

Speaking Note of the Hon. Wong Yan Lung, SC, JP
Secretary for Justice
at the meeting of the LegCo Panel on
Administration of Justice and Legal Services
on 12 December 2005

Plans and Priorities of the Secretary for Justice

Introduction

I was appointed as the Hong Kong SAR's second Secretary for Justice on 20 October this year. The workload of the Department of Justice is heavy and wide-ranging, and is of crucial importance to the government and the community. In the past 7 weeks, I have received detailed briefing from my Law Officers on the work of their Divisions. In dealing with this and future work, I will be guided by the following vision and priorities.

Vision

2. I see very clearly my role as Secretary for Justice in terms of upholding the rule of law, making decisions in respect of prosecutions free from any interference, and defending fundamental human rights. I am also very conscious of my duty to give independent legal advice to the Government and to ensure the Government is always acting in accordance with the law.

3. In relation to decisions in respect of prosecutions and some other areas (such as charities) the Secretary for Justice is required to function independently or as guardian of the public interest. It is my intention to be vigilant in protecting and demonstrating my independence in performing my duties in these areas.

4. It is vital that I and my department not only operate in accordance with these principles, but also that we are perceived to do so. We shall adhere to our established Prosecution Policy to strike a proper balance between transparency and protection of all relevant interests. My hope is that by enabling the public to understand more about the principles and considerations involved in the decision-making process, public confidence in the public criminal justice system can be enhanced. I have been in constant discussion with the relevant Law Officers as to how this can best be achieved and will continue to do so.

Departmental Professional Support

5. There are almost 300 lawyers in the Department of Justice, who give advice or make decisions concerning legal issues as well as attending court hearings. Workload is very heavy especially with the increase of issues relating to the Basic Law and human rights challenges. I will continue to seek more resources for appropriate recruitments and training. I will also explore how resources can best be allocated and utilized within the Department.

6 As in all government departments and bureaux, the Department of Justice periodically reviews its succession planning to ensure that the departure of senior officials will not create problems of continuity or quality. I will be reviewing my department's current plans in that respect.

Departmental Policy Initiatives

7. In October this year, the former Secretary for Justice presented to this Panel the Policy Initiatives of the Department of Justice for the period from July 2005 to June 2007. These were introduced or pursued after very careful considerations. The implementation of these five new initiatives and 13 ongoing initiatives will be amongst my priority tasks.

Access to Justice

8. The rule of law depends on members of the community having access to justice. In that respect, there is always room for improvement. I will actively take forward my department's work in –

- (1) ascertaining what mismatch there may be between the demand for and supply of legal and related services, by means of an ongoing consultancy study; and
- (2) sponsoring the development of the Community Legal Information Centre ('CLIC') website.

9. Long term strategies in respect of access to justice can best be formulated on the basis of empirical research into the nature and extent of any current problem. The consultancy study will culminate in a report that can be the basis for evidence-based policy making. Meanwhile, the development of CLIC is a modern, IT based, project to make information on common legal problems accessible bilingually to the community.

Professional matters

10. There are many issues relating to the legal profession that are of importance to practising lawyers, this Panel, and the community as a whole. These include the Solicitors Professional Indemnity Scheme, rights of audience, the proposal to introduce limited liability partnerships, and concern over recovery agents. I will give priority to taking these issues forward.

11. I have had the opportunities of speaking to the Chairman of the Bar and the President of the Law Society regarding some of their concerns. I plan to meet with them again and other leaders of both branches of the profession to learn more about any concerns they may have, and to consider whether and how my department can assist.

Mainland related issues

12. In recent years, great strides were taken in developing mutual legal understanding between Hong Kong and the Mainland, and in providing opportunities for Hong Kong lawyers in the Mainland. I propose to keep up the momentum in this area.

Relations with LegCo

13. I am fully aware of the important constitutional powers and functions vested in the Legislative Council by the Basic Law. In order for the government to operate effectively, a co-operative relationship with Members, based on mutual respect, is of vital importance. I will do my best to develop that relationship, both with the full Council and this Panel, and indeed with all the working components of the Council that are concerned from time to time with legal issues.

14. With this in mind, I have already started meeting informally with all members of the Legislative Council in order to understand their concerns and listen to their suggestions.