

**SJ's Opening Statement at  
Special Meeting of the Finance Committee  
to examine the Estimates of Expenditure 2004–05  
on 30 March 2004**

Chairman and Members, Good afternoon.

As I said at the Special Meeting of the Administration of Justice and Legal Services (AJLS) Panel on 15 January this year, we look ahead to 2004 as a period of implementation and consolidation for the Department of Justice. We remain firmly committed to upholding the rule of law, to providing efficient and effective legal services to the Government and to maintaining and improving the present legal system.

2. The work of the Department is delivered through five programmes, each of which is led by a Law Officer. This arrangement works well. Let me highlight some of our major areas of work in each of these five programmes.

**Programme 1 - Prosecutions**

3. In the year ahead, we will continue to prosecute cases firmly and fairly, in accordance with our established prosecution policy guidelines, and to account for our decisions in a way which is transparent and understandable.

4. To modernise procedures and raise standards, various initiatives are in hand. The Prosecutions Division will take forward measures to improve the way in which victims of crime and witnesses are treated, to avoid miscarriages of justice, to ensure that the role of the expert witness is defined in terms of impartial and honest assistance to courts, and to promote better modes of disclosure of unused material in criminal cases. These initiatives, I firmly believe, will enhance the quality of criminal justice.

5. The Prosecutions Division will use its position in the International Association of Prosecutors (IAP) to contribute to global strategies to combat crime. The Division will also assist the Association to develop close cooperation among the prosecutors of the world and to promote high standards of criminal justice. I am delighted to announce that the Association has invited us, and we have agreed, to host the second IAP Asia and Pacific Regional Conference in Hong Kong in

November this year.

## **Programme 2 - Civil**

6. The workload of the Civil Division has been generally on the increase over the past few years and the increase is expected to continue in 2004-05. In particular, the request for drafting and vetting of commercial documents is expected to increase further in 2004-05. This increase will arise from such work as the corporatisation, partial privatization and outsourcing of the Government's commercial activities, major projects such as West Kowloon Cultural District and bond issues, both securitised and sovereign.

7. On the provision of litigation services, we have experienced a rather challenging year in 2003-04. We expect that the demand for legal input will be sustained, and will increase, in terms of the complexity of the cases as well as the number of cases and proceedings.

## **Programme 3 - Legal Policy**

8. Turning to Legal Policy, we will continue with our effort to assist Hong Kong lawyers in developing Mainland-related services, taking advantage, particularly, of the Closer Economic Partnership Arrangement (CEPA). We will continue to assist in the building up of Hong Kong as a regional centre for legal services and dispute resolution.

9. Another initiative in the Legal Policy programme is our commissioning of a comprehensive survey of the legal services in Hong Kong. I understand that the Solicitor General (Mr Allcock) has already briefed AJLS Panel Members on this initiative at a recent meeting on 22 March.

10. In 2004-05, the Legal Policy Division will continue to be involved in the review of legal education and training. It will also continue with its work in promoting the rule of law and the Basic Law.

## **Programme 4 – Law Drafting**

11. The Law Drafting Division will continue to draft sound and enforceable legislation according to the timetable agreed with the Policy Bureaux.

Our counsel will continue to provide comprehensive legal advice on the planning of legislative proposals; it will vet all subsidiary legislation produced by statutory bodies; and it will assist in steering government legislation through the Executive and Legislative Councils.

## **Programme 5 - International Law**

12. In 2004-05, 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 in order to bring benefits to the Hong Kong Special Administrative Region (HKSAR). The Mutual Legal Assistance Unit under this Division will continue to handle and co-ordinate requests to and from the HKSAR concerning surrender of fugitive offenders, mutual legal assistance and transfer of sentenced persons.

## **Expenditure**

13. The estimated expenditure for the Department of Justice for 2004-05 is \$897.9 Million. This is 2.6% less than our revised estimated expenditure for 2003-04 (which is \$921.7 M). This reduction is largely due to the deletion of 40 posts, which mainly accommodate administrative and para-legal support staff. The reduction of these 40 posts is made possible as a result of our further effort to streamline the work processes and to delayer the administrative structure. The impact on our legal services will be minimal.

14. We are minded to brief out cases to private sector lawyers if deemed necessary and appropriate. For 2004-05, our total provision for briefing-out expenditure is \$183.8 M. This is close to the corresponding provision of \$228.3 M for this current 2003-04 year, bearing in mind that we will no longer need to make provision for the West Rail project in 2004-05.

## **Conclusion**

15. I would like to conclude my introductory statement this afternoon by reassuring the community that my Department will strive to maintain the standard of our professional services in a most cost-effective delivery. We look forward to co-operating with Members of this Council in respect of many of our projects.

16. My colleagues and I will be pleased to provide any further information Members may require on our estimated expenditure for the next financial year.

17. Thank you.

**Department of Justice**  
**March 2004**