

SJ's speaking notes tabled at LegCo Finance Committee special meeting

Following are the speaking notes of the Secretary for Justice, Mr Rimsky Yuen, SC, tabled at the Finance Committee special meeting in the Legislative Council today (March 31):

Chairman and Members,

The total estimated expenditure of the Department of Justice (DoJ) for 2014-15 amounts to \$1,795.2 million, representing an increase of 29.3 per cent (or \$406.3 million) over the revised estimated expenditure for 2013-14. This increase is mainly due to the filling of vacancies which previously could not be filled, and the creation of 35 posts to cope with increasing demand from government departments for legal services. We also expect an increase in court costs and in the amount of fees payable to briefing-out solicitors, barristers and other professionals (such as expert witnesses) in private practice, and hence have made a provision of \$379.8 million and \$470 million respectively in 2014-15 to provide the necessary support for the anticipated legal proceedings and related matters.

The amount to be spent on court costs and briefing-out depends on the number of cases involved, their complexity and the development of the cases. The current estimated expenditure was worked out mainly on the basis of the anticipated progress of the cases, but the actual expenditure would ultimately depend on the development and outcome of the cases concerned. Although these factors are not entirely within the control of the Government, we will observe the principle of economy appropriately and exercise prudence in controlling the relevant expenditure, subject to the consideration that the quality of service provided by DoJ shall not be compromised.

I will now outline the DoJ's work in the new financial

year.

Programme (1) - Prosecutions

Regarding prosecutions, we will further enhance the standards of advocacy and case preparation, as well as the quality of prosecutions service, while continuing to promote cross-border co-operation amongst prosecutors in the combat of crime. At the same time, we will strive to enhance the public's understanding of the criminal justice system.

Moreover, the Prosecutions Division will implement various measures with a view to modernising the Division and enhancing its efficiency. Last year, we published a completely new Prosecution Code. We also established co-ordinators or specific units for particular types of cases so that prosecutions could be handled more effectively and efficiently. Furthermore, we continued to provide various continuous trainings for our in-house prosecutors, and organised the biannual Joint Training Programme in conjunction with the Hong Kong Bar Association and the Law Society of Hong Kong for new lawyers in private practice. Apart from active participation in fora and events organised by international prosecuting organisations, we hosted the 12th Heads of Prosecuting Agencies Conference last year. Over 40 heads of prosecution agencies or their representatives from different places participated in the conference, during which they jointly examined the challenges of modern prosecutions work.

Given the success of the conferences on criminal law held in the past two years, such conferences will become one of our annual feature events. In 2014, we will also embark on a "Meet the Community" programme, whereby we will arrange for prosecutors of the DoJ to visit schools and community institutions to give talks to enhance the public's understanding of the criminal justice system and their appreciation of the importance of the rule of law.

Programme (2) - Civil

The Civil Division will continue to provide legal advice to all government bureaux and departments on civil matters, assist in the drafting of relevant documents and contracts, and represent the Government in civil litigation and dispute resolution proceedings. We anticipate the number of applications for judicial review will remain at a high level, covering a wider area, and involving legal issues of increasing complexity. Provision of legal advice and litigation support to the Government on the related matters will remain one of the major tasks of the Division.

On the other hand, the Mediation Team of the Civil Division will continue to assist the Steering Committee on Mediation set up in late 2012 in further promoting the wider use and development of mediation in Hong Kong. The Steering Committee held just now a "Mediation Week" from March 20 to 27, with various activities including a 2-day mediation conference under the theme "Mediate First for a Win-Win Solution". Different sectors of the community participated actively in the event. We have also produced a new Announcement in Public Interest on mediation with both video and audio clips so as to enhance the public's understanding of mediation. The Steering Committee will continue to take forward various tasks, including detailed study of the possible need for an apology legislation, and consideration of ways to collect mediation data for the purpose of monitoring the operation of the Mediation Ordinance. In addition, apart from organising mediation training for Government Counsel in DoJ, the Mediation Team will continue to conduct a number of mediation seminars, workshops and experience sharing sessions for civil servants in conjunction with the Civil Service Bureau so as to promote mediation within Government.

Programme 3 - Legal Policy

In respect of legal policy, in line with the principal function of DoJ to uphold the rule of law and justice, we will continue to provide legal advice to the Government in respect of the Basic Law, human rights and other constitutional issues so as to ensure that all legislation proposed, and actions taken, by the Government are consistent with the Basic Law and other legal requirements.

We will also continue to co-ordinate and actively participate in the work of two working groups set up to study the protection of the legal rights of transsexual persons and class actions respectively, so as to facilitate the two working groups to submit their recommendations on these two complex topics to the Government.

On legislative work, we will introduce the Contracts (Rights of Third Parties) Bill and the Statute Law (Miscellaneous Provisions) Bill into the Legislative Council in order to improve the existing law concerned. To implement the Law Reform Commission's Report on Enduring Powers of Attorney: Personal Care, we will prepare a bill for public consultation.

We will actively consolidate and enhance Hong Kong's status as a leading centre for international legal and dispute resolution services in the Asia Pacific region. Specifically, we will continue to work with the legal profession and arbitration institutions to promote the legal and arbitration services of Hong Kong in the Mainland and overseas. Further to the promotion events held in different places earlier, the DoJ will organise the Hong Kong Legal Services Forum and a conference on arbitration in Shandong Province this September.

Furthermore, we plan to establish an Advisory Committee on Promotion of Arbitration to advise on and co-ordinate the development and promotion of Hong Kong's international

arbitration services. Members will include representatives of the Government and related sectors. We will also conduct a study on the development of and prospects for arbitration in Hong Kong, as well as the challenges and opportunities that Hong Kong faces as a regional centre for international arbitration in the Asia Pacific region.

Programme (4) - Law Drafting

In the coming year, the Law Drafting Division will gear its work towards the legislative programme of the Government in drafting various pieces of important legislation to facilitate the implementation of the relevant policies as scheduled.

Apart from reflecting policy intent accurately and effectively, making statutory provisions easy to read and comprehend will remain to be an important work objective of the Law Drafting Division. In this connection, we will step up training for law drafters to enhance the quality of drafting, and develop and improve expertise and skills in respect of bilingual law drafting in Hong Kong.

My colleagues in the Law Drafting Division are pressing ahead with the establishment of a new electronic database of legislation with legal status. We have just completed the system analysis and design stage for phase 1.

Programme (5) - International Law

In the coming year, the International Law Division will continue with its work in the provision of advice on international law issues, negotiation of international agreements or participation as legal advisers in such negotiations, and handling of requests for international legal co-operation. We will also continue to handle and co-ordinate requests to and from the HKSAR concerning the surrender of fugitive offenders, transfer of sentenced

persons, mutual legal assistance and international child abduction cases.

In the past year, the International Law Division actively participated in the work of the Hague Conference on Private International Law, including support provided to the work of the Asia Pacific Regional Office of the Hague Conference in Hong Kong. In the coming year, we will continue with our efforts in this area and contribute to the work of the Hague Conference to promote and strengthen international co-operation.

Conclusion

The above sets out the major work of DoJ in the coming financial year. My colleagues and I will be pleased to take questions from Members and listen to your views.

Thank you.

Ends/Monday, March 31, 2014