

Panel on Administration of Justice and Legal Services
Special Meeting on 20 October 2010
2011-12 Policy Initiatives of the Department of Justice

Statement by the Secretary for Justice

Madam Chairperson, Members,

Firstly, I would like to spend a few minutes to brief members on the policy initiatives of the Department of Justice in the coming year.

2. In the past 5 years, in presenting the Department's Policy Initiatives to the Panel, I have invariably highlighted the complexity and volume of work the Department would handle in the year to come. The coming year will not be any different. I expect the work in respect of the provision of legal advice, drafting of legislation, civil litigation, public law and prosecution, would continue to evolve, presenting us with new challenges and opportunities for improvement.

3. I would not repeat the contents of the relevant Panel paper but would like to highlight a few key aspects of the work which we would focus upon in the coming year.

Promotion of Hong Kong Legal Services

4. Promote Hong Kong's legal services is an important aspect of our work. Early this month, I was in Europe introducing to the business and legal communities there the position and development of our legal services, in particular those relating to international arbitration. And just last week, I led a delegation comprising representatives from the Hong Kong legal and arbitration professional bodies to visit Shenzhen and Qianhai to discuss with the relevant authorities possible measures that would allow our legal and arbitration professionals to maximize their participation in and contribution to the development of Qianhai within the framework of the "Regulations on Qianhai Shenzhen-Hong Kong Modern Services Industries Co-operation Area". We explored with the Shenzhen side possible pilot measures under the framework of CEPA with a view to enhancing the legal environment of Qianhai which would in turn facilitate the provision of legal and arbitration services by Hong Kong service

providers in the area.

Arbitration and Mediation

5. One of our ongoing initiatives is to promote the development of Hong Kong as a regional centre for legal services and dispute resolution. Steady progress has been made in recent years in respect of furthering the development of arbitration services as detailed in paragraphs 11 to 13 of the Panel paper. In the coming year, we will seek the introduction of the Mediation Bill into the Legislative Council. We would also work with mediation service providers, professional bodies, and other stakeholders to take forward the various public education and publicity initiatives recommended by the Working Group on Mediation (including the production of an Announcement of Public Interest) to enhance the public's understanding of mediation and its effectiveness in resolving disputes.

Professionalism and Training

6. One aspect of our work which carries a relatively high public profile in the Department is prosecution services. A fair and efficient public prosecution service is vital in upholding the rule of law. In the coming year, we will continue to seek improvements to the quality and efficiency of the legal advice that we provide on criminal cases, build up our advocacy expertise, and step up training for young prosecutors. Conscious that members of the public may have views on our prosecution work, designated units have been set up in the Prosecutions Division to handle complaints from the public and media enquiries in a centralised manner. In relation to training, we have also looked beyond the Department. Our Joint Training Programme with the two professional bodies for newly qualified lawyers has been met with enthusiastic responses. So far, about 100 participants have attended the training courses and we are preparing for the third training course to be held early next year.

Access to the law

7. The enactment of the Legislation Publication Ordinance is an important milestone in our endeavour to create an electronic database of the Laws of Hong Kong with legal status to facilitate easy access to updated legislation. We also intend to enhance the accessibility of legislation through publishing a Guide to Styles and Practices. This Guide explains, in broad terms, the drafting styles and techniques used by counsel in the Law Drafting Division. It will assist readers of legislation in gaining an understanding of the approaches taken by legislative drafting counsel.

Legislation

8. In terms of legislation, in the coming year, apart from seeking the introduction of the Mediation Bill, I hope to see the early enactment of the Legal Practitioners (Amendment) Bill 2010 which seeks to introduce limited liability partnership for solicitors, and the Enduring Powers of Attorney (Amendment) Bill 2011. My colleagues will work closely with the relevant Bills Committees in this regard.

Resources

9. 2011-12 will continue to be a busy year for the Department. Earlier on, I referred to the evolving work of the Department in terms of legal advice, litigation and prosecution. In anticipation of the increase in demand for advice on constitutional development and electoral matters, my colleagues will soon be consulting the Panel on a proposal to strengthen the directorate support in the Legal Policy Division by creating a supernumerary Deputy Principal Government Counsel (DL2) post. The aim is to provide effective and efficient legal support and services to relevant Government bureaux and departments in respect of these matters.

10. Separately, we have been facing an unexpected hike in court costs. This has led to the provision for court costs in our departmental vote being insufficient to meet anticipated expenditure on court costs for the remainder of the financial year 2010-11. My colleagues would therefore be seeking the Panel's support shortly for supplementary provision with a view to making a funding application to Finance

Committee in December 2011. I look forward to Members' support on the above two matters.

11. My colleagues and I would be happy to answer Members' questions. Thank you.