

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

Following is the English translation of 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 12):

Chairman and Members,

The estimated expenditure of the Department of Justice (DoJ) for 2013-14 amounts to \$1,401.7 million, representing an increase of 9.7 per cent (or \$124.4 million) over the revised estimated expenditure for 2012-13. This increase is mainly due to the filling of vacancies and the creation of 29 posts to cope with increasing demand for legal services. We also expect an increase in the amount of fees payable to briefing-out lawyers in private practice and hence have made a provision of \$300.8 million in 2013-14, which is 9.9 per cent higher than the corresponding figure in the 2012-13 revised estimates. This is to provide the necessary support for the expected legal proceedings.

I would now highlight the DoJ's work in the new financial year.

Programme 1 - Prosecutions

In the coming year, our focus is to further enhance the capability and effectiveness of the Prosecutions Division in advising upon and prosecuting criminal cases.

Over the past few years, the Prosecutions Division has implemented various measures to improve its efficiency and effectiveness with good results. We will seek further improvements in this direction in this financial year through various initiatives. These include reviewing and where necessary updating our published Prosecution Policy and

Practice, and considering whether specific areas of the criminal justice system should be reformed. We will also seek to enhance the efficiency and effectiveness of our handling of particular types of cases through establishing subject co-ordinators or specific units, as appropriate.

In addition, we will focus on the provision of continuous training for prosecutors to enhance their professional skills, 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 practitioners. Riding on the success of the previous runs of the Programme, we will regularise the Programme by holding it on a bi-annual basis.

Programme 2 - Civil

Apart from providing legal advice on a wide range of legal issues on civil matters to all government bureaux and departments, the Civil Division represents the Government in all forms of civil litigation and dispute resolution. The advice and litigation cases handled by the Division cover diverse legal issues and areas of law, and they are increasing in both volume and complexity. Amongst others, the number of challenges by way of judicial review applications will continue to increase as the awareness of civil rights grows. These challenges will remain to be a major area of work for the Division.

The Mediation Team of the Civil Division continues to assist me and the new Steering Committee on Mediation to further the promotion and development of mediation in Hong Kong to resolve disputes. With the concerted efforts of all concerned, the Mediation Ordinance has been enacted and come into operation, and the Hong Kong Mediation Accreditation Association Limited (HKMAAL) has been established. Looking ahead, the Steering Committee will monitor the operation of the Ordinance and the development of accreditation and training standards, as well as the implementation of ongoing

and new initiatives to encourage and support the more extensive use of mediation.

Programme 3 - Legal Policy

In line with the principal function of the department to uphold the rule of law, the Legal Policy Division will continue to provide timely and competent advice on the Basic Law, human rights and other constitutional issues to the Government so as to ensure that all legislation proposed, and actions taken, by the Government is consistent with the human rights and other provisions of the Basic Law.

This year, we will continue to promote Hong Kong as a leading centre for legal services and dispute resolution in the Asia Pacific. Specifically, in collaboration with legal professional and arbitral bodies, we will promote Hong Kong's legal and arbitration services with a view to securing greater market access in the Mainland, including Qianhai and Nansha. We will promote legislation in this legislative session to enhance our arbitration regime and to implement the recent arrangement with Macau on reciprocal enforcement of arbitral awards. As part of our ongoing effort to reform various aspects of the Hong Kong Special Administrative Region (HKSAR)'s common law system and to implement the Law Reform Commission's Report on Privity of Contract, we also plan to introduce the Contracts (Rights of Third Parties) Bill to the Legislative Council.

Programme 4 - Law Drafting

The Law Drafting Division will continue to provide quality professional drafting and related advisory service on demand by policy bureaux.

We are continuing to review how legislation can be made even more accessible. We will also endeavour to draft the legislations in both languages effectively and in as

comprehensible a style as possible, so that it does not require a legal professional to understand the meaning of our legislation.

The Legislation Publication Ordinance was enacted in June 2011. It provides the statutory backing for a verified and authenticated electronic database of Hong Kong legislation. The contract was awarded in December 2012. It is expected that the new legislation database will be in operation in around 2016 or 2017.

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 contribution as legal advisers in negotiations, and handling of requests for international legal co-operation to bring benefits to the HKSAR. We will also continue to handle and co-ordinate requests to and from the HKSAR concerning surrender of fugitive offenders, transfer of sentenced persons, mutual legal assistance and international child abduction cases.

In the past year, counsel of the International Law Division have actively participated in the work of the Hague Conference on Private International Law. Indeed, our collaboration with the Hague Conference on regional initiatives reached a new height when its Council on General Affairs and Policy in April last year endorsed the proposal to establish its Asia Pacific Regional Office in Hong Kong. The Regional Office was set up in December last year. This marks not only a new chapter for the Hague Conference, but also constitutes a significant vote of confidence in Hong Kong's position both as a regional legal services centre and as a springboard for the Hague Conference to further develop its work and extend its influence in the region. We will continue to contribute to the work of the Hague Conference

to promote and strengthen international co-operation. In addition, we will continue to attract reputable international law-related organisations to set up offices in Hong Kong.

Conclusion

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

Thank you.

Ends/Friday, April 12, 2013