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**Replies to supplementary questions raised by Finance Committee Members in examining the
Estimates of Expenditure 2014-15**

Director of Bureau : Secretary for Justice

Session No. : 2

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**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

(Question Serial No. S0016)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Arthur HO)

Director of Bureau: Secretary for Justice

This question originates from: Estimates on Expenditure Volume 1 Page 183 Paragraph 25 (if applicable)

Question (Member Question No.)::

Have the Governments of the Hong Kong Special Administrative Region (HKSAR) and the Macao Special Administrative Region concluded anything on mutual legal assistance so as to avoid offenders taking Hong Kong and Macao as a paradise for fugitive offenders? In this connection, what is the work that has been commenced by the Government of the HKSAR? When will it be completed? Further, how will offenders convicted in the courts of Macao or Hong Kong prior to that be handled?

Asked by: Hon. WONG Kwok-hing

Reply:

The Governments of the HKSAR and the Macao Special Administrative Region have had various discussions on matters relating to surrender of fugitive offenders and mutual legal assistance in criminal matters. As discussions are ongoing, it is currently inappropriate to disclose the details of the discussions. Since various issues have to be dealt with, there is no pre-set timetable for the discussions and finalisation of the arrangement. The HKSAR Government will announce the arrangement as soon as it is in a position to do so.

All cases will be handled in accordance with the relevant agreements to be signed between the two governments.

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

(Question Serial No. S0017)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Arthur HO)

Director of Bureau: Secretary for Justice

This question originates from: Estimates on Expenditure Volume 1 Page 180 Paragraph 13 (if applicable)

Question (Member Question No.):

Regarding the introduction of the "Order for Reinstatement" which has been delayed for two years (which should have been introduced into the Legislative Council in 2012-13 and has been included in the legislative timetable), the Secretary for Justice indicated that this was due to some complex issues as advised by the Labour and Welfare Bureau. In this connection, would the Administration set out the complex issues and the timetable for resolving them so as to fulfil the Administration's commitment to legislation?

Asked by: Hon. WONG Kwok-hing

Reply:

The proposed bill, which seeks to amend the Employment Ordinance to provide that the Labour Tribunal / the Court may make a compulsory reinstatement / re-engagement order in cases of unreasonable and unlawful dismissal, is under the policy purview of the Labour and Welfare Bureau (LWB). The Department of Justice provides legal advice and drafting support to LWB in preparing the bill.

LWB and the Department of Justice are currently considering various issues relating to the proposed order including the mechanism for handling disputes on non-compliance with such order, as well as the relevant consequential legislative amendments to be made.

LWB is actively working on the relevant issues with a view to finalising the proposed bill for introduction into the Legislative Council as and when the LWB thinks appropriate.

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

(Question Serial No. S0033)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational Expenses
Programme: (-) Not Specified
Controlling Officer: Director of Administration and Development (Arthur HO)
Director of Bureau: Secretary for Justice
This question originates from: Estimates on Expenditure Volume 1 Page 177 (if applicable)

Question (Member Question No.):

A supplementary question to the Administration's reply serial no. SJ047:

Does the Department of Justice have any plan to convert the performance indicators for the respective policy programmes, quantifiable figures, public documents and information into machine-readable formats, for example, non-proprietary (including XML, CSV) and proprietary ones (including MS Excel, Word, etc.), to facilitate their downloading by the public for use in commonly used analysis software or further development of application programs? If yes, what are the details? If not, what are the reasons?

Asked by: Hon. MOK, Charles Peter

Reply:

Regarding the indicators for the Department of Justice (DoJ) as currently set out in the Annual Estimates, we are ready to consider uploading the information into DoJ's webpage in machine-readable digital (MS Word or Excel) format to facilitate downloading or use by the public for analysis and development of application program. Similarly, we will bear in mind the convenience that machine-readable information can provide to the public when we post information onto our webpage in future, so that machine-readable information can be provided to the public where this is appropriate and practicable.

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

(Question Serial No. S0034)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational Expenses
Programme: (-) Not Specified
Controlling Officer: Director of Administration and Development (Arthur HO)
Director of Bureau: Secretary for Justice
This question originates from: Estimates on Expenditure Volume 1 Page 177 (if applicable)

Question (Member Question No.):

A supplementary question to the Administration's reply serial no. SJ047:

While at present the Bilingual Laws Information System (www.legislation.gov.hk) only provides for online perusal of provisions and their download in PDF format, does the Administration have any plan to make them available to the public in such machine-readable formats as, for example, non-proprietary (including XML, CSV) and proprietary ones (including MS Excel, Word, etc.), to facilitate their downloading by the public for use in commonly used analysis software or further development of application programs? If yes, what are the details? If not, what are the reasons?

Asked by: Hon. MOK, Charles Peter

Reply:

The consolidated Hong Kong legislation data in the Bilingual Laws Information System ("BLIS") at www.legislation.gov.hk is currently available on the internet in HTML format (for individual section mode) and PDF format (for whole enactment mode).

We have started a project to develop a new Database of Hong Kong legislation. On 25 March 2014, we reported the latest project progress to the Legislative Council Panel on Administration of Justice and Legal Services (see LC Paper No. CB(4)486/13-14(03)). One of the benefits that the new Database will bring about is better leverage of technology to support value-added services. The Database will include the use of an open data format. This will open up opportunities for third parties, such as legal publishers, to provide value-added services more easily. We plan to make data available in formats facilitating public access and data exchange (including XML, PDF, RTF and HTML).

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

(Question Serial No. S0035)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational Expenses
Programme: (-) Not Specified
Controlling Officer: Director of Administration and Development (Arthur HO)
Director of Bureau: Secretary for Justice
This question originates from: Estimates on Expenditure Volume 1 Page 177 (if applicable)

Question (Member Question No.):

A supplementary question to the Administration's reply serial no. SJ047:

Will the Administration convert public information that may be requested from the Administration under the Code on Access to Information into such machine-readable formats as, for example, non-proprietary (including XML, CSV) and proprietary ones (including MS Excel, Word, etc.), to facilitate the use by the public in commonly used analysis software or further development of application programs? Will it study the provision of a web-based platform for the public to request information in electronic formats and review the administrative fee relating to requests for information in digital formats? If yes, what are the details? If not, what are the reasons?

Asked by: Hon. MOK, Charles Peter

Reply:

The Department handles requests for access to information in accordance with the Code on Access to Information. So far as possible, information will be provided in the form in which it exists. Normally, if the information requested exists in paper format, we will provide the information to the requestors in hard copies. If a requestor requests any information in a particular digital format, we will consider the request on a case by case basis.

Currently, a fillable electronic form for application for access to information is available for public use. Members of the public can apply for access to information, using the form or otherwise, through the Internet.

There is no standard administrative fee set for the provision of information in digital format. If there are any cases of provision of information in such format, we would consider whether the charging of administrative fee is justified having regard to the Government's prevailing policy.