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6 April 2018

Ms Connie SZETO  
Clerk to the Establishment Sub-committee  
Legislative Council

Dear Ms SZETO,

Submission in relation to  
Establishment Sub-committee Paper EC(2017-18)25

I refer to the written enquiries dated 4 April 2018 regarding Establishment Subcommittee Paper EC(2017-18)25 proposing to create one Deputy Principal Government Counsel (DPGC) (DL2) post in the International Law Division (ILD) of the Department of Justice to better cope with the substantial increase in workload of the Treaties and Law Unit of ILD.

The reply to the enquiries is attached at Annex for your perusal please.

Yours sincerely,

(Alan SIU)

Director of Administration and Development  
Department of Justice

## Annex

Please find below the reply to the four questions raised by Hon HUI Chi-fung :

1. As discussed in paragraph 7 of the Establishment Subcommittee (ESC) Paper EC(2017-8)25, the increase in bilateral agreements and multilateral treaties applicable to the HKSAR contributes in no small amount to the recent substantial increase in the caseload of the Treaties and Law Unit (T&L Unit) of the International Law Division (ILD). Such increase is also due to, inter alia, (a) the T&L Unit's enhanced participation in the activities of international organizations including the Hague Conference on Private International Law, the Asia Pacific Economic Cooperation, the United Nations Commission on International Trade Law, and the International Institute for the Unification of Private Law (see paragraphs 16 – 20 of the ESC Paper); (b) the T&L Unit's provision of legal support to the Government in discussions with the Mainland relating to mutual legal cooperation on civil and commercial matters, in particular, on reciprocal recognition and enforcement of matrimonial court decisions (see paragraph 23 of the ESC Paper); and (c) the T&L Unit's support to the special Task Force on marine-related legislation (paragraphs 24 – 26 of the ESC Paper). We do not maintain statistics regarding the T&L Unit's work in relation to international agreements concerning the Belt and Road Initiative (BRI).
2. Currently, all the work relating to multilateral and bilateral international agreements are shared by both teams in the T&L Unit. ILD does not have any dedicated team on the work in relation to international agreements concerning the BRI.
3. The proposed new directorate post will be responsible for all trade-related agreements and matters (see paragraph 27 as well as Part 1 of Enclosure 2 of the ESC Paper), regardless of whether they are related to BRI or not.
4. ILD is responsible for providing legal advice and support for over 250 bilateral international agreements between the HKSAR and over 70 countries, as well as over 250 multilateral international agreements applicable to the HKSAR (many of which involve over 100 contracting states). For a list of such bilateral and multilateral agreements as well as the countries involved in such bilateral agreements, please refer to the webpage of the Department of Justice at <https://www.doj.gov.hk/eng/laws/treaties.html>. For contracting parties to such multilateral agreements, reference may be made to the depositary of the relevant multilateral international agreement (such as the Director-General of the WTO (see the webpage at [https://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org6\\_e.htm](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm)) and the Secretary-General of the United Nations (see the webpage at

[https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=\\_en](https://treaties.un.org/Pages/ParticipationStatus.aspx?clang=_en))) or the international organization that developed the relevant multilateral treaty (such as the Hague Conference on Private International Law (see the webpage at <https://www.hcch.net/en/instruments/status-charts>) and the International Maritime Organization (see the webpage at <http://www.imo.org/en/About/Conventions/StatusOfConventions/Pages/Default.aspx>)).