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(English Translation)

2006-07 Policy Initiatives of the Department of Justice

**Speaking Note for the Hon Wong Yan-lung SC JP,
Secretary for Justice, at the meeting of the AJLS Panel
of the Legislative Council on 20 October 2006**

Madam Chairman, Honourable Members,

Thank you for giving me the opportunity to present to you the Policy Agenda of the Department of Justice for the year 2006-07. My department's paper on this subject has been circulated to members, and I do not intend to repeat all that is said there. Instead, I would like to speak briefly of a few points, and look at these initiatives from a broader perspective.

Work of the Department of Justice

2. First, I would like to remind members that the policy initiatives before you actually form only a small proportion of the work of my department. In saying that, I do not mean to underplay the importance of innovation or improvements. I simply want to bring home the fact that the vast majority of our daily work consists of providing legal services in respect of prosecutions and civil litigation, giving legal advice to government bureaux and departments, and drafting legislation. In giving those legal services and advice, we are, of course, providing substantial support to the policy initiatives of other government departments and bureaux.

New initiatives

3. This year, my department is continuing work on 17 ongoing initiatives, and has two new initiatives. The two new initiatives both involve legislative proposals that will be put to the Legislative Council this session.

4. The first (which is described in paragraphs 2 to 4 of the paper we have issued) is to promote legislation to implement the arrangement for reciprocal enforcement of judgments in specific commercial matters with the Mainland. This

Panel has been consulted on this issue on several occasions in recent years, and so members should be reasonably familiar with it. However, my colleagues propose to give members a further briefing on the nature of the proposed arrangement towards the end of the year. This will make it possible for members' views to be taken into account as the Bill is being finalized. We will then seek the approval of the Executive Council for the introduction of the Bill into the Legislative Council in the second half of this session.

5. The second legislative proposal (described in paragraphs 23 to 26 of our paper) is to promote legislation to implement the Law Reform Commission Report on the Rules for Determining Domicile. That Report was prepared after in-depth research of the laws of other common law jurisdictions, and after full public consultation. I therefore hope that members of this Panel will support the proposed legislation. Once again, my colleagues will brief members on the proposals towards the end of the year, and we propose to introduce the Bill into the Legislative Council in the second half of this session.

Ongoing initiatives

6. The 17 ongoing initiatives are all supportive of the policy agenda announced by the Chief Executive last Wednesday. For example, our six ongoing initiatives under the heading of "Vibrant Economy" (in paragraph 16 of our paper) will all follow the Direction of Economic Development set out in the Policy Agenda. These ongoing initiatives include assisting the legal profession to gain advantages under CEPA, and assisting in the development of Hong Kong as a regional centre for legal services and dispute resolution. Our work in respect of the reciprocal enforcement of judgments with the Mainland, the review of the Arbitration Ordinance, and the development of mediation will all help to consolidate and enhance our position as an international financial centre in the Asian region. These initiatives have yielded some positive results last year. We will build on what we have achieved so far and work hard to make further progress. With regard to mediation, much has already been done to develop this in Hong Kong, particularly by the Hong Kong International Arbitration Centre, and in the fields of construction and family law. However, I am sure that more can be done in other areas and I would like my department to explore the possibilities for expanding mediation.

7. The rule of law is, of course, the foundation of Hong Kong's success and of the protection of the rights of individuals. Many of my department's ongoing initiatives will ensure that the criminal legal process is not only consistent with the rule of law, but is also of the highest quality, provides a fair deal for victims and witnesses, and is effective in dealing with transnational crime. These ongoing initiatives are set out in paragraph 5 of our paper.

8. The rule of law can only be fully realised if members of the community are aware of their rights and have access to justice in practice. Several of our ongoing initiatives are aimed at achieving this. We are continuing to promote public awareness and understanding of the rule of law and of the Basic Law. We continue to provide members of the community with easy access to the laws of Hong Kong through the Internet. We are continuing to contribute to the development of the Community Legal Information Centre website ("CLIC"). And we are nearing the completion of our consultancy study on the supply of, and demand for, legal services in the community. When the results of that study are known next year, all those interested in access to justice can consider ways in which any gap between the demand for, and supply of, legal services can be filled.

Working relationship

9. Before I finish this introduction, may I say that my department very much values the contribution that this Panel makes to its work. We invariably find that the feedback from members on proposed areas of reform, and their suggestions in general, are most helpful. It is particularly useful to consult this Panel on our legislative proposals before we decide whether and, if so, how to take them forward.

10. I wish to thank members for this, and I look forward to continuing our constructive relationship.

11. Madam Chairman, I will be happy to give further information on my department's policy initiatives by answering any questions that members may have.