

Secretary for Justice'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 (April 3):

Chairman,

For 2017-18, the total estimated expenditure of the Department of Justice (DoJ) is about \$1,972 million, which represents an increase of about 24.8 per cent (or around \$390 million) over the revised estimated expenditure for the last financial year (i.e. 2016-17), but a decrease of about 12 per cent (or around \$270 million) over the original estimated expenditure for the last financial year. The changes relate mainly to two major aspects:

First, there will be an increase in manpower, with the filling of vacancies which could not be filled previously and a net creation of 32 posts to cope with the increasing demand of government departments for legal services and operation need for manpower.

The second aspect is the expenditure on court costs and expenses payable to barristers, solicitors and other professionals in private practice to be engaged. Court costs and briefing out expenditures are mainly dependent on the number of cases involved, their complexity and development. The estimated expenditure in this regard for each year is worked out on the basis of information available at the time of preparing the estimates and the principles of prudent management of public finances. However, the ultimate amount to be incurred will depend on the development and outcome of the judicial proceedings concerned. In view of the latest status of the relevant cases, we have reduced the 2016-17 revised

estimates for court costs and briefing-out expenses by 65 per cent and 47.6 per cent respectively. For this reason, when comparing the estimates for the coming year with the substantially reduced revised estimates of last year, it may superficially create the impression that there is a significant increase. However, when compared with the original estimates of last year, the estimates for court costs and briefing-out expenses for the coming year have actually been reduced by 44.7 per cent and 11.5 per cent respectively.

I will now outline the DoJ's major areas of work in the new financial year.

Programme (1) – Prosecutions

In the context of criminal prosecutions, we will need to handle the prosecution of cases arising from the "Occupy Movement" and the "Mong Kok Incidents" in the coming year; coupled with all the other criminal cases which will have to be handled in the normal course, the workload of the Prosecutions Division will remain very heavy. Colleagues of the Division will continue to handle prosecution works in a fair, impartial and apolitical manner, strictly according to the Prosecution Code and the relevant law and evidence.

To cope with the heavy workload, we will provide resources for the Prosecutions Division to create an additional 8 Government Counsel posts and 2 Senior Government Counsel posts in the coming year so as to strengthen support for handling cases related to proceeds of crime, implementing the Trade Descriptions (Unfair Trade Practices)(Amendment) Ordinance and legal advisory work. This will also allow counsel in the Prosecutions Division to have more opportunities to appear in court for prosecution work so as to refine their advocacy expertise, thereby further strengthening our prosecution team.

Enhancing public understanding of the criminal justice system of Hong Kong and promoting public awareness of the rule of law remain one of the key focuses of our work ahead. In this regard, we will continue to organise events such as the "Meet the Community" and the "Prosecution Week" so as to keep in touch with the public.

Programme (2) – Civil

The Civil Division will continue to provide legal services in civil law matters to all government departments, including the provision of legal advice to ensure that the Government's policies, legislation and administrative measures are in compliance with the Basic Law and other applicable laws. At the same time, the Division is responsible for handling all civil and related proceedings involving the Government.

The Mediation Team of the Civil Division will continue to support the Steering Committee on Mediation in implementing the policy for the promotion and development of mediation in Hong Kong. Major initiatives include:

(1) the construction of mediation facilities near the West Kowloon Law Courts Building and the implementation of a pilot mediation scheme at these facilities for resolving suitable Small Claims Tribunal cases and other appropriate types of disputes;

(2) to continue to explore, in consultation with the Steering Committee on Mediation and other stakeholders, the infrastructure to be put in place for using evaluative mediation to resolve intellectual property and other appropriate types of disputes in Hong Kong;

(3) to push for the enactment of the Apology Bill as soon as

possible so as to facilitate the amicable resolution of disputes; and

(4) to organise another Mediate First Pledge event to promote and encourage greater understanding and use of mediation by different sectors to resolve different types of disputes.

Programme (3) – Legal Policy

The Legal Policy Division will continue to discharge the important role to uphold the rule of law by providing legal support to government departments on the Basic Law, human rights and constitutional matters.

Over the years, the DoJ has striven to enhance Hong Kong's status as a leading centre for international legal and dispute resolution services in the Asia-Pacific region. We will continue to work with all stakeholders to promote relevant Hong Kong services in the Mainland and overseas, including countries in the Asia-Pacific region as well as those along the Belt and Road.

Besides, the DoJ will also endeavour to enhance the legal framework for dispute resolution. We introduced two amendment bills in end 2016 and early 2017 relating to arbitration and mediation respectively to clarify the arbitrability of intellectual property disputes and to allow third party funding for arbitration or mediation. We look forward to the early completion of the legislative process so as to further promote Hong Kong as a leading dispute resolution centre in the Asia-Pacific region.

Programme (4) – Law Drafting

The objective of the Law Drafting Division is to prepare legislation that accurately reflects the policy intent and is easy to comprehend. This term of the Government plans to

introduce a number of important bills into the Legislative Council before July 2017. The Law Drafting Division will provide the necessary professional drafting service. We will also continue to provide training to our law drafters to further their professional development.

Besides, the new electronic legislation database known as "Hong Kong e-Legislation" was launched on February 24. While many members of the public have expressed satisfaction with the functions of the new system, we are aware of technical issues encountered by some users. We are working on the resolution of those issues with the contractor and will continue to improve the system to meet the needs of users.

Programme (5) – International Law

The International Law Division has been active in participating in the activities and conferences of international legal and related organisations, and in strengthening mutual co-operation. Such efforts include participation in a sub-group on strengthening economic and legal infrastructure (SELI) established under the Economic Committee of the Asia-Pacific Economic Cooperation (APEC). SELI was established in February 2015 and a counsel from the DoJ has assumed the role of its convenor. In February this year, SELI was made a permanent sub-group in recognition of its work.

We will continue to strengthen co-operation with the Hague Conference on Private International Law (HCCH), United Nations Commission on International Trade Law (UNCITRAL) and the International Institute for the Unification of Private Law (UNIDROIT) through the APEC and other appropriate platforms. We hope such works can further enhance Hong Kong's status as an international legal services centre.

Conclusion

Chairman, the above is an outline of DoJ's major areas of work in the coming financial year. My colleagues and I will be happy to answer Members' questions and listen to your views. Thank you.

Ends/Monday, April 3, 2017