A table showing particulars of court costs awarded against Government in 2002-03 (for the 11 months to 28 February 2003) on major cases the costs of which exceed \$1 million is attached.

Signature  
Name in block letters

Miss Annie Tam

Post Title  
Date

Director of Administration  
and Development

20 March 2003

**Breakdown of Court Costs paid in 2002-2003  
for the 11 months from 1 April 2002 to 28 February 2003**

<b>Brief description of cases</b>	<b>Amount \$'000</b>
<b>Civil</b>	
<p><b>(1) Tsing Wan Kun</b> This was a case relating to proprietary claims lodged by the To Ka Yi Tso and To Clan of Tuen Mun in respect of a temple Tsing Wan Kun. The Secretary for Justice (SJ) was joined as a party in the proceedings to represent the protector of charity. The appeal was decided against SJ.</p>	<b>2,800</b>
<p><b>(2) Secondary School Places Allocation ('SSPA') System</b> Judicial review by the Equal Opportunities Commission ("EOC") against the Government in respect of the then SSPA system managed by the Director of Education.</p> <p>The Court of First Instance ruled against the Director on the then SSPA System.</p>	<b>2,220</b>
<p><b>(3) Insider Dealing Tribunal Inquiry Chee Shing Holdings Ltd.</b> The Insider Dealing Tribunal inquired into whether there was insider dealing of the listed securities of Chee Shing Holdings Ltd. during the period from 1 June 1993 to 5 July 1993. At the conclusion of the inquiry, some persons were not identified as insider dealers. The present payment made was for the costs of one of such persons.</p>	<b>1,680</b>
<p><b>(4) Penta-Ocean Construction Ltd. Contract No. DC/94/13</b> Arbitration of claims relating to interpretation of contract documents. Arbitration concluded with ruling against the Government.</p>	<b>1,530</b>
<p><b>(5) Gurung Kesh Bahadur</b> A judicial review against the Director of Immigration's removal order and decision to refuse the applicant permission to land. The case went all the way to the Court of Final Appeal when the Director's appeal was dismissed.</p>	<b>1,020</b>
<b>(6) 76 cases under HK\$1 million each</b>	<b>9,581</b>
<b>Sub-total: 81 cases</b>	<b>18,831</b>

Brief description of cases	Amount \$'000
<b>Criminal</b>	
<p>(7) <b>HKSAR v CHAN Yik Zee, Elsie (D1), WONG Shiu Wai (D3) and WONG Hing Hang, Mickey (D4)</b> This was a fraud case on buying and selling of land in Mai Po, N.T. for commercial development. 4 defendants were jointly charged with one count of conspiracy to defraud. The case started in 1999 with a full preliminary inquiry in magistracy before committed to High Court for trial. At trial, due to the non-appearance of the co-conspirator and key prosecution witness, all defendants were acquitted of the charge with costs awarded to them.</p>	6,827
<p>(8) <b>HKSAR v ZHANG Kang Ping</b> ZHANG was charged with 2 counts of conspiracy to defraud, alleging that he and another person conspired together to provide false documents in support of letter of credit application. Court ruled that there was no case to answer and awarded costs to ZHANG with Certificate for two Counsel. The payment amount is the amount allowed by court after taxation hearing.</p>	2,288
<p>(9) <b>HKSAR v Brenda Scofield (D1), MUI Shuk Han (D2) and Laurence Richard Scofield (D3)</b> This was the Fetish Fashion Shop case. The defendants were jointly charged with one charge of keeping a disorderly house and 6 alternative charges of managing an objectionable performance. D3 faced another charge of obstructing police officer in due execution of duty. The defendants were acquitted of all charges after trial. Costs, including expenses on all preliminary and incidental proceedings, were awarded to all defendants with Certificate for two Counsel to D1 &amp; D2.</p>	2,060
<p>(10) <b>HKSAR v KWOK Tat-wan</b> KWOK was charged with 28 charges of theft but was convicted by the District Court on 9 charges. Other charges were left on Court file. He appealed against his conviction and the appeal was allowed and conviction quashed. Cost was awarded for the appeal and court below, with Certificate for two Counsel.</p>	2,034
<p>(11) <b>HKSAR v LI Kam-ming (D5) and FUNG Tak-yuen, Johnny (D9)</b> The case involved a total of 37 defendants and over 50 charges of procuring entry in bank record by deception and/or false accounting. LI faced 1 charge and FUNG faced 2 charges of procuring an entry in bank record by deception respectively. Court ruled there was no case to answer in respect of the charges against them with costs awarded in their favour, to be taxed if not agreed. The amount paid is the agreed cost.</p>	2,032

	<b>Brief description of cases</b>	<b>Amount \$'000</b>
<b>(12)</b>	<b>HKSAR v WONG Che Sum (D1) and LAU Kwok Wah, Benjamin (D2)</b> This was a fraud case involving Letters of Credit. WONG and LAU were jointly charged with 3 charges of procuring the making of an entry in a bank record by deception and one charge of attempting to do so. Both were acquitted after trial and awarded costs of the case as court was not satisfied beyond reasonable doubt that they had knowledge of the falsities and dishonest intent to deceive the banks.	<b>1,580</b>
<b>(13)</b>	<b>HKSAR v YEUNG Chung Lai</b> This was a Housing Authority short pile case. YEUNG was charged with one charge of conspiracy to defraud but was acquitted after trial with costs awarded.	<b>1,450</b>
<b>(14)</b>	<b>HKSAR v LYNN Cheryl (D2) and YUNG Wing-sing (D5)</b> LYNN and YUNG were property purchasers. Each of them was jointly charged with a property agent with one charge of conspiracy to defraud, alleging that they overstated the price of property transaction in order to obtain a larger mortgage loan from bank. They were acquitted after trial and awarded costs.	<b>1,240</b>
<b>(15)</b>	<b>HKSAR v LEUNG Kin Ming (D5), HUI Chi Wa (D7) and LAU Ka Fai, Kevin (D8)</b> An undercover police officer was deployed to infiltrate into the Sun Yee On triad society. A total of 17 defendants were arrested and charged with being a member of a triad society and acting as a member of a triad society. Some defendants were convicted, but D5, D7 and D8 were acquitted of their charges after trial and awarded costs of the case.	<b>1,015</b>
<b>(16)</b>	<b>250 cases under HK\$1 million each</b>	<b>24,232</b>
	<b>Sub-total: 259 cases</b>	<hr/> <b>44,758</b> <hr/>
	<b>Total: 340 cases</b>	<hr/> <b>63,589</b> <hr/>

Examination of Estimates of Expenditure 2003-04  
**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ031

Head : 92 Department of Justice    Subhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

1509

Controlling Officer : Director of Administration and Development

Question :

The Prosecutions Division has estimated that in 2003 the number of court days undertaken by Court Prosecutors in Magistrates' Court will increase by 285 days, whereas the number of court days undertaken by Counsel instructed to prosecute in place of Court Prosecutors will decrease. Will the Government brief us on whether this will affect the Division's progress and performance of the cases handled?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

The number of court days undertaken by Court Prosecutors in Magistrates' Court is estimated to increase from 14,015 days in 2002 to 14,300 days in 2003, mainly due to the new Court Prosecutors recruited in 2002 having completed their training and commenced prosecuting in January 2003. We estimate that the number of court days in 2003 to be undertaken by fiat counsel instructed to prosecute in Magistrates' Court in place of Court Prosecutors will decrease from 691 days in 2002 to 340 days in 2003. We will continue to ensure that the quality of prosecutions is maintained, whether cases are to be prosecuted by Court Prosecutors or fiat counsel.

Signature  
Name in block letters

Miss Annie Tam

Director of Administration  
and Development

Post Title  
Date

20 March 2003