

Index Page

Replies to supplementary questions raised by Legislative Council Members in examining the Estimates of Expenditure 2022-23

Secretary for Justice
Session No. : 2
Consolidated e-file name : SJ-2S-e1.docx

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-SJ001	S010	KAN Wai-mun, Carmen	92	(2) Civil

CONTROLLING OFFICER'S REPLY

S-SJ001

(Question Serial No. S010)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Amongst the 2 642 cases brought against the Government, how many were handled by briefed-out counsel?

In the past year, what was the total expenditure on briefing out legal services for the cases brought against the Government?

If there is no breakdown of figures, can information be provided in greater detail as far as possible?

Asked by: Hon KAN Wai-mun, Carmen (LegCo internal reference no.:)

Reply:

Regarding the 2 642 civil cases brought against the Government, we do not maintain statistics on the breakdown of these cases by the number of cases handled by briefed-out counsel or by briefing-out expenditure.

The Department of Justice (DoJ) annually submits to the Finance Committee of the Legislative Council an information paper on "Legal Expenses for Briefing Out Cases Not Covered by Approved Fee Schedules" providing the briefing-out expenditure and details of cases involving relatively high briefing-out expenses for the preceding financial year. In the financial year of 2020-21, the briefing-out expenditure on civil cases not covered by the approved scales was \$63,643,417, involving a total of 369 cases. Please refer to our submission in October 2021 (<https://www.legco.gov.hk/yr20-21/english/fc/fc/papers/fi21-15e.pdf>).

Generally speaking, DoJ engages solicitors or counsel in private practice to provide assistance in handling cases mainly for meeting operational needs. We may resort to briefing out cases or part of the work when:

- (i) there is a need for expert assistance where the requisite skills are not available in DoJ;
- (ii) there is no suitable in-house counsel to appear in court for the Hong Kong Special Administrative Region;
- (iii) the size, complexity, quantum and length of a case so dictate;

- (iv) it is deemed appropriate to obtain independent outside counsel's legal advice or services so as to address possible perception of bias or issues of conflict of interest;
- (v) there is a need for continuity or economy; and
- (vi) there is a need for legal advice or legal proceedings in respect of cases involving officers of DoJ.

We will prepare and submit a report on "Legal Expenses for Briefing Out Cases Not Covered by Approved Fee Schedules" for 2021-22 in due course for Members' reference.

- End -