

**Replies to initial written questions raised by Finance Committee Members in examining
the Estimates of Expenditure 2008-09**

**Controlling Officer : Director of Administration and Development
Session No. : 8**

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Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ001

Question Serial No.

0031

Head : 92 Department of Justice

Subhead (No. & title) :

Programme :

Controlling Officer : Director of Administration and Development

Question :

In 2008-09, 26 non-directorate posts will be created by the Department of Justice. What are these posts? Can any detailed data be provided?

Asked by : Hon. TONG Ka-wah, Ronny

Reply :

In 2008-09, the Department will create –

- (a) seven Senior Government Counsel posts and one Government Counsel post in order to cope with the increasing demand for legal services and increasing complexity of the legal work involved;
- (b) 13 Law Clerk posts to strengthen support to the legal professionals; and
- (c) one Executive Officer I post and four clerical grade posts to strengthen general administrative support.

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ002

Question Serial No.

0535

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

Programme : (2) Civil

Controlling Officer : Director of Administration and Development

Question :

Why does the Department of Justice forecast an increase in civil litigation cases involving the Government in 2008? Could it elaborate on the justifications and the areas concerned?

Asked by : Hon. TONG Ka-wah, Ronny

Reply :

The actual number of civil litigation cases in 2007 and estimated number for 2008 are as follows:-

	2007 (Actual)	2008 (Estimate)
1. New civil proceedings (including non-construction arbitration and mediation) brought by the Government	1 247	1 344
2. New civil proceedings (including non-construction arbitration and mediation) brought against the Government	886	1 060
3. Civil litigation cases current on 31 December	18 561	20 301

In relation to item 1 above, the increase in the number of new civil proceedings brought by the Government is mainly due to an estimated increase in the number of charging order cases as advised by the Inland Revenue Department and an estimated increase in recovery of student loan cases by statistical projection.

In relation to item 2 above, the increase in the number of new civil proceedings brought against the Government is mainly due to an estimated increase in the number of government rent appeal cases, cases on compensation resulting from East Rail Land Resumption and Inland Revenue Board of Review cases as advised by the Rating and Valuation Department, Lands Department and Inland Revenue Department respectively.

In relation to item 3 above, the increase in the number of civil litigation cases current on 31 December is mainly due to an estimated increase in the number of pending rating appeal, government rent appeal, charging order cases, claims by government for payment of employees' compensation, etc. based on advice from client departments^{Note} and statistical projection.

Note – Rating appeal and government rent appeal cases as advised by the Rating and Valuation Department, charging order cases as advised by the Inland Revenue Department, claims by government for payment of employees' compensation as advised by the Food and Environmental Hygiene Department, Hong Kong Police Force and Fire Services Department.

Signature _____

Name in block letters _____ Miss Susie Ho

Post Title _____ Director of Administration and Development

Date _____ 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ003

Question Serial No.

0549

Head : 92 Department of Justice

Subhead (No. & title) :
000 Operational Expenses

Programme :

Controlling Officer : Director of Administration and Development

Question :

Among the 26 non-directorate posts to be created by the Department of Justice in 2008-09, 4 of them are related to prosecutions work, 21 related to civil litigation work and 1 related to legal policy work. Please brief us on:

- (a) the annual salary cost of these 26 posts;
- (b) details of the duties of these 26 posts.

Asked by : Hon. WONG Kwok-hing

Reply :

- (a) A provision of \$12.41 million has been earmarked in 2008-09 for the creation of 26 non-directorate posts in the Department.
- (b) The 21 posts to be created under Programme 2 (Civil) will allow the Department to provide timely advice on the legal aspects of television broadcasting, telecommunications, various projects and initiatives in planning, environment, lands and housing, torture claims in Hong Kong; to cope with the pressing demand for other legal services and that arising from civil proceedings involving the Government; to facilitate the wider use of mediation and arbitration; and to strengthen support to the professional staff. The four posts to be created under Programme 1 (Prosecutions) will enable the Department to cope with the upsurge in caseload relating to customs and excise matters and to strengthen administrative support. The one post to be created under Programme 3 (Legal Policy) will strengthen the Department's manpower in preparing and promoting legislation, in giving legal advice on the law and practices of the legislature, and in dealing with petitions.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

Post Title and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ004

Question Serial No.

0620

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (5) International Law

Controlling Officer : Director of Administration and Development

Question :

Regarding the increase of some 20% in the estimate under this programme, please list the percentages according to which the additional provision will be allocated for general departmental expenses, filling vacancies (specifying the post titles) and salary increments for staff.

Asked by : Hon. LI Kwok-ying

Reply :

The provision for the International Law programme for 2008-09 is \$6.9M (20.2%) higher than the revised estimate for 2007-08 is contributed by a \$2.1M (30%) increase in personal emoluments provision and \$4.8M (70%) increase in general departmental expenses and others.

The increase in personal emolument includes provision for general salary increments for staff and the increase in general departmental expenses mainly because of an additional provision for organising the Third Asia Pacific Regional Conference to be jointly hosted with the Permanent Bureau of the Hague Conference on Private International Law in September 2008 in Hong Kong.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

Post Title and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ005

Question Serial No.

0621

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

Regarding the performance indicators for 2008-09, as compared with the actual figures for 2007, only the indicator of court days undertaken by Counsel instructed to prosecute in Magistrates' Court shows a significant increase whereas all other indicators show little changes. Why is it that the estimated expenditure for 2008-09 under this Programme still increases by nearly 10%?

Asked by : Hon. LI Kwok-ying

Reply :

The provision for the Prosecutions programme for 2008-09 is \$33.9 million (9.5%) higher than the revised estimates for 2007-08 mainly because of an estimated increase in personal emoluments due to the provision for general salary increments, creation of additional posts to meet operational needs, filling of vacancies and estimated increase in briefing out expenses.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

Post Title and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ006

Question Serial No.

0622

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (2) Civil

Controlling Officer : Director of Administration and Development

Question :

The Government has announced the implementation of the Hong Kong-Zhuhai-Macao bridge project. Does the increase in the estimate under this programme (7.4%) include the expenditure involved in conducting legal research and other work relating to the project? If yes, what is the expenditure involved? If no, will supplementary provision be sought?

Asked by : Hon. LI Kwok-ying

Reply :

The increase in the estimate of 7.4% under Programme 2, Civil for 2008-09 has taken into account estimated expenditure for legal work relating to the Hong Kong-Zhuhai-Macao bridge project. The estimated expenditure cannot be quantified.

Signature _____

Name in block letters Miss Susie Ho

Director of Administration and

Post Title Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ007

Question Serial No.

1367

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

Regarding prosecutions, the number of court days undertaken by Government Counsel in 2007-08 is 160 days less than that in 2006-07. What are the reasons?

Asked by : Hon. TONG Ka-wah, Ronny

Reply :

The number of court days undertaken by Government Counsel (GC) in 2007 decreased by 160 days as compared to 2006, from 3 998 to 3 838. This is mainly due to the increased complexity of advisory work and the vacancies in the GC grade which arose during the year. A GC recruitment exercise is being conducted and it is anticipated that the number of court days undertaken by GC in 2008 will be increased to 4 100 when the vacancies are filled.

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
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Date 28 March 2008

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

Reply Serial No.

SJ008

Question Serial No.

1368

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

What are the reasons for the significant increase in the number of court days undertaken by Counsel instructed to prosecute in Magistrates' Court in place of Court Prosecutors from 969 in 2006 to 1 493 in 2007-08?

Asked by : Hon. TONG Ka-wah, Ronny

Reply :

The number of court days undertaken by counsel instructed to prosecute in Magistrates' Court in place of Court Prosecutors increased from 969 in 2006 to 1 493 in 2007. This is because the vacancies, which have occurred in the Court Prosecutor grade in recent years, have not been filled.

Signature _____

Name in block letters Miss Susie Ho

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Date 28 March 2008

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

Reply Serial No.

SJ009

Question Serial No.

1369

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

Why does the Department of Justice forecast a consistent increase in the number of court days undertaken by legal professionals instructed to prosecute in courts? What is the expenditure involved?

Asked by : Hon. TONG Ka-wah, Ronny

Reply :

It is anticipated that the number of court days undertaken by counsel instructed to prosecute in Magistrates' Court in place of Court Prosecutors (CP) will continue to increase in 2008. This is primarily due to the vacancies, which occurred in the CP grade in recent years, have not been filled.

The standard fee for a counsel prosecuting on fiat in place of a CP is \$5,430 per day. The estimated total expenditure in 2008 is \$9,774,000 (\$5,430 x 1 800 days).

Signature _____

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Director of Administration

Post Title and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ010

Question Serial No.

1817

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

Please provide details on the work of the specialist sections of the Prosecutions Division in the areas of human rights and the Basic Law, complaints against the Police, narcotics and computer crime in 2007-08.

Asked by : Hon. LEE Chu-ming, Martin

Reply :

The work done by the specialised sections in the areas of human rights and the Basic Law, complaints against the Police, narcotics and computer crime are summarised below :

(a) Basic Law and human rights –

when human rights arguments or constitutional issues were raised in the course of criminal proceedings, the section advised on these matters, and on most occasions, members of the section prepared submissions and attended court to deal with the matters raised. The section monitored the advices given in order to ensure that a consistent approach was adopted, and alerted prosecutors when judgments having significant human rights impact were delivered. From time to time, members of the section lectured law enforcement agencies on the rights guarantees and the impact of the guarantees on the prosecution of offenders, including the implications on their power of arrest, the administering of a caution, the collection of evidence, etc. In 2007, the section provided 98 advices, including advices on human rights and gambling, which were the prerogatives of the section.

(b) Complaints Against Police Office (CAPO) –

the section provided legal advices on cases involving allegations of criminal misconduct on the part of police, and considered whether there was sufficient evidence to prosecute police officers where allegations of criminal misconduct were made and undertook the prosecution. In 2007, the Section provided 210 advices related to CAPO cases.

(c) Narcotics –

the section worked in tandem with law enforcers to counter drug crime, prosecute manufacturers, distributors and possessors of dangerous drugs, and keep sentencing levels in narcotics cases under regular review. It liaised with law enforcers in the interests of better law enforcement and more effective prosecutions and supplied the courts with materials illustrating the prevalence of the offences and the effects of narcotics. In 2007, 442 persons were prosecuted in the Court of First Instance and the District Court for the more serious narcotics offences. A further 5 060 persons were prosecuted for unlawful possession of dangerous drugs.

(d) Computer crime –

the section advised law enforcers upon their investigations, promoted best practice in relation to computer forensics, and liaised with its counterparts in other jurisdictions to combat computer crime. Advice was given to policy makers upon the development of local laws. Typical cases prosecuted by the Division included crimes against computer, such as hacking and damage, crimes using computers, such as online fraud and phishing, and conventional crimes, such as unlawful Internet gambling and accessing / publishing pornography. In 2007, the section provided 32 advices related to technology crime and prosecuted 21 cases of computer crime.

Signature _____

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

Reply Serial No.

SJ011

Question Serial No.

1818

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

Question :

On which bills did the Administration conduct legal research relating to human rights issues in 2007? Please list all the bills concerned and details of the research conducted.

Asked by : Hon. HO Chun-yan, Albert

Reply :

Requests for advice are demand led. Legal research is not treated as a discrete function, but is carried out in order to give advice as and when required.

All bills are cleared by the Human Rights Unit from the human rights perspective to ensure compliance with human rights provisions of the Basic Law. Legal research covering a number of sources, including overseas statutory provisions and the jurisprudence of various jurisdictions (such as judgments of the European Court of Human Rights and comments published by UN treaty monitoring bodies of the various human rights conventions), is conducted in relation to the preparation of draft legislation in order to give advice as and when required. In 2007, legal research relating to human rights issues, such as issues of discrimination, privacy and fair hearing, was conducted in relation to the preparation and deliberation of many pieces of draft legislation. Examples of the gazetted bills are –

- (i) Race Discrimination Bill;
- (ii) Copyright (Amendment) Bill 2006;
- (iii) Hazardous Chemicals Control Bill;
- (iv) Prevention and Control of Disease Bill; and
- (v) Independent Police Complaints Council Bill.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

Post Title and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ012

Question Serial No.

1819

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

Question :

On which litigation cases did the Administration conduct legal research relating to human rights issues in 2007? Please list all the cases concerned.

Asked by : Hon. HO Chun-yan, Albert

Reply :

Human rights advice was given on many litigation matters raising human rights issues. Invariably, research is conducted on cases involving privacy, freedom of association, fair hearing, rights of asylum seekers and Convention Against Torture claimants. Examples of such cases in which judgment has been delivered include-

- (i) C v Director of Immigration;
- (ii) AK v The Government of Hong Kong Special Administrative Region;
- (iii) Clean Air Foundation Ltd and Oldham v The Government of Hong Kong Special Administrative Region;
- (iv) A number of judicial reviews on the determination of claims under the Convention Against Torture; and
- (v) The Democratic Party v The Secretary for Justice.

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ013

Question Serial No.

1820

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

Question :

Please list by category the activities organised or measures taken by the Administration for promoting knowledge of the Basic Law and the breakdown of the expenditure involved in 2005, 2006 and 2007.

Asked by : Hon. LEE Chu-ming, Martin

Reply :

Promotion of a better understanding of the Basic Law is an area of work which the HKSARG has taken seriously. In 2005, 2006 and 2007 insofar as the Department of Justice is concerned, we have been promoting knowledge of the Basic Law mainly through –

- (a) conducting Basic Law talks/seminars;
- (b) assisting in preparation of publications on the Basic Law; and
- (c) providing assistance in general to the work of other bureaux/departments or bodies in promoting the Basic Law where appropriate.

The staff cost and other related expenses have been absorbed by the financial provision made available under Programme 3, Legal Policy and cannot be quantified.

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
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Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ014

Question Serial No.

1821

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (2) Civil

Controlling Officer : Director of Administration and Development

Question :

Please provide the numbers of cases in which the Administration applied to the court for injunctions in order to avoid or prevent the occurrence of foreseeable crime in society in 2005, 2006 and 2007.

Asked by : Hon. LEE Chu-ming, Martin

Reply :

Whilst the Department of Justice has applied for injunctions from time to time to restrain or prevent the commission of any tort, the Department did not make any applications for injunction to aid the criminal law in 2005, 2006 and 2007.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

Post Title and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ015

Head : 92 Department of Justice

Subhead (No. & title) :

Question Serial No.

Programme : (3) Legal Policy

2327

Controlling Officer : Director of Administration and Development

Question :

During 2008-09, the Administration will explore with the Mainland authorities further opportunities for the legal profession to provide services in the Mainland. What are the plans and the arrangements? What is the estimated expenditure involved?

Asked by : Hon. LI Kwok-ying

Reply :

The Department of Justice will continue to work closely with the legal professional bodies, namely the Law Society of Hong Kong and the Hong Kong Bar Association in promoting Hong Kong's legal services in the Mainland. Since the implementation of the Closer Economic Partnership Arrangement (CEPA) on 1 January 2004, the legal profession of Hong Kong has enjoyed easier and wider access to the Mainland legal services market. This places the Hong Kong practitioners in a more competitive position compared to their counterparts in other jurisdictions.

The Department of Justice regularly seeks the views of the legal profession as regards the problems encountered in the implementation of various liberalization measures under CEPA and to explore ways on the further liberalisation of the Mainland market. The Department of Justice will reflect the views received to the Mainland authorities such as through attending the Senior Officials' Meetings on CEPA held with the Mainland officials. It is expected that the next round of CEPA discussions will be held in the 2nd quarter of 2008.

At the same time, the Department of Justice will continue to explore ways to further develop the Hong Kong legal services in the Mainland under the framework of CEPA. To this end, the Department will liaise with the legal professional bodies and to join them in attending various functions and events in promoting Hong Kong's legal services in the Mainland. In December 2007, representatives of the Department of Justice and the two legal professional bodies attended an event held by the Shenzhen People's Government which aimed to promote greater awareness of the law amongst the public. The Department will continue to cooperate with the legal professional bodies in participating in future similar events such as conferences and exhibitions whether being held in the Mainland or in Hong Kong.

The staff cost and other related expenses for taking part in such events will be absorbed by the Department and the estimated expenditure for this specific activity cannot be quantified.

Signature _____

Name in block letters _____ Miss Susie Ho

Post Title _____ Director of Administration and Development

Date _____ 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ016

Question Serial No.

2328

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

Question :

In the past discussions with the Mainland on the arrangements for Hong Kong lawyers to provide services in the Mainland, has the issue of merger between law firms of the two places been discussed? Has the Administration approached the legal practitioners in Hong Kong in this connection to understand the problems faced by their law firms when starting business in the Mainland?

Asked by : Hon. LI Kwok-ying

Reply :

The subject of developing Hong Kong's legal services in the Mainland is mostly discussed between the Department of Justice and the legal professional bodies in the context of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA). In our previous discussions with the relevant bodies, there had not been any suggestion of a merger of local and Mainland law firms so that the subject was not discussed with the Mainland authorities under CEPA.

In the context of CEPA discussions, representations (from the Law Society) have been received that in the Mainland, the time taken to processing applications for establishing a representative office of a law firm is too long. It normally takes 9 months. We have put forward suggestions to shorten such processing period. The Department of Justice will continue to discuss with the legal profession the difficulties encountered in the operation of representative offices and reflect their views and suggestions to the Mainland authorities.

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
and Development

Date 28 March 2008

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

Reply Serial No.

SJ017

Head : 92 Department of JusticeSubhead (No. & title) :

Question Serial No.

Programme : (1) Prosecutions

2464

Controlling Officer : Director of Administration and DevelopmentQuestion :

Please compare the qualification and experience of the officers in the Court Prosecutor grade in 2006-07 and 2007-08.

Asked by : Hon. NG MargaretReply :

A comparison of the qualifications of officers in the Court Prosecutor grade in 2006-07 and 2007-08 is set out below –

	Qualifications as at 1.3.2007					Total
	Matriculation	Diploma/ Higher Diploma	Other Degree	LLB/ PCLL	Fully Qualified as barrister	
Chief Court Prosecutor	0	0	0	2	0	2
Senior Court Prosecutor I	0	1	4	2	1	8
Senior Court Prosecutor II	4	3	6	13	2	28
Court Prosecutor	3	6	23	25	1	58
Total	7	10	33	42	4	96

	Qualifications as at 1.3.2008					Total
	Matriculation	Diploma/ Higher Diploma	Other Degree	LLB/ PCLL	Fully Qualified as barrister	
Chief Court Prosecutor	0	0	0	2	0	2
Senior Court Prosecutor I	0	1	4	2	1	8
Senior Court Prosecutor II	3	4	6	16	0	29
Court Prosecutor	3	4	23	23	0	53
Total	6	9	33	43	1	92

A comparison of the experience of officers in the Court Prosecutor grade in 2006-07 and 2007-08 is set out below –

	Years of experience in the Grade as at 1.3.2007					Total
	20 or more	15 to less than 20	10 to less than 15	5 to less than 10	Less than 5	
Chief Court Prosecutor	2	-	-	-	-	2
Senior Court Prosecutor I	6	2	-	-	-	8
Senior Court Prosecutor II	4	17	7	-	-	28
Court Prosecutor	-	2	45	9	2	58
Total	12	21	52	9	2	96

	Years of experience in the Grade as at 1.3.2008					Total
	20 or more	15 to less than 20	10 to less than 15	5 to less than 10	Less than 5	
Chief Court Prosecutor	2	-	-	-	-	2
Senior Court Prosecutor I	6	2	-	-	-	8
Senior Court Prosecutor II	4	25	-	-	-	29
Court Prosecutor	-	3	48	2	-	53
Total	12	30	48	2	-	92

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Name in block letters _____ Miss Susie Ho

Post Title _____ Director of Administration and Development

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Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ018

Question Serial No.

2465

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

Please provide details on the total cost and average cost per case of the prosecution work undertaken by Court Prosecutors in 2007-08, and explain how they are calculated.

Asked by : Hon. NG Margaret

Reply :

Statistics on the work done by Court Prosecutors and fiat counsel in place of Court Prosecutors at the Magistrate' Courts are kept in terms of the number of court days. Separate figures on the number of cases conducted by Court Prosecutors or fiat counsel are not available. The average cost of prosecution work done by Court Prosecutors is therefore calculated on the basis of court day.

In 2007, the average cost of a Court Prosecutor conducting prosecutions at the Magistrates' Courts was \$2,787 per court day, which has included staff cost as well as accommodation cost. The staff cost per court day is calculated on a full cost basis of the Court Prosecutors on court duties which takes into account benefits such as pensions, housing, leave and medical benefits. The number of court days undertaken by Court Prosecutors at the Magistrates' Courts in 2007 was 12 023. The total cost was \$33,508,101.

These calculations do not include 19 Court Prosecutor grade officers who are on administration and supervisory duties. This is because even if prosecution work is briefed out, there is still a need for senior officers in the Court Prosecutor grade to manage the cases in relation to both charges and summonses, to provide instructions to counsel, to liaise with police and departmental prosecutors, and to manage day-to-day deployment of manpower at the Magistrates' Courts.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

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INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ019

Question Serial No.

2466

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

Please provide details on the total cost and average cost per case of Counsel instructed to prosecute in place of Court Prosecutors in 2007-08, and explain how they are calculated.

Asked by : Hon. NG Margaret

Reply :

Fiat counsel substituted Court Prosecutors are not paid on a case by case basis. Fees are paid to these counsel in accordance with the approved scale of fees, which is \$5,430 per day. In 2007, a total of 1 493 court days were briefed out to fiat counsel in place of Court Prosecutors in the Magistrates' Courts. The actual expenditure in 2007 was \$8,106,990 (\$5,430 x 1 493).

Signature _____

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and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ020

Question Serial No.

2467

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (5) International Law

Controlling Officer : Director of Administration and Development

Question :

Please list the number and dates of working sessions held between the International Law Division and the Mainland in 2007-08 for discussion on matters relating to transfer of sentenced persons.

Asked by : Hon. NG Margaret

Reply :

The International Law Division did not hold any meetings with Mainland officials for the discussion on the arrangement for the transfer of sentenced persons in 2007-08.

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
and Development

Date 28 March 2008

Examination of Estimates of Expenditure 2008-09
**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

SJ021

Question Serial No.

2716

Head : 92 Department of Justice

Subhead (No. & title) :

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

Question :

- (a) Regarding the consultancy studies for which funds have been reserved in 2007-08, please provide information in the following format:

Name of consultants (if available)	Description	Revised Estimate (\$)	Progress of the studies (under planning / in progress / completed)	The Administration's follow-up action on the study reports and the progress made (if available)	Whether study reports completed have been released to the public; if yes, through what channels and if no, what are the reasons?

- (b) Have funds been reserved for commissioning consultancy studies in 2008-09? If yes, please provide the following information:

Name of consultants (if available)	Description	Expenditure (\$)	Progress of the studies (under planning / in progress / completed)	Whether study reports scheduled for completion in the financial year 2008-09 will be released to the public; if yes, through what channels and if no, what are the reasons?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

(a) Regarding the consultancy studies for which funds have been reserved in 2007-08, please provide information in the following format:

Name of consultants (if available)	Description	Revised Estimate (\$)	Progress of the studies (under planning / in progress / completed)	The Administration's follow-up action on the study reports and the progress made (if available)	Whether study reports completed have been released to the public; if yes, through what channels and if no, what are the reasons?
Asia Consulting Group Limited	The consultancy is to conduct a review of legal and related services. 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.	4,175,000	Completed	Not applicable since the Report has yet to be published.	The reports in both English and Chinese will be published, in print and online, tentatively in the first half of 2008.

(b) Have funds been reserved for commissioning consultancy studies in 2008-09? If yes, please provide the following information:

Name of consultants (if available)	Description	Expenditure (\$)	Progress of the studies (under planning / in progress / completed)	Whether study reports scheduled for completion in the financial year 2008-09 will be released to the public; if yes, through what channels and if no, what are the reasons?
Nil				

Signature _____

Name in block letters Miss Susie Ho

Director of Administration and

Post Title Development

Date 28 March 2008