

DEPARTMENT OF JUSTICE - PERFORMANCE PLEDGE

1 PREAMBLE

The Department of Justice is effectively the largest law practice in Hong Kong. Its principal function is to provide legal advice and legal services to The Government of the Hong Kong Special Administrative Region (the Government). The Department is headed by the Secretary for Justice, who is the principal legal adviser to the Chief Executive, the Government and individual government departments (including various law enforcement agencies). The Department comprises the Secretary for Justice's Office and six divisions as follows:

Civil Division
International Law Division
Law Drafting Division
Legal Policy Division
Prosecutions Division
Administration and Development Division

Each division is headed by a Law Officer while the Administration and Development Division is headed by the Director of Administration and Development.

2 OUR MISSION

- To apply, promote and enhance the rule of law and the efficient and effective administration of justice in conjunction with the Judiciary and the legal profession
- To ensure an effective and efficient service to our clients, the Department of Justice has pledged to:
 - (a) maintain the highest standards of professional excellence and ethics;
 - (b) make known as clearly as possible to clients the legal impediments, implications and obligations in respect of any proposed course of action; and
 - (c) abide by the standards required of the legal profession by law or the professional bodies

3 PERFORMANCE STANDARDS AND TARGETS

(A) IN GENERAL

- To reply to all correspondence which does not require a legal opinion, with the Government or outside bodies, within 10 calendar days. An interim reply will be given if a substantive reply is not possible within this period.

- To acknowledge receipt of a written complaint in writing no later than 10 calendar days and to provide a substantive reply within 30 calendar days after receipt of a complaint. For complicated cases requiring longer processing time, to provide an interim reply if a substantive reply cannot be made within 30 calendar days.
- To implement the official language policy in the operation of the Department

(B) SECRETARY FOR JUSTICE'S OFFICE

The Secretary for Justice's Office provides support to the Secretary for Justice in respect of his many functions. This includes assisting the Secretary in all matters related to the Executive and Legislative Councils, be it the promotion of legislation or providing answers to legislators' questions. Members of the Office ensure that the Secretary for Justice is fully briefed in respect of the issues before him and assist in the analysis of those issues. The Office also assists the Secretary in the preparation of speeches and public statements that aim to promote Hong Kong's legal system and the work of the Department.

Our pledge is:

- To provide the required briefing, advice, speech or response within the deadline imposed by the event for which it is required

(C) BY DIVISION

CIVIL DIVISION

The Division advises the Government on civil matters, undertakes civil litigation and alternative dispute resolution (including non-construction arbitration and mediation) involving the same and drafts contracts, licences and franchises on various commercial matters.

Our pledges are:

- To acknowledge receipt of instructions/request for advice and to advise the client department of the counsel to whom the matter has been assigned within 7 working days of the receipt of the instructions/request
- If the matter should more appropriately be dealt with by another Division or Unit, to refer the matter to that Division or Unit and inform the client department within 7 working days
- To report on the major progress and the outcome of litigation to the client department as soon as practicable
- To handle all legal proceedings, and in particular urgent applications,

without delay

- To provide legal advice within 14 working days of the receipt of the instructions/request for advice and, if that is not possible, to advise the client department of the estimated time within which the advice will be provided
- To produce draft contracts, licences and franchises within 21 working days of the receipt of the instructions/request and if that is not possible, to advise the client department as soon as practicable of the estimated time within which the drafts will be produced

INTERNATIONAL LAW DIVISION

The Division advises the Government on international legal issues. It also conducts negotiations for agreements on, and handles requests for, international legal co-operation.

Our pledges are:

- To provide legal advice to government departments and bureaux within 10 working days of receipt of a request and in more complex cases to provide an interim reply within 10 working days with an estimated time within which the advice will be provided
- To respond within 10 working days to enquiries from members of the public concerning the work of the Division
- To respond within 10 working days to requests for mutual legal assistance and in more complex cases to provide an interim reply within 10 working days
- To respond positively and appropriately to requests for speeches, attendance at seminars, training sessions and briefings on the work of the Division

LAW DRAFTING DIVISION

The Division produces all legislation proposed by the Government. All new legislation is now drafted and enacted in both English and Chinese. Apart from drafting legislation for the Government, the Division is responsible for vetting draft legislation prepared by outside bodies. In addition, the Division is responsible for compiling the loose-leaf edition of the Laws of Hong Kong and two glossaries of legal terms. The Division also maintains the Laws of Hong Kong database, known as the Bilingual Laws Information System (BLIS), which is accessible to the public on the Internet.

Our pledges are:

- To complete the drafting process (i.e. from the date of receipt of finalised drafting instructions to the date of issue of the final draft) within the time limit agreed within the Administration
- To produce bilingual drafts for all ordinances and subsidiary legislation
- To complete the vetting of draft legislation prepared by outside bodies within 28 days of receipt of the request and, if that is not possible, to advise the outside bodies of the estimated time within which the vetting will be completed
- To update and publish further issues of the English-Chinese Glossary of Legal Terms and the Chinese-English Glossary of Legal Terms

LEGAL POLICY DIVISION

The Division advises the Secretary for Justice and the Government Secretariat on matters raising questions of legal policy, the Basic Law, human rights and constitutional affairs, and the law of the Mainland. It also assists in formulating policy, particularly in relation to the legal system and the legal profession. Where the Secretary for Justice has the responsibility for a particular piece of new legislation, the Division takes an active part in the preparation of the Bill and its presentation to the Executive and the Legislative Councils. The Division advises on legal issues arising out of petitions to the Chief Executive from prisoners seeking remission of sentence, and handles public enquiries and complaints. The Law Reform Commission Secretariat in the Division carries out all necessary research and provides secretariat service to the Commission and its sub-committees.

Our pledges are:

- To advise on matters raising questions of legal policy, constitutional and public law of average complexity within 14 working days of receipt of the request
- To advise on human rights questions of average complexity within 14 working days of receipt of the request
- To advise on issues of average complexity relating to the laws and legal system of the Mainland within 14 working days of receipt of the request
- To advise on issues of average complexity relating to the Basic Law within 14 working days of receipt of the request
- To disseminate the recommendations of the Law Reform Commission to as wide a public as possible by publishing a final report on every Commission project
- To explain to the public the work of the Law Reform Commission, subject

to free and frank discussion in the Commission and its sub-committees not being inhibited

- To remain responsive to the need to make improvements in respect of the legal system and legal profession and to promote any necessary legislation to bring about such improvements

PROSECUTIONS DIVISION

The Division advises law enforcement agencies in relation to criminal matters and exercises on behalf of the Secretary for Justice the discretion of whether or not to bring criminal proceedings, in accordance with Article 63 of the Basic Law. It also has conduct of all criminal cases in the courts of Hong Kong.

Our pledges are:

- To apply the Secretary for Justice's Prosecution Policy in relation to criminal proceedings
- To give thorough consideration to all matters relevant to the making of decisions in relation to the institution and conduct of criminal proceedings
- Upon the receipt of a request from a law enforcement agency for legal advice, to provide such advice within 14 working days, and in more complex cases to provide an interim reply within 14 working days with an estimated time within which the advice will be provided; for requests from CAPO, to provide information about court proceedings within 14 days after all materials are available upon completion of those proceedings
- To provide legal advice in matters connected with court cases within the time limit set by the courts
- To prepare and file indictments in the Court of First Instance within 7 days of committal of the accused in the Magistracy
- To prepare and deliver 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 Magistracy to the District Court
- To rigorously comply with our obligation to make full and proper disclosure of material to the defence in criminal proceedings and in particular to abide by agreements reached with the Hong Kong Bar Association and the Law Society of Hong Kong in respect of the service of documents
- To inform victims of crime of the decision not to prosecute, and to attend to their enquiries, in accordance with the Victims of Crime Charter
- To reply to enquiries on matters related to prosecution policy or decision

within 14 working days of receipt of such enquiries, and to issue an interim reply if a substantive reply is not available within this period.

ADMINISTRATION AND DEVELOPMENT DIVISION

The Division provides support services in human and financial resources management, general administration, training and information technology. It also maintains a Law Library which has one of the most extensive legal research collections in Hong Kong.

Our pledge is:

- To provide efficient services to our colleagues in the Department of Justice and positively co-operate with all parts of the Government and other concerned parties

4 EFFECTIVE MONITORING

We are committed to doing our best to meet our performance standards and targets. The adherence to the published standards will be monitored by the senior management from time to time with a view to bringing improvements to our services.

5 THE USER'S ROLE

We welcome comments or suggestions on the way in which our services are provided. If you wish to comment, make a suggestion or seek an explanation, you may make use of our public enquiry number at 2867 2198 during office hours. You are also welcome to contact one of the officers listed below or simply fax/e-mail your message to the appropriate officer direct.

Name of Officer	Post & Division/E-mail address	Tel no.	Fax no.
Mr Gary Poon	Administrative Assistant to Secretary for Justice, Secretary for Justice's Office <i>sj@doj.gov.hk</i>	2867 2165	3579 2431
Miss Cathy Wong	Deputy Law Officer (Civil Law) (Advisory), Civil Division <i>cathywong@doj.gov.hk</i>	2867 2098	2869 0670
Mr Paul Tsang	Deputy Law Officer (Treaties & Law)(Ag), International Law Division <i>paultsang@doj.gov.hk</i>	2867 4745	2877 2130

Mr Gilbert Mo	Deputy Law Draftsman (Bilingual Drafting & Administration), Law Drafting Division <i>gilbertmo@doj.gov.hk</i>	2867 2422	2869 1302
Mr Peter Wong	Deputy Solicitor General (General), Legal Policy Division <i>peterwong@doj.gov.hk</i>	2867 2092	2536 8013
Mr Alex Lee	Senior Assistant Director of Public Prosecutions (Office of the Director of Public Prosecutions), Prosecutions Division <i>alexlee@doj.gov.hk</i>	2867 2205	2877 0171
Mrs Clara Leung	Departmental Secretary Administration and Development Division <i>claraleung@doj.gov.hk</i>	2529 9110	2529 9291

Department of Justice
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