

## Head 92 — DEPARTMENT OF JUSTICE

**Controlling officer:** the Director of Administration and Development will account for expenditure under this Head.

**Estimate 2019–20** ..... **\$2,329.7m**

**Establishment ceiling 2019–20** (notional annual mid-point salary value) representing an estimated 1 349 non-directorate posts as at 31 March 2019 rising by 14 posts to 1 363 posts as at 31 March 2020..... **\$896.2m**

In addition, there will be an estimated 95 directorate posts as at 31 March 2019 rising by one post to 96 posts as at 31 March 2020.

**Commitment balance**..... **\$5.1m**

### Controlling Officer's Report

#### Programmes

**Programme (1) Prosecutions**  
**Programme (2) Civil**  
**Programme (3) Legal Policy**  
**Programme (4) Law Drafting**  
**Programme (5) International Law**

These programmes contribute to Policy Area 11: Legal Administration (Secretary for Justice).

#### Detail

##### Programme (1): Prosecutions

	2017–18 (Actual)	2018–19 (Original)	2018–19 (Revised)	2019–20 (Estimate)
Financial provision (\$m)	675.1	890.4	658.3 (–26.1%)	982.0 (+49.2%)
				(or +10.3% on 2018–19 Original)

#### Aim

2 The aim is to advise and decide whether or not criminal proceedings should be undertaken and to prosecute cases in the courts.

#### Brief Description

3 The Prosecutions Division advises upon and prosecutes criminal cases in all the courts of Hong Kong. Apart from Government Counsel in the Advocacy Sub-division, whose work is primarily advocacy, and who prosecute the more serious cases, Government Counsel across the Division prosecute in trials; appear in appeals, applications for bail and asset recovery cases; and assist the coroner in inquests. Most cases in the Magistrates' Courts are prosecuted by Court Prosecutors. Some cases are briefed out to members of the Bar and solicitors in private practice. The Division also advises law enforcement agencies and other government departments and agencies on criminal law and procedure and the effects of legislation.

4 The advisory function of the Prosecutions Division is performed by Government Counsel in various sections. One section is involved in the Division's training and management matters; other sections are involved in the preparation of cases for trial; whilst specialist sections advise on areas as diverse as corruption, fraud, labour and immigration, vice, obscenity, gambling, anti-terrorism, triads and organised crime, human rights and the Basic Law, complaints against the Police, narcotics, the recovery of the proceeds of crime, customs and excise, computer crime, copyright and market misconduct.

5 In 2018, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

## Head 92 — DEPARTMENT OF JUSTICE

6 The key performance measures are:

### *Targets*

	Target	2017 (Actual)	2018 (Actual)	<b>2019 (Plan)</b>
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 (%).....	100	92.3	92.0	<b>100</b>
preparing and filing indictments in the Court of First Instance within seven days of committal of the accused in the Magistrates' Court (%) ....	100	100	100	<b>100</b>
preparing and delivering charge sheets to the Registrar of the District Court within 14 days after the date of the order of transfer of the case from the Magistrates' Court to the District Court (%).....	100	100	100	<b>100</b>

### *Indicators*

	2017 (Actual)	2018 (Actual)	<b>2019 (Estimate)</b>
cases conducted by Government Counsel.....	3 338	3 730	<b>3 730</b>
cases conducted by Counsel instructed to prosecute in all courts .....	1 685	1 349	<b>1 350</b>
court days undertaken by Government Counsel .....	3 404	3 271	<b>3 270</b>
court days undertaken by Court Prosecutors in Magistrates' Court .....	8 134	7 839	<b>7 840</b>
court days undertaken by Counsel instructed to prosecute in the Magistrates' Court in place of Court Prosecutors.....	5 466	4 815	<b>4 820</b>
cases prepared for the Court of First Instance.....	457	413	<b>410</b>
cases prepared for the District Court.....	1 157	1 183	<b>1 180</b>
items of legal advice provided .....	13 790	13 105	<b>13 110</b>
appeals conducted .....	1 076	1 018	<b>1 020</b>

7 The conviction rates for 2017 and 2018 are:

	2017 (Actual)	<b>2018 (Actual)</b>
Magistrates' Court		
- defendants convicted after trial (%) .....	55.3	<b>57.5</b>
- defendants convicted after trial and defendants convicted on their own pleas (%).....	70.4	<b>71.5</b>
District Court		
- defendants convicted after trial (%) .....	78.5	<b>59.2</b>
- defendants convicted after trial and defendants convicted on their own pleas (%).....	94.7	<b>89.8</b>
Court of First Instance		
- defendants convicted after trial (%) .....	70.8	<b>67.9</b>
- defendants convicted after trial and defendants convicted on their own pleas (%).....	94.0	<b>90.8</b>

The conviction rates are defendant-based and relate to any substantive or alternative offence on which the defendant has been convicted. It does not take into account acquittals of other charges if any.

It should be noted that while it is the duty of Counsel and Court Prosecutors to prosecute vigorously in courts, they have to act in a fair and objective manner. It is wrong to strive to secure a conviction at all costs. The question of guilt or innocence is a matter for the court to decide. Therefore, conviction rates in criminal cases are not and should not be taken as performance indicators. They are published regularly for reference only.

## Head 92 — DEPARTMENT OF JUSTICE

### *Matters Requiring Special Attention in 2019–20*

- 8 During 2019–20, the Prosecutions Division will continue to implement measures to:
- promote co-operation amongst prosecutors at the global level in the combat against crime;
  - enhance the quality of criminal justice by promoting transparency in public prosecutions, liaising closely with justice partners and reviewing the disclosure arrangements of law enforcement agencies;
  - enhance the standards of advocacy and preparation in criminal cases; and
  - enhance the public's understanding of the criminal justice system and their role in the system.

### **Programme (2): Civil**

	2017–18 (Actual)	2018–19 (Original)	2018–19 (Revised)	<b>2019–20 (Estimate)</b>
Financial provision (\$m)	639.4	1,028.2	746.4 (–27.4%)	<b>914.5</b> (+22.5%)
				(or –11.1% on 2018–19 Original)

### *Aim*

9 The aim is to provide legal advice to the Government on civil matters, to undertake civil litigation and other forms of dispute resolution and to draft contracts on commercial and other matters.

### *Brief Description*

- 10 The work of the Civil Division includes:
- representing the Government and various other bodies in courts and tribunals in all forms of civil litigation and dispute resolution (including non-construction arbitration and mediation);
  - providing legal advice on planning, land, building, environment and housing matters;
  - providing legal advice on commercial law matters and drafting commercial contracts, licences and franchises;
  - providing legal advice on legislation and civil law matters;
  - providing advice and support to the development of the wider use of mediation to resolve disputes in Hong Kong; and
  - supporting the Joint Dispute Resolution Strategy Office in promoting Hong Kong's dispute resolution services.

11 In 2018, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

- 12 The key performance measures are:

### *Targets*

	Target	2017 (Actual)	2018 (Actual)	<b>2019 (Plan)</b>
taking appropriate follow-up action on civil litigation cases within seven working days upon referral by client department (%) .....	100	100	100	<b>100</b>
providing legal advice within 14 working days upon receipt of instructions/requests (%)# .....	92	88	89	<b>92</b>

# If achieving the target is not possible due to the complexity of cases, the client department will be advised of the estimated time within which the advice will be provided.

### *Indicators*

	2017 (Actual)	2018 (Actual)	<b>2019 (Estimate)</b>
civil litigation cases current on 31 December .....	36 778	38 193	<b>38 195</b>
new proceedings (including non-construction arbitration and mediation) brought by the Government.....	1 582	1 614	<b>1 680</b>

## Head 92 — DEPARTMENT OF JUSTICE

	2017 (Actual)	2018 (Actual)	2019 (Estimate)
new proceedings (including non-construction arbitration and mediation) brought against the Government .....	1 707	2 174	<b>2 860</b>
person days of court appearances.....	1 400	1 716	<b>1 795</b>
items of legal advice provided .....	15 387	15 587	<b>15 585</b>
commercial tenders, consultancy briefs, contracts, licences and franchises drafted/vetted .....	692	828	<b>830</b>

### *Matters Requiring Special Attention in 2019–20*

**13** During 2019–20, the Civil Division will advise on the legal aspects of:

- proceedings involving the Government, in particular those involving the Basic Law and Bill of Rights issues, administrative law issues, immigration matters, revenue matters, charities and trusts, contempt of court, election matters, contractual/commercial disputes, personal injuries and other damages claims, land matters, building matters, town planning matters and environmental issues;
- implementation of the Judiciary’s Information and Technology Strategy Plan to facilitate court users by providing them with an electronic option for court processes;
- legislative initiatives for the handling of non-refoulement claims made under the unified screening mechanism and other related matters;
- legislative initiatives with regard to corporate insolvency law;
- legislative amendments to tax legislation;
- legislative proposals for the establishment of a Policyholders’ Protection Scheme;
- legislative amendments to the Telecommunications Ordinance (Cap. 106) and the Broadcasting Ordinance (Cap. 562);
- legislative amendments to the marine and aviation related legislation;
- legislative proposals for regulating medical devices and implementation of the Private Healthcare Facilities Ordinance (Cap. 633);
- legislative proposals with regard to family procedure matters;
- the English and Chinese texts of contracts, undertakings, tender documents, public franchises, licences and other legal documents for the Government, in addition to drafting and vetting such texts;
- the regulation of companies, securities, banks insurance, information technology, electronic transactions, e-commerce, transportation, broadcasting and telecommunications as well as proposals for reform;
- establishment of the government-led Special Needs Trust Scheme;
- development of Trade Single Window;
- various studies, projects and initiatives, including those in relation to the enhancement of the soundness and resilience of Hong Kong’s financial system and strengthening of Hong Kong’s role as an international financial centre amidst the changing financial circumstances, the Shatin to Central Link, and construction and operation of youth hostels and the Chinese Medicine Hospital;
- the study of the possibility of using evaluative technique in mediation to resolve disputes in addition to facilitative technique; and
- the feasibility study of establishing a Belt and Road Dispute Resolution Centre in Hong Kong.

### **Programme (3): Legal Policy**

	2017–18 (Actual)	2018–19 (Original)	2018–19 (Revised)	2019–20 (Estimate)
Financial provision (\$m)	123.6	142.4	138.8 (–2.5%)	<b>173.1</b> (+24.7%)
				(or +21.6% on 2018–19 Original)

## Head 92 — DEPARTMENT OF JUSTICE

### *Aim*

14 The aim is to provide support to the Secretary for Justice in relation to the discharge of her duties; to provide advice on overall legal policy issues and, in particular, in respect of the Basic Law and human rights law in assisting the Government's formulation of policies (including those in relation to the legal system, the legal profession and dispute resolution); to provide advice on electoral law; to provide advice on the law and other initiatives in the Mainland and other parts of the Cross Strait Four Regions; and to review chosen areas of the law and provide secretariat support to the Law Reform Commission.

### *Brief Description*

15 The work of the Secretary for Justice's Office and the Legal Policy Division includes:

- providing support for the Secretary for Justice in relation to her duties as a Member of the Executive Council, a designated officer attending meetings of the Legislative Council (LegCo) and as the principal legal adviser to the Chief Executive;
- providing legal advice on the Basic Law and assisting the promotion of knowledge in it;
- advising on compliance with the human rights provisions of the Basic Law, human rights treaties extended to the Hong Kong Special Administrative Region (HKSAR), the Hong Kong Bill of Rights Ordinance (Cap. 383), and anti-discrimination legislation;
- providing legal advice on constitutional development and election matters;
- advising whether a policy or proposed legislation is contrary to established principles underlying the legal system;
- advising on legal issues arising out of statutory and non-statutory appeals and petitions to the Chief Executive/Chief Executive in Council, including prisoners' petitions for remission/pardon, petitions to the Chief Executive under Article 48(13) of the Basic Law, references of cases to the intermediate appellate court under the Criminal Procedure Ordinance (Cap. 221) or the Magistrates Ordinance (Cap. 227) as the case may be, appeals and judicial reviews by claimants for non-refoulement protection and surrender of fugitives; considering claims for statutory and ex gratia compensation and handling responses to public enquiries and complaints;
- promoting bills related to the legal system, the legal profession, the law of arbitration and those effecting law reform or miscellaneous amendments to various ordinances;
- providing advice and information on the laws and other initiatives of the Mainland and other parts of the Cross Strait Four Regions; attending to matters on the further liberalisation of the Mainland's legal services market and on co-operation arrangements with the Mainland and other parts of the Cross Strait Four Regions; organising seminars and promotional activities on Hong Kong's international legal and dispute resolution services in the Mainland in the context of the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Greater Bay Area;
- providing advice to the Government on LegCo procedures and practices;
- promoting Hong Kong as a regional hub of international legal and dispute resolution services jointly with the Mediation Team of the Civil Division;
- providing research, legal services, and secretariat support to facilitate the work of the Inter-departmental Working Group on Gender Recognition chaired by the Secretary for Justice; and
- giving advice and providing research and secretariat support to facilitate the work of the Law Reform Commission chaired by the Secretary for Justice.

16 In 2018, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

17 The key performance measures are:

### *Indicators*

	2017 (Actual)	2018 (Actual)	2019 (Estimate)
bills promoted by the Legal Policy Division in each LegCo session.....	2	1	2
petitions (from prisoners) handled .....	205	111	111
items of legal advice (including legal policy work) given on#:			
overall legal policy matters .....	2 525	4 241	4 241
Basic Law matters .....	1 535	1 762	1 762
human rights issues .....	897	1 153	1 153
constitutional development and election matters .....	572	797	880
Mainland law and related matters# .....	561	861	862

## Head 92 — DEPARTMENT OF JUSTICE

	2017 (Actual)	2018 (Actual)	2019 (Estimate)
ongoing Law Reform Commission projects .....	7	7	7
speeches prepared (both for LegCo and elsewhere) .....	113	110	110
Basic Law seminars conducted .....	4	7	7
briefings given in the Mainland and to Mainland delegations in Hong Kong .....	32	41	41

# Revised description of the previous indicator “items of legal advice given on” as from 2019: The revision is to better articulate the relevant work because legal policy work may go beyond the pure provision of legal advice. The counting method for the statistics has, however, not been changed (except for “Mainland law and related matters” in which case legal policy work that ventures beyond mere provision of legal advice is included from 2018 onwards to align with that for the work of the rest of the Division).

### *Matters Requiring Special Attention in 2019–20*

- 18** During 2019–20, 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 international legal and dispute resolution services;
  - 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;
  - develop expertise in respect of legislative powers, procedures and practices in the context of the Basic Law;
  - provide support to the Inter-departmental Working Group on Gender Recognition, chaired by the Secretary for Justice, which is studying possible legislation on gender recognition in respect of transsexual persons in the light of observations made by the Court of Final Appeal in the *W* case (FACV 4/2012);
  - provide support to the Working Group on Class Actions, chaired by the Solicitor General, to study and consider the proposals of the Law Reform Commission Report on Class Actions and to make recommendations to the Government on how to take the matter forward;
  - explore further opportunities for Hong Kong legal professionals to provide services in the Mainland;
  - develop working relationships with counterparts in the Mainland and other parts of the Cross Strait Four Regions;
  - hold discussions with the Mainland authorities for further development of legal co-operation in civil and commercial matters, particularly in cross-border insolvency and service of judicial documents; and
  - organise visits and training programmes in Hong Kong for Mainland officials and seminars and other promotional activities in the Mainland in order to develop and enhance mutual understanding of the legal systems and professional practices in the HKSAR and the Mainland and to promote Hong Kong’s legal and dispute resolution services in the context of the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Greater Bay Area.

### **Programme (4): Law Drafting**

	2017–18 (Actual)	2018–19 (Original)	2018–19 (Revised)	2019–20 (Estimate)
Financial provision (\$m)	134.0	154.9	151.7 (–2.1%)	168.4 (+11.0%)
				(or +8.7% on 2018–19 Original)

### *Aim*

- 19** The aim is to draft legislation and to make the texts of legislation readily accessible.

### *Brief Description*

- 20** The work of the Law Drafting Division includes:
- drafting of legislation in the English and Chinese languages and assisting policy bureaux in steering such legislation through the law-making process;
  - compiling the loose-leaf edition of the Laws of Hong Kong; and
  - maintaining a legislation database for free access through the internet.

## Head 92 — DEPARTMENT OF JUSTICE

21 In 2018, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

22 The key performance measures are:

### *Indicators*

	2017 (Actual)	2018 (Actual)	2019 (Estimate)
bills gazetted.....	30	28	23
subsidiary legislation gazetted .....	187	269	200
pages of bills/subsidiary legislation gazetted (English).....	4 285	4 652	3 500
pages of bills/subsidiary legislation gazetted (Chinese) .....	4 285	4 652	3 500
pages of legislation compiled for publication in the loose-leaf edition .....	5 674	3 629	3 340
pages of Committee Stage Amendments (CSAs) proposed by the Government (English)Δ.....	35	95	70
pages of CSAs proposed by the LegCo members (English)Δ.....	203	94	90
pages of CSAs proposed by the Government (Chinese)Δ .....	31	87	65
pages of CSAs proposed by the LegCo members (Chinese)Δ.....	201	92	90
drafts of bills/subsidiary legislation released .....	2 277	2 717	2 433
items of legal advice provided .....	6 255	6 781	7 757

Δ The nature of the work is different. For CSAs proposed by the Government, Law Drafting Division has to take instructions from policy bureaux and draft the amendments and assist in their scrutiny by LegCo. For CSAs proposed by LegCo members, Law Drafting Division has to examine the amendments to make sure that they are in the correct format and liaise with the proposers to prepare the final agreed copies.

### *Matters Requiring Special Attention in 2019–20*

23 During 2019–20, the Law Drafting Division will:

- continue to meet the requirements for the drafting of legislation and incidental professional service in an effective manner;
- continue to provide on-the-job training and professional development programmes relating to legislative drafting for counsel to enhance their professional capability; and
- maintain a new legislation database with legal status and continue to verify data for current legislation for migration from the loose-leaf edition of the Laws of Hong Kong to the new database.

### **Programme (5): International Law**

	2017–18 (Actual)	2018–19 (Original)	2018–19 (Revised)	2019–20 (Estimate)
Financial provision (\$m)	69.5	75.0	74.4 (–0.8%)	91.7 (+23.3%)
				(or +22.3% on 2018–19 Original)

### *Aim*

24 The aim is to provide advice on international law issues to the Government and to handle requests for international legal co-operation efficiently.

### *Brief Description*

25 The work of the International Law Division includes:

- providing advice on all aspects of public international law, including the application to the HKSAR of multilateral and bilateral international agreements, maritime and aviation law, consular privileges and immunities, and resolution of trade disputes;
- negotiating and advising on international agreements, including those on surrender of fugitive offenders, mutual legal assistance, transfer of sentenced persons, investment promotion and protection, air services, avoidance of double taxation and tax information exchange;

## Head 92 — DEPARTMENT OF JUSTICE

- participating in the activities of international organisations such as the Hague Conference on Private International Law and Asia-Pacific Economic Cooperation, negotiating multilateral instruments and fostering international co-operation;
- providing advice on the international legal aspects of the HKSAR's laws; and
- handling requests to and from the HKSAR for surrender of fugitive offenders, mutual legal assistance in criminal matters, transfer of sentenced persons and enforcement of confiscation orders as well as requests for assistance in international child abduction cases, and advising on matters involving international legal co-operation.

**26** In 2018, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

**27** The key performance measures are:

### *Indicators*

	2017 (Actual)	2018 (Actual)	2019 (Estimate)
international agreements initialled .....	3	1	2
briefings, negotiation and discussion (no. of working sessions) .....	461	337	340
items of legal advice provided .....	19 821	25 271	25 280
new requests dealt with in various categories of mutual legal assistance .....	490	542	545
court appearances .....	109	56	56

### *Matters Requiring Special Attention in 2019–20*

**28** During 2019–20, the International Law Division will continue to:

- provide timely and accurate advice on international law issues and on issues relating to mutual legal assistance;
- negotiate international agreements or contribute as legal advisers in these negotiations;
- participate in the activities of international organisations to foster international co-operation; and
- handle requests for international legal co-operation effectively.



## Head 92 — DEPARTMENT OF JUSTICE

### ANALYSIS OF FINANCIAL PROVISION

Programme	2017–18 (Actual) (\$m)	2018–19 (Original) (\$m)	2018–19 (Revised) (\$m)	2019–20 (Estimate) (\$m)
(1) Prosecutions .....	675.1	890.4	658.3	982.0
(2) Civil.....	639.4	1,028.2	746.4	914.5
(3) Legal Policy .....	123.6	142.4	138.8	173.1
(4) Law Drafting.....	134.0	154.9	151.7	168.4
(5) International Law .....	69.5	75.0	74.4	91.7
	1,641.6	2,290.9	1,769.6 (–22.8%)	2,329.7 (+31.7%)
				(or +1.7% on 2018–19 Original)

#### Analysis of Financial and Staffing Provision

##### Programme (1)

Provision for 2019–20 is \$323.7 million (49.2%) higher than the revised estimate for 2018–19. This is mainly due to the anticipated increase in briefing-out expenses and court costs, filling of vacancies and net creation of nine posts to meet operational needs.

##### Programme (2)

Provision for 2019–20 is \$168.1 million (22.5%) higher than the revised estimate for 2018–19. This is mainly due to the anticipated increase in briefing-out expenses and court costs, and filling of vacancies. There will be a net deletion of four posts in 2019–20.

##### Programme (3)

Provision for 2019–20 is \$34.3 million (24.7%) higher than the revised estimate for 2018–19. This is mainly due to the anticipated increase in general departmental expenses, filling of vacancies and net creation of 13 posts to meet operational needs.

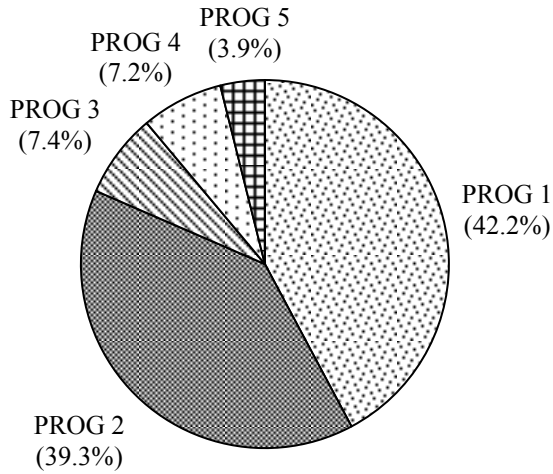
##### Programme (4)

Provision for 2019–20 is \$16.7 million (11.0%) higher than the revised estimate for 2018–19. This is mainly due to the anticipated increase in briefing-out and general departmental expenses, and filling of vacancies. There will be a net deletion of seven posts in 2019–20.

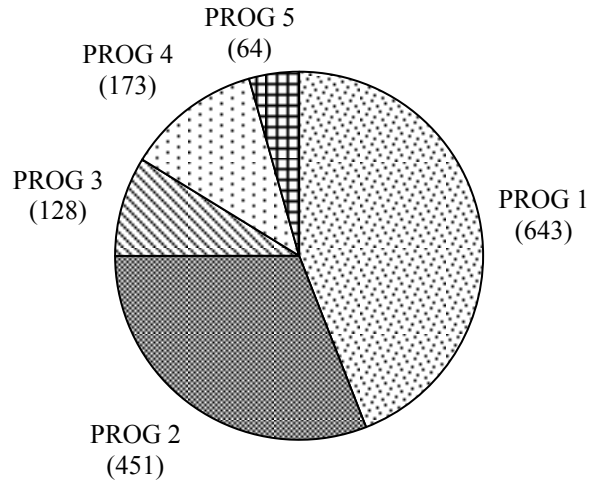
##### Programme (5)

Provision for 2019–20 is \$17.3 million (23.3%) higher than the revised estimate for 2018–19. This is mainly due to the anticipated increase in briefing-out expenses, filling of vacancies and net creation of four posts to meet operational needs.

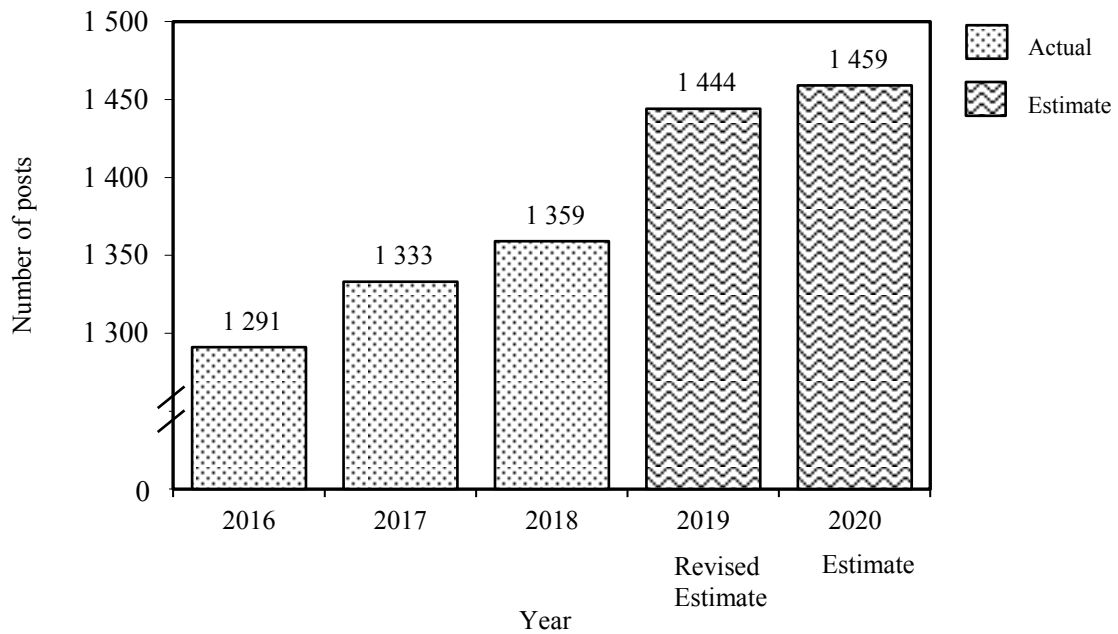
*Allocation of provision to programmes (2019-20)*



*Staff by programme (as at 31 March 2020)*



*Changes in the size of the establishment (as at 31 March)*



**Head 92 — DEPARTMENT OF JUSTICE**

Sub-head (Code)		Actual expenditure 2017-18	Approved estimate 2018-19	Revised estimate 2018-19	<b>Estimate 2019-20</b>
		\$'000	\$'000	\$'000	<b>\$'000</b>
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	1,425,621	1,752,066	1,599,918	<b>1,941,564</b>
234	Court costs .....	215,943	538,100	169,048	<b>387,600</b>
	Total, Recurrent.....	<u>1,641,564</u>	<u>2,290,166</u>	<u>1,768,966</u>	<u><b>2,329,164</b></u>
Non-Recurrent					
700	General non-recurrent .....	67	736	652	<b>560</b>
	Total, Non-Recurrent.....	<u>67</u>	<u>736</u>	<u>652</u>	<u><b>560</b></u>
	Total, Operating Account .....	<u>1,641,631</u>	<u>2,290,902</u>	<u>1,769,618</u>	<u><b>2,329,724</b></u>
	Total Expenditure .....	<u><u>1,641,631</u></u>	<u><u>2,290,902</u></u>	<u><u>1,769,618</u></u>	<u><u><b>2,329,724</b></u></u>

## Head 92 — DEPARTMENT OF JUSTICE

### Details of Expenditure by Subhead

The estimate of the amount required in 2019–20 for the salaries and expenses of the Department of Justice is \$2,329,724,000. This represents an increase of \$560,106,000 over the revised estimate for 2018–19 and \$688,093,000 over the actual expenditure in 2017–18.

#### *Operating Account*

#### Recurrent

**2** Provision of \$1,941,564,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Department of Justice. This includes provision of \$238,600 for a non-accountable entertainment allowance for the Secretary for Justice. The increase of \$341,646,000 (21.4%) over the revised estimate for *Subhead 000 Operational expenses* for 2018–19 is mainly due to the filling of vacancies, creation of new posts to meet operational needs, as well as anticipated increase in briefing-out and general departmental expenses.

**3** The establishment as at 31 March 2019 will be 1 444 posts including two supernumerary posts. It is expected that there will be a net increase of 15 posts in 2019–20. The establishment as at 31 March 2020 will be 1 459 posts including one supernumerary post. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2019–20 but the notional annual mid-point salary value of all such posts must not exceed \$896,215,000.

**4** An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2017–18 (Actual) (\$'000)	2018–19 (Original) (\$'000)	2018–19 (Revised) (\$'000)	<b>2019–20 (Estimate) (\$'000)</b>
Personal Emoluments				
- Salaries.....	880,379	990,081	945,304	<b>1,050,328</b>
- Allowances.....	18,650	24,878	23,421	<b>28,584</b>
- Job-related allowances.....	2	10	6	<b>10</b>
Personnel Related Expenses				
- Mandatory Provident Fund contribution.....	2,840	4,169	3,149	<b>3,169</b>
- Civil Service Provident Fund contribution.....	42,099	50,791	51,363	<b>62,105</b>
Departmental Expenses				
- Remuneration for special appointments ....	4,245	4,400	4,500	<b>4,500</b>
- General departmental expenses .....	173,902	196,057	203,605	<b>233,268</b>
Other Charges				
- Hire of legal services and related professional fees .....	249,978	390,680	277,570	<b>445,600</b>
- Legal services for construction dispute resolution .....	53,526	91,000	91,000	<b>114,000</b>
	1,425,621	1,752,066	1,599,918	<b>1,941,564</b>

**5** Provision of \$387,600,000 under *Subhead 234 Court costs* is for the payment of costs awarded against the Government in criminal and civil cases. This represents an increase of \$218,552,000 (129.3%) over the revised estimate for 2018–19. Since payment of court costs is contingent upon the progress of the relevant negotiations, the level of payment varies from year to year.

## Head 92 — DEPARTMENT OF JUSTICE

### Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2018	Revised estimated expenditure for 2018–19	Balance
			\$'000	\$'000	\$'000	\$'000
<b><i>Operating Account</i></b>						
700		<i>General non-recurrent</i>				
	512	Hire of service for translation and Chinese typing .....	5,100	3,296	150	1,654
	514	Promotion of rule of law and Hong Kong's legal system.....	8,600	6,659	50	1,891
	519	Development of Mainland-related legal services in Hong Kong.....	4,335	2,537	286	1,512
		Total .....	<u>18,035</u>	<u>12,492</u>	<u>486</u>	<u>5,057</u>