

(Translation)

Opening Remarks of
Ms Teresa Cheng, SC, Secretary for Justice,
at the Special Meeting of the Finance Committee of the Legislative
Council to Examine the Estimates of Expenditure 2021-22
on 12 April 2021 (Monday)

Chairman and Members,

The total estimated expenditure of the Department of Justice (DoJ) for 2021-22 is about \$2,506.3 million. The Revised Estimates for the last financial year (i.e. 2020-21) reflect underspending that is largely due to the COVID-19 pandemic. As the pandemic is gradually brought under control, the Estimates for this financial year are drawn up on the assumption that DoJ will essentially resume normal operations during the period. Therefore, there is a noticeable difference between the 2021-22 Estimates and the Revised Estimates for the last financial year. By comparing the Estimates for this financial year against the Original Estimates for the last financial year, there is an increase of 2.4% only.

2. I would like to briefly introduce our key initiatives in 2020 and 2021¹.

¹ The policy initiatives implemented by DoJ in 2020 have been set out in detail in the paper submitted to the Panel on Administration of Justice and Legal Services.

(Translation)

(A) **International initiatives**

3. Despite the pandemic, with the support of the Central Government, DoJ managed to organise a number of international conferences and successfully concluded various cooperation arrangements with international bodies in the past year, including:

- (1) the virtual signing of a memorandum of understanding with the APEC Secretariat on the establishment of a sub-fund to strengthen economic and legal infrastructure;
- (2) the virtual signing of a memorandum of understanding with the Hague Conference on Private International Law on the secondment arrangements of local legal professionals in both public and private sectors; and
- (3) the establishment of the DoJ Project Office for Collaboration with UNCITRAL to support the set-up of the Inclusive Global Legal Innovation Platform (iGLIP), and the successful holding of the first iGLIP meeting online.

(B) **Mainland-related initiatives**

4. The initiatives that Hong Kong successfully achieved in the past year include:

- (1) allowing wholly-owned Hong Kong enterprises (WOKEs) set up in

(Translation)

Qianhai, Shenzhen to choose Hong Kong law as the applicable law despite the absence of any foreign-related elements;

- (2) allowing Hong Kong legal professionals to participate in the Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination; and
- (3) signing of the Supplemental Arrangement concerning mutual enforcement of arbitral awards with the Supreme People's Court (SPC) and passing of the relevant amendments in the Legislative Council for implementation of the Supplemental Arrangement.

5. Moreover, we expect to conclude the following arrangements with SPC soon:

- (1) Establishment of a framework for cooperation on mutual recognition of and assistance in corporate insolvency matters; and
- (2) Refinement of the Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Proceedings between the two places.

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(C) Local initiatives

6. With funding provided under the “Anti-epidemic Fund 2.0”, DoJ plans to create 276 time-limited posts² through recruitment and procurement of services from professional bodies or contractors.

7. Meanwhile, DoJ also actively encourages the legal profession to hire and send local university graduates to work in the Mainland cities in the GBA under the Greater Bay Area (GBA) Youth Employment Scheme launched by the SAR Government.

(D) Policy initiatives on strengthening Hong Kong as a capacity building centre

8. DoJ co-organised with Tsinghua University a seminar course entitled “The Fundamental Principles of Chinese Law” online. We hope that Hong Kong lawyers in private practice will be able to enroll in future courses to better familiarise them with the Mainland’s judicial system and our country’s latest developments.

(E) Vision 2030 for Rule of Law

9. DoJ officially launched Vision 2030 for Rule of Law during Hong Kong Legal Week 2020 held virtually and physically on 2 November last year.

² Including 231 legal professionals, 21 Legal Clerks and 24 Executive Assistants or Clerks.

(Translation)

Efforts are also being taken at different levels to promote proper education about the rule of law, the Constitution and the Basic Law among the public, teachers and students.

10. Meanwhile, DoJ successfully organised the Basic Law 30th Anniversary Legal Summit with the theme “Back to Basics”, the proceedings of which will be published in due course.

(F) Highlights of other work of DoJ

(i) Judicial review cases

11. There were 3 899 and 2 499 applications for leave to apply for judicial review in 2019 and 2020 respectively; the Civil Division of DoJ handled 745 and 565 judicial review cases respectively in these two years.

(ii) Prosecutions

12. During the pandemic, the Special Duties Section of the Prosecutions Division focused its efforts on advising and making prosecutorial decisions on a large volume of cases, and actively proceeded with related prosecutions and appeals. Since last year, the appeal courts have so far heard and adjudicated on 17 applications for review of sentence in respect of public order offences, all of which were successful.

(iii) Law Drafting

(Translation)

13. In addition to the existing drafting tasks, the Government made 10 principal regulations (such as Cap. 599C-599K) and 63 amending regulations amid the pandemic to provide for various arrangements to combat the disease.

(iv) LawTech

14. DoJ will set up the Hong Kong Legal Cloud Fund for the development of Hong Kong Legal Cloud by selected non-profit-making non-governmental organisations through public-private partnership. A webinar on Hong Kong Legal Cloud was organised in collaboration with the Law Society of Hong Kong on 1 April.

(G) Legal Hub

15. Hong Kong Legal Week 2020 marked the official opening of Hong Kong Legal Hub, where around 20 local, regional and international law-related organisations operate with a view to enhancing exchange and collaboration.