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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16

Director of Bureau : Secretary for Justice

Session No. : 2

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CONTROLLING OFFICER'S REPLY**SJ001****(Question Serial No. 2355)**Head: (92) Department of JusticeSubhead (No. & title): (000) Operational expensesProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Cheuk Wing Hing)Director of Bureau: Secretary for JusticeQuestion:

Would the Department of Justice provide in the table below details of the duty visits made by the Secretary for Justice in the past 3 years (2012-13 and 2013-14), including the date, place, size of entourage, purpose, expenses on hotel accommodation, air tickets and meals and total expenditure of each visit? If any of the expenses were covered by sponsorship, please list the amounts of sponsorship and the names of sponsors?

Date of visit	Place of visit	Size of entourage	Purpose of visit	Hotel accommodation expenses	Air ticket expenses	Meal expenses	Total expenditure

Asked by: Hon CHAN Chi-chuen (Member Question No. 11)Reply:

Relevant information on the overseas duty visits of the Secretary for Justice in the past 3 years (2012-13, 2013-14 and 2014-15) is as follows :

Date of visit	Place of visit	Size of entourage	Purpose of visit	Hotel accommodation expenses	Air ticket expenses	Other expenses	Total expenditure#
2012-13 (6 times)	Beijing, Shenzhen, Guangzhou, Nansha, Macau	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events (e.g. Hong Kong Legal Services Forum, Sino Hong	About HK\$34,000	About HK\$42,000	About HK\$40,000	About HK\$116,000

Date of visit	Place of visit	Size of entourage	Purpose of visit	Hotel accommodation expenses	Air ticket expenses	Other expenses	Total expenditure#
			Kong Macau Arbitration Cooperation and Development Conference and Signing Ceremony of the Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards between Hong Kong and Macau)				
2013-14 (10 times)	Singapore, Netherlands (Hague), UK (London), Korea (Seoul), Vietnam (Ho Chi Minh City), Cambodia (Phnom Penh), Beijing, Xiamen, Tianjin*, Macau*	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events (e.g. 120 th anniversary of the Hague Conference on Private International Law, Seminar on Hong Kong Legal and Arbitration Services, Asia Pacific Regional Arbitration Group Conference, Congress of the International Association of Lawyers, International Conference on International Arbitration)	About HK\$94,000	About HK\$592,000	About HK\$142,000	About HK\$828,000
2014-15 (10 times)	UK (London), Sri Lanka (Colombo)*, India (New Delhi), Beijing, Qingdao, Macau*	1 - 2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events (e.g. Hong Kong Legal Services Forum, London Law Expo 2014, Signing Ceremony of the Host Country Agreement and related	About HK\$84,000	About HK\$311,000	About HK\$72,000	About HK\$467,000

Date of visit	Place of visit	Size of entourage	Purpose of visit	Hotel accommodation expenses	Air ticket expenses	Other expenses	Total expenditure#
			Memorandum of Administrative Arrangements with the Permanent Court of Arbitration, Conference of Asian Attorneys General, Asia Pacific International Mediation Summit, seminar on regional judicial cooperation)				

Remarks:

Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

* Sponsorship of hotel accommodation and/or in-town transportation were offered by the hosting governments/organisations. The actual value of sponsorship received is not available.

- End -

CONTROLLING OFFICER'S REPLY

SJ002

(Question Serial No. 2379)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational expenses
Programme: (-) Not Specified
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

It is stated in the Programme that the Department of Justice will have an estimated 1 196 non-directorate posts as at 31 March 2015, rising by 9 posts to 1 205 posts as at 31 March 2016. What are the grades and nature of duties of these new posts to be created? Meanwhile, the 92 existing directorate posts in the Department of Justice will be reduced to 91 posts as at 31 March 2016. Would the Government inform this Committee of the grades, salaries, allowances and nature of duties of the 92 existing directorate posts, as well as the grades, numbers, salaries, allowances and nature of duties of the 1 205 permanent non-directorate posts?

Asked by: Hon CHAN Chi-chuen (Member Question No. 35)

Reply:

Details of the net creation of nine non-directorate posts in 2015-16 are provided as follows :

Post	Nature of duties
Creation of <u>16</u> non-directorate posts :	
One Senior Government Counsel (SGC) post	- Supporting the promotion and development of the wider use of mediation in Hong Kong
One Law Clerk (LC) post	
One Personal Secretary (PS) I post	
One SGC post (time-limited for 3 years)	- Providing legal support to the Judiciary on the legislative exercise regarding the review of Family Procedure Rules
One Government Counsel post (time-limited for 3 years)	
One SGC post (time-limited for 5 years)	- Coping with the increase in workload arising from representations and comments on the amendments to

Post	Nature of duties
	statutory plans and planning applications, and judicial reviews and other statutory planning matters under the Town Planning Board
Two SGC posts (one time-limited for 3 years and one for 5 years)	- Providing legal support for the Healthcare Planning and Development Office of the Food and Health Bureau
Three SGC posts (time-limited for 2 years)	- Providing legal support for implementing the Pilot Scheme for Arbitration on Land Premium
One LC post (time-limited for 2 years)	
One Senior Information Officer post	- Strengthening the support for managing media enquiries, public relations and publicity programmes
One Senior Executive Officer (SEO) post (time-limited for 4 years)	- Providing executive and clerical support for the relocation of the Department of Justice to the former Central Government Offices (CGO) and for the provision of accommodation in the West Wing of the former CGO and the former French Mission Building to law-related organisations
One Clerical Officer (CO) post (time-limited for 4 years)	
One Clerical Assistant post	- Strengthening clerical support to cope with increase in workload
Offset by deletion of <u>seven</u> existing non-directorate time-limited posts which will lapse on 1.4.2015 [including two SGC posts, one LC post, one PS I post, one SEO post, one CO post and one Analyst/Programmer I post]	
Net creation of non-directorate posts : <u>Nine</u>	

Details of the annual salaries and nature of duties of the 92 existing directorate posts and 1 205 permanent non-directorate posts by grades are provided as follows :

Grades	No. of posts	Total NAMS* (rounded to \$ million)	Nature of duties
<i>Directorate posts</i>			
Government Counsel	87	164.5	Providing legal advice and support to government bureaux/departments
Administrative and Executive	5	10	Providing administrative and executive support to the Secretary for Justice and the legal divisions
Total for directorate posts	92	174.5	

Grades	No. of posts	Total NAMS* (rounded to \$ million)	Nature of duties
<i>Permanent non-directorate posts</i>			
Government Counsel	333	370.6	Providing legal advice and support to government bureaux/departments
Para-legal	217	108	Providing para-legal support to counsel
Administrative, Executive, Clerical, Secretarial and others	655	193.8	Providing administrative, executive, clerical, secretarial and other support to legal divisions
Total for permanent non-directorate posts	1 205	672.4	

The estimated allowances for all staff are about \$17.3 million in 2014-15 and \$24.7 million in 2015-16. Separate breakdown of the allowances by grades of directorate/non-directorate posts is not available.

* Notional annual mid-point salary (NAMS) is adopted.

- End -

CONTROLLING OFFICER'S REPLY

SJ003

(Question Serial No. 4882)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

To follow up on the Court of Final Appeal case of *W v Registrar of Marriages*, the Department of Justice (“DoJ”) set up earlier the Inter-departmental Working Group on Gender Recognition (“IWG”) to consider the legislation and incidental administrative measures required for protecting the rights of transsexual persons in Hong Kong in all legal contexts, and to make recommendations for reform as appropriate. In this connection, would the Government inform this Committee:

- (1) What were the manpower and expenditure involved for the IWG last year?
- (2) What are the estimated manpower and expenditure for the IWG in the coming year?
- (3) How many experts or professionals were consulted and invited for assistance by the DoJ? What were their status and backgrounds? Were there any transgenders among them? If yes, who were invited? If not, what were the reasons?
- (4) What is the work progress of the IWG to date? Which topics have been dealt with? And what is the work direction envisaged for the coming year?

Asked by: Hon CHAN Chi-chuen (Member Question No. 134)

Reply:

The information sought is provided as follows:

- (1) and (2) One Senior Government Counsel post and one Government Counsel post were created in 2014-15 for 2 years for providing legal support to the IWG chaired by the Secretary for Justice. The estimated annual staff cost of the above posts is \$2 million in 2014-15 and \$2.1 million in 2015-16. For other officers providing support to the IWG, their work in this regard is undertaken among their other duties, and the staff costs, as well as other related expenses, cannot be separately identified.
- (3) In addition to the seven formal meetings held, the IWG has held seven informal meetings to-date to consult doctors, psychiatrists, academic experts and transgender people, including those who have undergone full sex reassignment surgery.

- (4) The IWG is reviewing issues relating to transsexual persons in Hong Kong, including the condition known as gender identity disorder or gender dysphoria. It is also conducting a review of the legislation, schemes and case law in other jurisdictions and the standards of international bodies, with a view to making recommendations to the Government on possible legislation that may be necessary to address the issues faced by transsexual persons.

The IWG is currently studying recognition issues and will then focus on post-recognition ones. On recognition issues, the IWG is reviewing such issues as the various options for a gender recognition scheme, the relevant qualification criteria and the application procedure. As for post-recognition issues, the IWG is reviewing all the existing legislative provisions and administrative measures in Hong Kong which may be affected by legal gender recognition, so that any required legislative or procedural reform can be followed up by the Government.

In 2015-16, the IWG will continue its study of recognition issues and will then extend the scope to post-recognition issues. The IWG intends to continue consulting widely in the course of its work. It will issue one or more consultation papers to gather the views of interested parties and the public generally, in order to gauge what the overall consensus if any may be, before finalising its recommendations to the Government.

- End -

CONTROLLING OFFICER'S REPLY**SJ004****(Question Serial No. 4922)**

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational expenses
Programme: (-) Not Specified
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

What are the details and progress of the renovation project for the former Central Government Offices? What are the manpower and estimated expenditure involved in the renovation works? As understood, the Architectural Services Department has put forward a series of conversion and conservation proposals, including the demolition of the later addition of the dental clinic enclosures on the 7th floor, the demolition of the lift tower, lobby and covered carport which were added in 1998, as well as the removal of the fence along Lower Albert Road. What are the details and progress of the conversion and conservation proposals in question?

Asked by: Hon CHAN Chi-chuen (Member Question No. 174)

Reply:

The renovation works for the former Central Government Offices (CGO) are taken forward in two phases. For the Main and East Wings project under Phase 1, works have commenced in July 2013 and planned for substantial completion in late March 2015. The estimated capital cost of the project is \$796 million (as approved by the Finance Committee in March 2013) and the manpower resources involved are absorbed within existing resources. The heritage impact assessment (HIA) report for the renovation works was endorsed by the Antiquities Advisory Board (AAB) in June 2012. Details of the conversion and conservation proposals are set out in the submission to the AAB on the HIA, which can be found on the website of the AAB.

For the West Wing project under Phase 2, pre-construction work is in progress. The tentative funding requirement for the works will only be known after completion of the detailed preparation work. A separate HIA report was submitted to the AAB for discussion on 4 March 2015. The findings of the HIA were generally supported by the AAB. The key design proposals include: conservation works for preservation, repair or reinstatement of the key character defining elements of the building; restoration works involving the demolition of later additions at 7/F to restore the original design intent (including the lift tower, lobby and covered carport at the east end, the dental clinic enclosures, and some plant rooms); and conversion works for compliance with statutory requirements, operational needs and improvements to current day standards of security and sustainability. Details of the conversion and conservation works are set out in the submission to the AAB on the HIA, which can be found on the website of the AAB. The design proposals will be further developed during the detail design stage.

As regards the arrangement of the fences in the CGO Complex, as set out in the submission to the AAB on the HIA referred above, we planned to remove fences that are unnecessary within the site boundary of the two projects. But to enable the design and arrangements of the fences and gates in the whole CGO Complex to be considered in a holistic manner, we will withhold the removal / lowering of the fences and gates within the site of the two projects. We will revisit the overall arrangements for the fences and gates in the three wings of the former CGO when the planning of the open compound between the Main Wing and West Wing is taken forward, having regard to the principle to facilitate public access to the area and the security of the offices of the DoJ and law-related organisations to be housed there. This arrangement will not affect the original plan of allowing public access to the main entrance of the DoJ offices when the DoJ is relocated to the Main and East Wings. The gates concerned will only be closed in case of security needs.

- End -

CONTROLLING OFFICER'S REPLY**SJ005****(Question Serial No. 4967)**

Head: (92) Department of Justice

Subhead (No. & title): (001) Salaries

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

What are the estimated emoluments and allowances of the Secretary for Justice and his Administrative Assistant for 2015-16?

Asked by: Hon CHAN Chi-chuen (Member Question No. 95)

Reply:

The estimated emoluments and allowances of the Secretary for Justice and his Administrative Assistant for 2015-16 are set out below :

	Emolument (\$ million)	Allowance (\$ million)
Secretary for Justice	3.70	0.22
Administrative Assistant to Secretary for Justice	1.84	Allowances for civil servant employees are provided under Head 46 - General Expenses of the Civil Service. There is no separate provision for individual posts.

- End -

CONTROLLING OFFICER'S REPLY

SJ006

(Question Serial No. 0139)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

In respect of Programme (1) Prosecutions, would the Government inform this Committee of the operational expenses for 2015-16, and the establishment and estimated annual expenditure on the emoluments involved? What is the annual expenditure on the emoluments of the Government Counsel involved?

Asked by: Hon CHAN Wai-yip, Albert (Member Question No. 14)

Reply:

The estimated establishment for Programme (1) Prosecutions as at 31 March 2016 is as follows:

Grades	Establishment
Government Counsel	135
Para-legal	136
Executive, Clerical and Secretarial	316
Total	587

The estimated expenditure of the Programme for 2015-16 is \$711.7 million, of which \$325 million is for personal emoluments, including \$169.3 million for the remuneration of Government Counsel.

- End -

CONTROLLING OFFICER'S REPLY

SJ007

(Question Serial No. 0140)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

The Government states that the provision for 2015-16 is \$52.2 million (7.9%) higher than the revised estimate for 2014-15 and is partly due to the creation of one post to meet operational needs. Would the Government inform this Committee of the post title, function and estimated annual expenditure on the emolument of the post?

Asked by: Hon CHAN Wai-yip, Albert (Member Question No. 15)

Reply:

One Clerical Assistant post will be created in 2015-16 to strengthen clerical support for the increase in volume of work in the Prosecutions Division. The notional annual mid-point salary of the post is \$181,740.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0141)

Head: (92) Department of Justice
Subhead (No. & title): (234) Court costs
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

Under this Programme, the Government states that the estimate for this Programme for 2015-16 is \$52.2 million higher than that for 2014-15 and is partly due to the anticipated increase in court costs. Would the Government inform this Committee of:

- (1) the reasons for the anticipated increase in court costs and whether the increase in court costs is related to the handling of the large number of criminal prosecutions involving the Occupy Central Movement?
- (2) the amount of the estimated increase in court costs of this Programme in 2015-16?
- (3) the estimated court costs of this Programme in 2015-16?

Asked by: Hon CHAN Wai-yip, Albert (Member Question No. 16)

Reply:

The estimated expenditure for court costs in respect of the Prosecutions Division (PD) for 2015-16 is \$190 million, which is \$40.5 million (or 27%) higher than the revised estimate for 2014-15 (\$149.5 million).

The annual expenditure for court costs varies from year to year, depending on the number of cases involved, their complexity and development. It is not appropriate for us to divulge information on the kind and number of cases that we have taken into account in calculating the anticipated court costs expenditure, as this may prejudice our position in on-going proceedings (e.g. by disclosing directly or indirectly our assessment of matters concerning those cases). It should be noted that as the estimate was worked out on information available at the time of preparing the estimates, the actual expenditure incurred in 2015-16 would ultimately depend on the subsequent development and outcome of the cases concerned (which are not entirely within the control of the Government).

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0142)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational expenses
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

In respect of Programme 1, would the Government inform this Committee of the estimated expenses for the hire of legal services and related professional fees for 2015-16?

Asked by: Hon CHAN Wai-yip, Albert (Member Question No. 17)

Reply:

The estimated expenses for the hire of legal services and related professional fees for the Prosecutions Division is \$150.6 million for 2015-16.

The annual expenditure for briefing out varies from year to year, depending on the number of cases involved, their complexity and progress. As the estimates were worked out on information available at the time of preparing the estimates, the actual expenditure incurred would ultimately depend on the subsequent development and outcome of the cases concerned (which are not entirely within the control of the Government).

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0143)

Head: (92) Department of Justice

Subhead (No. & title): (001) Salaries

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Would the Government inform this Committee of the estimated expenditure on the emolument of the Director of Public Prosecutions for 2015-16?

Asked by: Hon CHAN Wai-yip, Albert (Member Question No. 18)

Reply:

The notional annual mid-point salary (NAMS) of the Director of Public Prosecutions post in 2015-16 is \$2,644,200.

- End -

CONTROLLING OFFICER'S REPLY**SJ011****(Question Serial No. 3670)**

Head: (92) Department of Justice

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

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

In respect of this Programme, would the Government inform this Committee of:

- (1) the operational expenses, the establishment and estimated annual expenditure on the emoluments involved for 2015-16?
- (2) the establishment and estimated annual expenditure on the emoluments involved for the provision of legal advice on the implementation of the Basic Law and the development of our new constitutional order in 2015-16?
- (3) the establishment and estimated annual expenditure on the emoluments involved for the promotion of the use of arbitration in 2015-16?

Asked by: Hon CHAN Wai-yip, Albert (Member Question No. 79)

Reply:

The information sought is provided as follows:

- (1) The estimated establishment for Programme (3) Legal Policy as at 31 March 2016:

Grades	Establishment
Government Counsel	45
Para-legal	8
Executive, Clerical and Secretarial	47
Total	100

The estimated expenditure of the Programme for 2015-16 is \$116.9 million, of which \$82.8 million is for personal emoluments.

- (2) The provision of legal advice on the implementation of the Basic Law and for the development of the new constitutional order are mainly handled by the Basic Law Unit (BLU) and the Constitutional Development and Elections Unit (CD&EU) of the Legal Policy Division respectively, among their other work. The number of staff and the annual staff costs for 2015-16 are as follows:

Grades	BLU	CD&EU
Government Counsel	6	3
Para-legal	1	-
Secretarial	3	1
Total number of staff	10	4
Total estimated emoluments in 2015-16	\$8,824,800	\$4,661,760

Other staff also tender advice on these two areas among their other advisory duties and the expenditure of the Department cannot be separately identified.

- (3) One Senior Government Counsel post was created in 2014-15 for handling the work relating to the promotion of arbitration services and providing support to the work of the Advisory Committee on Promotion of Arbitration. The estimated emoluments for the post is \$1.2 million in 2015-16. Other staff also provide support to work relating to the promotion of the use of arbitration among their other duties and the expenditure cannot be separately identified.

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CONTROLLING OFFICER'S REPLY

SJ012

(Question Serial No. 2085)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

1. Please list the number of defendants related to domestic violence and the outcome of such cases in the past 5 years;
2. Please list the numbers of prosecutions and convictions, the length of sentence, the numbers of service orders and orders of binding over issued and the male to female ratio in criminal proceedings related to domestic violence in the past 5 years;
3. Please list the number of applications for injunctions related to domestic violence in the past 5 years; and
4. Please list the number of applications for custody orders in emergency cases related to domestic violence in the past 5 years.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 8)

Reply:

The information sought is provided as follows :

- (1) & (2) Based on information available, we provide the relevant statistics below.

The numbers of domestic violence cases handled by the Police in the past five years are as follows:

	Year				
	2010	2011	2012	2013	2014
Domestic Violence (Crime)	2 157	1 928	2 002	1 870	1 669
Domestic Violence (Miscellaneous)	1 181	892	872	676	623

Concerning Domestic Violence (Crime) cases, the numbers of prosecution and conviction in the past five years are as follows:

Penalty	Year				
	2010	2011	2012	2013	2014
Total number for Prosecution	864	749	571	557	524
Immediate Imprisonment	91	62	53	36	40
Probation Order	48	30	25	11	25
Community Service Order	31	19	13	17	10
Suspended Imprisonment	71	60	32	64	55
Bound-over/ Conditional Discharge	7	3	5	1	0
Others	79	62	49	36	33
Total number for Conviction	327	236	177	165	163

Concerning Domestic Violence (Crime) cases, the duration of imprisonment sentenced in the past five years is as follows:

Duration of Imprisonment	Year				
	2010	2011	2012	2013	2014
Six months or less	69	46	48	32	37
Over six months to one year	5	5	2	0	1
Over one year	17	11	3	4	2
Total	91	62	53	36	40

Concerning Domestic Violence (Crime) cases, the male to female ratio to persons convicted in the past five years is as follows:

Sex	Year				
	2010	2011	2012	2013	2014
Male	285 (87.2%)	199 (84.3%)	157 (88.7%)	144 (87.3%)	142 (87.1%)
Female	42 (12.8%)	37 (15.7%)	20 (11.3%)	21 (12.7%)	21 (12.9%)
Total	327 (100%)	236 (100%)	177 (100%)	165 (100%)	163 (100%)

(3) & (4) The Department of Justice is not generally involved in applications by the individuals concerned for injunctions involving domestic violence and applications for custody

orders in emergency cases involving domestic violence. We are therefore not able to provide the relevant statistics.

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CONTROLLING OFFICER'S REPLY**SJ013****(Question Serial No. 6714)**

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

1. Please list out the number of persons accused in the past 5 years who were related to the abuse of foreign domestic helpers, and the outcome of such cases.
2. Please list out the number of prosecutions and convictions, the length of sentence, the number of service orders and orders of binding over issued as well as the male to female ratio of the accused in criminal proceedings related to the abuse of foreign domestic helpers in the past 5 years.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 748)

Reply:

The information sought is provided as follows:

- (1) The Government does not generally keep figures of cases involving the abuse of foreign domestic helpers. We can however provide in the table below the number of reports of "wounding and serious assault" received by the Police involving attack of domestic helpers by employers from 2010 to 2014, and the number of such cases detected.

	Number of reports of "wounding and serious assault" received by the Police involving attack of domestic helpers by employers	Number of detected cases
2010	53	41
2011	56	46
2012	40	35
2013	37	31
2014	38	31

- (2) The Government does not keep information on the outcome of such cases.

- End -

CONTROLLING OFFICER'S REPLY

SJ014

(Question Serial No. 6726)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Please list in table form the number of persons mandated by court to join the Batterer Intervention/Treatment Programme in the past 5 years and the male to female ratio.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 765)

Reply:

We are not aware of criminal cases in which batterers were mandated by the court to join a Batterer Intervention/Treatment Programme.

- End -

CONTROLLING OFFICER'S REPLY

SJ015

(Question Serial No. 6759)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (-) Not Specified
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

Please list the number of cases related to transgender persons handled by the Department of Justice in the past 5 years, with a breakdown by nationality.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 801)

Reply:

The gender of individuals involved in a case is taken into account in the handling of the case only insofar as that is of direct relevance to the subject matter and hence how the case is handled. We do not keep statistics on cases related to transgendered persons.

- End -

CONTROLLING OFFICER'S REPLY

SJ016

(Question Serial No. 6860)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

1. Please list out the number of defendants involved in cases related to transgender person(s) in the past 5 years, and the outcome of such cases.
2. Please list out the number of prosecutions and convictions, the length of sentence and the number of service orders and orders of binding over issued in criminal proceedings related to transgender person(s) in the past 5 years.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 802)

Reply:

As the prosecution authority, our objective is to see that appropriate cases are presented fairly to the court. The gender of parties involved in a criminal case is taken into account in the handling of the case only insofar as that is of direct relevance to the merit of the case and hence our prosecutorial decision. We do not keep statistics on cases related to transgendered persons.

- End -

CONTROLLING OFFICER'S REPLY**SJ017****(Question Serial No. 6861)**

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Please list the number of disability-related cases handled by the Department of Justice in the past 5 years, with a breakdown by degree of disability.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 803)

Reply:

The disability (or otherwise) of individuals involved in a case is taken into account in the handling of the case only insofar as that is of direct relevance to the subject matter and hence how the case is handled.

In the handling of recruitment, it is Government policy to place the disabled in appropriate jobs wherever possible. The number of applications from disabled candidates in the recruitment exercises conducted by the Department of Justice (DoJ) in the past five years is listed below :

Financial Year	Number of applications from disabled candidates received in the recruitment exercises conducted by DoJ
2010-11	19
2011-12	26
2012-13	8
2013-14	8
2014-15 (up to 28 February 2015)	60

We do not keep record on the types or degree of disability of the disabled candidates concerned. We also do not keep statistics on other types of cases related to disabled persons.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 6862)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Please provide a breakdown of the following information by degree of disability:

1. The number of defendants involved in cases related to disabled person(s) and the outcome of such cases in the past 5 years.
2. The number of prosecutions and convictions, the length of sentence and the number of service orders and orders of binding over issued in criminal proceedings related to disabled person(s) in the past 5 years.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 804)

Reply:

As the prosecution authority, our objective is to see that appropriate cases are presented fairly to the court. The disability (or otherwise) of parties involved in a criminal case is taken into account in the handling of the case only insofar as that is of direct relevance to the merit of the case and hence our prosecutorial decision. We do not keep statistics on cases related to disabled persons.

- End -

CONTROLLING OFFICER'S REPLY**SJ019****(Question Serial No. 3254)**

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Please provide the following information in respect of prosecutions work:

- (a) The establishment, actual manpower and expenditure of the Prosecutions Division in 2014-15; and
- (b) The number of cases conducted by Government Counsel and by counsel instructed to prosecute at different levels of court in 2014-15.

Asked by: Hon HO Chun-yan, Albert (Member Question No. 48)

Reply:

The information sought is provided as follows :

(a) The establishment and strength of the Prosecutions Division (as at 1 March 2015)

Grades	Establishment	Strength
Government Counsel	135	128
Para-legal	135	111
Executive, Clerical and Secretarial	215	207
Total	485	446

The estimated expenditure of the Prosecutions Division for 2014-15 is \$612.5 million.

(b) The number of cases conducted by Government Counsel and by Counsel instructed to prosecute at different levels of court in 2014-15*

No. of cases conducted		2014-15*	
		Government Counsel	Counsel instructed to prosecute
Appeal Court	Court of Final Appeal	89	16
	Court of Appeal	388	4
	Magistracy Appeal	540	3
Court of First Instance		382	233
District Court		470	494
Magistracy		368	580
Death Inquest		10	2
Total		2 247	1 332

*latest figures up to January 2015

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 2323)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (3) Legal Policy
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

Please give details of the meetings, visits or exchanges by the Department to the relevant Mainland authorities for the past 5 financial years by setting out the following information for each trip in chronological order:

- (a) purpose and place;
- (b) titles of Mainland officials met;
- (c) numbers of Hong Kong officials in entourage and their post titles;
- (d) length of the trip;
- (e) total expenses involved;
- (f) whether announcement was made prior to the trip and, if not, the reasons for keeping confidence;
- (g) whether files of the minutes of the meetings have been kept and, if not, the reasons for that;
- (h) whether agreements were reached and, if yes, the details and progress of implementing them;
- (i) transportation expenses (air tickets and local transportation in Mainland);
- (ii) accommodation expenses;
- (iii) meal expenses;
- (iv) banquet or entertainment expenses; and
- (v) gift expenses.

Date	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(ii)	(iii)	(iv)	(v)

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 65)

Reply:

The duty visits/exchanges to the Mainland conducted by officers from the Legal Policy Division include attendance at conferences, official visits to relevant authorities, professional exchanges and promotional activities on arbitration and legal services of Hong Kong, meeting with relevant officials and representatives from legal / dispute resolution / business sectors on those occasions. The arrangements on publicity/announcements and records of activities or conference attendance vary, depending on the nature of the exchanges and the level of representation at the events.

The information sought is summarised in the table below :

Date of visit ^{Note 1}	Place of visit	Size of Entourage ^{Note 2}	Purposes of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total expenditure ^{Note 3}
2010-11 (13 times)	Beijing, Changsa, Guangzhou, Shenzhen, Shanghai, Changzhou, Wuxi, Suzhou, Hangzhou	1 - 5	Promotion of the legal system/ the rule of law/ dispute resolution services and arbitration services of Hong Kong; promotional trips for the biennial Legal Services Forum co-organised by DoJ and various local legal professional and arbitration bodies; accompanying SJ on his duty visits;	About \$83,000	About \$86,000	About \$67,000	About \$236,000
2011-12 (10 times)	Beijing, Chongqing, Guangzhou, Qingdao, Shenzhen	1 - 3	attending various seminars as invited guest and speaker(s); accompanying various Government bureaux and departments on their visits to advise on legal issues	About \$18,000	About \$77,000	About \$26,000	About \$121,000
2012-13 (13 times)	Beijing, Guangzhou, Foshan, Dongguan, Jiangmen, Zhongshan, Shenzhen, Fuzhou	1 - 5		About \$57,000	About \$86,000	About \$36,000	About \$179,000
2013-14 (5 times)	Beijing, Harbin, Xiamen, Fuzhou	1 - 6		About \$30,000	About \$61,000	About \$28,000	About \$119,000
2014-15 (15 times)	Beijing, Chongqing, Chengdu, Guangzhou, Jinan, Weifang, Qingdao, Shenzhen, Shanghai	1 - 5		About \$64,000	About \$79,000	About \$41,000	About \$184,000

Remarks:

- Note 1 Depending on the nature of exchanges and the number of cities covered, the duration of the duty visits ranged from one day to six days.
- Note 2 The number and ranking of officers in the entourage varied according to the nature and need of the events, which may include Law Officer, Principal Government Counsel, Deputy Principal Government Counsel, Senior Government Counsel, Government Counsel and supporting staff.
- Note 3 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

The expenses for overseas official entertainment were about HK\$4,000 (for one occasion) and HK\$42,000 (on three occasions) for 2014-15 and 2013-14 respectively. No such expenses were incurred for 2010-11, 2011-12 and 2012-13.

In line with the Government's green policy, public officers should as far as possible refrain from bestowing gifts/souvenirs to others during the conduct of official activities. According to existing guidelines, where bestowal of gifts/souvenirs is necessary or unavoidable due to operational, protocol or other reasons, the gift/souvenir items should not be lavish or extravagant and the number should be kept to a minimum. Also, the exchange of gifts/souvenirs should only be made from organisation to organisation. We do not specifically maintain separate accounts for gift and souvenir expenses.

- End -

CONTROLLING OFFICER'S REPLY

SJ021

(Question Serial No. 3490)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (4) Law Drafting
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

For many times in the past, Chinese expressions uncommon to the locals appeared in draft legislation. Even in gazetted blue bills, incorrect characters and wrongly written ones also appeared more than once. Though there is, as indicated by the Government, a dedicated group of professionals responsible for handling the translation of legislation, not much improvement is seen and awkward sentence constructions are still spotted in legislative amendments under scrutiny by bills committees of the Legislative Council. In this connection, will the Government implement any specific measures to improve the situation? If yes, what will be the manpower and expenditure involved? If not, what are the reasons for that?

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 63)

Reply:

One of the objectives of the Law Drafting Division of the Department of Justice (the Division) is to make the Chinese and English texts of legislation more accessible and comprehensible. The Division remains strongly committed to plain language drafting (whether English or Chinese) as a means to create user-friendly legislation.

Regarding the Chinese texts of legislation, the Division has introduced a number of measures to further enhance their comprehensibility, including:

- Forming in 2012 a Chinese Drafting Sub-committee under the in-house Drafting Techniques and Legislative Style Committee to specifically make recommendations on Chinese drafting styles and practices, which will be published from time to time internally for information and implementation. The Sub-committee will continue to examine Chinese drafting styles and practices, with emphasis on techniques that can produce simple and clear legislation (e.g. avoiding archaic words, using plainer terms and simplifying sentence structures).
- Holding regular workshops conducted by experienced drafting counsel and outside experts. Linguists are also invited to speak on Chinese language issues. The Division will continue to hold workshops on a wide range of relevant topics, including Chinese legislative drafting, to broaden the knowledge base and exposure of drafters.

- Introducing a pilot scheme under which an officer in the Division, other than the drafting counsel, will read the draft Chinese provisions prepared by the drafting counsel, without reference to the corresponding English provisions. The reader will comment on the language of the draft Chinese provisions, with a view to enhancing their comprehensibility and user-friendliness. The drafting counsel will take the comments into account in finalising the draft provisions.

We will continue to implement these and other measures and review their operation from time to time.

The work set out above is undertaken by the Division among its other duties and the expenditure cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ022

(Question Serial No. 3491)

Head: (92) Department of Justice
Subhead (No. & title): (700) General Non-recurrent
Programme: (3) Legal Policy
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

- (a) How many mock trials were conducted in the Mainland by the Government in each of the past five years, and what were the Mainland bodies with which there were exchanges in each of events and the manpower and expenditure involved?
- (b) What are the manpower and provisions earmarked for "Conducting mock trials in the Mainland" for the financial year of 2015-16 and what counterparts with which it plans to have collaborations and exchanges?

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 64)

Reply:

The Department of Justice stages mock trials and mock arbitrations for the purpose of promoting greater and better understanding of the legal system of the HKSAR by those who are involved in the administration of justice as well as other interested parties (e.g. universities) and business enterprises in the Mainland. In the past five years, two mock arbitrations were staged respectively in Guangzhou in 2012 and Qingdao in 2014. These mock arbitrations were organised as part of the programmes of the Legal Services Forums held in 2012 and 2014, which the Department co-organised with other legal professional and arbitration bodies of Hong Kong and were supported by many Mainland organisations. The Forums were open to public participation and were attended by 700 - 800 participants.

The staff concerned provide support to the mock arbitrations among their other duties. The staff costs, as well as related administrative expenses, therefore cannot be separately identified. As for the actual expenditure on holding the mock arbitrations, it was paid out from the General Non-recurrent Subhead (Subhead 700). The relevant expenditure in 2012 and in 2014 was \$0.155 million and \$0.166 million respectively.

Mock trials and mock arbitrations to be staged in this financial year and the target participants are being considered.

- End -

CONTROLLING OFFICER'S REPLY

SJ023

(Question Serial No. 4660)Head: (92) Department of JusticeSubhead (No. & title): (000) Operational expensesProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Cheuk Wing Hing)Director of Bureau: Secretary for JusticeQuestion:

In regard to the growing cross-boundary co-operation between Hong Kong and the Mainland in recent years, please provide relevant information on Hong Kong/Mainland cross-boundary projects or programmes in which your bureau and the departments under your purview have been involved.

- (a) For Hong Kong/Mainland cross-boundary projects or programmes, please provide information for 2013-14 and 2014-15 as per the following table:

Project / Programme	Details, objective and whether it is related to the Framework Agreement on Hong Kong / Guangdong Co-operation (the Framework Agreement) or the National 13 th Five-year Plan	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what are the reasons?	Progress (% completed, commencement date, target completion date)	Have the details, objectives, amount involved or impact on the public, society, culture and ecology been released to the public? If so, through what channel(s) and what were the manpower and expenditure involved? If not, what are the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme

- (b) Has provision been earmarked for Hong Kong/Mainland cross-boundary projects or programmes in this year (2015-16)? If yes, please provide information in respect of Hong Kong/Mainland cross-boundary projects or programmes for 2015-16 as per the following table:

Project / Programme	Details, objective and whether it is related to the Framework Agreement on Hong Kong / Guangdong Co-operation (the Framework Agreement) or the National 13 th Five-year Plan	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what are the reasons?	Progress (% completed, commencement date, target completion date)	Have the details, objectives, amount involved or impact on the public, society, culture and ecology been released to the public? If so, through what channel(s) and what were the manpower and expenditure involved? If not, what are the reasons?	Will any public consultation on the cross-boundary project be conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme

- (c) Apart from the projects or programmes listed above, are there any other modes of Hong Kong/Mainland cross-boundary cooperation? If so, in what modes are they taken forward? What were the manpower and expenditure involved over the past 3 years? How much financial and manpower resources have been earmarked in the 2015-16 Estimates?

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 156)

Reply:

The information sought is provided as follows :

(a)

Project / Programme	Details, objective and whether it is related to the Framework Agreement on Hong Kong / Guangdong Co-operation (the Framework Agreement) or the National 13 th Five-year Plan	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what are the reasons?	Progress (% completed, commencement date, target completion date)	Have the details, objectives, amount involved or impact on the public, society, culture and ecology been released to the public? If so, through what channel(s) and what were the manpower and expenditure involved? If not, what are the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
Enhance Legal Co-operation with Guangdong	Pursuant to the Framework Agreement on Hong Kong/ Guangdong Co-operation, we have reinforced the existing communication mechanism in	The staff cost and other related expenses have been and will continue to be absorbed from	The Legislative Affairs Office and the Justice Department of the Guangdong Province, depending on the	N/A	The programme commenced in 2010 and is expected to continue for some time.	The initiative was presented to the Legislative Council Panel on Administration of Justice and Legal Services (AJLS) in October 2010.	N/A	Apart from the co-operative initiatives contained in the Arrangement, the programme does not involve a

Project / Programme	Details, objective and whether it is related to the Framework Agreement on Hong Kong / Guangdong Co-operation (the Framework Agreement) or the National 13 th Five-year Plan	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what are the reasons?	Progress (% completed, commencement date, target completion date)	Have the details, objectives, amount involved or impact on the public, society, culture and ecology been released to the public? If so, through what channel(s) and what were the manpower and expenditure involved? If not, what are the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
	legal matters with Guangdong. This has covered exchange of legal information as well as conducting meetings and / or seminars to discuss specific legal issues.	within the available resources of the Department and the expenditure for this specific programme cannot be separately identified.	subject matter concerned.			It was also mentioned in this Department's Policy Initiatives of 2013, 2014 and 2015 provided to the LegCo AJLS Panel. The staff costs and other related expenses were absorbed from within the available resources of the Department and the expenditure in this regard cannot be separately identified.		change of law or policy of the Government
Co-operation between Shenzhen and Hong Kong	The Co-operative Arrangement on Legal Matters was signed between the Department and the Shenzhen Municipal Government on 25 November 2011. The main purpose was to establish a mechanism to promote legal	Same as above.	Shenzhen Municipal Government.	The Co-operative Arrangement on Legal Matters was signed between the Department and the Shenzhen Municipal Government on 25 November 2011. The Department informed the LegCo ALJS Panel of the	The co-operation is expected to continue for some time.	The Co-operative Arrangement was signed at the HK/Shenzhen Co-operation meeting on 25 November 2011. The matter was mentioned in the press release on the meeting issued by the Government. The LegCo AJLS Panel	N/A	Same as above.

Project / Programme	Details, objective and whether it is related to the Framework Agreement on Hong Kong / Guangdong Co-operation (the Framework Agreement) or the National 13 th Five-year Plan	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what are the reasons?	Progress (% completed, commencement date, target completion date)	Have the details, objectives, amount involved or impact on the public, society, culture and ecology been released to the public? If so, through what channel(s) and what were the manpower and expenditure involved? If not, what are the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
	co-operation between the two governments.			signing of the Arrangement and its main purpose in late November 2011. Main details of the Co-operative Arrangement are also available on the Department's website.		was also informed of the signing of the Arrangement and its main purpose in late November 2011. The staff costs and other related expenses were absorbed from within the available resources of the Department and the expenditure in this regard cannot be separately identified.		

(b) As indicated in (a) above, we expect the relevant programmes to continue in 2015-16. In addition, we shall continue to keep in view cross-boundary projects or programmes that may be pursued to enhance Hong Kong's position as a leading centre for legal and dispute resolution services in the Asia Pacific Region.

(c) The Department of Justice (DoJ) has been conducting the following Hong Kong/Mainland cross-boundary projects or programmes which aim to enhance legal co-operation in the following areas:

The Department regularly promotes legal co-operation between Hong Kong and the Mainland. For example, we have been monitoring the implementation of the reciprocal arrangement signed with the Supreme People's Court to facilitate reciprocal enforcement of judgments in certain civil or commercial matters. Other legal co-operation arrangements that fall within the purview of this Department include an arrangement on mutual enforcement of arbitral awards.

In the past three years, the Department received and exchanged information with a number of delegations from the Mainland on matters of mutual interests.

The Department has also worked with the relevant professional bodies and institutions as well as the relevant Mainland authorities on ways to take forward the introduction of Hong Kong's legal and dispute resolution services in the Mainland. The main objectives pursued include: promoting the use of Hong Kong law as the applicable law in commercial contracts concluded by enterprises conducting business in the Mainland such as in new development areas like Qianhai in Shenzhen (except in obviously inappropriate situations, such as the sale and purchase of real estate in the Mainland); designating Hong Kong as the seat of arbitration should disputes arise, and allowing Hong Kong arbitration bodies to provide services directly in the Mainland.

DoJ has also actively promoted Hong Kong's legal and dispute resolution services in the Mainland, through organising Hong Kong Legal Services Forum in Mainland cities on a biennial basis. The events brought together participants from Hong Kong and the Mainland, including practising solicitors, barristers and arbitrators from Hong Kong who shared their international experience with their Mainland counterparts and enterprises on various practical legal issues.

The staff costs and other related expenses for such programmes have been and will be absorbed from within the available resources of the DoJ and the estimated expenditure on this specific area of activity cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY**SJ024****(Question Serial No. 4661)**

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Please give details of the duty visits of the Secretary for Justice for the past 5 financial years by setting out the following information for each trip in chronological order: (a) purpose and place; (b) titles of Mainland officials met; (c) numbers of Hong Kong officials in entourage and their post titles; (d) length of the trip; (e) total expenses involved; (i) transportation expenses (air tickets and local transportation in Mainland); (ii) accommodation expenses; (iii) meal expenses; (iv) banquet or entertainment expenses; and (v) gift expenses.

Date	(a)	(b)	(c)	(d)	(e)	(i)	(ii)	(iii)	(iv)	(v)

Asked by: Hon HO Sau-lan, Cyd (Member Question No. 157)

Reply:

Relevant information on the overseas duty visits of the Secretary for Justice in the past 5 years (2010-11 to 2014-15) is as follows :

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total expenditure ^{Note 3}
2010-11 (7 times)	Malaysia (Kuala Lumpur), Singapore, Beijing, Shanghai, Guangdong, Shenzhen	1-2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business	About HK\$41,000	About HK\$102,000	About HK\$65,000	About HK\$208,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total expenditure ^{Note 3}
			sectors (e.g. Signing Ceremony of Framework Agreement on Hong Kong / Guangdong Cooperation, Hong Kong Legal Services Forum)				
2011-12 (5 times)	France (Paris), Belgium (Brussels), Netherlands (Amsterdam, Hague), Japan (Tokyo), Korea (Seoul), Beijing, Shenzhen, Qingdao	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. 50 th Anniversary of the Hague Apostille Convention)	About HK\$74,000	About HK\$329,000	About HK\$99,000	About HK\$502,000
2012-13 (6 times)	Beijing, Shenzhen, Guangzhou, Nansha, Macau	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Hong Kong Legal Services Forum, Sino Hong Kong Macau Arbitration Cooperation and Development Conference and Signing Ceremony of the Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards between Hong Kong and Macau)	About HK\$34,000	About HK\$50,000	About HK\$32,000	About HK\$116,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total expenditure ^{Note 3}
2013-14 (10 times)	Singapore, Netherlands (Hague), UK (London), Korea (Seoul), Vietnam (Ho Chi Minh City), Cambodia (Phnom Penh), Beijing, Xiamen, Tianjin, Macau	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. 120 th Anniversary of the Hague Conference on Private International Law, Seminar on Hong Kong Legal and Arbitration Services, Asia Pacific Regional Arbitration Group Conference, Congress of the International Association of Lawyers, International Conference on International Arbitration)	About HK\$94,000	About HK\$593,000	About HK\$141,000	About HK\$828,000
2014-15 (10 times)	UK (London), Sri Lanka (Colombo), India (New Delhi), Beijing, Qingdao, Macau	1 - 2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Hong Kong Legal Services Forum, London Law Expo 2014, Signing Ceremony of the Host Country Agreement and related Memorandum of Administrative Arrangements with the Permanent Court	About HK\$84,000	About HK\$325,000	About HK\$58,000	About HK\$467,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total expenditure ^{Note 3}
			of Arbitration, Conference of Asian Attorneys General, Asia Pacific International Mediation Summit, seminar on regional judicial co-operation)				

Remarks:

- Note 1 Except for visits to multiple cities or outside Asia, the duty visits were day trips or short trips of three days or less.
- Note 2 The entourage usually comprised the Administrative Assistant and/or the Press Secretary to the Secretary for Justice.
- Note 3 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

The expenses for overseas official entertainment were about HK\$14,000 and HK\$16,000 for 2011-12 and 2013-14 respectively. No such expenses were incurred for 2010-11, 2012-13 and 2014-15.

In line with the Government's green policy, public officers should as far as possible refrain from bestowing gifts/souvenirs to others during the conduct of official activities. According to the existing guidelines, where bestowal of gifts/souvenirs is necessary or unavoidable due to operational, protocol or other reasons, the gift/souvenir items should not be lavish or extravagant and the number should be kept to a minimum. Also, the exchange of gifts/souvenirs should only be made from organisation to organisation. We do not specifically maintain separate accounts for gift and souvenir expenses.

- End -

CONTROLLING OFFICER'S REPLY

SJ025

(Question Serial No. 1598)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Regarding the item “enhance the standards of advocacy and preparation in criminal cases” mentioned under “Matters Requiring Special Attention in 2015-16”, please advise this Committee of:

- (1) the total expenditure for the above work in the 2014-15 revised estimate and the specific uses of the expenditure;
- (2) the total expenditure for the above work in the 2015-16 estimate and the specific uses of the expenditure; and
- (3) the reasons for the change in the above expenditures and the specific indicators and methodology adopted by the Department of Justice for measuring effectiveness of the work.

Asked by: Hon IP LAU Suk-ye, Regina (Member Question No. 54)

Reply:

We enhance the standards of advocacy and preparation in criminal cases mainly through the following means :

- (a) the continued provision of training programmes to our in-house prosecutors, including seminars on different topics under the Continuing Legal Education Programme, and talks delivered by distinguished outside counsel;
- (b) the provision of guidance to prosecutors from time to time through the issue and updating of circulars and reference materials. In 2014, the Criminal Advocacy Course Manual for newly recruited public prosecutors and legal trainees was further revised and published, to serve as a comprehensive set of notes for new recruits and as an informative reference text for prosecutors in court; and
- (c) the continued arrangement of biannual Joint Training Programme organised with the Hong Kong Bar Association and the Law Society of Hong Kong for new lawyers in private practice (i.e. those with less than five years' post qualification experience) who are interested in prosecuting cases for the Department of Justice.

The work involved is undertaken by existing staff among their other duties and the expenditure cannot be separately identified.

As the prosecution authority, our objective is to see that appropriate cases are presented fairly to the court. Prosecutions are, as set out in the Prosecution Code, pursued only if there is a reasonable prospect of conviction and that it is in the public interest to prosecute. Once it is decided that prosecution should be pursued, it is the duty of prosecutors to prosecute vigorously in courts but yet to act in a fair and objective manner. The question of guilt or innocence will then be a matter for the court to decide, on the criminal law standard of proving “beyond reasonable doubt”. Hence, there is inherent difficulty in measuring the effectiveness of our prosecution work by adopting indicators such as conviction rates, length of trial, amount of costs awarded in favour of or against the prosecution, etc. This notwithstanding, we will continue with our efforts in enhancing the standard of advocacy, to maintain a first-class modern prosecution service that achieves professional excellence in upholding the rule of law.

- End -

CONTROLLING OFFICER'S REPLY

SJ026

(Question Serial No. 2277)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (5) International Law
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

One of the aims of the International Law programme of the Department of Justice is to negotiate and advise on international agreements, including those on surrender of fugitive offenders, mutual legal assistance and transfer of sentenced persons. In this connection, will the Administration inform this Committee:

- (i) of the current progress and the timetable for the establishment of a bilateral extradition agreement with Macau;
- (ii) of what other countries and jurisdictions with which the Department of Justice is currently negotiating on similar international agreements on surrender of fugitive offenders, mutual legal assistance and/or transfer of sentenced persons?

Asked by: Hon KWOK Dennis (Member Question No. 40)

Reply:

The information sought is provided as follows:

- (i) The Governments of the Hong Kong Special Administrative Region (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 inappropriate to disclose the details of the discussions. Since various issues have yet 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.
- (ii) Negotiations are proceeding with various jurisdictions. After initialling, Hong Kong and its negotiating partners must complete their necessary internal procedures to obtain approval to sign. Before there is approval to sign, it is not desirable to disclose such negotiations, including the identity of the negotiating partners.

- End -

CONTROLLING OFFICER'S REPLY

SJ027

(Question Serial No. 5281)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational Expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Please advise how the non-accountable entertainment allowance for the Secretary for Justice is calculated.

Asked by: Hon KWOK Ka-ki (Member Question No. 105)

Reply:

The rate of non-accountable entertainment allowance payable is adjusted annually in accordance with the movement of the average monthly Composite Consumer Price Index (CCPI) for a 12-month period ending December as compared with that for the preceding 12-month period. For 2015-16, the allowance payable to the Secretary for Justice will be increased by 4.4% with effect from 1 April 2015 based on the CCPI movement.

- End -

CONTROLLING OFFICER'S REPLY**SJ028****(Question Serial No. 2934)**Head: (92) Department of JusticeSubhead (No. & title): (000) Operational expensesProgramme: (2) CivilControlling Officer: Director of Administration and Development (Cheuk Wing Hing)Director of Bureau: Secretary for JusticeQuestion:

Please provide in the table below the number of cases where the Department of Justice represented the Commissioner of Police or police officers in civil claims for damages against them for their actions taken in the course of duties, the outcome of the proceedings and the related expenses in the past 5 years:

Year	Number of cases where the Department of Justice represented the Commissioner of Police or police officers in civil claims for damages against them	Outcome of proceedings			Court costs	Amount of damages
		Successful	Unsuccessful	Settled		
2010-11						
2011-12						
2012-13						
2013-14						
2014-15						

Asked by: Hon LEUNG Kenneth (Member Question No. 7.12)Reply:

The information sought is provided as follows :

Year	Number of cases ^{Note 1} where DoJ represented the Commissioner of Police or police officers in civil claims for damages against them	Outcome of proceedings ^{Note 2}			Related expenses	
		Successful	Unsuccessful	Settled	Court costs ^{Note 3} \$'000	Amount of damages ^{Note 3} \$'000
2010-11	92 [11]	16	2	63	740	1,868
2011-12	82 [11]	23	0	48	601	2,114
2012-13	71 [13]	22	1	35	538	859
2013-14	79 [25]	16	1	37	311	1,689
2014-15 (up to 28.2.2015)	108 [71]	16	2	19	33	193

Note 1: The numbers of cases refer to new cases received in the relevant year. Figures in square brackets denote the number of cases that were not completed as at 28 February 2015.

Note 2: For cases completed as at 28 February 2015.

Note 3: The amount of court costs and damages refers to expenses incurred for the completed cases.

- End -

CONTROLLING OFFICER'S REPLY

SJ029

(Question Serial No. 2172)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

Would the Government inform this Committee of:

- (1) the respective estimated expenditure on the emolument and non-accountable entertainment allowance of the Secretary for Justice this year, and the estimated expenditure on the emolument of the Director of Public Prosecutions this year;
- (2) the explanation of the Department of Justice (DoJ) for the very low conviction rates of defendants convicted after trial in Magistrates' Court in 2013 and 2014, accounting for only 47% and 50.3% respectively, and if there was an abuse of prosecution;
- (3) the amount of court costs the DoJ had to pay in criminal cases as a result of adverse decisions in Magistrates' Court, District Court and Court of First Instance over the past 5 years by filling in the following table:

	Magistrates' Court	District Court	Court of First Instance
2010			
2011			
2012			
2013			
2014			

- (4) whether provisions will be earmarked by the DoJ for payment of court costs incurred as a result of adverse rulings and, if yes, what is the estimated expenditure for this year.

Asked by: Hon LEUNG Kwok-hung (Member Question No. 524)

Reply:

The information sought is provided as follows:

- (a) The estimated expenditure on the emolument and non-accountable entertainment allowance of the Secretary for Justice in 2015-16 is \$3.70 million and \$0.22 million respectively. The notional annual mid-point salary of the Director of Public Prosecutions post in 2015-16 is \$2.64 million.

(b) As the prosecution authority, our objective is to see that appropriate cases are presented fairly to the court. Prosecutions are, in accordance with the guidelines set out in the Prosecution Code, pursued only if there is a reasonable prospect of conviction and that it is in the public interest to prosecute. Once it is decided that prosecution should be pursued, it is the duty of prosecutors to act in a fair and objective manner. The question of guilt or innocence is a matter for the court to decide, on the criminal standard of providing “beyond reasonable doubt” according to law. Conviction rate is not an indicator of abuse or otherwise.

As shown in the conviction rates at the magistracy level set out below, the success rate of prosecutions (including defendants convicted after trial and defendants convicted on their own pleas) has remained relatively steady in the past six years.

Conviction Rate at Magistrates’ Court	2009	2010	2011	2012	2013	2014
- defendants convicted after trial (%)	53.4	51.6	51.5	47.6	47.0	50.3
- defendants convicted after trial and defendants convicted on their own pleas (%)	74.7	73.8	74.4	73.3	72.3	74.6

(c) The amount of court costs that the Department of Justice (DoJ) had to pay in criminal cases as a result of adverse decisions in Magistrates’ Court, District Court and Court of First Instance in the past 5 years is as follows:

	Magistrates’ Court \$	District Court \$	Court of First Instance \$
2010	17,993,822	17,070,254	14,461,479
2011	15,352,047	12,866,606	20,319,049
2012	24,521,472	17,586,766	21,614,911
2013	20,494,824	4,459,722	18,350,144
2014	43,728,391	4,702,800	46,714,725

(d) The estimated expenditure of DoJ for court costs in respect of criminal cases in 2015-16 is \$190 million. The expenditure on court costs varies from year to year, depending on the number of cases involved, their complexity and development. As the estimate was worked out on information available at the time of preparing the estimates, the actual expenditure incurred in 2015-16 would ultimately depend on the subsequent development and outcome of the cases concerned (which are not entirely within the control of the Government or DoJ).

- End -

CONTROLLING OFFICER'S REPLY

SJ030

(Question Serial No. 1154)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (3) Legal Policy
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

It is mentioned under Matters Requiring Special Attention in 2015-16 of Programme (2) of the Immigration Department that the Department will continue to “plan the immigration facilities required in the new control points at the Guangzhou-Shenzhen-Hong Kong Express Rail Link West Kowloon Terminus, Hong Kong-Zhuhai-Macao Bridge Hong Kong port area and Liangtang/Heung Yuen Wai”. The planning and design of the immigration facilities will be impacted considerably by the implementation or otherwise of the co-location arrangements at the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) West Kowloon Terminus. While the working group dealing with the legal issues involved in the co-location arrangements is headed by the Secretary for Justice, the Department of Justice has not mentioned the above work in its Programmes. In this connection, would the Government inform this Committee of:

1. the resources allocated for the implementation of the co-location arrangements at the XRL West Kowloon Terminus over the past 3 years as well as the effectiveness and progress of the work;
2. the expenses to be incurred on the XRL West Kowloon Terminus in the next 3 years and when the co-location arrangements will be expected to be implemented?

Asked by: Hon LEUNG Mei-fun, Priscilla (Member Question No. 9)

Reply:

The Department of Justice (“DoJ”) advises Government bureaux and departments on legal issues as required from time to time, including those arising from projects under their purview. The co-location arrangement of the XRL project is one such example. The advice was and will be tendered among the other advisory duties of the relevant legal divisions and the expenditure therefore cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ031

(Question Serial No. 1156)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (3) Legal Policy
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

It is mentioned under Matters Requiring Special Attention in 2015-16 of Programme (3) Legal Policy of the Department of Justice that “the Secretary for Justice’s Office and the Legal Policy Division will continue to promote the use of arbitration in Hong Kong and publicise Hong Kong’s arbitration regime; promote Hong Kong as a regional centre for legal services and dispute resolution; provide support to the Advisory Committee on Promotion of Arbitration, chaired by the Secretary for Justice, to enhance the efforts to foster the promotion of arbitration services in Hong Kong in accordance with the policy objective of the Government”. In this connection, would the Government inform this Committee of:

1. the resources allocated to promote and develop Hong Kong’s mediation and arbitration services over the past 3 years, and the detailed breakdown of the expenditure of the measures taken;
2. the resources planned to be allocated to promote and develop Hong Kong’s mediation and arbitration services in the next 3 years, and the specific measures to be taken?

Asked by: Hon LEUNG Mei-fun, Priscilla (Member Question No. 11)

Reply:

The information sought is provided as follows :

1. Promotion and development of Hong Kong’s mediation and arbitration services over the past three years and the resources allocated

For promotion and development of mediation, the key measures taken are as follows :

- (a) Steer by the Steering Committee on Mediation (the Steering Committee) : Chaired by the Secretary for Justice, the Steering Committee and the three Sub-Committees formed under it work on regulatory framework, accreditation and public education, in their effort to promote the wider use of mediation.
- (b) Facilitation of the use of mediation : The work in progress includes (i) the promulgation and promotion of guidelines on the exemption for disclosure of mediation communication for research, evaluation or educational purposes; (ii) the drafting of a public consultation

document on the need for enacting an apology legislation for enhancing settlements; and (iii) the establishment of a data collection mechanism to monitor the operation of the Mediation Ordinance (Cap. 620).

- (c) Promotion and education: The work mainly involved (i) staging various activities targeted at prospective users of mediation, including a “Mediate First” Pledge Reception in July 2013, a “Mediation Week” in March 2014 and a “Mediate First” Pledge Event in March 2015; and (ii) release of a new API (in Chinese and English) with both video and audio clips.
- (d) Promotion within the Government : Seminars, workshops and experience sharing sessions for directorate and middle ranking civil servants as well as tailor-made mediation courses for various Government Departments were organised; a Mediation Handbook for Administrators was also published in January 2015 to provide practical guidance on aspects relevant to the use of mediation in disputes involving the Government.
- (e) Accreditation and regulation of mediators : This mainly involves monitoring the organisation and operation of the Hong Kong Mediation Accreditation Limited (HKMAAL), a non-statutory industry-led body formed in August 2012 and came into operation in April 2013 to take charge of accreditation and discipline of its mediators.

For arbitration, the key measures to promote and develop such services include:

- (a) Constantly reviewing Hong Kong’s arbitration regime and considering necessary improvement to the Arbitration Ordinance (Cap. 609): One amendment ordinance was passed in July 2013 while another amendment bill was recently introduced.
- (b) Promotional activities outside Hong Kong : Hong Kong Legal Services Forums were held in Mainland cities on a biennial basis to promote Hong Kong’s legal and dispute resolution services. The Secretary for Justice and representatives of the Department of Justice also visited prominent commercial centres in overseas countries to promote the competitive edges of Hong Kong in the provision of legal and arbitration services. In 2014, the focus was on emerging markets in the Asia Pacific region, in particular Southeast Asia.
- (c) Establishment of the Advisory Committee on Promotion of Arbitration (the Advisory Committee) : The Advisory Committee was established in December 2014. Comprising representatives of the key stakeholders and eminent members of the arbitration community, the Advisory Committee co-ordinates the promotion of the Hong Kong SAR’s arbitration services in and outside Hong Kong.
- (d) Facilitation of the establishment and growth of world-class arbitration institutions in Hong Kong : The China International Economic and Trade Commission and the China Maritime Arbitration Commission set up their Hong Kong Arbitration Center in 2012 and 2014 respectively. In January 2015, a Host Country Agreement between the Central People’s Government and the Permanent Court of Arbitration (PCA) on the conduct of dispute settlement proceedings in Hong Kong and a related Memorandum of Administrative Arrangements between the Hong Kong SAR Government and the PCA were signed. The signing of these two documents will facilitate the conduct of PCA-administered arbitration in Hong Kong, including state-investor arbitration.

In terms of resources, the Mediation Team of the Civil Division (the Mediation Team) has been providing support in implementing the long term policy to promote and develop mediation in Hong Kong, including the provision of secretarial support to the Steering Committee. For arbitration, one Senior Government Counsel (SGC) post was created in 2014-15 for undertaking promotion work and providing support to the Advisory Committee. The staff costs in the past three years are as follows :

	2012-13	2013-14	2014-15
Mediation Team	\$1,198,000	\$3,165,000	\$3,590,000
SGC for handling arbitration matters	NA [post not yet created]	NA [post not yet created]	\$1,153,800

As for other staff assisting in taking forward the efforts in respect of mediation as well as arbitration as set out above, they undertake the work among their other duties. Their staff costs and other expenses cannot be separately identified.

2. Promotion and development of Hong Kong's mediation and arbitration services in the coming three years and the resources allocated

Looking ahead, to facilitate the long term development of mediation in Hong Kong, the Mediation Team will consolidate its efforts in various areas including the provision of an environment and legal infrastructure conducive to mediation, strengthening the efforts in capacity building, enhancing public understanding and interest in the use of mediation as well as Hong Kong's competitiveness and international image as a mediation services centre in the Asia-Pacific region. Further specific measures for the promotion and development of mediation will be considered by the Steering Committee.

For arbitration, we will concentrate our efforts on developing arbitration services in the following areas:

- (a) Continuing to take forward a consultancy study on the development of arbitration in Hong Kong and the challenges and opportunities that Hong Kong faces as a regional centre for international arbitration in the Asia Pacific region. The findings and recommendations of the study will greatly assist long-term policy planning and strategic development in this area.
- (b) Enhancing the promotion of dispute resolution services of Hong Kong in the Mainland and emerging economies in the Asia Pacific region. Participation in seminars in the Mainland and promotional visits to emerging economies in the Asia Pacific region are being planned in this financial year.
- (c) Co-ordinating strategies for the promotion of the Hong Kong SAR's arbitration services in and outside Hong Kong by the Advisory Committee.

These two areas of work would continue to be supported by the above-mentioned staff in 2015-16. Other related expenses will continue to be absorbed within the existing resources of the Department.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 1177)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational expenses
Programme: (-) Not Specified
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

The rule of law is the cornerstone of Hong Kong's prosperity and stability. However, it has been dealt a severe blow in recent one to two years, with large-scale illegal protest activities having taken place while the instigator who is a legal academic of a university even propagating repeatedly that the rule of law could be achieved as long as the people who have breached the law subsequently turn themselves in. In this connection, would the Government inform this Committee:

1. what are the policies and measures that have been adopted by the Government in introducing and promoting the correct concept of the rule of law to the public, and the expenditure so incurred in the past 3 years, with a breakdown by types of measures; and
2. whether the Government has evaluated the effectiveness of the measures in safeguarding the rule of law as a core value of Hong Kong, so that it stays firm under repeated challenges, and if yes, what are the details; if not, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (Member Question No. 32)

Reply:

The HKSAR Government and the Department of Justice (DoJ) have all along been seeking to do their utmost to uphold the rule of law and judicial independence of Hong Kong. To promote the rule of law and Hong Kong's legal system, the Secretary for Justice regularly speaks on these two themes in his public speaking engagements both in Hong Kong and overseas. Senior DoJ counsel from time to time attend conferences and promotional events for the purpose of enhancing the public's understanding of the existing legal system under the "One Country, Two Systems" framework and collaborating with legal professional bodies to promote legal services. To foster general understanding and awareness of the Basic Law, DoJ counsel also participate in educational activities organised for schools and conduct Basic Law seminars for civil servants.

Moreover, the Prosecutions Division of DoJ has separately launched the "Meet the Community" programme to further enhance our young people's understanding of the criminal justice system, their role therein and their appreciation of the importance of the rule of law. We also organise an annual "Prosecution Week" since 2012, featuring visits to the DoJ and courts, talks by counsel of the DoJ and mock court demonstration, as well as a slogan competition for secondary school students. These activities serve to bring the prosecution authority and the general public closer

together, thereby increasing the accessibility, openness and accountability of the criminal justice system to the community as a whole. The feedback on “Prosecution Week” has been encouraging and the DoJ intends to continue with the project.

The work in promoting the rule of law is undertaken among other duties of the relevant legal divisions and the expenditure cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ033

(Question Serial No. 2436)

Head: (92) Department of Justice

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

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

The Law Reform Commission (LRC) established two sub-committees to consider the issues of access to information and archives law. What is the latest progress of the work of these two sub-committees? When will the findings be expected to be released to the public? Have manpower and resources been earmarked by the Department of Justice for preliminary work of the enactment of the archives law and the freedom of information law? If yes, what are the details? If not, what are the reasons?

Asked by: Hon MO Claudia (Member Question No. 46)

Reply:

The Law Reform Commission (LRC)'s Sub-committee on Archives Law and Sub-committee on Access to Information were both formed in May 2013 to review the current local situation and conduct comprehensive comparative studies of the relevant regimes and laws in overseas jurisdictions, with a view to making recommendations on possible options for reform where necessary.

These two Sub-committees have since been meeting regularly, having so far reviewed the current regimes and are undertaking a comparative study of the situation in other jurisdictions. After detailed deliberation of the relevant issues, the Sub-committees will come up with provisional recommendations for consultation. They will then take into account the responses received in the consultation exercise before finalising proposals for reform, if any. After considering the draft reports submitted by the Sub-committees, the LRC will publish its final reports. Given the importance and complexity of the issues involved, as well as the extensive local and comparative research and analysis required, it is too early for the two Sub-committees to commit to an expected completion date for the projects. Nonetheless, the Sub-committees are working diligently on the projects and they will publish the relevant consultation papers in due course.

As has been the case since its establishment, the LRC Secretariat manned and funded by the Department of Justice (DoJ) has been providing all necessary support, legal research or otherwise, to the work of the independent LRC and its sub-committees.

Upon the publication of an LRC report with recommendations for reform, the DoJ will, in collaboration with the LRC Secretariat, provide assistance to the relevant bureau in its consideration and implementation of the recommendations. Depending on the nature and urgency of the reform, as well as the volume of work warranted, the responsible policy bureau(x) will decide if additional resources, including staff, are called for. Given the current stage of the work of the two Sub-committees, DoJ has not earmarked additional manpower or other resources for the purpose of advising the relevant bureau(x) or departments on any LRC recommendations on the subject matters.

- End -

CONTROLLING OFFICER'S REPLY**SJ034****(Question Serial No. 4820)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Cheuk Wing Hing)Director of Bureau: Secretary for JusticeQuestion:

In paragraph 46 of the Budget Speech, it is mentioned that from this year onwards, free online government information will be released in digital formats.

- (1) Please provide in the table below details about the free online government information released in digital formats by your bureau/department for download by the public:

Bureau/ Department	Free information/ data released to the public	Description of the information	Period of the information	Is it currently listed in Data.One	Date of release and the updating frequency	Format of information available for download (please choose)			
						JSON, XML, or CSV	XLS, DOC	TIF, JPG, PDF, PNG	RSS

- (2) In 2015-16, what are the manpower and expenditure involved in releasing online government information by your bureau/department?
- (3) Did your bureau/department review all the non-classified information that your bureau/department owned or possessed, draw up priorities for their release and compile them into digital data formats to facilitate retrieval/inspection, research or application development, and creation of more industries through innovative reuse of data? If yes, what are the details? If not, what are the reasons?

Asked by: Hon MOK Charles Peter (Member Question No. 106)

Reply:

The information sought is provided as follows :

(a)

Bureau/ Department	Free information/ data released to the public	Description of the information	Period of the information	Is it currently listed in Data.One	Date of release and the updating frequency	Format of information available for download (please choose)			
						JSON, XML, or CSV	XLS, DOC	TIF, JPG, PDF, PNG	RSS
DoJ	DoJ and related websites (www.doj. gov.hk)	Various information including speeches, policies, latest news and related documents of DoJ	Since 1999	No	Since 1999, updated on a need basis			PDF JPG	
DoJ	Bilingual Laws Information System (www. legislation. gov.hk)	Consolidated Hong Kong legislation and editorial records, and other information about the legislation of Hong Kong	Since June 1997	No	Since November 1997, updated on a need basis			PDF	

(b) The staff cost and other related expenses for the work involved are absorbed within the existing resources of the Department and the expenditure involved cannot be separately identified.

(c) DoJ is reviewing the information provided on the DoJ website with a view to converting it into machine-readable formats, such as PDF/A, JP2, CSV etc. Our current plan is that information with high re-use value will be first converted within 2015, to be followed by those with lower re-use value. Moreover, with effect from March 2015, all new contents uploaded onto the DoJ website will be in machine-readable format.

- End -

CONTROLLING OFFICER'S REPLY**SJ035****(Question Serial No. 4821)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Cheuk Wing Hing)Director of Bureau: Secretary for JusticeQuestion:

In connection with the provision of public information and gathering of public opinion by means of the Internet, please advise in tabulated form (see Annex 1), the particulars regarding the social media platforms set up and operated by your bureau/department/public body or the respective agent(s) (such as out-sourced contractor(s) or consultant(s)) for the past year.

Commencement of operation (Month/ Year)	Status (keeps on updating / ceased updating) (as at 28 February 2015)	Government agencies (including policy bureaux/ departments/ public bodies/ government consultants)	Name	Social media (Facebook/ Flickr/ Google+/ LinkedIn/ Sina Weibo/ Twitter/ YouTube)	Purpose of establishment and no. of updates (as at 28 February 2015)	No. of "Likes"/ subscribers/ average monthly visits (as at 28 February 2015)	Compilation of summary of comments and follow-up on a regular basis (Yes/ No)	Rank and no. of officers responsible for the operation (as at 28 February 2015)	Financial resources involved in the establishment and daily operation (as at 28 February 2015)
			(1)...	(1)...					
			(2)...	(2)...					
			(3)...	(3)...					

Asked by: Hon MOK Charles Peter (Member Question No. 107)Reply:

The Department of Justice has not set up any social media platform to provide public information or gather public opinion.

- End -

CONTROLLING OFFICER'S REPLY

SJ036

(Question Serial No. 4844)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Regarding the Department's expenditure on the procurement of computer software and hardware, could the Government inform this Committee of the following:

- (1) Does the Government have any standard internal procurement guidelines on the criteria for purchase or upgrading of computer software and hardware? If yes, what are the details? Is the Department required to upgrade its computer software and hardware in a timely manner under the guidelines?
- (2) Given that the computer software and hardware supplier Microsoft will terminate support service for its Windows XP operating platform, please provide the respective numbers of mainframe computers in the Department which are using (i) the Microsoft Windows XP operating platform; (ii) other operating platforms released by Microsoft before 2001; and (iii) other operating platforms (please specify the version), as well as the respective percentages of these three types of operating systems out of the Department's total number of mainframe computers. Does the Department have any plan to upgrade the above versions of operating platform versions which are now obsolete?
- (3) What are the expenditure on and criteria for the procurement of tablet computers by the Department? What are the model numbers and the uses of the tablet computers? Is there any confidential information saved on the tablet computers? If yes, what are the details? Is there any information security software installed in the tablet computers used by the Department? What is the expenditure involved?
- (4) How many offline mainframe computers are there in the Department? What are the versions of their operating platforms? Is there a unified standard for information security or antivirus software for adoption by the Department? If yes, what is the model number of the software adopted? If not, what are the respective model numbers of the software adopted?

Asked by: Hon MOK Charles Peter (Member Question No. 151)

Reply:

The information sought is provided as follows :

(a) According to prevailing Government guidelines, bureaux/departments (B/D) are required to formulate annually a Departmental Information Technology (IT) Projects Portfolio and plan the related IT projects for the next three years to ensure that the business and operational needs of the B/D can be met effectively. In planning IT upgrading projects, B/D need to review and assess the potential risks in different aspects and adopt mitigation measures. The potential risks in the technology aspect that have to be considered include product compatibility, maintenance and support service, future replacement product and market supply, etc. In procuring or upgrading computer hardware and software, B/D should ensure that it is carried out cost-effectively through open and fair market competition. B/D should plan for the upgrading of computer hardware and software having regard to the importance and relative priority of the IT projects concerned. The Department of Justice (DoJ) follows these guidelines and arrangements.

(b) We have completed upgrading all computers using Microsoft Windows XP before the end of the support date of Microsoft Windows XP. Below is a breakdown of the number of computers used in the DoJ as at 11 March 2015 by the specified types of operating platforms:

	(i) using operating platform of Microsoft Window XP	(ii) using operating platforms released by Microsoft before 2001	(iii) using other operating platforms
Number of computers using respective operating platform	0	0	Around 1700 (Microsoft Windows 7)
Percentage over the Department's total number of computers (Around 1700)	0	0	100%

(c) The total expenditure of the Department on procuring tablet computers up to 2014-15 is \$132,184. A total of 20 iPads (including 1 iPad, 5 iPad 2, 14 iPad Air) and one Samsung Galaxy Note 10.1 were procured in compliance with the Government's procurement guidelines.

The tablet computers are mainly used for internal support, such as preparation of electronic version of documents for submission to courts, powerpoint presentation and website testing. The tablet computers do not normally store confidential information. When there is a need to do otherwise under special circumstances, the Department will strictly comply with the requirements of Government Security Regulations, including using encryption technology on the transmission and storage of confidential information, and keeping the encryption keys separate from the tablet computers. We have also implemented mobile device management solution on tablet computers, including password lock and data wiping after defined number of incorrect login attempts. There is no separate expenditure for installing the information security software as it is included in the procurement and maintenance costs of these tablet computers.

(d) The DoJ does not operate any offline computer. We are following the prevailing information security policies, guidelines and procedures to protect government information systems and data. Multiple layers of protective measures, including deploying updated information security and anti-virus software, are implemented. For security reasons, the DoJ will not disclose the details on information security or anti-virus software being adopted by the Department.

- End -

CONTROLLING OFFICER'S REPLY**SJ037****(Question Serial No. 0967)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) Prosecutions
(2) CivilControlling Officer: Director of Administration and Development (Cheuk Wing Hing)Director of Bureau: Secretary for JusticeQuestion:

Programme (1): Prosecutions, 2015-16 (Estimate) as compared with 2013-14 (Actual) +32.1%.

Programme (2): Civil, 2015-16 (Estimate) as compared with 2013-14 (Actual) +66%.

Compare with the actual expenditure of last year, the estimates for the two programmes above increase by one-third and two-thirds respectively in the coming year. What are the reasons for such significant increases within these two years?

Asked by: Hon NG Leung-sing (Member Question No. 3)Reply:

The actual and estimated expenditure for Programme (1): Prosecutions and Programme (2) : Civil from 2013-14 to 2015-16 is as follows :

	2013-14 Actual expenditure (A)	2014-15 Original Estimates (B)	2014-15 Revised Estimates (C)	2015-16 Estimates (D)	2015-16 Estimates vs. 2013-14 actual expenditure (D) vs. (A)
Programme (1) : Prosecutions	\$538.9M	\$577.6M [(B) vs. (A) = +7.2%]	\$659.5M [(C) vs. (A) = +22.4%]	\$711.7M [(D) vs. (C) = +7.9%]	+32.1%
Programme (2) : Civil	\$583.0M	\$941.6M [(B) vs. (A) = +61.5%]	\$793.6M [(C) vs. (A) = +36.1%]	\$967.7M [(D) vs. (C) = +21.9%]	+66.0%

As shown in the above table, the increase of 32.1% in the 2015-16 estimates for Programme (1) and 66.0% in the 2015-16 estimates for Programme (2) was against the actual expenditure for 2013-14. When compared to the revised estimate for 2014-15, the estimated financial provision for Programme (1) and Programme (2) is \$52.2 million (or 7.9%) and \$174.1 million (or 21.9%) higher respectively. The bulk of the increase is due to anticipated increase in briefing out (\$115 million) and court costs requirements (\$66 million).

The expenditure on briefing out and court costs varies from year to year, depending on the number of cases involved, their complexity and progress. In 2015-16, the expected increase in this area of expenditure is mainly due to the need to meet related expenses of some mega cases. Other contributory factors include increase in counsel fees and the general increase in the complexity and number of cases.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0968)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

The provision for Prosecutions for 2014-15 (Revised) increases by 22.4% over that for 2013-14 (Actual), and 15.2% over that of the original estimate. How much of the additional resources concerns the prosecutions relating to the illegal occupy movement last year?

Asked by: Hon NG Leung-sing (Member Question No. 4)

Reply:

The revised estimate for Programme (1) : Prosecutions for 2014-15 is 22.4% higher than the actual expenditure for 2013-14. This is mainly due to the increase in briefing-out expenses and court costs for some mega cases that require payment of briefing-out expenses / court costs in 2014-15. As for cases related to the occupy movement, investigation by the Police for some of the cases is still on-going and we would provide legal advice and/or take prosecution actions as necessary. In 2014-15, such cases were handled by existing staff among their other duties. The expenditure cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ039

(Question Serial No. 0969)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Concerning performance targets, the actual compliance rates for “providing advice for law enforcement agencies within 14 working days upon receipt of request, or for a complex case, interim reply within 14 working days (%)” in 2013 and 2014 were 90.4% and 94% respectively, which fall short of the target of 100%. What are the reasons for this? What is the compliance rate for 2015 up to now? Does the unlawful occupy movement last year have a significant impact on the compliance rate?

Asked by: Hon NG Leung-sing (Member Question No. 5)

Reply:

The Prosecutions Division will at all times seek to provide legal advice to law enforcement agencies as quickly as possible. The actual time taken to provide substantive advice on individual cases would however depend on a number of factors, including the nature and complexity of the case.

To achieve better compliance with our performance pledges, we have strengthened our monitoring system to remind counsel to handle requests for advice with due regard to the response time pledged. This has produced a positive result with an increase in the compliance rate from 87.5% in 2012 to 90.4% in 2013, and further to 94% in 2014. We will continue our efforts in this regard.

Our compliance rate has remained steady since October 2014 when the occupy movement commenced. There was however a slight fall in the rate in February 2015 (92.2%), compared to the rate in January 2015 (94.7%). We will continue to closely monitor the compliance trend and provide additional resources to the relevant team for handling occupy movement-related cases, where necessary.

- End -

CONTROLLING OFFICER'S REPLY

SJ040

(Question Serial No. 2451)

Head: (92) Department of Justice

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

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

What are the details of the work of the Department of Justice in promoting mediation in 2015-16? What is the expenditure involved? What is the progress of the work of the Department of Justice in setting up a statutory accreditation body for mediators?

Asked by: Hon TAM Yiu-chung (Member Question No. 24)

Reply:

To further promote the wider use of mediation, a Steering Committee on Mediation (Steering Committee) chaired by the Secretary for Justice was set up in late 2012, with three Sub-committees formed under it to work on regulatory framework, accreditation and public education. Many initiatives have since been implemented for promoting and developing mediation, including: (a) staging a "Mediate First" Pledge Reception in July 2013 to encourage the community to first use mediation for dispute resolution; (b) release of a new API (in both Chinese and English) with both video and audio clips to enhance public awareness and understanding of mediation; (c) staging a "Mediation Week" in March 2014 consisting of a two-day Mediation Conference and 24 mediation talks, seminars and activities for specific sectors; and (d) organising a "Mediate First" Pledge Event in March 2015 to increase the awareness of Small and Medium Enterprises (SMEs) of the merit of using mediation to resolve disputes.

In 2015-16, the Department will continue to enhance the legal infrastructure for the use of mediation, strengthen the training of mediators and improve public understanding of mediation. Specifically, we will work on the promulgation of guidelines on the exemption for the disclosure of mediation communication for research, evaluation or educational purposes, the drafting of a public consultation document on the need for enacting an apology legislation for facilitating settlements, and establishing a data collection mechanism to monitor the operation of the Mediation Ordinance (Cap 620). Promotional activities will be focused on the use of mediation in the community (particularly building management) and business sectors, with special attention on SMEs as prospective users of mediation. Continuous efforts will also be made to facilitate the development of mediation in other sectors including construction, family, medical and intellectual properties.

Within the Government, a Mediation Handbook for Administrators was published in January 2015 to provide practical guidance to civil servants on aspects relevant to the use of mediation in disputes involving the Government. Mediation seminars, workshops and experience sharing sessions will also be organised.

The Steering Committee and the three Sub-committees are serviced by the Mediation Team of the Civil Division of the Department in implementing the various initiatives and measures. The relevant staff cost is \$3.8 million per annum.

On the accreditation of mediators, the Department facilitated the incorporation of the Hong Kong Mediation Accreditation Association Limited (HKMAAL) in August 2012 which officially commenced operation in April 2013. HKMAAL has 11 corporate members which are the major mediation stakeholders including its four founder members namely: the Hong Kong Bar Association, the Law Society of Hong Kong, the Hong Kong International Arbitration Centre and the Hong Kong Mediation Centre. HKMAAL is a non-statutory, industry-led body. With more than 2 000 accredited mediators on its panels, it is the largest mediation body in Hong Kong.

The Accreditation Sub-committee of the Steering Committee monitors the operation of HKMAAL. The establishment of a statutory accreditation body would be further explored with more experience gained from the operation of HKMAAL. The Department, through the Steering Committee, will continue to review this issue with the relevant stakeholders.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 2452)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (1) Prosecutions
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

Because of the illegal occupy movement last year which lasted for as long as 79 days and the series of confrontations instigated by some unruly elements to disrupt social order following the movement, the prosecution work involved in these cases to be taken forward by the Prosecutions Division of the Department of Justice (DoJ) is expected to substantially increase in 2015-16. Has the Government estimated how much resources will be required for the prosecution work in the cases, and what is the progress of prosecution of the cases in 2015-16? If yes, what are the details, and if not, what are the reasons?

Asked by: Hon TAM Yiu-chung (Member Question No. 1)

Reply:

In working out the 2015-16 estimates, we have taken into account the resources requirement for handling cases relating to the occupy movement. As investigation by the Police for some of the cases is still on-going, it is neither possible nor appropriate for us to forecast with exactitude the number of cases requiring legal advice and/or prosecution action or the progress of prosecution. This said, we are certain that the handling of these cases will put pressure on our resources. Hence, a provision of \$18 million has been included for meeting briefing out expenditure, either for briefing out of the cases concerned, or for briefing out other cases so that existing manpower of the Prosecutions Division can be freed up to handle occupy movement related cases concerned.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 2453)

Head: (92) Department of Justice
Subhead (No. & title): (-) Not Specified
Programme: (3) Legal Policy
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

Following the illegal occupy movement which lasted for 79 days last year, many legal professionals who were the organisers, participants and supporters of the movement repeatedly made remarks which undermined the rule of law and misled the public. For instance, they claimed that even if some people deliberately breached the law, the rule of law would not be undermined as long as they subsequently turned themselves in to shoulder the legal consequences, and that the rule of law did not mean unconditional compliance with the law. These remarks dealt a severe blow to and seriously undermined the rule of law in Hong Kong. Does the Department of Justice have any publicity and education plans to instill in members of the public the correct concept of the rule of law in 2015-16? If yes, what are the details and plans and what is the expenditure involved? If not, what are the reasons?

Asked by: Hon TAM Yiu-chung (Member Question No. 2)

Reply:

The HKSAR Government and the Department of Justice (DoJ) have all along been seeking to do their utmost to uphold the rule of law and judicial independence of Hong Kong. To promote the rule of law and Hong Kong's legal system, the Secretary for Justice regularly speaks on these two themes in his public speaking engagements both in Hong Kong and overseas. Senior DoJ counsel from time to time attend conferences and promotional events for the purpose of enhancing the public's understanding of the existing legal system under the "One Country, Two Systems" framework and collaborating with legal professional bodies to promote legal services. To foster general understanding and awareness of the Basic Law, DoJ counsel also participate in educational activities organised for schools and conduct Basic Law seminars for civil servants.

Moreover, the Prosecutions Division of DoJ has separately launched the "Meet the Community" programme to further enhance our young people's understanding of the criminal justice system, their role therein and their appreciation of the importance of the rule of law. We also organise an annual "Prosecution Week" since 2012, featuring visits to the DoJ and courts, talks by counsel of the DoJ and mock court demonstration, as well as a slogan competition for secondary school students. These activities serve to bring the prosecution authority and the general public closer together, thereby increasing the accessibility, openness and accountability of the criminal justice

system to the community as a whole. The feedback on “Prosecution Week” has been encouraging and the DoJ intends to continue with the project. The work in promoting the rule of law is undertaken among other duties of the relevant legal divisions and the expenditure cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY**SJ043****(Question Serial No. 2454)**

Head: (92) Department of Justice

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

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

Would the Government list out the legal and other expenses involved in handling non-refoulement claims made under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2012-13, 2013-14 and 2014-15? What is the estimated expenditure to be incurred in 2015-16?

Asked by: Hon TAM Yiu-chung (Member Question No. 3)

Reply:

The work of the Civil Division of the Department of Justice involves providing legal services to the Government on civil matters, including giving legal advice and handling non-refoulement claims made under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (prior to the implementation of the Unified Screening Mechanism (USM) in March 2014) and claims on all applicable grounds (including torture grounds) made under the USM. The Division has a dedicated team of counsel and supporting staff to deal with advisory and litigation matters relating to non-refoulement claims, among other work. The number of staff and the annual staff cost from 2012-13 to 2014-15 are as follows:

Year	Number of staff	Annual staff cost (\$ million)
2012-13	28	24.9
2013-14	28	26.2
2014-15	30	29.2

In 2015-16, the number of staff will remain at 30. The annual staff cost is estimated to be \$30.9 million.

The other expenditure involved in handling matters relating to non-refoulement claims is part of the Department's general departmental expenses and a separate breakdown is not available.

- End -

CONTROLLING OFFICER'S REPLY

SJ044

(Question Serial No. 3683)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational Expenses

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

The Department of Justice (DoJ) conducted ten Basic Law seminars in 2014, which was three more than in 2013. What were the topics of the three seminars? What are the topics to be covered in the ten seminars that the DoJ expects to hold in 2015? What organisations will be involved?

Asked by: Hon WONG Yuk-man (Member Question No. 59)

Reply:

The ten Basic Law seminars conducted by the Department of Justice in 2014 generally covered a variety of issues relating to the Basic Law. They included the general content of the Basic Law, the legal and constitutional relationship between the Central Authorities and the Hong Kong Special Administrative Region (HKSAR), the political structure of the HKSAR as provided for under the Basic Law, human rights protection under the Basic Law and relevant court cases relating to the Basic Law. The Basic Law seminars to be held in 2015 will cover similar topics and the participants are civil servants.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 3684)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)

Director of Bureau: Secretary for Justice

Question:

What are the areas covered by the seven ongoing Law Reform Commission projects intended for this year in the Estimates? Which of these projects are expected to be completed this year? Are all last year's outstanding projects expected to be completed this year?

Asked by: Hon WONG Yuk-man (Member Question No. 60)

Reply:

The Law Reform Commission (LRC) handled eight projects in 2014 on the following topics:

- (a) Adverse Possession;
- (b) Review of Sexual Offences;
- (c) Causing or Allowing the Death of a Child;
- (d) Excepted Offences under Schedule 3 of the Criminal Procedures Ordinance;
- (e) Archives Law;
- (f) Access to Information;
- (g) Third Party Funding for Arbitration; and
- (h) Periodical Payments for Future Pecuniary Loss in Personal Injury Cases.

The project on Periodical Payments for Future Pecuniary Loss in Personal Injury Cases is a new project on which preliminary work has been undertaken, and which will formally commence shortly. As for the seven other ongoing projects, the LRC has completed the two projects on Excepted Offences under Schedule 3 of the Criminal Procedure Ordinance and Adverse Possession with the report concerned published in February 2014 and October 2014 respectively. The LRC Secretariat is now assisting in the implementation of these reports. The other five projects are still ongoing.

According to our latest estimation, by mid-2015, two new topics will be referred to the LRC for study: one on tort law and one relating to criminal law. Together with the six ongoing projects from 2014, the number of projects to be handled by the LRC in 2015 should be eight.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 3685)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational expenses
Programme: (4) Law Drafting
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

In the Bilingual Laws Information System database, how many pieces of legislation enacted before 2015-16 and scheduled for commencement this financial year are planned to be updated in the coming year? At present, how many pieces of legislation are being updated by the Department of Justice? When will the updating be expected to be completed? Which chapters are included?

Asked by: Hon WONG Yuk-man (Member Question No. 61)

Reply:

Among the legislation enacted before 2015-16 which already has a fixed commencement date (whether under its own terms or by appointment), there are 33 items (involving 918 gazette pages) with a commencement date falling within 2015-16 as at 11 March 2015.

The updating of the Bilingual Laws Information System ("BLIS") is an ongoing process. Our updating work is dictated by the commencement dates of legislation. The BLIS is updated within an average of three weeks after a new law or an amendment to existing laws has come into operation.

As at 11 March 2015, the following are Chapters that will be amended, or brand new Chapters, with fixed commencement dates falling within 2015-16:

- | | |
|--------------------|---|
| Cap. 51D | Gas Safety (Registration of Gas Installers and Gas Contractors) Regulations |
| Cap. 57 | Employment Ordinance |
| Cap. 59 | Factories and Industrial Undertakings Ordinance |
| Cap. 81A | Port Control (Cargo Working Areas) Regulations |
| Cap. 109B | Dutiable Commodities (Liquor) Regulations |
| Cap. 109H | Dutiable Commodities (Liquor Licences) (Fees) Regulation |
| Cap. 116 | Rating Ordinance |
| Cap. 123N | Building (Minor Works) Regulation |
| Cap. 132W | Food and Drugs (Composition and Labelling) Regulations |
| Cap. 138A | Pharmacy and Poisons Regulations |
| Cap. 311 sub. leg. | Air Pollution Control (Non-road Mobile Machinery) (Emission) Regulation (tentatively Cap. 311Z) |
| Cap. 313X | Shipping and Port Control (Works) Regulation |
| Cap. 321 | Federation of Hong Kong Industries Ordinance |

Cap. 354L	Waste Disposal (Designated Waste Disposal Facility) Regulation
Cap. 374B	Road Traffic (Driving Licences) Regulations
Cap. 406	Electricity Ordinance
Cap. 424	Toys and Children's Products Safety Ordinance
Cap. 537AN	United Nations Sanctions (Somalia) Regulation
Cap. 537BK	United Nations Sanctions (Côte d'Ivoire) Regulation 2014
Cap. 541A	Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation
Cap. 541B	Electoral Affairs Commission (Registration) (Electors for Legislative Council Functional Constituencies) (Voters for Election Committee Subsectors) (Members of Election Committee) Regulation
Cap. 541K	Electoral Affairs Commission (Registration of Electors) (Rural Representative Election) Regulation
Cap. 547	District Councils Ordinance
Cap. 547F	Declaration of Constituencies (District Councils) Order 2011
Cap. 547G	Declaration of Constituencies (District Councils) Order 2014
Cap. 548I	Merchant Shipping (Local Vessels) (Works) Regulation
Cap. 553	Electronic Transactions Ordinance
Cap. 553B	Electronic Transactions (Exclusion) Order
Cap. 554C	Maximum Amount of Election Expenses (District Council Election) Regulation
Cap. 576	Rural Representative Election Ordinance
Cap. 583	Construction Workers Registration Ordinance
Cap. 583B	Construction Workers Registration (Fees) Regulation
Cap. 587	Construction Industry Council Ordinance
Cap. 603	Product Eco-Responsibility Ordinance
Cap. 603A	Product Eco-Responsibility (Plastic Shopping Bags) Regulation
Cap. 608	Minimum Wage Ordinance
Cap. 615	Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance
Cap. 619	Competition Ordinance
Cap. 619 sub. leg.	Competition (Application of Provisions) Regulation (tentatively Cap. 619A)
Cap. 619 sub. leg.	Competition (Disapplication of Provisions) Regulation (tentatively Cap. 619B)
Cap. 619 sub. leg.	Competition (Turnover) Regulation (tentatively Cap. 619C)

Total: 41 Chapters

- End -

CONTROLLING OFFICER'S REPLY

SJ047

(Question Serial No. 3686)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational Expenses
Programme: (3) Legal Policy
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

What are the specific work plans of the Department of Justice in promoting arbitration services?
What are the related estimates and performance indicators?

Asked by: Hon WONG Yuk-man (Member Question No. 62)

Reply:

Enhancing Hong Kong's position as a leading centre in the Asia Pacific region for dispute resolution services, including arbitration services, is an important policy objective of the Department of Justice (DoJ). For this, we continue to upgrade the legal and institutional infrastructures to make Hong Kong a preferred venue for international arbitration. In particular, the Department has been constantly reviewing Hong Kong's arbitration regime in consultation with the legal/arbitration sector and will consider necessary improvement to the Arbitration Ordinance (Cap. 609) as and when appropriate. We will also continue our efforts to facilitate the establishment and growth of world-class arbitration institutions in Hong Kong.

In 2015, we will channel our effort on developing arbitration services into the following areas:

- (a) *Consultancy study on the development of arbitration in Hong Kong and the challenges and opportunities that Hong Kong faces as a regional centre for international arbitration in the Asia Pacific region.*

The findings and recommendations of the study will greatly assist long-term policy planning and strategic development in this area.

- (b) *Enhance the promotion of dispute resolution services of Hong Kong in the Mainland and emerging economies in the Asia Pacific region.*

The Department will participate in seminars organised by the Hong Kong Economic and Trade Offices and Liaison Offices in the Mainland to promote Hong Kong's legal and dispute resolution services, with a focus on how our legal and dispute resolution professionals may assist when Mainland enterprises go global under the "One Belt One Road" development strategy. The first of these seminars has recently taken place on 17-18 March 2015 in

Chongqing and Chengdu respectively. Promotional visits to emerging economies in the Asia Pacific region are also being planned for this financial year.

(c) *Advisory Committee on Promotion of Arbitration*

In December 2014, DoJ established the Advisory Committee on Promotion of Arbitration to co-ordinate the promotion of Hong Kong as a leading centre for international arbitration services in the Asia-Pacific region. The Advisory Committee, comprising representatives of the key stakeholders and eminent members of the arbitration community, is responsible for overall co-ordination and strategies for the promotion of HKSAR's arbitration services in and outside Hong Kong. It also serves as a forum for discussing such issues as may be raised by the legal, dispute resolution and commercial sectors concerning the promotion of arbitration services.

Regarding resources, other than staff who handle the promotion of arbitration services among their other duties, one Senior Government Counsel (SGC) post was created in 2014-15 for handling the work relating to the promotion of arbitration services and providing support to the Advisory Committee on Promotion of Arbitration. The estimated emolument for the SGC post is \$1.2 million in 2015-16. However, the estimated emolument of the other staff concerned, as well as other related expenses, cannot be separately identified.

Regarding performance indicator, it is difficult for us to use the increase (or otherwise) of arbitration cases conducted in Hong Kong to assess the performance in the promotion of arbitration services, as some parties have opted for the proceedings to be conducted on an *ad hoc* basis without the assistance of an arbitral institution. This notwithstanding, the above-mentioned consultancy study on the development of arbitration in Hong Kong may produce statistical information on the use of arbitration in Hong Kong which will assist long-term policy planning and strategic development in this area.

- End -

CONTROLLING OFFICER'S REPLY

SJ048

(Question Serial No. 3687)

Head: (92) Department of Justice
Subhead (No. & title): (000) Operational expenses
Programme: (2) Civil
Controlling Officer: Director of Administration and Development (Cheuk Wing Hing)
Director of Bureau: Secretary for Justice

Question:

What are the new publicity or support measures of the Department of Justice for the sector in promoting mediation this year? What are the related estimates?

Asked by: Hon WONG Yuk-man (Member Question No. 63)

Reply:

In 2015-16, the Department will continue to promote and develop the more extensive use of mediation to resolve disputes. Specific measures and initiatives will be proposed to the Steering Committee on Mediation (Steering Committee) to enhance the legal infrastructure for the use of mediation, strengthen the training of mediators and improve public understanding of mediation. Among others, we will work on the promulgation of guidelines on the exemption for the disclosure of mediation communication for research, evaluation or educational purposes, the drafting of a public consultation document on the need for enacting an apology legislation for facilitating settlements, and establishing a data collection mechanism to monitor the operation of the Mediation Ordinance (Cap. 620).

Promotional activities will be focused on the use of mediation in the community (particularly building management) and business sectors, with special attention on Small and Medium Enterprises (SMEs) as prospective users of mediation. Continuous efforts will also be made to facilitate the development of mediation in other sectors including construction, family, medical and intellectual properties.

Within the Government, a Mediation Handbook for Administrators was published in January 2015 to provide practical guidance to civil servants on aspects relevant to the use of mediation in disputes involving the Government. Mediation seminars, workshops and experience sharing sessions tailored to the needs of civil servants will also be organised.

The Steering Committee and its three Sub-committees are serviced by the Mediation Team of the Civil Division of the Department in implementing the various initiatives and measures. The relevant staff cost in 2015-16 is \$3.8 million.

- End -