

Speech by SJ at LegCo Panel on Administration of Justice and  
Legal Services

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Following is the English translation of the speech by the Secretary for Justice, Mr Rimsky Yuen, SC, at the Panel on Administration of Justice and Legal Services of the Legislative Council today (January 22):

Chairman and Members,

The key policy directions and work plan of the Department of Justice (DoJ) for the year ahead are set out in our paper submitted to this Panel on January 16. I will not repeat them here, but will only highlight the key aspects.

Our Vision

The vision of DoJ is to uphold the rule of law, judicial independence and fundamental human rights in accordance with the Basic Law, and to enhance our legal system and legal infrastructure. As always, we will in accordance with this vision take forward various aspects of our work, including providing professional and independent legal advice to government bureaux and departments, representing Government in Courts, providing prosecution service which is fair and just, drafting legislation, as well as promoting and strengthening Hong Kong as a regional centre for legal services and dispute resolution.

Developing Hong Kong's Legal, Arbitration and Mediation Services

In support of the policy of developing Hong Kong's business and professional services announced by the Chief Executive in his Policy Address (paragraphs 38-39), we will pursue various new initiatives in 2013 to further enhance our position as a legal services hub and a centre for dispute resolution in the Asia-Pacific region. In addition to

continuing previous promotion works, we will focus on three aspects so as to achieve our objectives:

Firstly, we will actively liaise and work with the relevant Mainland authorities or bodies, as well as the legal profession, arbitration and mediation institutions in Hong Kong, to facilitate Hong Kong professionals in these areas to provide legal, arbitration and mediation services in Qianhai, Shenzhen, and Nansha, Guangdong. Our main objectives include promoting the use of Hong Kong law in contracts concluded by enterprises conducting business in Qianhai and Nansha; the choice of Hong Kong as an ideal arbitration and dispute resolution venue for commercial disputes; and the implementation of the initiative to establish association in the form of partnership between Hong Kong and Mainland law firms. We will also work closely with the relevant stakeholders of both sides in order to facilitate the implementation of liberalised measures in respect of legal, arbitration and mediation services by Hong Kong professionals and institutions in Qianhai and Nansha.

Secondly, we will further foster the development of mediation services in Hong Kong through the newly established Steering Committee on Mediation. We have submitted a paper under the next item on the agenda of this meeting, explaining in detail what we have achieved so far in the area of mediation and the way forward, which include monitoring the implementation of the Mediation Ordinance, the development of accreditation of mediators, and the promotion and publicity of mediation, etc. As such, I will not go into the details here. Besides, we have also submitted a discussion paper to explain our proposal to create a dedicated Deputy Principal Government Counsel post for two years with a view to taking forward effectively and comprehensively this area of work. I would wish to appeal to Members to support the proposal so that we can have the required manpower for taking forward the development of mediation services in Hong Kong.

Thirdly, we will allocate office space in the West Wing of the former Central Government Offices for use by legal, arbitration and mediation institutions to facilitate them to develop their services in Hong Kong. The preliminary preparation for the West Wing project is now underway. We will assess the actual area available, and will study in detail the factors that should be taken into account regarding the use of the West Wing by these institutions as well as other related issues.

Furthermore, we will continue to enhance legal co-operation in civil and commercial matters between Hong Kong and other jurisdictions including the Mainland, so as to facilitate the resolution of civil and commercial disputes in a more convenient and effective manner. This will include enhancing legal co-operation with Guangdong pursuant to the Framework Agreement on Hong Kong/Guangdong Co-operation.

#### Prosecution Work

As I have pointed out at the Ceremonial Opening of the Legal Year 2013, it is our goal to provide a modern, progressive, efficient and fair prosecutions service. Enhancing the capability and effectiveness of the Prosecutions Division in the conduct of legal proceedings will also be our focus in the coming year. Over the past few years, the Prosecutions Division has implemented various measures to improve its efficiency and effectiveness. They include improving the efficiency of the advisory function of the Prosecutions Division, providing continuous training for prosecutors, as well as the implementation of the Joint Training Programme with the Hong Kong Bar Association and the Law Society of Hong Kong for newly qualified lawyers.

We will implement various initiatives in the coming year to further enhance the capability and effectiveness of our prosecutions service in the conduct of criminal proceedings, namely:

(a) reviewing and where necessary updating the Statement of Prosecution Policy and Practice;

(b) establishing coordinators or specific units for handling particular types of cases, so that these cases can be handled more effectively and efficiently;

(c) identifying areas of the criminal justice system which may require further examination and considering whether they should be reformed, so that our criminal justice system can better meet the expectations of the community;

(d) enhancing and expanding our capability in the recovery of proceeds of crime.

#### Law Drafting

As to law drafting work, we will endeavour to ensure legislation that implements Government policy is drafted on time in clear and plain language (for both the English and Chinese texts) and is published in a manner that is easy to read and access. In the coming year, we will continue to make legislation more accessible through timely issue of guidelines. We will press ahead with the establishment of an electronic database of Hong Kong legislation with legal status. We will continue to properly exercise the editorial and revision powers introduced by the Legislation Publication Ordinance to amend the statute book so as to gradually bring previously enacted legislation into conformity with the current format style and drafting practices.

#### Legislative Work

We will also take forward a number of new legislative proposals in the coming year, including the following:

(a) We will introduce amendments to the Arbitration Ordinance

to give effect to the arrangement concerning reciprocal enforcement of arbitral awards concluded between Hong Kong and Macao in January 2013. We will also take the opportunity to work in collaboration with the arbitration sector to make further improvement to the Arbitration Ordinance.

(b) We will introduce the Contracts (Rights of Third Parties) Bill to the Legislative Council in the second half of the 2013 legislative session to implement the recommendations put forth in the Law Reform Commission (LRC) report on "Privity of Contract" published in September 2005.

(c) We will work with the Hong Kong Society of Notaries on a legislative proposal to facilitate the admission in civil proceedings of notarial acts or instruments duly executed by notaries public registered in Hong Kong. We will consult the Panel on this legislative proposal.

#### Working Group on Class Action

Lastly, I would like to mention that the DoJ has set up a cross-sector working group to study and consider the proposals in the LRC report on "Class Actions" published in May 2012. Recommendations will be made to the Administration on the way forward.

I hope the above explanation can enhance Members' understanding of our work in the coming year. My DoJ colleagues and I are happy to take any questions from Members. Thank you.

Ends/Tuesday, January 22, 2013