

**Opening Remarks of the Secretary for Justice  
at the Special Meeting of Finance Committee  
of the Legislative Council  
to Examine the Estimates of Expenditure 2018-19  
on 16 April 2018**

Chairman,

For 2018-19, the total estimated expenditure of the Department of Justice (“DoJ”) is about \$2,290 million, which represents an increase of about 41.4% (or around \$670 million) over the revised estimated expenditure for the last financial year (i.e. 2017-18). When compared to the original estimated expenditure for the last financial year, the rate of increase is about 16.2% (or around \$319 million). The increases relate mainly to two areas of expenditure : manpower and case handling.

2. With regard to manpower, there will be a net creation of 79 posts in the coming year to cope with the increasing demand of government departments for legal services and manpower required for meeting our operational need.

3. On case handling, the expenditure in question is related to court costs and briefing-out expenses payable to barristers, solicitors and other professionals in private practice to be engaged. Court costs and briefing-out expenses are mainly dependent on the number of cases involved, their complexity and development. The estimated expenditure in this regard for each year is worked out on the basis of information available at the time of preparing the estimates and the principles of prudent management of public finances. However, the ultimate amount to be incurred will depend on the development and outcome of the judicial proceedings concerned.

4. I will now outline the DoJ’s major areas of work in the new financial year.

## Programme (1) – Prosecutions

5. In the context of criminal prosecutions, our prosecutors will continue to handle prosecution work in a fair, impartial and open manner, strictly according to the Prosecution Code and the relevant legal principles and available evidence.

6. The Prosecutions Division (“PD”) has a heavy workload in handling various types of criminal cases in the normal course. In this regard, we will provide new resources in the financial year of 2018-19 for PD to create an additional 7 Government Counsel (“GC”) posts to enhance its manpower in order to strengthen support for its legal advisory work. Coupled with the additional GC posts created in the PD in 2017-18, it will go some way to easing PD’s pressure in the provision of legal advice, allowing counsel more opportunities to appear in court for prosecution work so as to refine their advocacy expertise, thereby further strengthening our prosecution team.

7. We will also keep up our efforts in enhancing public understanding of the criminal justice system of Hong Kong and promoting public awareness of the rule of law. In this regard, we will continue to organise events such as the “Meet the Community” and the “Prosecution Week” so as to keep in touch with the public.

## Programme (2) – Civil

8. The Civil Division (“CD”) will continue to provide legal services in civil law matters to all government bureaux and departments, including mainly the handling of all civil proceedings and matters related thereto involving the Government, and the provision of legal advice to ensure that the Government’s policies, legislation and administrative measures are in compliance with the Basic Law and other applicable laws.

9. On the development of mediation and the promotion of more extensive use of mediation to resolve disputes, the Mediation Team of the CD will continue to support the Steering Committee on Mediation, and the major initiatives for the year will include:

- (1) continuing to promote more extensive use of mediation to resolve disputes, and the education and publicity in relation to the Apology Ordinance;
- (2) implementing the pilot mediation scheme at the West Kowloon Mediation Centre for resolving suitable Small Claims Tribunal cases and other appropriate disputes through mediation;
- (3) holding the biennial Mediation Week in May, which will include a mediation conference entitled “Mediate First – Exploring New Horizons” and other thematic events to further promote more extensive use of mediation for resolving disputes in various sectors;
- (4) exploring in-depth the operation and the infrastructure to be put in place for evaluative mediation, with a view to providing more choices for mediation users so that mediation will be put to its best possible use;
- (5) co-ordinating the DoJ’s work in promoting mediation and arbitration services through the Joint Dispute Resolution Strategy Office, and actively participating in and providing support to activities in promotion of Hong Kong’s international legal and dispute resolution services in the context of the Belt and Road Initiative; and
- (6) assisting in the establishment of a mediation mechanism for investment disputes as provided in the Investment Agreement of the Mainland and Hong Kong Closer Economic Partnership Agreement.

### Programme (3) – Legal Policy

10. The Legal Policy Division will continue to discharge the important role to uphold the rule of law by providing legal support to government departments on the Basic Law, human rights and constitutional matters.

11. Over the years, the DoJ has striven to enhance Hong Kong’s status as a leading centre for international legal and dispute resolution services in the Asia-Pacific region. We will continue to work with all stakeholders to promote relevant Hong Kong services in the Mainland and overseas, including

countries in the Asia-Pacific region as well as those along the Belt and Road. The DoJ will co-organise with relevant stakeholders the 5th Hong Kong Legal Services Forum, tentatively scheduled for September this year in Guangzhou. The purpose of the event is to promote to Mainland enterprises and the legal sector Hong Kong as an international legal and dispute resolution services centre in the Belt and Road Initiative and the Bay Area development.

12. The DoJ will also endeavour to enhance the legal framework for dispute resolution. Last June, the Legislative Council passed two amendment bills we introduced relating to arbitration and mediation to clarify the arbitrability of intellectual property (“IP”) disputes and to allow third party funding for arbitration or mediation respectively. The major amendments relating to IP arbitration already took effect on 1 January this year. As for the provisions on third party funding for arbitration and mediation, we are now working on the establishment of a regulatory framework (which includes consulting the public on the issue of a code of practice) and appointment of an advisory body to monitor and review the operation of the regulatory framework, with a view to early commencement of the legislative provisions.

13. To implement the recommendations made by the Law Reform Commission in its Report on Hearsay in Criminal Proceedings, we plan to introduce the relevant bill into the Legislative Council for consideration in this legislative session.

#### Programme (4) – Law Drafting

14. The Law Drafting Division (“LDD”) will continue to provide the professional drafting service required by the Government to implement its policy initiatives. The LDD’s objective is to prepare bilingual legislation that accurately reflects the required policy intent in a way that makes the legislation as easy as possible to understand. To enable the LDD to meet this objective, the LDD provides training to its legislative drafters to ensure the quality of professional service.

15. The launch in February 2017 of Hong Kong e-Legislation marked the beginning of a new era of free on-line access to the legislation of Hong Kong. The initial technical issues encountered by some users have been improved or

resolved and we are in a position to retire the old Bilingual Legislation Information System on 1 July this year. We are progressively verifying the current version of the ordinances of Hong Kong so that electronic versions with official status will become accessible. We are also planning to make further enhancements to the system to address the valuable feedback of users.

#### Programme (5) – International Law

16. The International Law Division (“ILD”) will continue to provide legal advice on different aspects of international law to bureaux and departments, and handle requests involving international legal co-operation.

17. The ILD will also maintain its efforts in enhancing the promotion of the international legal and dispute resolution services of the Hong Kong Special Administrative Region (“HKSAR”) through co-operation with international organisations such as the Hague Conference on Private International Law (HCCH) and United Nations Commission on International Trade Law (UNCITRAL), as well as participation in the work of the “Friends of the Chair group on Strengthening Economic and Legal Infrastructure” (“SELI”) under the Economic Committee of the Asia-Pacific Economic Cooperation (APEC), so as to further raise the HKSAR’s image and influence as an international legal and dispute resolution services centre. Since its establishment in February 2015, SELI has been providing a platform for the HKSAR to share our experience and expertise on the use of international legal instruments to strengthen economic and legal infrastructure, in addition to showcasing the strength of the HKSAR as an international legal and dispute resolution services centre, including our high quality legal profession, independent Judiciary, and modern and mature legal infrastructure.

#### Conclusion

18. Chairman, the above sets out the DoJ’s major areas of work in the coming financial year. My colleagues and I will be happy to answer Members’ questions and listen to your views.

Thank you.