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Replies to initial questions raised by Legislative Council Members in examining the Estimates of Expenditure 2023-24

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CONTROLLING OFFICER'S REPLY

SJ001

(Question Serial No. 2361)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in paragraph 121 of the Budget Speech that the Department of Justice will seek to establish and promote the use of a common online mediation platform for dispute resolution in the Greater Bay Area (GBA), with a view to providing a more convenient, efficient and cost-effective means for people and businesses in the GBA to settle cross-boundary disputes online. In this connection, would the Government advise on the following:

1. Whether the Government plans to allocate additional resources and manpower in the coming year for any studies on an online local arbitration platform. If yes, what are the details? If not, what are the reasons?
2. Whether the Government plans to allocate additional resources for the training of local lawyers to become arbitrators and mediators, and offer more opportunities for exchange in the Mainland and overseas; and
3. Further to the question above, whether the Government has studied the allocation of additional resources and manpower to assist local legal bodies in contributing to the promotion of arbitration and mediation services. If yes, what are the details? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 2)

Reply:

1. The Government has been actively supporting the development of online dispute resolution (ODR) and deal-making platforms (Online Platforms) by the eBRAM International Online Dispute Resolution Centre Limited (eBRAM Centre), a non-governmental organisation, to facilitate convenient and cost-effective online deal-making and dispute resolution services in Hong Kong and further strengthen the status of Hong Kong as an international legal and dispute resolution services centre.

The eBRAM Centre is responsible for the research and development of the Online Platforms, and a number of Online Platforms have been launched since 2020, including the COVID-19 ODR Platform and the Asia-Pacific Economic Cooperation ODR Platform. The standalone Online Arbitration Platform was also launched in October 2022. As a local non-governmental organisation, the eBRAM Centre uses its resources to manage, maintain and upgrade the relevant online platform systems and to promote and publicise its online deal-making and dispute resolution services in Hong Kong.

The Department of Justice (DoJ) takes forward its work on LawTech and the ODR with its existing resources and manpower.

2 & 3. The DoJ has been committed to organising or co-organising with international and local legal bodies diverse capacity building events to provide arbitration and mediation related training to local lawyers, including a seminar entitled “New Arbitration Funding Options in Hong Kong - Making Your Best Informed Choice” recently held in February; the “Mediate First” Pledge Event scheduled for May; the “Hong Kong Legal Services Forum” to be held in the third quarter; the “Investment Law and Investor-State Mediator Training” tentatively scheduled for October; and the “Hong Kong Legal Week 2023” to be held in November, etc. Capacity building events offer opportunities for local legal professionals to engage in in-depth discussions and exchanges on the latest developments and specific issues in the areas of arbitration, mediation, LawTech applications, etc., thereby further enhancing their practical skills and competency in the area of arbitration and mediation.

Regarding exchanges in the Mainland and overseas, the DoJ plans to collaborate with relevant organisations (such as the Hong Kong Trade Development Council (HKTDC), the Invest Hong Kong and overseas Hong Kong Economic and Trade Offices) to lead local delegations comprising professionals from legal and other sectors to visit ASEAN member states, other Southeast Asian, Middle East and African countries, and other common law jurisdictions from 2023 onwards, to tell good and accurate stories of Hong Kong, with a view to promoting Hong Kong’s sound and robust legal system, solid foundation of the rule of law and diversified legal and dispute resolution services, and at the same time enabling the delegations to better understand the views of overseas stakeholders on Hong Kong’s legal and dispute resolution services sectors, and their service needs, and to engage in exchanges for exploring new opportunities for the sectors. Scheduled events include the “Resolve2Win Campaign” starting with leading a delegation to Bangkok, Thailand in mid-March 2023, then to Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area in the second half of 2023 to promote Hong Kong’s dispute resolution services, including the “Mediate First” Pledge; and the sixth “Hong Kong Legal Services Forum” to be co-organised with the HKTDC in Chengdu in the third quarter of 2023.

- End -

CONTROLLING OFFICER'S REPLY

SJ002

(Question Serial No. 2362)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in paragraph 120 of the Budget Speech that the Government will continue to strive to consolidate the strategic positioning of Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region under the National 14th Five-Year Plan, enhance the competitiveness of our legal infrastructure, deepen the mutual legal assistance mechanisms on civil and commercial matters between Hong Kong and the Mainland, and also promote the strengths of and opportunities for Hong Kong's legal and dispute resolution services on all fronts. In this connection, please advise:

1. whether the Government has provided in the past 3 years or will provide in the coming year additional resources and manpower for exploring the strategic positioning of Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific Region. If yes, what are the details?
2. whether the Government plans to provide additional resources and manpower in the coming year to assist local small and medium-sized law firms in enhancing the training of international legal and dispute resolution professionals in the Asia-Pacific region; and
3. whether the Government plans to set up a training fund for legal professionals of small and medium-sized law firms to increase its funding support to such firms for the employment and training of legal trainees. If yes, what are the details? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 3)

Reply:

1. The Department of Justice (DoJ) established in October 2022 the Legal Enhancement and Development Office (LEAD Office) in the Secretary for Justice's Office under the direct steer of the Secretary for Justice (SJ). Succeeding and replacing the previous Inclusive Dispute Avoidance and Resolution Office, the LEAD Office takes on the role as the central policy unit of the DoJ to render high-level strategic support to the SJ and Deputy SJ, and assist in the formulation, co-ordination and implementation of policy initiatives in 3 major areas, namely: (a) strengthening the coordination of rule of law education and training of advocacy

leaders; (b) promoting the strengths of and opportunities for Hong Kong's legal and dispute resolution services on all fronts; and (c) deepening the integration of legal practices between Hong Kong and the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and promoting the wider use of mediation in the GBA.

2. The DoJ attaches great importance to the training and capacity building of local legal professionals, including lawyers from small and medium-sized law firms, and commits itself to promoting the professional development of the sector outside Hong Kong with a view to expanding opportunities for the sector. The Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination (GBA Examination) has embraced the opinions and expectations of the local legal sector by giving Hong Kong legal practitioners who have passed the GBA Examination the opportunity to practise and provide legal services in the 9 Mainland municipalities in the GBA on specified civil and commercial matters to which the Mainland laws apply, thereby facilitating their further access to the Mainland legal market and creating more opportunities for their participation in cross-boundary commercial dispute resolution. The DoJ is also co-operating with Mainland organs like the Supreme People's Court to provide practical training courses on Mainland laws to enhance the practical knowledge of Hong Kong legal professionals on Mainland courts' handling of different areas of civil and commercial matters. In addition, the 2 legal professional bodies, i.e. the Law Society of Hong Kong (Law Society) and the Hong Kong Bar Association, have also been offering training on different areas of law such as international law and dispute resolution for their members, including solicitors of small and medium-sized law firms and barristers, to enhance their competitiveness in the provision of international legal and dispute resolution services in the Asia-Pacific region.

3. The DoJ attaches great importance to the training of local legal professionals and provides the legal sector, including small and medium-sized law firms, with appropriate assistance, e.g. the provision of the following special projects funded by the Anti-epidemic Fund:

To create new job opportunities during the time of the pandemic and ensure a steady and sufficient supply of legal professionals, the DoJ and the Law Society jointly implemented 2 rounds of the Legal Talent Recruitment Scheme (Trainee Solicitors) in June 2021 and April 2022 respectively. The Scheme provided a monthly salary subsidy of \$6,800 for each newly created job opening for a trainee solicitor for a maximum of 12 months to eligible law firms, including small and medium-sized ones. A total of 108 applications involving a subsidy of HK\$8.81 million were approved by the Law Society under the Scheme in 2021. The Scheme in 2022, with applications closed on 28 February 2023, received a total of 122 applications, which are being processed for approval by the Law Society.

Furthermore, the DoJ established the LawTech Fund under the second round of the Anti-epidemic Fund in 2020, providing each law firm/barristers' chamber with a sum of up to HK\$50,000 by way of reimbursement, so as to assist some small and medium-sized law firms and chambers in procuring and upgrading their information technology systems and arranging for their employees to attend lawtech training in face of the challenges to their practice brought about by the anti-epidemic measures under the pandemic.

The DoJ has also utilised the remaining funds of about HK\$15.7 million from the LawTech Fund to set up the Hong Kong Legal Cloud Fund (Cloud Fund) for eligible local legal and

dispute resolution professionals, including solicitors and barristers, to subscribe to the Hong Kong Legal Cloud free of charge for 3 years. We encourage the legal and dispute resolution sector to make use of the Cloud Fund and be proactive in applying lawtech.

We understand that legal practitioners of small and medium-sized law firms may have special needs in professional development, and will continue to listen to the sector's views and provide appropriate assistance, including to continue organising or co-organising with stakeholders various capacity building activities, and to provide barristers and solicitors with less than 5 years post admission experience to participate in the DoJ's civil law and prosecution work through the Understudy Programme.

- End -

CONTROLLING OFFICER'S REPLY

SJ003

(Question Serial No. 2363)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The demand for pro bono legal services has kept rising in the community. Will the Government allocate additional resources and manpower to set up an insurance fund for pro bono legal services for the solicitors and barristers who provide pro bono legal advisory services in the community? If yes, what are the details? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 4)

Reply:

Under sections 7 and 30 of the Legal Practitioners Ordinance, solicitors and barristers shall comply with the respective professional indemnity insurance rules made by The Law Society of Hong Kong and the Hong Kong Bar Association. As the Government has duly ensured that all solicitors and barristers participating in the Duty Lawyer Scheme and Free Legal Advice Scheme have met the requirements for professional indemnity insurance imposed by their respective legal professions, it has no intention at this stage to set up a separate insurance fund for pro bono legal services.

- End -

CONTROLLING OFFICER'S REPLY

SJ004

(Question Serial No. 2364)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

According to Programme (3) of Head 92, the work of the Department of Justice (DoJ) includes providing legal advice on the Basic Law and assisting the promotion of knowledge in it. In this connection, please inform this Committee of:

1. DoJ's expenditure and manpower resources for the promotion of knowledge in the Basic Law in the past 3 years and the coming year;
2. further to the above question, DoJ's expenditure and manpower for internal training on the Constitution (apart from that on the Basic Law) for the past 3 years and the coming year; and
3. whether the Government has any plans to provide additional resources and manpower for promoting knowledge in the Constitution and the Basic Law among the public. If yes, what are the details? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 5)

Reply:

The work on the promotion of the Constitution and the Basic Law is mainly supported by the Basic Law Unit (BLU) under the Constitutional Affairs Sub-Division of the Constitutional and Policy Affairs Division and the Legal Enhancement and Development Office (LEAD Office)¹ under the Secretary for Justice's Office (SJO). Other units of the Department of Justice (DoJ) will deploy resources to provide assistance as and when required.

The establishment and estimated annual expenditure on emoluments of the BLU are tabulated below:

¹ The DOJ established in October 2022 the LEAD Office in the SJO under the direct steer of the Secretary for Justice to succeed and replace the former IDAR Office.

Establishment	Estimated annual expenditure on emoluments (notional annual mid-point salary)			
	2020-21	2021-22	2022-23	2023-24
1 Deputy Principal Government Counsel (DPGC), 4 Senior Government Counsel (SGC), 1 Government Counsel (GC), 1 Law Clerk (LC), 1 Personal Secretary (PS) I and 2 PS II	\$10,902,300	\$10,902,300	\$10,902,300	\$11,174,700

The establishment and estimated annual expenditure on emoluments of the former Inclusive Dispute Avoidance and Resolution (IDAR) Office and the LEAD Office are tabulated below:

Establishment	Estimated annual expenditure on emoluments (notional annual mid-point salary)			
	2020-21	2021-22	2022-23	2023-24
<u>The former IDAR Office</u> 1 Principal Government Counsel (PGC), 2 SGC, 1 GC, 1 LC, 1 PS I and 1 Assistant Clerical Officer (Note 1)	\$5,300,580	\$7,951,380	\$3,975,690 (Only the expenses of the 6 months from April to September 2022 were counted)	-
<u>LEAD Office</u> 2 PGC, 1 DPGC, 1 Assistant Principal Government Counsel (APGC), 3 SGC, 3 GC, 1 LC and 2 PS I (Note 2)	-	-	\$7,491,840 (Only the expenses of the 6 months from October 2022 to March 2023 were counted)	\$19,120,200

Note 1: As the PGC post had not been created when the estimated expenditure for 2020-21 was calculated, the estimated annual expenditure on emoluments for 2020-21 did not include the expenses of that post.

Note 2: Among these posts, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited; and 3 of the time-limited posts (i.e. 1 SGC and 2 GC) will be created in 2023-24. Staff on loan from other divisions are not included in the above table.

As the promotion work is undertaken by officers of the BLU, the former IDAR Office and the LEAD Office among their other duties, the manpower and expenditure actually involved in the relevant work cannot be separately identified. The expenditures on the promotion work and related internal training are subsumed under the recurrent expenditure of the DoJ and will continue to be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ005

(Question Serial No. 2365)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Established in January this year, the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Task Force under the Department of Justice aims to enhance interactions among the people and businesses in the GBA and facilitate their access to legal and dispute resolution services, thereby broadening the scope of development for the respective sectors in Hong Kong and strengthening the rule of law in the GBA. In this connection, would the Government advise on:

1. the manpower and expenditure of the Task Force for the coming year; and
2. whether there are any plans to allocate additional resources and manpower for any studies on the legal services in the GBA. If yes, what are the details? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 6)

Reply:

1. The work of and expenditure incurred by the Guangdong-Hong Kong-Macao Greater Bay Area Task Force (Task Force) will be absorbed by the existing resources of the Department of Justice (DoJ). The membership of the Task Force includes representatives of the legal, academic and business sectors and those of Hong Kong residents in the Mainland, all of whom serve on a voluntary basis.
2. The Task Force will advise on the promotion and utilisation of the unique strengths of “one country, two systems and three jurisdictions” of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA). Its focus will be on strengthening mutual legal assistance between the GBA and Hong Kong and facilitating the convergence of legal practices, so as to enhance interactions among the people and businesses in the GBA and provide impetus for enhancing the rule of law in the GBA. The DoJ will give due consideration to and make robust efforts to follow up on the advice from the Task Force members. Timely reviews of the allocation of resources and manpower underpinning

the relevant work will also be conducted for the orderly implementation of relevant recommendations and measures.

- End -

CONTROLLING OFFICER'S REPLY

SJ006

(Question Serial No. 2366)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

With the increasingly close exchanges between Hong Kong and the Mainland in various aspects such as economy and culture, the number of Hong Kong students choosing to study law in Mainland tertiary institutions has been on the rise. They had all along been neglected in the past. At present, as the mutual legal assistance on civil and commercial matters between Hong Kong and the Mainland mounts, the nurturing of more local talents proficient in the Mainland legal system and familiar with the judicial system in Hong Kong will be conducive to promoting the interface of rules and mechanism and the integrated development of legal services in the Guangdong-Hong Kong-Macao Greater Bay Area. In this connection, will the Government inform this Committee of:

1. whether it has any plans to allocate additional resources for promoting the organisation of exchange activities by local law schools to facilitate exchanges with the law schools of Mainland tertiary institutions;
2. whether it has any plans to provide subsidised opportunities for Hong Kong law students to undertake internship, engage in work or further their studies in the Mainland; and
3. whether it will provide support and training for Hong Kong students in the Mainland, support their return to Hong Kong for employment and help them understand the judicial system and employment prospects in Hong Kong? If yes, what are the details? If not, what are the reasons?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 7)

Reply:

1. There are regular exchange activities between local law schools and their counterparts of Mainland higher education institutions. The Department of Justice (DoJ) has also arranged Hong Kong law students to join the DoJ as summer interns to undertake exchange activities and internships in the Mainland in the past. Please refer to the reply to Question 2 below for details.

2. The Education Bureau (EDB) provides subsidies through the Mainland Experience Scheme for Post-Secondary Students to assist their participation in short-term internships or studies in the Mainland, with a view to encouraging them to learn through first-hand experience the country's latest social, economic and cultural landscape. The Scheme is implemented and administered by the participating post-secondary institutions in accordance with the EDB's operating guide. The EDB will arrange for disbursement of funding to the institutions for each funding period. Detailed exchange activities are arranged by the participating institutions and may cover law-related internship or learning activity.

Since 2015, the DoJ has organised a Mainland summer internship programme for Hong Kong law students in the Mainland. After their local placement in the DoJ, student participants could continue the internship at relevant legal, executive or judicial organs or other organisations in the Mainland. These included the Ministry of Foreign Affairs, the Ministry of Justice, the Supreme People's Court, the Supreme People's Procuratorate, the then-Hong Kong and Macao Affairs Office of the State Council, the China Council for the Promotion of International Trade and the China International Economic and Trade Arbitration Commission. The DoJ was responsible for the administrative arrangements concerned, including the provision of round-trip air tickets to Beijing, accommodation and salaries for the summer interns. The programme, which has been temporarily suspended since 2020 due to the pandemic, may resume in this summer according to the DoJ's plan.

3. The EDB has commissioned the China Education Exchange (Hong Kong) Centre Limited since 2017 to launch and manage the Internship and Career Information Platform for Hong Kong Students of Mainland Universities (www.ujobs-mainlandhe.hk (Chinese version only)), which provides internship and career information for Hong Kong students pursuing further studies in the Mainland.

The DoJ, local legal professional bodies (i.e. the Hong Kong Bar Association and The Law Society of Hong Kong), law schools of tertiary institutions and international and local law firms regularly provide information on legal career paths in Hong Kong by means of local law fairs, talks, the internet and social media. The DoJ will continue to organise career talks offering legal career information and experience sharing to encourage Hong Kong students studying in the Mainland to pursue a legal career in Hong Kong.

- End -

CONTROLLING OFFICER'S REPLY

SJ007

(Question Serial No. 2337)

Head: (92) Department of Justice

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

Programme: (4) Law Drafting

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It has been reported that during a media interview in January this year, the Chief Executive indicated that the local legislation of Article 23 of the Basic Law was expected to complete this year or in the following year at the latest. In this connection, would the Government inform this Committee of the following:

1. Whether the drafting work for the local legislation of Article 23 of the Basic Law is in progress in 2022-23; if yes, at present, what are (a) the dedicated manpower, (b) the expenditure on emoluments, and (c) the progress?
2. Further to the question above, if the legislative drafting work has not begun in 2022-23, whether there is any plan to take it forward in 2023-24; if yes, what are the estimates for (a) the manpower and (b) the expenditure on emoluments?

Asked by: Hon CHAN Wing-yan, JoePHY (LegCo internal reference no.: 25)

Reply:

1&2.

The Department of Justice (DoJ) is the legal adviser to the Hong Kong Special Administrative Region Government. On law drafting, its primary role is to complete the drafting of Government legislation in accordance with the drafting instructions issued by the relevant bureau/department in line with the bureau/department's legislative timetable. The DoJ's communications in the capacity of the Government's legal adviser, including particulars about the progress of the drafting of a particular bill (if already begun) and other related information, are subject to legal professional privilege. We therefore have no information to provide in response to the question.

- End -

CONTROLLING OFFICER'S REPLY

SJ008

(Question Serial No. 3017)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The National 14th Five-Year Plan has set out the positioning of Hong Kong as the “eight centres”, among which is the centre for international legal and dispute resolution services in the Asia-Pacific Region. In this connection, would the Government inform this Committee of:

1. the number of local legal professionals who have obtained practice qualification in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) ever since the inaugural GBA Legal Professional Examination;
2. the number of international accredited professional mediators in Hong Kong with qualifications in cross-boundary and international dispute resolution in the past 3 years in table form;
3. the number of individuals who became qualified mediators upon completion of programmes including but not limited to those offered by local universities in the past 3 academic years; and
4. whether the Government has any plans to solicit suitable institutions and talent from outside to provide major impetus for the development of international legal and dispute resolution services in Hong Kong. If yes, what are the details?

Asked by: Hon HO King-hong, Adrian Pedro (LegCo internal reference no.: 24)

Reply:

1.
The first two Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Legal Professional Examinations were held in 2021 and 2022. Over 300 Hong Kong legal practitioners who passed the first examination have completed the Guangdong Lawyers Association's intensive training and passed the interview assessment. They may apply for a lawyer's practice licence (GBA). As at the end of 2022, 205 Hong Kong and Macao legal practitioners have

been allowed to practise in the 9 Mainland municipalities in the GBA. The relevant figures of the second examination are pending release by the Ministry of Justice.

2.

In 2017, the Government of the Hong Kong Special Administrative Region (HKSAR) and the Ministry of Commerce signed an investment agreement under the framework of the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA Investment Agreement), providing for the promotion and protection of investments between the two places. The CEPA Investment Agreement provides a “Mediation Mechanism for Investment Disputes”, which deals with cross-boundary disputes arising from an alleged breach of the substantive obligations of the CEPA Investment Agreement by one side causing investment loss to the other, and encourages investors to resolve cross-boundary investment disputes concerning the CEPA Investment Agreement with the use of mediation services. Under the Mediation Mechanism for Investment Disputes, the number of Hong Kong designated mediators (mutually agreed with the Ministry of Commerce) are as follows:

Term	Number of Hong Kong designated mediators (mutually agreed with the Ministry of Commerce)
14 December 2020 – 13 December 2022	43
14 December 2022 – 13 December 2024	19

As regards the number of other international accredited professional mediators with qualifications in cross-boundary and international dispute resolution, the Department of Justice (DoJ) does not maintain the relevant statistics or information.

3.

The Hong Kong Mediation Accreditation Association Limited (HKMAAL) is responsible for setting standards for accredited mediators, supervisors, assessors, trainers, coaches and other professionals involved in mediation in Hong Kong, and accrediting them upon satisfying the requisite standards. According to the information provided by the HKMAAL, as at January 2023, the HKMAAL had 1 744 general mediators, 245 family mediators and 54 family mediation supervisors.

4.

To enhance effective promotion of exchanges and collaborations between law-related organisations (LROs) and the Mainland and Hong Kong, the DoJ is committed to facilitating international and regional LROs and dispute resolution institutions to set up offices in Hong Kong. Officially opened on 2 November 2020, the Hong Kong Legal Hub provides office accommodation for LROs, dispute resolution institutions, etc. in the former Central Government Offices, the former French Mission Building, and parts of Two Exchange Square and Shanghai Commercial Bank Tower. With the staunch support from the Central People’s Government, the Asian-African Legal Consultative Organization Hong Kong Regional Arbitration Centre and the International Organization for Mediation Preparatory Office were inaugurated at the Hong Kong Legal Hub in May 2022 and February 2023 respectively.

Moreover, the HKSAR Government promulgated the first Talent List in August 2018. Successful applicants may enjoy immigration facilitation under the Quality Migrant Admission Scheme of the Immigration Department. In order to attract and retain top legal

talent and complement Hong Kong's position as a centre for international legal and dispute resolution services, the Talent List currently covers 13 professions, including dispute resolution professionals specialising in international commercial, financial and investor-state disputes, as well as transactional lawyers from outside Hong Kong possessing specialised knowledge of and experience in cross-border transactions from investing or host states.

In a bid to facilitate more non-Hong Kong residents to participate in arbitral proceedings in Hong Kong on a short-term basis, the HKSAR Government launched the Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong (Pilot Scheme) on 29 June 2020, allowing nationals of countries who may visit Hong Kong visa-free and eligible persons who possess a Letter of Proof issued by qualified arbitral and dispute resolution institutions or permanent offices, the Hong Kong International Arbitration Centre or the DoJ in accordance with the requirements under the Pilot Scheme, to participate in arbitral proceedings in Hong Kong as visitors without the need to obtain an employment visa. Starting from 1 March 2023, the Pilot Scheme has been expanded to cover all visitors, including those who require a visit visa or entry permit to enter Hong Kong and residents of the Mainland, Macao and Taiwan, for a period of 2 years until 28 February 2025.

- End -

CONTROLLING OFFICER'S REPLY

SJ009

(Question Serial No. 3018)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Government provided one-off funding support for the eBRAM International Online Dispute Resolution Centre Limited (eBRAM Centre), a non-governmental organisation, in 2021. In this connection, would the Government inform this Committee of the following:

1. As at February 2023, how much resources and funding in total were allocated by the Government to the electronic-based eBRAM platform?
2. As at February 2023, what and how many dispute cases were handled by eBRAM and the COVID-19 Online Dispute Resolution Scheme?
3. As at February 2023, how many legal professionals and law firms were registered users of the electronic platform? Has the Government stepped up publicity and enhanced its work to actively promote the use of the electronic platform in the legal sector? If yes, what are the details? If not, what are the reasons?

Asked by: Hon HO King-hong, Adrian Pedro (LegCo internal reference no.: 25)

Reply:

1. The Government has been actively supporting the development of online dispute resolution (ODR) and deal-making platforms (Online Platforms) by the eBRAM International Online Dispute Resolution Centre Limited (eBRAM Centre), a non-governmental organisation, to facilitate convenient and cost-effective online deal-making and dispute resolution services in Hong Kong and further strengthen the status of Hong Kong as an international legal and dispute resolution services centre.

In 2020, the COVID-19 Online Dispute Resolution Scheme (COVID-19 ODR Scheme) was established by the Government through the funding support of \$70 million under the Anti-epidemic Fund, and the eBRAM Centre was commissioned as the service provider of the COVID-19 ODR Scheme.

In January 2021, the Finance Committee of the Legislative Council approved the funding support of \$100 million for the eBRAM Centre to develop the Online Platforms. The funding support has been released in phases since 2021 in accordance with the Memorandum of Understanding signed between the Government and the eBRAM Centre. Around \$48 million has been disbursed by the Government to the eBRAM Centre as at February 2023.

2. The eBRAM Centre is responsible for the research and development of the Online Platforms, including the COVID-19 ODR Platform launched in 2020, the Asia Pacific Economic Cooperation (APEC) ODR Platform launched in 2022, and the standalone Online Arbitration Platform and Online Mediation Platform launched in 2022. According to the data provided by the eBRAM Centre, as at February 2023, the COVID-19 ODR Platform handled a total of 28 disputes, involving a total disputed amount of about \$2.82 million, while the 3 platforms launched last year have not yet handled any disputes.

3. As a local non-governmental organisation, the eBRAM Centre uses its resources to manage, maintain and upgrade the relevant online platform systems and to promote and publicise its ODR and deal-making services. According to the data provided by the eBRAM Centre, the numbers of arbitrators and mediators on the panels of various online platforms as at February 2023 are tabulated below:

	Number of arbitrators/mediators
eBRAM Panel of Arbitrators	112
eBRAM Panel of Mediators	48
eBRAM Panel of APEC Neutrals	48
COVID-19 Scheme Panel of Arbitrators	81
COVID-19 Scheme Panel of Mediators	86

The Government has been actively promoting the application of LawTech and striving to promote LawTech and the ODR services to the Asia-Pacific region. Hong Kong, China joined the APEC Collaborative Framework on Online Dispute Resolution of Cross-Border Business to Business Disputes (“APEC Collaborative Framework on ODR”) in April 2020. The DoJ has actively participated in the implementation of the APEC Collaborative Framework on the ODR and the related capacity building workshops and symposiums. The DoJ also organised the Workshop on ASEAN Online Dispute Resolution during the Hong Kong Legal Week in November 2021 and November 2022 respectively, to encourage the use of the ODR services among micro, small and medium enterprises, with a view to facilitating cross-boundary trade and investment between the ASEAN enterprises and enterprises in Hong Kong.

- End -

CONTROLLING OFFICER'S REPLY

SJ010

(Question Serial No. 1700)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Please advise:

- 1) on the manpower and resources allocated to the work co-ordinated by the Department of Justice regarding the support for the International Organization for Mediation Preparatory Office, the task force for promoting the integration of legal practices in the Guangdong-Hong Kong-Macao Greater Bay Area, the Steering Committee on Rule of Law Education, etc.; and
- 2) whether additional manpower and resources will be provided for the task force, the Committee, etc. to further promote the development of Hong Kong as a centre for international legal and dispute resolution in the Asia-Pacific region.

Asked by: Hon KAN Wai-mun, Carmen (LegCo internal reference no.: 26)

Reply:

1) & 2) Pursuant to the Arrangement on the Establishment of the International Organization for Mediation Preparatory Office in the Hong Kong Special Administrative Region signed by the Ministry of Foreign Affairs of the Central People's Government and the Government of the Hong Kong Special Administrative Region in 2022, the International Organization for Mediation Preparatory Office (the Office) was established in Hong Kong in early 2023. The Department of Justice (DoJ) supports the work of the Office, including by arranging secondments of personnel and assisting the Office in setting up office accommodation in the Hong Kong Legal Hub. To support the work of the Office, the DoJ has put in place secondment arrangements of Government Counsel Grade officers through deployment of manpower and internal selection processes.

In October 2022, the DoJ established the Legal Enhancement and Development Office (LEAD Office), which works directly under the steer of the Secretary for Justice (SJ), to assist in the formulation, co-ordination and implementation of policy initiatives in 3 major areas, namely: (a) strengthening the co-ordination of rule of law education and training of advocacy leaders; (b) promoting the strengths of and opportunities for Hong Kong's legal and dispute resolution services on all fronts; and (c) deepening the integration of legal practices between

the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and Hong Kong and promoting the wider use of mediation in the GBA. The LEAD Office mainly renders policy support to the SJ and the Deputy Secretary for Justice while the respective divisions/units of the DoJ assist in implementing its work. The Guangdong-Hong Kong-Macao Greater Bay Area Task Force and the Steering Committee on Rule of Law Education have been established. The work on taking forward their related tasks is absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ011

(Question Serial No. 1710)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

- 1) Currently, how many of the existing staff of the Department of Justice (DoJ) have passed the Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination or acquired Mainland lawyer qualifications?
- 2) What were the measures in place in the past year to strengthen the understanding of the Constitution, the Basic Law and the Hong Kong National Security Law, including that of the interpretations by the Standing Committee of the National People's Congress? How will the DoJ continue to enhance the knowledge of its staff on national law?
- 3) It is mentioned in the Policy Address that a "Steering Committee on Rule of Law Education" will be established and that a new "Rule of Law Education Train-the-Trainers Programme" will be launched in the third quarter of 2023. What are the original staffing and expenditure for the promotion of constitutional order and the rule of law? Regarding the establishment of the "Steering Committee on Rule of Law Education", how many additional financial resources and how much manpower will be provided for taking forward the work?

Asked by: Hon KAN Wai-mun, Carmen (LegCo internal reference no.: 36)

Reply:

1.
The Department of Justice (DoJ) does not maintain the required statistics.
2.
The DoJ has organised various activities to strengthen the understanding of the Constitution, the Basic Law and the Hong Kong National Security Law among different sectors of the community, and will continue to enhance the knowledge of its staff on national law. Such activities include:

The Hong Kong Special Administrative Region (HKSAR) 25th Anniversary Legal Conference on Basic Law - "Stability to Prosperity"

Following the successful organisation of the Basic Law 30th Anniversary Legal Summit themed “Back to Basics” on 17 November 2020, the DoJ hosted the Legal Conference on Basic Law “Stability to Prosperity” on 27 May 2022 to celebrate the 25th anniversary of the establishment of the HKSAR and to foster community-wide understanding of the Basic Law. The conference, also attended by DoJ officers, aimed to highlight the fact that the Constitution is the genesis of the Basic Law and emphasise that Hong Kong must stay true to the original aspiration of the Basic Law to fully, faithfully and steadfastly implement the principle of “one country, two systems” and enhance the “one country, two systems” regime including the national security and the electoral systems so that it can leverage its unique strengths in the “two systems” and contribute to the country. The conference also invited expert speakers to share with us their insight on the interpretation mechanism of the Basic Law and the power of interpretation of the Standing Committee of the National People’s Congress (NPCSC).

The DoJ, at the same time, launched a sourcebook entitled “Basic Law: Selected Drafting Materials and Significant Cases” at the conference. The content of the sourcebook covers selected drafting materials and relevant Basic Law cases, the interpretations of the NPCSC on the Basic Law, and other pertinent materials. As a more comprehensive record of the formulation and implementation of the Basic Law, the sourcebook is conducive to fostering a correct understanding of the relationship between the Constitution and the Basic Law among different sectors of the community.

Videos of speeches and discussions at the conference have been uploaded to the webpage of Hong Kong Legal Hub (https://www.legalhub.gov.hk/events_detail.php?l=en&a=391#) for public viewing. To enable a more in-depth understanding of the insights of the speakers of the conference and to promote an accurate appreciation of the Basic Law, the DoJ is planning to publish a book incorporating all the guests’ addresses, speeches and discussions with translation in mid-2023.

Basic Law seminars

The DoJ has been providing speakers for Basic Law seminars organised by the Civil Service Bureau (CSB) to enhance civil servants’ understanding of the Basic Law, with particular emphasis on explaining in everyday language fundamental concepts such as the relationship between the Constitution and the Basic Law, “one country” being the premise of “two systems”, the political structure of the HKSAR, and civil servants’ obligation to be dedicated to their duties. The seminars also explain how national laws can be applied to the HKSAR by virtue of Annex III. Despite the pandemic, the DoJ organised 5 Basic Law seminars in collaboration with the CSB in 2022. DoJ counsel are also required to attend Basic Law seminars.

Hong Kong National Security Law Legal Forums

Following the National Security Law Legal Forum themed “Security Brings Prosperity” in July 2021, the DoJ held a National Security Law Legal Forum themed “Thrive with Security” on 28 May 2022. The legal forum invited senior officials of the Central Government and the HKSAR Government, together with world renowned legal experts and academics, to review the implementation of the Hong Kong National Security Law, to explore issues at the forefront on safeguarding of national security, and to look ahead the further refinement of the legal framework for safeguarding national security in the HKSAR. The legal forum was also attended by DoJ officers. The success of the legal forum has helped raise the general public’s national security and law-abiding awareness, and to willingly respect and uphold the

country's fundamental system. Videos of speeches and discussions at the forum have been uploaded to the webpage of Hong Kong Legal Hub (https://www.legalhub.gov.hk/events_detail.php?a=396&v=events&hd=1&l=en#) for public viewing. Subsequently, the DoJ published in December 2022 the "National Security Law Legal Forum – Thrive with Security Proceedings", which comprise the remarks, speeches and discussions of the guest speakers, to facilitate the general public's proper understanding about the importance of national security and the concepts of the Hong Kong National Security Law. The proceedings have been uploaded to the DoJ's website (https://www.doj.gov.hk/tc/publications/pdf/NSL_Thrive_with_Security_2022_e_c.pdf) for public access, and will be widely distributed to government departments, the legal and education sectors, etc.

Course entitled "The Fundamental Principles of Chinese Law"

The DoJ regularly organises training courses to enhance its officers' knowledge and understanding of our country's latest development, including its legal and judicial systems, socio-economic conditions and development direction. With the support of the then-Hong Kong and Macao Affairs Office of the State Council, the DoJ has co-organised with Tsinghua University 4 rounds of the course entitled "The Fundamental Principles of Chinese Law" (in October 2020, March and November 2021 and November 2022). The course covers a wide spectrum of areas, including the Constitution, the Basic Law, the Hong Kong National Security Law and the national judicial system.

Apart from the above projects, the DoJ also supports an array of rule of law education programmes for youths and the general public, including interactive drama performances and rule of law lectures on campus, with a view to enhancing their overall law-abiding awareness and promoting the understanding of the rule of law principles and the content of the Constitution, the Basic Law and the Hong Kong National Security Law among different sectors of the community. Drawing on past experience, the DoJ will continuously review, refine and integrate the various rule of law education programmes. All these endeavours strive to enhance the understanding of the rule of law principles and our legal system among different sectors of the community.

3.

The relevant work and expenses for promoting the constitutional order and rule of law are absorbed by the existing resources of the DoJ. In this connection, the DoJ established in October 2022 the Legal Enhancement and Development Office in the Secretary for Justice's Office under the direct steer of the Secretary for Justice (SJ) to render high-level strategic support to the SJ and Deputy SJ, and assist in the formulation, co-ordination and implementation of policy initiatives in 3 major areas, including strengthening the coordination of rule of law education. For this, the "Steering Committee on Rule of Law Education" was set up to assist in launching the "Rule of Law Education Train-the-Trainers Programme".

- End -

CONTROLLING OFFICER'S REPLY

SJ012

(Question Serial No. 1456)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the training of teachers, the Department of Justice supports the “e-Resources for Rule of Law and Basic Law” platform produced by the Basic Law Foundation, which provides teaching support on related legal topics for teachers.

1. How many teachers have visited the platform since its launch?
2. How many online seminars have been organised by the platform for teachers?
3. What are the estimated manpower and expenditure for the promotion of the “e-Resources for Rule of Law and Basic Law” in each of the coming 3 years?

Asked by: Hon KOON Ho-ming, Peter Douglas (LegCo internal reference no.: 19)

Reply:

1. According to the information provided by the Basic Law Foundation, nearly 7 200 online visitors in total have accessed the platform since its launch.
2. A total of 21 online seminars have been organised by the platform for teachers.
3. The e-Resources platform is administered and managed by the Basic Law Foundation in accordance with the three-year Memorandum of Understanding in relation to “the e-Resources for Rule of Law and Basic Law” (MoU) signed with the Department of Justice (DoJ) in 2020. According to the MoU, it is expected that the DoJ will pay HK\$670,000 to the Basic Law Foundation this year.

The DoJ established the Steering Committee on Rule of Law Education (Steering Committee) this February to offer advice and assistance regarding the strategies and projects on the promotion of rule of law education in Hong Kong with the Basic Law being one of the topics. The DoJ will actively consider the Steering Committee’s advice and will draw on past experience in its efforts to review, optimise and integrate the various rule of law education programmes. The estimated manpower and

expenditure for the promotion of the “e-Resources for Rule of Law and Basic Law” are not available at this stage.

- End -

CONTROLLING OFFICER'S REPLY

SJ013

(Question Serial No. 2667)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Department of Justice briefs out some of its cases to barristers and solicitors in private practice. In this connection, would the Government inform this Committee of the following for the past 3 years:

1. the total costs of briefing out and the numbers of cases briefed out;
2. the total costs of briefing out and the numbers of cases briefed out in relation to criminal cases;
3. the total costs of briefing out and the numbers of cases briefed out in relation to civil cases;
4. the sets of chambers to which the briefed out counsel belonged in relation to criminal cases with details of the numbers of counsel involved and their respective numbers of cases briefed; and
5. the sets of chambers to which briefed out counsel belonged in relation to civil cases with details of the numbers of counsel involved and their respective numbers of cases briefed?

Asked by: Hon LAI Tung-kwok (LegCo internal reference no.: 19)

Reply:

1. The total costs of briefing out and the numbers of cases briefed out in the past 3 financial years were as follows:

Financial year	Number of cases briefed out	Expenditure (\$)
2019-20	1 593	311,140,383
2020-21	2 353	277,967,922
2021-22	2 149	261,569,783

2. The total costs of briefing out and the numbers of cases briefed out in relation to criminal cases in the past 3 financial years were as follows:

Financial year	Number of cases briefed out	Expenditure (\$)
2019-20	1 186	129,181,035
2020-21	1 972	137,787,155
2021-22	1 763	170,678,036

[Note: The expenditures in the above table cover criminal cases briefed out to counsel or solicitors for prosecuting at different levels of courts in place of Government Counsel, and cases briefed out to counsel or solicitors for prosecuting in the Magistrates' Courts in place of Court Prosecutors (CPs). The former is based on the number of cases; the latter is based on the number of court days (on a half-daily basis), with no separate statistics available on the number of cases involved. The numbers of days on which briefed out counsel or solicitors were engaged to prosecute in the Magistrates' Courts in place of CPs in 2019-20, 2020-21 and 2021-22 were 3 097, 2 867 and 3 295 respectively.]

3. The total costs of briefing out and the numbers of cases briefed out in relation to civil cases (including construction cases) in the past 3 financial years were as follows:

Financial year	Number of cases briefed out	Expenditure (\$)
2019-20	407	181,959,348
2020-21	381	140,180,767
2021-22	386	90,891,747

4 & 5. As regards briefed out criminal and civil cases, we do not maintain detailed breakdown by the sets of chambers to which the briefed out counsel belonged, the numbers of counsel involved and their respective numbers of cases briefed.

- End -

CONTROLLING OFFICER'S REPLY

SJ014

(Question Serial No. 2902)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The National 14th Five-Year Plan calls for the development of Hong Kong as “a centre for international legal and dispute resolution services in the Asia-Pacific region”, which requires a large number of legal talents proficient in international law and the laws of various countries. However, there is currently a serious shortage of university courses for training professionals in international law and the laws of other regions. Does the Government have any plans to provide additional resources and funding support for such courses? If yes, what are the details? If not, what are the reasons?

Asked by: Hon LAM San-keung (LegCo internal reference no.: 5)

Reply:

The Department of Justice (DoJ) has been active in the development of legal education in Hong Kong through the Standing Committee on Legal Education and Training. According to public information provided by the universities, the undergraduate programmes currently run by the faculties of law of the University of Hong Kong, the Chinese University of Hong Kong and the City University of Hong Kong all offer an extensive range of courses in international law and laws of other jurisdictions (including Chinese law) such as World Trade Law, International Economic Law and Relations, International Commercial Arbitration and International Dispute Resolution. The 3 faculties of law also offer various postgraduate programmes specialising in international law or laws of other jurisdictions, providing further training to those individuals who aspire to a career in international law and dispute resolution.

Since 2015, the DoJ has been operating a Mainland summer internship programme for Hong Kong law students. After their local placement in the DoJ, summer interns of this programme may continue the internship at relevant legal, executive or judicial organs or other organisations in the Mainland. These include the Ministry of Foreign Affairs, the Ministry of Justice, the Supreme People's Court, the Supreme People's Procuratorate, the then-Hong Kong and Macao Affairs Office of the State Council, the China Council for the Promotion of International Trade and the China International Economic and Trade Arbitration Commission. The programme was suspended since 2020 due to the pandemic and may resume this summer at the earliest according to the DoJ's plan.

Moreover, the Education Bureau (EDB) provides subsidies through the Mainland Experience Scheme for Post-Secondary Students to assist their participation in short-term internships or studies in the Mainland, with a view to encouraging them to learn through first-hand experience the country's latest social, economic and cultural landscape. The Scheme is implemented and administered by the participating post-secondary institutions in accordance with the EDB's operating guide. The EDB will arrange for disbursement of funding to the institutions for each funding period. Detailed exchange activities are arranged by the participating institutions and may cover law-related internship or learning activity.

In addition, the DoJ has committed to organising or co-organising with international and local legal bodies a diversity of capacity building events to provide local lawyers with training that augments their professional capabilities. Among these events is the regular programme entitled "Investment Law and Investor-State Mediator Training", which is tentatively scheduled to be held once again this October. The DoJ has reached an agreement with the Hague Academy of International Law, one of the world's leading academic institutes on international law, to co-organise capacity building courses in Hong Kong regularly. Webinars on related topics were held in Hong Kong in 2020 and 2021. The DoJ will continue to proactively discuss with the Hague Academy of International Law about running further courses related to international law in Hong Kong in 2023.

The DoJ has also agreed a standing secondment programme with the Hague Conference on Private International Law (HCCH) and the International Institute for the Unification of Private Law (UNIDROIT)—both are renowned international organisations in private international law. The programme is open to legal professionals in both the public and private sectors of Hong Kong, providing local legal talent with additional training opportunities in the area of international law and valuable working experience for enhancing their competitiveness.

Furthermore, to support development of international legal talent, the DoJ has been working closely with international organisations and has been encouraging them to hold conferences in Hong Kong. For example, renowned international organisations such as the UNIDROIT, the HCCH and the Association of Southeast Asian Nations (ASEAN) organised the "Asia-Pacific Private International Law Summit", the "HCCH Conventions Supporting Transnational Litigation in Civil or Commercial Matters: A Workshop to celebrate the Tenth Anniversary of the Regional Office for Asia and the Pacific" and the "Workshop on ASEAN Online Dispute Resolution" respectively during the Hong Kong Legal Week 2022, with the aim of promoting exchanges and collaboration between the legal and dispute resolution sectors in Hong Kong and international organisations. The DoJ will continue in the coming year to proactively secure the hosting of conferences for international organisations in the city such as the Hong Kong Legal Week 2023 to be held in November.

In order to consolidate Hong Kong's status as a centre for international legal and dispute resolution services in the Asia-Pacific region, the DoJ has planned to collaborate with relevant organisations (such as the Hong Kong Trade Development Council and the Invest Hong Kong) to lead local delegations comprising professionals from legal and other sectors (including young legal talent) to visit ASEAN member states, other Southeast Asian, Middle East and African countries, and Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA), thereby promoting the strengths of and opportunities brought by Hong Kong's legal and dispute resolution services at home and abroad while enabling the

local legal and dispute resolution sectors to better gauge the needs of different markets, thus broadening their horizons and relevant knowledge. Some key projects this year include:

- (a) 2023: visits to Mainland cities in the GBA;
- (b) March 2023: “Resolve2Win Campaign” (Bangkok, Thailand);
- (c) Third quarter of 2023: “Hong Kong Legal Services Forum”; and
- (d) November 2023: “Hong Kong Legal Week 2023”.

The Guangdong-Hong Kong-Macao Greater Bay Area Task Force recently established under the DoJ will help the local legal sector to better seize opportunities provided to Hong Kong by the country, promote the interaction and co-operation among the people and businesses in the GBA, and further facilitate proactive integration into the national development. The Task Force is planning to tour other cities in the GBA and strengthen communication with different stakeholders, including the legal professional bodies and related sectors.

- End -

CONTROLLING OFFICER'S REPLY

SJ015

(Question Serial No. 2907)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The 14th Five-Year Plan specifies the development of the “eight centres” in Hong Kong. The Government should capitalise on market forces to spearhead the development, whereas a reform of the existing legal framework and legal services is required to cater for the development of the “eight centres”. Will the Government set up a fund for voluntary applications by local lawyers’ associations to harness community efforts to identify the ways forward for the legal services industry for the purpose of assisting the Government to achieve the “eight centres” plan?

Asked by: Hon LAM San-keung (LegCo internal reference no.: 10)

Reply:

Legal and dispute resolution services are integral to the development of the “eight centres”.

The Department of Justice is committed to consolidating Hong Kong’s status as a leading centre for international legal and dispute resolution services in the Asia-Pacific region. The Steering Committee on Mediation and the Advisory Committee on Promotion of Arbitration, both under the chairmanship of the Secretary for Justice (SJ), work in collaboration with various stakeholders including representatives from the Judiciary and the legal, mediation, arbitration and related sectors to make recommendations on the promotion and development of mediation, arbitration and other services, and on the further promotion and development of legal and dispute resolution services in and outside Hong Kong.

In respect of reforming the existing laws, the Law Reform Commission (LRC), chaired by the SJ, studies aspects of the laws of Hong Kong referred by the SJ or the Chief Justice for the purpose of reform. The LRC, consisting of members from non-legal professions, conducts research and consults the public and stakeholders on a wide range of issues.

Furthermore, the Government has implemented the Professional Services Advancement Support Scheme comprising a main programme and the Professionals Participation Subsidy Programme (PSP). The main programme provides subsidies for non-profit-making industry-led projects to strengthen exchanges and co-operation between Hong Kong’s

professional service industries and their external counterparts, take forward relevant publicity activities, and enhance the standards and external competitiveness of Hong Kong's professional services, whereas the PSP subsidises Hong Kong major professional bodies to participate in activities organised by the Government (such as the Hong Kong Economic and Trade Offices) and the Hong Kong Trade Development Council, with a view to stepping up the promotion of Hong Kong's competitive edge and professional services to Mainland cities (including cities in the Guangdong-Hong Kong-Macao Greater Bay Area) and overseas markets.

- End -

CONTROLLING OFFICER'S REPLY

SJ016

(Question Serial No. 2908)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The National 14th Five-Year Plan calls for the development of Hong Kong as “a centre for international legal and dispute resolution services in the Asia-Pacific region”. Is it possible for the Government to set up a fund which subsidises local legal bodies on a “dollar-to-dollar” matching basis to organise international forums in Hong Kong for the promotion of international people-to-people exchanges through non-governmental activities, thereby meeting the objective stated in the National 14th Five-Year Plan?

Asked by: Hon LAM San-keung (LegCo internal reference no.: 11)

Reply:

The Department of Justice (DoJ) is committed to consolidating Hong Kong’s status as a leading centre for international legal and dispute resolution services in the Asia-Pacific region through providing support and encouragement for local legal organisations to participate in, organise or co-organise international forums to facilitate exchanges between local and international legal sectors. These include the Vision 2030 for Rule of Law International Symposium co-organised with the Asian Peace and Reconciliation Council and the Asian Academy of International Law on 26 May 2022, the 5th Belt and Road Conference co-organised with The Law Society of Hong Kong on 10 November 2022 during the Hong Kong Legal Week, and the Vis East International Commercial Arbitration Moot to be co-organised with the Vis East Moot Foundation Limited in late March 2023.

Besides, with the support of the DoJ, the Hong Kong International Arbitration Centre has won the bid to host the biennial International Council for Commercial Arbitration Congress in Hong Kong in 2024, which is the largest regular international arbitration conference of its kind worldwide. It is expected that world class arbitrators from all over the world will be attracted to participate in the Congress in Hong Kong. The DoJ also encourages the legal and arbitration sectors to actively participate in the event and to jointly promote Hong Kong’s legal and dispute resolution services.

The DoJ will also continue to promote and organise, inter alia, capacity building activities to provide opportunities for local legal professionals to engage in in-depth discussions and

exchanges on the latest developments in specific areas of arbitration, mediation, the application of LawTech, etc., thereby further improving their practice and competency in these areas.

Furthermore, the Government has implemented the Professional Services Advancement Support Scheme comprising a main programme and the Professionals Participation Subsidy Programme (PSP). The main programme provides subsidies for non-profit-making industry-led projects to strengthen exchanges and co-operation between Hong Kong's professional service industries and their external counterparts, take forward relevant publicity activities, and enhance the standards and external competitiveness of Hong Kong's professional services, whereas the PSP subsidises Hong Kong major professional bodies to participate in activities organised by the Government (such as the Hong Kong Economic and Trade Offices) and the Hong Kong Trade Development Council, with a view to stepping up the promotion of Hong Kong's competitive edge and professional services to Mainland cities (including cities in the Guangdong-Hong Kong-Macao Greater Bay Area) and overseas markets.

- End -

CONTROLLING OFFICER'S REPLY

SJ017

(Question Serial No. 2909)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The National 14th Five-Year Plan calls for the development of Hong Kong as “a centre for international legal and dispute resolution services in the Asia-Pacific region”. Is it possible to set up a fund to provide a subsidy of \$10,000 per person to experienced lawyers in Hong Kong for them to visit other Asia-Pacific countries for exchanges with local enterprises and renowned legal bodies and participation in international forums?

Asked by: Hon LAM San-keung (LegCo internal reference no.: 12)

Reply:

The Department of Justice has planned to collaborate with relevant organisations (such as the Hong Kong Trade Development Council (HKTDC), the Invest Hong Kong and overseas Hong Kong Economic and Trade Offices (HKETOs)) to lead local delegations comprising professionals from legal and other sectors to visit ASEAN member states, other Southeast Asian, Middle East and African countries, and other common law jurisdictions from 2023 onwards, to tell good and accurate stories of Hong Kong, with a view to promoting Hong Kong's sound and robust legal system, solid foundation of the rule of law and diversified legal and dispute resolution services, and at the same time enabling the delegations to better understand the views of overseas stakeholders on Hong Kong's legal and dispute resolution services sectors, and their service needs, and to engage in exchanges for exploring new opportunities for the sectors. Scheduled events include the large-scale promotional campaign “Resolve2Win Campaign” co-organised with the HKTDC starting with leading a delegation to Bangkok, Thailand in mid-March 2023, then the Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) in the second half of 2023 to promote Hong Kong's dispute resolution services, including the “Mediate First” Pledge.

Furthermore, the Government has implemented the Professional Services Advancement Support Scheme comprising a main programme and the Professionals Participation Subsidy Programme (PSP). The main programme provides subsidies for non-profit-making industry-led projects to strengthen exchanges and co-operation between Hong Kong's professional service industries and their external counterparts, take forward relevant publicity activities, and enhance the standards and external competitiveness of Hong Kong's

professional services, whereas the PSP subsidises Hong Kong major professional bodies to participate in activities organised by the Government (such as the HKETOs) and the HKTDC, with a view to stepping up the promotion of Hong Kong's competitive edge and professional services to Mainland cities (including cities in the GBA) and overseas markets.

- End -

CONTROLLING OFFICER'S REPLY

SJ018

(Question Serial No. 2718)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Over the past years, the Secretary for Justice's Office has been committed to promoting Hong Kong as a city of the rule of law internationally and actively promoting the rule of law education among different sectors of the community. In this connection, please inform this Committee of:

1. the Department of Justice (DoJ)'s specific new plans for promoting Hong Kong as a city of the rule of law externally in the future; and
2. the DoJ's specific plans and staff establishment for promoting the rule of law education locally.

Asked by: Hon LEE Hoey Simon (LegCo internal reference no.: 5)

Reply:

1. The Secretary for Justice (SJ) has earlier announced that the Hong Kong Legal Week 2022 would be a starting point to develop an overall promotion strategy to promote the unique strengths of Hong Kong's common law system under "one country, two systems" and its diversified legal and dispute resolution services. During the Deputy SJ's visit to Europe from 5 to 11 March 2023, he attended meetings with 3 prominent organisations of private international law, namely the International Institute for the Unification of Private Law, the Hague Conference on Private International Law and the United Nations Commission on International Trade Law, fostering closer connections and collaboration. At the meetings, he shared good and accurate stories of Hong Kong by introducing its robust legal system and rule of law situation and the city's latest developments on the legal front underpinned by its distinctive advantages of "one country, two systems" and having the strong support of the motherland and close connection to the world.

Furthermore, in its bid to promote the strengths of Hong Kong's legal and dispute resolution services within and outside the country on all fronts, the Department of Justice (DoJ) is planning to lead local delegations comprising legal professionals to visit ASEAN member states and other Southeast Asian, Middle East and African countries from 2023 onwards, and

to hold a series of publicity and promotional campaigns at home and abroad, to tell the good and accurate stories of Hong Kong and step up the efforts in promoting the city's sound and robust legal system, solid foundation of the rule of law and diversified legal and dispute resolution services to the rest of the world. Given that full normalcy is now restored in Hong Kong, the DoJ is planning to roll out more and larger-scale promotional activities than in previous years. Key large-scale promotional activities in 2023 include the "Resolve2Win Campaign" starting with leading a delegation to Bangkok, Thailand in mid-March 2023, then to Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area in the second half of 2023, the "Mediate First" Pledge Event to be held in May, the "Hong Kong Legal Services Forum" in the third quarter of 2023 and the "Hong Kong Legal Week 2023" in November etc. These activities serve to promote and consolidate Hong Kong's leading position as an international legal and dispute resolution services centre in the Asia-Pacific region and beyond.

2. "Reinforcing the core value of the rule of law" is one of the priority tasks set out in the 2022 Policy Address. In this regard, the Steering Committee on Rule of Law Education (Steering Committee) was established under the DoJ in February 2023. Chaired by the Secretary for Justice and vice-chaired by the Deputy Secretary for Justice, the Steering Committee comprises representatives from relevant bureaux, the judicial and legal sectors and law schools. It will assist the DoJ to launch the brand-new Rule of Law Education Train-the-Trainers Programme (Programme). Focusing on the concept of the rule of law, the Programme elucidates the fundamental topics related to the rule of law and legal system in Hong Kong, with a view to strengthening the rule of law education on all fronts across the community and promoting consistent and correct messages on the rule of law. At the first meeting of the Steering Committee on 28 February 2023, it was agreed that a working group on the design of the course and teaching materials (Working Group on Course Design) and a working group on co-ordination and liaison (Working Group on Co-ordination) would be set up. The Working Group on Course Design will advise on the design and content of the Programme while the Working Group on Co-ordination will advise on issues relating to, among others, the order of priority given to the target groups of the Programme and their respective sizes.

In addition, the DoJ will continue to support an array of rule of law education programmes for youth and the general public, including interactive drama performances and the Law Drafting Competition 2023. Drawing on past experience, we will continuously review, refine and integrate the various rule of law education programmes. All these endeavours seek to enhance law-abiding awareness across all levels of society and promote the understanding of the rule of law principles and our legal system among different sectors of the community.

Meanwhile, the DoJ will continue to disseminate legal knowledge to the general public in a simple and easy-to-understand approach and language by way of videos clips, publications and other media. We will also actively capitalise on new media channels such as online media and social media platforms commonly used by the general public to disseminate correct information on the rule of law and to clarify rumours and misinformation in a timely manner.

The DoJ wishes to collaborate with all sectors of the community through the aforesaid diverse means and platforms to foster a law-abiding culture in society, raising public awareness to uphold the rule of law and to jointly tell good stories of Hong Kong's rule of law.

The manpower and expenditure for launching and taking forward the work on rule of law education mentioned above will be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY**SJ019****(Question Serial No. 0020)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (3) Constitutional and Policy AffairsControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

Question:

1. For each of the past 3 years, what were the numbers of bureaux and departments for which the Department of Justice (DoJ) provided legal advice on the Basic Law in relation to their legislative or policy proposals and what were the numbers of these legislative or policy proposals?
2. For each of the past 3 years, how many events on enhancing public knowledge of the Basic Law were organised by the DoJ or attended by its representatives? Please provide the ranks of these representatives and the names of the organisers and events.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 20)Reply:

1.

The Department of Justice (DoJ) provides legal advice on Basic Law provisions to bureaux and departments in relation to their legislative or policy proposals to ensure consistency with the Basic Law, and assists the Hong Kong Special Administrative Region (HKSAR) Government in Basic Law-related litigation. The numbers of pieces of legal advice provided by the DoJ on the Basic Law from 2020 to 2022 were as follows:

Pieces of legal advice on the Basic Law provided in the past 3 years		
1.	2020	1 601
2.	2021	1 196
3.	2022	1 539

2.

Basic Law seminars

DoJ counsel have been conducting Basic Law seminars organised by the Civil Service Bureau (CSB) to enhance civil servants' understanding of the Basic Law. Despite the pandemic,

the DoJ organised 12 Basic Law seminars in collaboration with the CSB and another organiser in the past 3 years, the details of which were as follows:

2020				
	Date	Speaker	Title	Organiser
1.	22 September 2020 p.m.	1 Deputy Principal Government Counsel (DPGC)	Basic Law seminar	CSB
2.	29 October 2020 p.m.	1 Senior Government Counsel (SGC)	Basic Law seminar	CSB
3.	27 November 2020 p.m. (videoing)	1 DPGC	Basic Law and One Country, Two Systems	Education University of Hong Kong

2021				
	Date	Speaker	Title	Organiser
1.	29 July 2021 p.m.	1 SGC	Basic Law seminar	CSB
2.	7 September 2021 a.m.	1 SGC	Basic Law seminar	CSB
3.	26 October 2021 a.m.	1 DPGC	Basic Law seminar	CSB
4.	24 November 2021 p.m.	1 DPGC	Basic Law seminar	CSB

2022				
	Date	Speaker	Title	Organiser
1.	4 May 2022 p.m.	1 DPGC	Basic Law seminar	CSB
2.	7 June 2022 p.m.	1 SGC	Basic Law seminar	CSB
3.	15 September 2022 p.m.	1 DPGC	Basic Law seminar	CSB
4.	24 October 2022 p.m.	1 SGC	Basic Law seminar	CSB
5.	17 November 2022 p.m.	1 DPGC	Basic Law seminar	CSB

The Hong Kong Special Administrative Region (HKSAR) 25th Anniversary Legal Conference on Basic Law “Stability to Prosperity”

Following the successful organisation of the Basic Law 30th Anniversary Legal Summit themed “Back to Basics” on 17 November 2020, the DoJ hosted the Legal Conference on Basic Law “Stability to Prosperity” on 27 May 2022 to celebrate the 25th anniversary of the establishment of the HKSAR and to foster community-wide understanding of the Basic Law. The conference aimed to highlight the fact that the Constitution is the genesis of the Basic Law and emphasise that Hong Kong must stay true to the original aspiration of the Basic Law to fully, faithfully and steadfastly implement the principle of “one country, two systems” and enhance the “one country, two systems” regime including the national security and the electoral systems, so that it can leverage its unique strengths in the “two systems” and contribute to the country. More than 180 guests attended the legal conference that day, and the number of online viewers reached 18 000 during its live webcast. Videos of all speeches and discussions at the conference have been uploaded to the webpage of Hong Kong Legal Hub (https://www.legalhub.gov.hk/events_detail.php?l=en&a=391#) for public viewing.

To enable a more in-depth understanding of the insights of the speakers of the conference and to promote an accurate appreciation of the Basic Law, the DoJ is planning to publish a book in mid-2023 incorporating all the guests’ addresses, speeches and discussions with translation.

- End -

CONTROLLING OFFICER'S REPLY

SJ020

(Question Serial No. 1642)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the work on upholding Hong Kong's rule of law and judicial independence, please advise on:

1. the numbers of public clarification and rebuttal that the Government made in 2020, 2021 and 2022 respectively in response to unfounded allegations about Hong Kong's rule of law and judicial independence initiated by foreign institutions and media, and the additional expenditures (such as newspaper advertising cost) involved, if any.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 41)

Reply:

The rule of law and judicial independence are cornerstones of Hong Kong's success. The Government is committed to safeguarding the rule of law and judicial independence of Hong Kong and will promptly refute any unfounded attacks from local or overseas politicians, organisations, media and individuals. The Department of Justice (DoJ) has frequently refuted false allegations against Hong Kong's rule of law, judicial independence and the Hong Kong National Security Law through various channels. From 2020 to end of February this year, the DoJ published over 120 press releases, articles and blogs, and the Secretary for Justice and the Deputy Secretary for Justice also conducted a total of 65 media interviews, delivered speeches on 74 different occasions and wrote to overseas media on 8 occasions to refute unwarranted statements and to set the record straight. Such work did not involve additional expenses from the DoJ.

During this period, there were also occasions when the Government refuted and clarified false allegations made in the ranking indices or reports related to the rule of law or those containing indicators of the rule of law published by overseas ranking agencies.

- End -

CONTROLLING OFFICER'S REPLY**SJ021****(Question Serial No. 2813)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (4) Law DraftingControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

For each of the past 5 legislative sessions, what were the numbers of bills presented by Legislative Council (LegCo) members to which certificates were issued by the Law Draftsman of the Department of Justice and what were the numbers of such members? Please set out the names of these LegCo members and the bills.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 44)Reply:

The information on certificates issued by the Law Draftsman of the Department of Justice for bills presented by Legislative Council (LegCo) members in the past 5 legislative sessions is tabulated below:

Legislative session	Number of LegCo members presenting bills to the Law Drafting Division	Number of certificates issued by the Law Draftsman
2018-19	11	16
2019-20	7	8
2020-21	5	8
2022	0	0
2023 (as at 28 February 2023)	1	1

Not all bills for which the Law Draftsman have issued certificates have been introduced into LegCo. As we cannot ascertain whether the members concerned consent to the disclosure of the relevant information, we are unable to set out the names of the LegCo members and the titles of the bills.

- End -

CONTROLLING OFFICER'S REPLY

SJ022

(Question Serial No. 2814)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

With regard to cases administered by the Hong Kong International Arbitration Centre in the past 5 years, please advise on the total numbers of new cases and arbitration cases, the percentage of international arbitration cases in the overall arbitration cases, the top 5 geographical origins or nationalities of the parties and the total amounts in dispute, respectively.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 45)

Reply:

The Hong Kong International Arbitration Centre (HKIAC) is an independent private organisation which publishes its statistics every year.

According to the HKIAC's Annual Reports and published statistics, the total number of new cases (including arbitrations, mediations and domain name disputes) in the past 5 years (i.e. from 2018 to 2022) was 2 535. Among those cases, 1 512 were arbitration cases of which over 75% were international arbitrations (i.e. at least one party was not from Hong Kong). The total amount in dispute in all arbitration cases was approximately HK\$255.1 billion (around US\$32.7 billion).

As shown in the HKIAC's case statistics for 2022, the top 5 geographical origins or nationalities of the parties (apart from Hong Kong) were Mainland China, the British Virgin Islands, the Cayman Islands, Singapore and South Korea. Please refer to the HKIAC's press release dated 20 January 2023 for detailed statistics for 2022.

- End -

CONTROLLING OFFICER'S REPLY**SJ023****(Question Serial No. 3079)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (5) International LawControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

Regarding the Department of Justice's work to "promote Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond", please advise on:

the establishment, expenditure on emoluments and total expenditure involved to date.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 46)

Reply:

The Department of Justice (DoJ) established in October 2022 the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice (SJ)'s Office and the direct steer of the SJ to render high-level strategic support to the SJ and Deputy SJ, including assisting in the formulation and co-ordination of the work on promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond. Other units of the DoJ will also deploy resources to provide assistance as and when required. The establishment and estimated expenditure of the LEAD Office for 2023-24 are tabulated below:

	Establishment for 2023-24	Estimated annual expenditure on emoluments for 2023-24 (notional annual mid-point salary value)
LEAD Office	2 Principal Government Counsel, 1 Deputy Principal Government Counsel (DPGC), 1 Assistant Principal Government Counsel (APGC), 3 Senior Government Counsel (SGC), 3 Government Counsel (GC), 1 Law Clerk and 2 Personal Secretaries I	\$19,120,200

Note: Among these posts, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited. Staff on loan from other divisions are not included in the above table. As the promotion work is undertaken by the above officers among their other duties, the manpower/expenditure actually involved in the relevant work cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ024

(Question Serial No. 0999)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Under Matters Requiring Special Attention in 2023-24, the Department of Justice (DoJ) will provide training programmes for counsel in order to enhance the standards of advocacy and preparation in criminal cases. In this connection, please inform this Committee of the following:

1. What are the latest developments, details and estimated expenditure of these training programmes?
2. As pointed out by the DoJ, conviction rates in criminal cases are not and should not be taken as performance indicators. Notwithstanding the annual provision of these training programmes, what criteria does the DoJ use to define the advocacy standard of counsel?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 5)

Reply:

1. The Department of Justice (DoJ) takes the quality of prosecution work very seriously. Prosecutors receive regular training on a wide range of issues conducted by outside experts and senior lawyers in the DoJ. Such training helps to enhance the quality of our prosecution work. Prosecutors are also periodically rotated to different sections within the Prosecutions Division (PD) to enable them to acquire well-rounded experience, legal knowledge and practical skills by handling different types of prosecution work. The DoJ will continue to ensure that prosecutors receive the best training and accumulate experience in court work to refine their advocacy skills. The DoJ also reviews and updates from time to time the approaches and procedures in handling criminal cases for further enhancement of prosecution work. The training programmes provided by the PD for its counsel in 2022 are tabulated below:

	Date	Speaker	Topic of training programme / seminar
1.	4 April to 6 May, 23 May to 8 July 2022	Various experienced prosecutors of the PD	A 12-week criminal advocacy course covering topics on criminal law, practice and procedure, etc.
2.	10 June 2022	1 Deputy Director of Public Prosecutions (DDPP) and 2 Senior Public Prosecutors (SPP) of the PD	Child abuse and sexual offences
3.	11 August 2022	1 DDPP and 1 SPP of the PD	Adducing evidence of mobile devices and trial experience sharing
4.	22 August to 11 November 2022	Various experienced prosecutors of the PD	A 12-week criminal advocacy course covering topics on criminal law, practice and procedure, etc.
5.	8 September 2022	1 Senior Inspector and 1 Inspector of the Cyber Security and Technology Crime Bureau of the Police Force	Latest development in digital forensics and recent challenges in cybercrime investigation
6.	4 November 2022	1 Forensic Pathologist of the Forensic Pathology Service of the Department of Health	Medicolegal aspects of sexual offences
7.	11 November 2022	1 Police Clinical Psychologist of the Police Force	Understanding child and mentally incapacitated person witnesses from a psychological perspective
8.	2 December 2022	1 Senior Social Work Officer of the Social Welfare Department and 1 Senior Superintendent of the Police Force	Procedures for handling child and mentally incapacitated person abuse cases and protocol and questioning skills for video-recorded interview with vulnerable witnesses

As the manpower and expenditure involved in the above training programmes were absorbed by the existing resources of the DoJ and relevant departments, the expenditure in this regard cannot be separately identified.

2. The DoJ's prosecutors must perform their duties in an impartial and professional manner. They are regularly assessed by the PD of the DoJ in terms of provision of legal advice, prosecution of criminal trials, legal knowledge in relation to the prosecution of appeal, advocacy and other practical skills.

- End -

CONTROLLING OFFICER'S REPLY

SJ025

(Question Serial No. 1000)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Hong Kong's diversified legal and dispute resolution services are to meet the needs of all walks of life (including the general public) and to integrate with the national development. In this connection, please inform this Committee of the following:

1. The revised estimate for the promotion and development of Hong Kong's legal and dispute resolution services for 2022-23 is \$61,962,000 while the estimate for 2023-24 is \$101,239,000. What are the reasons for and the details of the substantial increase in the estimate this year?
2. The use of LawTech for dispute resolution provides many benefits for service users. The Department of Justice also supports the use of the eBRAM platform developed locally for dispute resolution in Hong Kong. What were the numbers of disputes resolved by the eBRAM platform in the past 3 years? What are the estimate for and details of the promotion of LawTech this year?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 6)

Reply:

1. The relevant estimate covers the overall estimated expenditure of various divisions and units of the Department of Justice (DoJ) for the promotion and development of Hong Kong's legal and dispute resolution services, including the Legal Enhancement and Development Office (LEAD Office) established by the DoJ in October 2022 under the Secretary for Justice (SJ)'s Office and the direct steer of the SJ. Taking on the role as the central policy unit of the DoJ, the LEAD Office renders high-level strategic support to the SJ and Deputy SJ, and assists in the formulation, co-ordination and implementation of the policy initiatives in 3 major areas, including: (a) strengthening the co-ordination of the rule of law education and training of advocacy leaders; (b) promoting the strengths of and opportunities for Hong Kong's legal and dispute resolution services on all fronts; and (c) deepening the integration of legal practices between Hong Kong and the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and promoting the wider use of mediation in the GBA.

The relevant policy initiatives have gradually been implemented in 2022-23, including the Guangdong-Hong Kong-Macao Task Force and the “Steering Committee on Rule of Law Education” established on 7 January and 2 February 2023 respectively. The policy initiatives and programmes initiated by the Task Force and the Steering Committee will be implemented and taken forward in phases in 2023-24, including the “Rule of Law Education Train-the-Trainers Programme” to be launched in the third quarter of 2023.

Furthermore, the DoJ will lead local delegations comprising legal professionals to ASEAN member states and other Southeast Asian, Middle East and African countries from 2023 onwards, and will conduct a series of publicity and promotional campaigns at home and abroad. Given that full normalcy is now restored in Hong Kong, the DoJ is planning to roll out more and larger-scale promotional activities than in previous years. Key large-scale promotional activities in 2023 include the “Mediate First” Pledge Event in May, the “Hong Kong Legal Services Forum” in the third quarter of 2023 and the “Hong Kong Legal Week 2023” in November. These activities serve to promote and consolidate Hong Kong’s leading position as an international legal and dispute resolution services centre in the Asia-Pacific region and beyond.

2. The Government has been actively supporting the use of LawTech in dispute resolution. The online dispute resolution (ODR) and deal-making platforms (Online Platforms) developed by the non-governmental organisation eBRAM International Online Dispute Resolution Centre Limited (eBRAM Centre) help facilitate convenient and cost-effective online deal-making and dispute resolution services in Hong Kong and further strengthen the status of Hong Kong as an international legal and dispute resolution services centre.

The eBRAM Centre is responsible for the research and development of the Online Platforms. It launched the COVID-19 ODR Platform in 2020, and the Asia-Pacific Economic Cooperation ODR Platform, the standalone Online Arbitration Platform and Online Mediation Platform in 2022. According to the data provided by the eBRAM Centre, as at February 2023, the COVID-19 ODR Platform handled a total of 28 disputes, involving a total dispute amount of about \$2.82 million, while the 3 platforms launched last year have not yet handled any disputes. As a local non-governmental organisation, the eBRAM Centre uses its resources to manage, maintain and upgrade the relevant online platform systems and to promote and publicise the online deal-making and dispute resolution services in Hong Kong.

Besides, the Hong Kong Legal Cloud Fund (of around HK\$15.7 million) established by the DoJ under the Anti-epidemic Fund does not fall within the scope of Head 92. Relevant information is provided below:

The eBRAM Centre has been selected as the service provider of the Hong Kong Legal Cloud, which was launched in March 2022 to provide safe, secure and affordable data storage services for the local legal and dispute resolution sectors, thereby enhancing their capability to harness modern technology in the provision of relevant services. In order to encourage the local legal and dispute resolution sectors to subscribe to the Hong Kong Legal Cloud services, a subsidy for the subscription fee is provided by the Hong Kong Legal Cloud Fund for qualified subscribers in the local legal and dispute resolution sectors (for up to 3 years). According to the data provided by the eBRAM Centre, the Hong Kong Legal Cloud had approximately 600 subscribers as at February 2023. The Hong Kong Legal Cloud Fund will

continue to provide subsidies for qualified subscribers in the legal and dispute resolution sectors.

The DoJ will use its existing resources and manpower to promote LawTech.

- End -

CONTROLLING OFFICER'S REPLY

SJ026

(Question Serial No. 1004)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned under Matters Requiring Special Attention in 2023-24 that the Department of Justice (DoJ) will develop expertise in respect of legislative powers, procedures and practices in the context of the Basic Law. In this connection, please inform this Committee of the following:

1. What is the estimated provision for the expertise development and how will the relevant plan be carried out?
2. It seems that the DoJ does not have an extensive reach in various social media platforms. Is there a need to provide additional resources to beef up its social media posts in order to attract more visits for better use of the social media for publicity and promotion?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 8)

Reply:

1.
The purview of the Constitutional and Policy Affairs Division (CPAD) includes providing relevant legal advice to government bureaux and departments on the Rules of Procedure and practices of the Legislative Council. Such advice mainly covers whether any proposed committee stage amendment to bills or amendment to items of subsidiary legislation is relevant to the subject matter of the legislative proposal and to the subject matter of the clause to which it relates, and whether such amendment has the effect of creating a charge on the general revenue or other public money.

To further enhance professional standard and staff training, the CPAD arranges for experienced staff members to provide guidance to junior colleagues in rendering legal advice on the above matters. It has also conducted workshops for colleagues to share experience and exchange ideas on relevant issues. Moreover, a Knowledge Management System has been established to provide colleagues with easier access to relevant internal information. Such expertise, internal training and administrative arrangements, which form part of the normal duties and functions of the Department of Justice (DoJ), are not publicly disclosed.

Since the relevant work is undertaken by colleagues among their other duties, the expenditure involved cannot be separately identified.

2.

The Legal Enhancement and Development Office (LEAD Office) (formerly the Inclusive Dispute Avoidance and Resolution Office) established under the DoJ has launched Facebook and LinkedIn pages and a Weibo account to regularly publish posts on different subject matters, with a view to promoting to the public on all fronts the strengths and opportunities of Hong Kong in the context of its rule of law and legal and dispute resolution services.

With growing contact rates and deeper influence of social media, the LEAD Office will continue to produce suitable, interesting and easy-to-understand materials, such as the “Studio DoJ” animated short videos, the “Mediation: Myths and Facts” post series, and the publicity information and highlights of related activities organised by the legal sector, for effective promotion of the rule of law and dissemination of legal news.

Looking ahead, the LEAD Office will continue to promote the strengths and opportunities of Hong Kong in the context of its rule of law and legal and dispute resolution services through different means on social media. It will also explore more subject matters which are of interest to the public, such as the latest LawTech applications and tips for young people pursuing a legal career.

- End -

CONTROLLING OFFICER'S REPLY

SJ027

(Question Serial No. 2638)

Head: (92) Department of Justice

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

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Under Matters Requiring Special Attention in 2023-24, the Department of Justice will participate in the activities of international organisations to foster international co-operation and organise activities with international organisations to raise Hong Kong's international profile. In this connection, please inform this Committee of the following:

1. Amid continued geopolitical tensions, criticisms of Hong Kong's legal or judicial system from foreign media and governments have tarnished the image of Hong Kong. Regarding the key performance indicators, why is it that the estimated number of international and regional events to be organised, which can help enhance our image, has seen a progressive decrease over the years to 19 this year?
2. Does the Government have more effective and innovative ways in place to improve Hong Kong's image? If yes, what are the details? If not, what are the reasons?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 7)

Reply:

1. Due to the pandemic in the past years, a majority of events had been organised virtually or physically in small-scale settings. The Department of Justice (DoJ) will keep reviewing, optimising and integrating the international and regional events in the pipeline with reference to past experience to make the best use of resources and maximise the benefits. The expected number of events to be organised in 2023 is merely a preliminary estimate. In view of its policy initiatives set out in the 2022 Policy Address, the DoJ has been proactively organising a series of international and regional promotional events. Given that full normalcy is now restored in Hong Kong, the DoJ is planning to pool its resources to roll out more and larger-scale promotional activities both in Hong Kong and overseas in the coming year, with a view to drawing a larger number of internationally renowned experts and academics to attend such events and engage in in-depth discussions and exchanges with the local legal sector on the latest developments in specific areas of international law, dispute resolution, LawTech applications, etc. The numbers of participants are expected to be higher than that of previous years.

2. The DoJ has planned to collaborate with relevant organisations (such as the Hong Kong Trade Development Council, the Invest Hong Kong and overseas Hong Kong Economic and Trade Offices) to lead local delegations comprising professionals from legal and other sectors to visit ASEAN member states, other Southeast Asian, Middle East and African countries, and other common law jurisdictions from 2023 onwards, to tell good and accurate stories of Hong Kong, with a view to promoting Hong Kong's sound and robust legal system, solid foundation of the rule of law and diversified legal and dispute resolution services, and at the same time gaining a better understanding of the views of overseas stakeholders and their needs towards Hong Kong's legal and dispute resolution services, thereby raising Hong Kong's international profile.

The Secretary for Justice (SJ) has earlier announced that the Hong Kong Legal Week 2022 will be a starting point for developing an overall promotion strategy to promote the unique strengths of Hong Kong's common law system under "one country, two systems" and its diversified legal and dispute resolution services. During the Deputy SJ's visit to Europe from 5 to 11 March 2023, he attended meetings with various international organisations, including 3 prominent organisations of private international law, namely the International Institute for the Unification of Private Law, the Hague Conference on Private International Law and the United Nations Commission on International Trade Law, in order to foster closer ties and collaboration with them. At the meetings, he told the good and accurate stories of Hong Kong to raise the city's international profile by introducing its sound and robust legal system, strong and independent Judiciary and rule of law situation, and the city's latest developments on the legal front underpinned by its distinctive advantages of "one country, two systems" with the strong support of the motherland and close connection to the world.

- End -

CONTROLLING OFFICER'S REPLY

SJ028

(Question Serial No. 3093)

Head: (92) Department of Justice

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

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

According to paragraph 121 of the Budget Speech, the Department of Justice has set up a task force, comprising experts and academics, to study various measures for facilitating exchanges among the people and businesses in the Guangdong-Hong Kong-Macao Greater Bay Area, with a view to fostering the integration of legal practices in the area. Please advise on the latest results of the study, the implementation schedule of such measures, and the manpower and expenditure involved in the co-ordination of the task force for this year.

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 45)

Reply:

In early January this year, the Department of Justice (DoJ) established the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Task Force (Task Force) to deepen the mutually beneficial co-operation in the GBA and to facilitate the growth and development of the GBA. Chaired by the Deputy Secretary for Justice, the Task Force comprises representatives from the legal sector, academics, the business sector and Hong Kong residents in the Mainland. The Task Force will advise on the promotion and utilisation of the unique strengths of “one country, two systems and three jurisdictions” of the GBA. Its focus will be on strengthening mutual legal assistance between the GBA and Hong Kong and facilitating the convergence of legal practices, so as to enhance interactions among the people and businesses in the GBA and provide impetus for enhancing the rule of law in the area.

The Task Force held its first meeting in mid-January. The recommendations made by its members are being studied and consolidated for further discussion at the next meeting. The DoJ will give due consideration to and make robust efforts to follow up on the advice from the Task Force’s members with a view to taking forward the work in an efficient and cost-effective manner.

The manpower and expenditure involved in co-ordinating and supporting the work of the Task Force have been absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ029

(Question Serial No. 3094)

Head: (92) Department of Justice

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

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

According to paragraph 121 of the Budget Speech, the Department of Justice (DoJ) will seek to establish and promote the use of a common online mediation platform for dispute resolution in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA), with a view to providing a more convenient, efficient and cost-effective means for people and businesses in the GBA to settle cross-boundary disputes online. When is the online mediation platform expected to be launched? What is the DoJ's plan for promoting the online mediation platform? What are the staffing and expenditure for the promotion work in the coming year?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 46)

Reply:

In early January this year, the Department of Justice (DoJ) established the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Task Force (Task Force) to deepen the mutually beneficial co-operation in the GBA and to facilitate the growth and development of the GBA. Chaired by the Deputy Secretary for Justice, the Task Force comprises representatives from the legal sector, academics, the business sector and Hong Kong residents in the Mainland. The Task Force will advise on the promotion and utilisation of the unique strengths of "one country, two systems and three jurisdictions" of the GBA, including researching on the promotion of the online mediation platform. The DoJ will actively consider and follow up on the advice given by the members of the Task Force with a view to taking forward the work in an efficient and cost-effective manner. The work of and the expenditure incurred by the Task Force (including the online mediation platform) will be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ030

(Question Serial No. 1858)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The National 14th Five-Year Plan has indicated clear support for the development of the “eight centres” in Hong Kong, which includes facilitating the sustainable development of Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region. Under this Programme, the work of the Secretary for Justice’s Office and the Constitutional and Policy Affairs Division includes assisting in the formulation, co-ordination and implementation of policy initiatives to enhance Hong Kong’s status as an ideal regional and international hub for deal making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond, so as to integrate with the national development. In this connection, would the Government inform this Committee of:

1. whether there are any policies in place to help shape Hong Kong as a leading centre for international legal and dispute resolution services in the Asia-Pacific region, such as assisting the Government in attracting international legal and dispute resolution institutions to set up offices in Hong Kong, promoting international legal co-operation and exchanges, as well as securing international organisations to hold meetings in Hong Kong? If yes, what are the details? If not, what are the reasons?
2. whether there are any plans to promote the strengths of and opportunities for Hong Kong’s legal and dispute resolution services in the Mainland and worldwide? If yes, what are the details? If not, what are the reasons?
3. whether there are any new policies to facilitate further participation of Hong Kong’s legal profession in the development of the Guangdong-Hong Kong-Macao Greater Bay Area and the Belt and Road Initiative? If yes, what are the details? If not, what are the reasons?

Asked by: Hon TAN Sunny (LegCo internal reference no.: 37)

Reply:

1. To enhance effective promotion of exchanges and collaborations between law-related organisations (LROs) and the Mainland and Hong Kong communities, the Department of

Justice (DoJ) is committed to facilitating international and regional LROs and dispute resolution institutions to set up offices in Hong Kong. Officially opened on 2 November 2020, the Hong Kong Legal Hub provides office accommodation for LROs, dispute resolution institutions and other organisations in the former Central Government Offices, the former French Mission Building as well as parts of Two Exchange Square and Shanghai Commercial Bank Tower. With the staunch support from the Central People's Government, the Asian-African Legal Consultative Organization (AALCO) Hong Kong Regional Arbitration Centre and the International Organization for Mediation (IOMed) Preparatory Office were formally open at the Hong Kong Legal Hub in May 2022 and February 2023 respectively.

The DoJ will continue to strive to attract those international organisations which have yet to establish a presence in Hong Kong to set up offices here in order to enhance our international influence (especially in the Asia-Pacific region). Meanwhile, we will proactively complement the efforts of the Ministry of Foreign Affairs in taking forward the work of the IOMed Preparatory Office, with a view to transforming it into the secretariat and headquarters of the IOMed after the negotiations on the relevant international convention (i.e. Convention on the Establishment of the IOMed) are concluded.

Hong Kong's "eight centres" positioning under the National 14th Five-Year Plan includes the consolidation of our status as a centre for international legal and dispute resolution services in the Asia-Pacific region. To complement this positioning, the DoJ has reached out to and commenced talks with a number of international organisations and jurisdictions to make every endeavour to transform mutual goodwill into concrete results, including setting up offices in Hong Kong, signing relevant memoranda of co-operation (MoCs), encouraging exchanges and visits between legal or judicial officers of both sides, partaking in joint capacity building programmes and forging agreements on other collaboration projects.

The DoJ will make ongoing and robust efforts to explore the signing of MoCs with other countries and the feasibility of pursuing other plans for legal collaboration and exchanges in order to foster international exchanges and co-operation between legal officials and professionals in Hong Kong and those in overseas jurisdictions.

Quite a number of international organisations have held conferences in Hong Kong in the past. For example, renowned international organisations such as the International Institute for the Unification of Private Law (UNIDROIT), the Hague Conference on Private International Law (HCCH), the United Nations Commission on International Trade Law (UNCITRAL) and the Association of Southeast Asian Nations (ASEAN) organised the "Asia-Pacific Private International Law Summit", the "HCCH Conventions Supporting Transnational Litigation in Civil or Commercial Matters: A Workshop to celebrate the Tenth Anniversary of the Regional Office for Asia and the Pacific" and the "Workshop on ASEAN Online Dispute Resolution" respectively during the Hong Kong Legal Week 2022. The DoJ will continue to pay regular visits to international organisations or co-organise regular seminars, symposiums and other capacity building programmes with them. Endeavours in this regard include on-going discussions with the HCCH and the UNCITRAL about co-organising or providing support for them to organise conferences or events on relevant topics in Hong Kong. The DoJ will also continue to take forward the existing secondment programmes for legal professionals with relevant international organisations, so as to foster exchanges and close partnerships.

2. The Secretary for Justice (SJ) has earlier announced that the Hong Kong Legal Week 2022 will be a starting point for developing an overall promotion strategy to promote the unique strengths of Hong Kong’s common law system under “one country, two systems” and our diversified legal and dispute resolution services. During the Deputy SJ’s visit to Europe between 5 and 11 March 2023, he attended meetings with 3 prominent organisations of private international law, namely the UNIDROIT, the HCCH and the UNCITRAL, in order to foster closer ties and collaboration with them. At the meetings, he told good and accurate stories of Hong Kong by introducing the sound and robust legal system and rule of law situation and the city’s latest developments on the legal front underpinned by the distinctive advantages of “one country, two systems” and having the strong support of the motherland and close connection to the world.

Furthermore, in its bid to promote the strengths of Hong Kong’s legal and dispute resolution services within and outside the country on all fronts, the DoJ has planned to collaborate with relevant organisations (such as the Hong Kong Trade Development Council, the Invest Hong Kong and overseas Hong Kong Economic and Trade Offices) to lead local delegations comprising professionals from legal and other sectors to visit ASEAN member states, other Southeast Asian, Middle East and African countries, and other common law jurisdictions from 2023 onwards. These visits seek to tell good and accurate stories of Hong Kong, to step up the efforts in promoting Hong Kong’s sound and robust legal system and our solid foundation of the rule of law to the rest of the world, and to publicise the strengths of and opportunities brought by the city’s legal and dispute resolution services at home and abroad. At the same time, the delegations will be able to better understand the views of stakeholders on Hong Kong’s legal and dispute resolution services sectors and service needs, and engage in exchanges for exploring new opportunities for the sectors. Key large-scale promotional activities in 2023 include the “Resolve2Win Campaign” starting with leading a delegation to Bangkok, Thailand in mid-March 2023, then the Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) in the second half of 2023, the “Mediate First” Pledge Event to be held in May, the “Hong Kong Legal Services Forum” in the third quarter of 2023 and the “Hong Kong Legal Week 2023” in November.

3. The GBA is crucial to the Belt and Road Initiative, and both are considered major footholds in pursuit of the “dual circulation” strategy, which is the new national development paradigm. As the most international city and the only common law jurisdiction within the GBA, Hong Kong, by joining forces with other cities in the GBA, may fulfil the role as a “super-connector” between domestic and international markets, achieving the synergy effect of “one plus one is greater than two”. The DoJ will strenuously pursue the following tasks to optimise professional services as an impetus to take forward the national Belt and Road Initiative and promote high-quality development of the GBA:

- (i) seek to expand in the GBA the mechanism for wholly-owned Hong Kong enterprises (WOKEs) to adopt Hong Kong law and choose for arbitration to be seated in Hong Kong in response to the calls of WOKEs in this regard and enhance the development of the local legal and dispute resolution sectors in the GBA and, in turn, the rule of law in the area;
- (ii) capitalise on the strengths of institutions such as the Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference and the GBA Task Force under the DoJ to fully solicit the views of the stakeholders, proactively

support relevant Central authorities and collaborate closely with relevant departments of Guangdong and Macao, focusing on facilitating the convergence of legal practices in the GBA and deepening the legal co-operation arrangements with the Mainland on various fronts;

- (iii) identify new opportunities for and deepen existing exchanges and co-operation with international organisations and overseas jurisdictions by sustaining efforts in persuading more international bodies to set up operations at the Hong Kong Legal Hub;
- (iv) continue to engage with relevant international organisations in capacity building programmes and further develop secondment programmes for legal professionals, so as to assist in nurturing of our country's and Hong Kong's talent in the practice of international law and contributing to sustainable development; and
- (v) proactively explore the possibilities of forming and leading local delegations comprising professionals from the legal and dispute resolution sector to visit the Belt and Road regions to market Hong Kong's diversified legal and dispute resolution services, and to tell the international community the good stories of Hong Kong's rule of law.

- End -

CONTROLLING OFFICER'S REPLY

SJ031

(Question Serial No. 1859)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Government stated under this Programme that the work of the Secretary for Justice includes providing legal advice on the Basic Law and assisting the promotion of knowledge in it. In this connection, would the Government inform this Committee of:

1. whether there are any policies, initiatives and activities in the year to assist government departments and the general public in the proper understanding and implementation of the Basic Law, thereby safeguarding both national and regime security. If yes, what are the details? If not, what are the reasons?
2. whether there are any policies, initiatives and activities in the year to foster and reinforce a proper understanding of the rule of law among the general public and cultivate a culture with a strong sense of law-abiding awareness and respect for the legal and judicial system. If yes, what are the details? If not, what are the reasons?

Asked by: Hon TAN Sunny (LegCo internal reference no.: 36)

Reply:

1.

The Hong Kong Special Administrative Region (HKSAR) 25th Anniversary Legal Conference on Basic Law - "Stability to Prosperity"

Following the successful organisation of the Basic Law 30th Anniversary Legal Summit themed "Back to Basics" on 17 November 2020, the Department of Justice (DoJ) hosted the Legal Conference on Basic Law "Stability to Prosperity" on 27 May 2022 to celebrate the 25th anniversary of the establishment of the HKSAR and to foster community-wide understanding of the Basic Law. The conference aimed to highlight the fact that the Constitution is the genesis of the Basic Law and emphasise that Hong Kong must stay true to the original aspiration of the Basic Law to fully, faithfully and steadfastly implement the principle of "one country, two systems" and enhance the "one country, two systems" regime including the national security and the electoral systems so that it can leverage its unique strengths of the "two systems" and contribute to the country. More than 180 guests attended the legal conference that day, and the number of online viewers reached 18 000 during its live

webcast. Videos of all speeches and discussions at the conference have been uploaded to the webpage of Hong Kong Legal Hub (https://www.legalhub.gov.hk/events_detail.php?l=en&a=391#) for public viewing.

To enable a more in-depth understanding of the insights of the speakers of the conference and to promote an accurate appreciation of the Basic Law, the DoJ is planning to publish a book in mid-2023 incorporating all the guests' addresses, speeches and discussions with translation.

The Basic Law Bulletin

To enhance the knowledge and understanding of the Basic Law and relevant case law among civil servants and the general public, the DoJ, the Civil Service Bureau (CSB) and the Constitutional and Mainland Affairs Bureau jointly publish the Basic Law Bulletin regularly. The latest issue was uploaded to the DoJ's website (<https://www.doj.gov.hk/en/publications/pub20030002.html>) for public access last December.

Basic Law seminars

DoJ counsel have been conducting Basic Law seminars organised by the CSB to enhance civil servants' understanding of the Basic Law, with particular emphasis on explaining in everyday language fundamental concepts such as the relationship between the Constitution and the Basic Law, "one country" being the premise of "two systems", the political structure of the HKSAR, and civil servants' obligation to be dedicated to their duties. Despite the pandemic, the DoJ organised 5 Basic Law seminars in collaboration with the CSB in 2022 with details as follows:

2022				
	Date	Speaker	Title	Organiser
1.	4 May 2022 p.m.	1 Deputy Principal Government Counsel (DPGC)	Basic Law seminar	CSB
2.	7 June 2022 p.m.	1 Senior Government Counsel (SGC)	Basic Law seminar	CSB
3.	15 September 2022 p.m.	1 DPGC	Basic Law seminar	CSB
4.	24 October 2022 p.m.	1 SGC	Basic Law seminar	CSB
5.	17 November 2022 p.m.	1 DPGC	Basic Law seminar	CSB

In 2023, the DoJ is preparing to organise 8 Basic Law seminars targeting middle and senior ranking civil servants in collaboration with the CSB.

2.

“Reinforcing the core value of the rule of law” is one of the priority tasks set out in the 2022 Policy Address. In this regard, the Steering Committee on Rule of Law Education (Steering Committee) was established under the DoJ in February 2023. Chaired by the Secretary for Justice and vice-chaired by the Deputy Secretary for Justice, the Steering Committee comprises representatives from relevant bureaux, the judicial and legal sectors and law schools. It will assist the DoJ to launch the brand-new Rule of Law Education Train-the-Trainers Programme (Programme). Focusing on the concept of the rule of law, the Programme elucidates the fundamental topics related to the rule of law and legal system in Hong Kong, with a view to strengthening the rule of law education on all fronts across the community and promoting consistent and correct messages on the rule of law. At the first meeting of the Steering Committee on 28 February 2023, it was agreed that a working group on the design of the course and teaching materials (Working Group on Course Design) and a working group on co-ordination and liaison (Working Group on Co-ordination) would be set up. The Working Group on Course Design will advise on the design and content of the Programme while the Working Group on Co-ordination will advise on issues relating to, among others, the order of priority given to the target groups of the Programme and their respective sizes.

In addition, the DoJ will continue to support an array of rule of law education programmes for youth and the general public, including interactive drama performances and the Law Drafting Competition 2023. Drawing on past experience, we will continuously review, refine and integrate the various rule of law education programmes. All these endeavours seek to enhance law-abiding awareness across all levels of society and promote the understanding of the rule of law principles and our legal system among different sectors of the community.

Meanwhile, the DoJ will continue to disseminate legal knowledge to the general public in a simple and easy-to-understand approach and language by way of videos clips, publications and other media. We will also actively capitalise on new media channels such as online media and social media platforms commonly used by the general public to disseminate correct information on the rule of law and to clarify rumours and misinformation in a timely manner.

The DoJ wishes to collaborate with all sectors of the community through the aforesaid diverse means and platforms to foster a law-abiding culture in society, raising public awareness to uphold the rule of law and to jointly tell good stories of Hong Kong’s rule of law.

- End -

CONTROLLING OFFICER'S REPLY

SJ032

(Question Serial No. 2788)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

A breakdown of the expenditure and the establishment involved in the study and consultation on the introduction of gender recognition legislation in the past 5 years.

Asked by: Hon TIK Chi-yuen (LegCo internal reference no.: 46)

Reply:

2 time-limited posts, namely 1 Senior Government Counsel (SGC) and 1 Government Counsel (GC), were created during the period from 2018-19 to 2021-22 to provide legal support to the Inter-departmental Working Group on Gender Recognition (IWG). The annual staff costs of the above posts were around \$2.4 million in 2018-19, about \$2.5 million in 2019-20 and approximately \$2.6 million in both 2020-21 and 2021-22.

Since the lapse of the 2 aforesaid time-limited posts on 31 March 2022, the relevant work has been and continues to be undertaken by 1 SGC and 1 GC. As these 2 counsel and other officers providing support to the IWG have undertaken other duties, the staff costs and other related expenses involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ033

(Question Serial No. 0122)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

1. What were the vacancy, wastage and recruitment positions of legal professional posts/staff in the Department of Justice as a whole and in its various divisions in the past 3 years?
2. For the wastage of legal professionals in the past 3 years, does the Government know how many of them were due to retirement, change of jobs, emigration or other reasons?
3. What are the specific and proactive measures to reduce the wastage of legal professionals and enhance the effectiveness of recruitment?

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.: 4)

Reply:

1. In the past 3 years, the staff wastage rates of the Government Counsel (GC) grade in the Department of Justice (DoJ) were comparable to the overall wastage rates of the civil service. The DoJ has kept abreast of the situation and would fill the vacancies through recruitment, promotion and internal redeployment when appropriate. Open recruitment exercises are conducted annually to fill the vacancies in the GC grade. The numbers of applicants for the GC posts were largely steady in the past 3 years, even recording an increase last year.
2. The DoJ does not maintain the required statistics.
3. In order to enhance the effectiveness of our recruitment, apart from placing recruitment advertisements for the GC posts in newspapers and on the websites of the DoJ and the Civil Service Bureau, we also publicise our recruitment through legal professional bodies to their members, and organise recruitment seminars. Moreover, in response to requests from legal professional bodies, we arrange for GC to share their work experience in the DoJ with members of these bodies to facilitate lawyers in private practice to learn more about our work and encourage those who are suitable to join the DoJ. Individual divisions of the DoJ also co-organise talks, workshops, competitions

or short-term attachment programmes with law schools to introduce our work to law students. In order to recruit talents with practical experience in the legal field to join the GC grade, subject to prevailing situation, increments may be granted to candidates with additional relevant post-qualification experience above the stipulated minimum requirements. Furthermore, we will provide various training and posting arrangements for GC to equip them with the necessary knowledge and skills to handle their work and meet the requirements of different posts, and will provide timely professional and management training for those deemed to have potential.

- End -

CONTROLLING OFFICER'S REPLY

SJ034

(Question Serial No. 0123)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions
(2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

1. The revised estimates for the Prosecutions Division (PD) and the Civil Division (CD) of the Department of Justice (DoJ) for 2022-23 are 18.9% and 27.4% lower than the original estimates respectively. What are the reasons?
2. It reads on page 182 under Analysis of Financial and Staffing Provision that the actual expenditures of the PD and the CD are lower than anticipated, with the existence of a certain number of vacancies being one of the reasons. However, the expenditure on personal emoluments - salaries of the DoJ as a whole for the same year (page 185) is higher than the original estimate. What are the reasons?
3. The revised estimate for the hire of legal services and related professional fees of the DoJ for 2022-23 (page 185) sees a decrease of over \$100 million (35%) against the original estimate. What are the reasons?
4. The revised estimate for the legal services for construction dispute resolution of the DoJ for 2022-23 (page 185) sees a decrease of over \$50 million (53%) against the original estimate. What are the reasons? The relevant expenditure for 2023-24 is estimated to reach \$121 million, representing an increase of more than 1.5-fold over the revised estimate for 2022- 23. What are the reasons?

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.: 6)

Reply:

- 1 & 3. The revised estimate for the Prosecutions Division (PD) for 2022-23 is 18.9% lower than the original estimate. This is mainly because the revised estimates for the hire of legal services and related professional fees, and court costs for 2022-23 are 22.9% and 66.8% lower than their respective original estimates.

The revised estimate for the Civil Division (CD) for 2022-23 is 27.4% lower than the original estimate. This is mainly because the revised estimates for the hire of

legal services and related professional fees, the legal services for construction dispute resolution and court costs for 2022-23 are 50.3%, 53.3% and 49.8% lower than their respective original estimates.

The estimates were made based on information available at the time of preparation. The decrease in the revised estimates for the hire of legal services and related professional fees and for court costs over the original estimates was due to a number of factors, including the number of cases involved, their complexity and development. Regarding the estimates for the legal services for construction dispute resolution, please refer to the reply in part (4) below for details.

2. The revised estimate for 2022-23 is higher than the original estimate for the same year. This is mainly because while the provision of additional manpower and the related salary expense of the Department of Justice was approved following the re-organisation of the Sixth-term Government on 1 July 2022, the increase in salary expense was partly offset by the existing vacancies including those in the PD and the CD.

4. The revised estimate for the legal services for construction dispute resolution for 2022-23 sees a substantial decrease against the original estimate. This is due to the revision of the estimated expenditure in light of the developments of the cases involved (such as successful settlement, consent to resort to mediation or negotiation, slower progress than expected) after the original estimate was made. While the CD made the estimates for 2023-24 based on information available at the time of preparation, the increase in the estimates is mainly due to the need to earmark adequate provision to meet the briefing-out expenditure of new and impending cases (including some mega cases) and a number of active cases rolled over from 2022-23. In addition, the general increase in fees charged by solicitors, counsel and experts and the increasing complexity of cases involving more experts in different disciplines in recent years have also led to higher estimated briefing-out expenses for individual cases.

- End -

CONTROLLING OFFICER'S REPLY

SJ035

(Question Serial No. 0124)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

1. The target of providing advice for law enforcement agencies within 14 working days upon receipt of request could not be met in 2021 and 2022. What were the reasons?
2. Please provide the numbers of request for advice in the past 3 years with a breakdown by law enforcement agency making the requests and the corresponding compliance rate.
3. The Department of Justice (DoJ) will provide an interim reply within 14 working days for a complex case. What is the percentage of such requests for advice for complex case in the total number of requests for advice? Are there any statistics on the usual or average time taken to provide a substantive and final reply after an interim reply is provided?
4. Apart from increasing manpower, what specific and proactive measures will the DoJ take to raise the compliance rate in order to avoid delay in prosecution work?

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.: 7)

Reply:

1-4.

The numbers of pieces of legal advice provided by the Prosecutions Division (PD) in the past 3 years are tabulated below:

Year	2020	2021	2022
Number of pieces of legal advice provided	13 895	15 410	14 610

In addition to providing legal advice for law enforcement agencies, the prosecutors of the PD have to handle a substantial number of appeals and reviews and various trials and mention hearings. Despite a trend of year-on-year increase in the number of pieces of legal advice provided for law enforcement agencies by the prosecutors, the PD strives at all times to

provide legal advice for law enforcement agencies as quickly as practically possible. The actual time taken to provide substantive advice on individual cases would depend on a number of factors, including the nature and complexity of the cases, and the quantity of the evidence and materials involved. Given the large volume of legal advice provided each year, the PD does not maintain any breakdown of compliance rate by law enforcement agency, the percentage of requests for advice for complex cases, or the time required to provide legal advice for each case.

The PD has all along strived to raise the compliance rate by various measures, including providing the latest guidance on cases involving significant legal principles to its prosecutors through the issue and updating of circulars and reference materials; maintaining close communication with law enforcement agencies to proactively provide legal advice on their investigations; enhancing efficiency in the management of simple cases through the quick advisory system known as “FAST”; designating co-ordinators or specific units for handling particular types of cases to allow for more effective and efficient handling of the cases; reviewing from time to time its volume of work and staff establishment, refining its structure and distribution of work, and considering to apply for additional resources according to the established mechanism when appropriate; and optimising its case management system through system upgrades of hardware and software to facilitate storage and sharing of case information for better system operation and efficiency.

- End -

CONTROLLING OFFICER'S REPLY

SJ036

(Question Serial No. 0926)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The estimate for 2023-24 represents a substantial increase of \$229.9 million (29.4%) over the revised estimated expenditure for 2022-23.

1. What are the titles, salaries and scope of work of the 6 new posts to be created with the additional expenditure?
2. What are the anticipated court costs for 2023-24? What is the increase compared with the court costs in 2022-23? What are the reasons for such increase?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 3)

Reply:

1. The Department of Justice (DoJ) reviews from time to time the volume of work and staff establishment, and would consider applying for additional resources to meet operational needs according to the established mechanism, when appropriate. The work of the posts to be created under this Programme in 2023-24 and the expenditure involved are set out below -

Post	Nature of Duties	Notional Annual Mid-point Salary
1 Principal Government Counsel (PGC) ^{Note 1}	Providing manpower to strengthen legal support for the advisory and advocacy work on technology crimes	\$2,716,800
1 Senior Government Counsel	Ditto	\$1,552,500
1 Government Counsel	Ditto	\$1,105,080
1 Personal Secretary I	Providing manpower to render general support services for the above PGC and other related staff	\$474,720

2 Government Counsel ^{Note 2}	Providing additional manpower to render the necessary support for reinforcing the core value of the rule of law	\$1,105,080 x 2 = \$2,210,160
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Note 1: The DoJ will consult the Legislative Council’s Panel on Administration of Justice and Legal Services and the Establishment Sub-committee and seek the approval of the Finance Committee on the proposed creation of the post.

Note 2: The posts are to be created in the Secretary for Justice’s Office.

- 2. The estimate for court costs of criminal cases for 2023-24 is \$226 million, which is 227.3% (or \$157 million) higher than the revised estimates for 2022-23.

The anticipated overall increase in court costs for 2023-24 is mainly due to the need to earmark provisions for the court costs of impending/possible new cases and the various cases handled in 2022-23.

While the said estimate was made based on information available at the time of preparation, the actual expenditure to be incurred in 2023-24 would ultimately depend on the subsequent development and outcome of the cases concerned and the amount of unanticipated expenditure (arising from unpredictable cases, which are not entirely within the control of the DoJ, when the estimate was prepared).

- End -

CONTROLLING OFFICER'S REPLY

SJ037

(Question Serial No. 0928)

Head: (92) Department of Justice

Subhead (No. & title): (234) Court costs

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The provision for court costs under Subhead 234 represents a substantial increase of \$216,490,000 (157.9%) over that for 2022-23. Please state in detail the reasons for the substantial increase of more than 1.5-fold in the provision for court costs.

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 5)

Reply:

The estimate for court costs under Subhead 234 for 2023-24 is \$354 million, which is 157.9% (or \$216 million) higher than the revised estimate for 2022-23.

The anticipated overall increase in court costs for 2023-24 is mainly due to the need to earmark provisions for the court costs of impending/possible new cases and the various cases handled in 2022-23.

While the said estimate was made based on information available at the time of preparation, the actual expenditure to be incurred in 2023-24 would ultimately depend on the subsequent development and outcome of the cases concerned and the amount of unanticipated expenditure (arising from unforeseen cases which could not be predicted when the estimate was prepared and are not entirely within the control of the Department of Justice).

- End -

CONTROLLING OFFICER'S REPLY

SJ038

(Question Serial No. 0945)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in paragraph 121 of the Budget Speech that the Department of Justice “will seek to establish and promote the use of a common online mediation platform for dispute resolution in the GBA (the Guangdong-Hong Kong-Macao Greater Bay Area)”. Regarding the online platform, what are the details of the plan, the expenditures on its research and development, the progress and the estimated monthly recurrent expenditures? Is there any implementation timetable?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 22)

Reply:

In early January this year, the Department of Justice (DoJ) established the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Task Force (Task Force) to deepen the mutually beneficial co-operation in the GBA and to facilitate the growth and development of the GBA. Chaired by the Deputy Secretary for Justice, the Task Force comprises representatives from the legal sector, academics, the business sector and Hong Kong residents in the Mainland. The Task Force will advise on the promotion and utilisation of the unique strengths of “one country, two systems and three jurisdictions” of the GBA, including researching on the promotion of the online mediation platform. The DoJ will actively consider and follow up on the advice given by the members of the Task Force with a view to taking forward the work in an efficient and cost-effective manner. The work of and the expenditure incurred by the Task Force (including the online mediation platform) will be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ039

(Question Serial No. 0946)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in the Budget Speech that the Department of Justice “will seek to establish and promote the use of a common online mediation platform for dispute resolution in the GBA (the Guangdong-Hong Kong-Macao Greater Bay Area), with a view to providing a more convenient, efficient and cost-effective means for people and businesses in the GBA to settle cross-boundary disputes online”. It has been reported in the media that quite a number of Hong Kong citizens have suffered loss from the sale and purchase of properties in the GBA and have been mired in disputes over property defaults with no avenue for complaints in recent years. In this connection, please inform this Committee of:

- (1) whether “disputes over the sale and purchase of Mainland properties” is included in the scope of services of the online mediation platform. If yes, what are the details? If not, will the Government consider providing such mediation service for resolving disputes over cross-boundary property purchase?
- (2) the departments of the HKSAR Government from which those citizens who have fallen prey to property investment frauds in the Mainland may seek assistance.

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 23)

Reply:

(1) The use of mediation, in particular online mediation services, for resolving different types of disputes has grown in popularity. It saves not only time, but also the costs incurred in resolving disputes through litigation. It is believed that the use of mediation will enable residents in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) to resolve cross-boundary disputes in a more flexible and cost-effective manner. Therefore, the Department of Justice (DoJ) established in January this year the Guangdong-Hong Kong-Macao Greater Bay Area Task Force (Task Force), which is chaired by the Deputy Secretary for Justice and comprises representatives from the legal sector, academics, the business sector and Hong Kong residents in the Mainland. Apart from focusing on studying ways to strengthen mutual legal assistance between the GBA and the Hong Kong Special Administrative Region (HKSAR) and facilitating the convergence of legal practices, the Task Force will launch

discussions and a study on issues about the establishment and promotion of an online mediation platform, such as the research and development and service scope of the platform. The DoJ will actively listen to the advice given by the members of the Task Force, so as to ensure the online mediation platform can better serve the public in need.

(2) One of the main functions of the 5 Mainland Offices of the HKSAR Government (namely the Beijing Office and the Hong Kong Economic and Trade Offices in Guangdong, Chengdu, Shanghai and Wuhan) is to provide assistance to Hong Kong residents in distress in the Mainland. If the Hong Kong residents seeking assistance wish to make complaints or appeals to the Mainland authorities regarding properties in the Mainland, the Mainland Offices will refer their cases to the relevant Mainland authorities on request. Besides, the Hong Kong Economic and Trade Office in Guangdong has commissioned an organisation to provide free legal advisory service to Hong Kong residents in need through a telephone hotline or by arranging Mainland duty lawyers to meet the assistance seekers to provide preliminary advice on Mainland-related legal matters.

The Constitutional and Mainland Affairs Bureau (CMAB) and the Mainland Offices have been strengthening public education through different channels with a view to enhancing the public's understanding of matters related to property purchase in the Mainland. The measures taken include publishing the Practical Guide for Hong Kong Residents Living in the Mainland, a booklet on living in the Mainland covering practical information about property purchase; providing a link to the webpage of the Estate Agents Authority containing practical information on the purchase of properties outside Hong Kong on the websites of the Mainland Offices and the CMAB's dedicated website on the GBA; and publishing articles in the CHOICE Magazine of the Consumer Council to remind citizens of the points to note on property purchase in the Mainland. To further step up the promotion and public education efforts, the CMAB released a new round of information on property purchase in the Mainland through the Bureau's website, its dedicated website on the GBA, and the websites and WeChat public platforms of the Mainland Offices in October 2022. Besides, the CMAB also published a new article in the CHOICE Magazine in November 2022 to provide the latest relevant information.

- End -

CONTROLLING OFFICER'S REPLY**SJ040****(Question Serial No. 0344)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

43. What are the establishment of the Prosecutions Division of the Department of Justice (DoJ) and its related remuneration packages? For cases involving the Government, what are the percentage of such cases represented by briefed out counsel at different levels of courts, the legal expenses involved, as well as the respective success rates of such cases and those cases represented by the counsel of the DoJ?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 35)Reply:

In 2023-24, the establishment under the Programme of Prosecutions is 701 and the total estimated expenditure on remuneration and allowances is \$493,982,000.

The numbers of cases conducted by Government Counsel and by barristers and solicitors instructed to prosecute at different levels of courts in 2022 were as follows –

	Number of cases conducted	
	Government Counsel	Barristers and solicitors instructed to prosecute
Appeal Court ¹	834	22
Court of First Instance	190	126
District Court	738	731
Magistracy	181	619 ²
Others ³	1 040	11
Total	2 983	1 509
Percentage	66%	34%

¹ Including magistracy appeals and appeals heard in the Court of Appeal and the Court of Final Appeal.

² The 619 cases are cases prosecuted in the Magistrates' Courts in place of Government Counsel. The figure does not include cases that briefed out to counsel or solicitors for prosecuting in the Magistrates' Courts in place of Court Prosecutors, attending to all cases before a particular magistrate on a daily or half-day basis. Such engagement is based on the number of court days rather than the number of cases, and the number of court days in 2022 was 2 172.

³ Including applications for restraint orders, death inquests, bail applications, taxation of costs and miscellaneous proceedings in the High Court.

For programme (1), the actual briefing-out expenditure in 2021-22 was about \$170 million. However, we do not maintain a detailed breakdown of briefing-out expenditure by level of courts. 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 details of cases involving relatively high briefing-out costs in the preceding financial year. The report submitted for 2021-22 is available at <https://www.legco.gov.hk/yr2022/english/fc/fc/papers/fi22-16e.pdf>.

The DoJ does not maintain a separate breakdown of the conviction rates of cases conducted by Government Counsel and by barristers and solicitors instructed to prosecute.

The conviction rates at the Magistrates’ Courts, the District Court and the Court of First Instance in 2022 were as follows:

Magistrates’ Courts	
- defendants convicted after trial (%)	54.0%
- defendants convicted after trial and defendants convicted on their own pleas (%)	65.7%
District Court	
- defendants convicted after trial (%)	78.8%
- defendants convicted after trial and defendants convicted on their own pleas (%)	93.1%
Court of First Instance	
- defendants convicted after trial (%)	54.2%
- defendants convicted after trial and defendants convicted on their own pleas (%)	85.2%

- End -

CONTROLLING OFFICER'S REPLY

SJ041

(Question Serial No. 0345)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

44. Under the performance measures of Prosecutions, the target of 100% for “providing advice for law enforcement agencies within 14 working days upon receipt of request, or for a complex case, interim reply within 14 working days” could not be met for 2 consecutive years in 2021 and 2022. What were the reasons? Will the Government review whether the current manpower is sufficient to achieve the target? If not, what are the reasons?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 36)

Reply:

The numbers of pieces of legal advice provided by the Prosecutions Division (PD) in the past 3 years are tabulated below:

Year	2020	2021	2022
Number of pieces of legal advice provided	13 895	15 410	14 610

In addition to providing legal advice for law enforcement agencies, the prosecutors of the PD have to handle a substantial number of appeals and reviews and various trials and mention hearings. Despite a trend of year-on-year increase in the number of pieces of legal advice provided for law enforcement agencies by the prosecutors, the PD strives at all times to provide legal advice for law enforcement agencies as quickly as practically possible. The actual time taken to provide substantive advice on individual cases would depend on a number of factors, including the nature and complexity of the cases, and the quantity of the evidence and materials involved.

We review from time to time the volume of work and staff establishment of the PD, and would consider applying for additional resources to meet operational needs according to the

established mechanism when appropriate. In 2023-24, the PD plans to create an additional post to strengthen legal support for the advisory and advocacy work on technology crimes.

- End -

CONTROLLING OFFICER'S REPLY

SJ042

(Question Serial No. 0346)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

45. The estimate for Prosecutions this year is \$229.9 million (29.4%) higher than that for the previous year, partly due to the filling of vacancies and a net increase of 6 posts to meet operational needs. Regarding the creation of posts, what are the establishment, work and expenditure involved?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 37)

Reply:

The Department of Justice (DoJ) reviews from time to time the volume of work and staff establishment, and would consider applying for additional resources to meet operational needs according to the established mechanism, when appropriate. The work of the posts to be created under this Programme in 2023-24 and the expenditure involved are set out below

Post	Nature of Duties	Notional Annual Mid-point Salary
1 Principal Government Counsel (PGC) ^{Note 1}	Providing manpower to strengthen legal support for the advisory and advocacy work on technology crimes	\$2,716,800
1 Senior Government Counsel	Ditto	\$1,552,500
1 Government Counsel	Ditto	\$1,105,080
1 Personal Secretary I	Providing manpower to render general support services for the above PGC and other related staff	\$474,720
2 Government Counsel ^{Note 2}	Providing additional manpower to render the necessary support for	\$1,105,080 x 2 = \$2,210,160

	reinforcing the core value of the rule of law	
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Note 1: The DoJ will consult the Legislative Council’s Panel on Administration of Justice and Legal Services and the Establishment Sub-committee and seek the approval of the Finance Committee on the proposed creation of the post.

Note 2: The posts are to be created in the Secretary for Justice’s Office.

- End -

CONTROLLING OFFICER'S REPLY

SJ043

(Question Serial No. 1397)

Head: (92) Department of Justice

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

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

There will be an increase of 1 directorate post in the Department of Justice in 2024. What are the scope of work and expenditure on emoluments of the directorate post? What will be the form of recruitment?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 38)

Reply:

The Department of Justice (DoJ) has proposed to create 1 post of Principal Government Counsel in 2023-24 to strengthen legal support for the advisory and advocacy work on technology crimes. The DoJ will consult the Legislative Council's Panel on Administration of Justice and Legal Services and the Establishment Sub-committee and seek the approval of the Finance Committee on the proposed creation of the post. The notional annual mid-point salary value of the post is around \$2.72 million. Subject to approval for creation of the post, the DoJ will arrange for filling the post through promotion or internal redeployment according to the established mechanism.

- End -

CONTROLLING OFFICER'S REPLY

SJ044

(Question Serial No. 1398)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

An aspect of the Prosecutions Division's work in the current year is to enhance the public's understanding of the criminal justice system and their role in the system.

1. What areas does the work cover? What approach will be taken to enable public understanding of the criminal justice system? Are there any specific plans? Will the Department of Justice (DoJ) increase the estimate for the work on enhancing the public's understanding of the criminal justice system, particularly with the latent threat of anti-government forces and terrorism in the community after the violent riots? If yes, what are the details? If not, what are the reasons?

2. Will the DoJ review the effectiveness of and make improvements to its previous efforts to promote the law? If yes, what are the details? If not, what are the reasons?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 39)

Reply:

1. The Prosecutions Division (PD) has been committed to organising various activities through which the public will come to know not only more about its work and how prosecutorial decisions are made, but also the role that they, as citizens of Hong Kong, can play in furthering the interests of criminal justice.

To enhance the public's understanding (in particular that of young people) of the criminal justice system and their role in the system as well as the importance of the rule of law, prosecutors of the PD visit secondary schools and give talks on various topics which are more related to secondary school students, including bullying, criminal intimidation, drug abuse, access to computer with criminal or dishonest intent etc., thereby deepening the students' understanding of the criminal justice system and their role in the system to promote proper understanding and practice of the rule of law and enhance their law-abiding awareness.

In addition, the PD organised the “Prosecution Week” 9 times between 2012 and 2022 with the aim of reaching out to secondary school students to deepen their understanding of the criminal justice system. The “Prosecution Week” comprises various lively and informative activities, such as law quiz competitions, visits to courts, briefings led by public prosecutors, mock court exercises, etc.

The manpower and other related expenses for organising these activities have been absorbed by the existing resources of the Department of Justice (DoJ). The estimated expenditure involved cannot be separately identified.

2. The DoJ reviews the content of its campaigns from time to time to ensure that the set targets are met. In view of the wide public participation in such campaigns in the past and the satisfactory results attained, the PD will continue to organise various activities in 2023-24 to enhance the public’s understanding of the criminal justice system.

- End -

CONTROLLING OFFICER'S REPLY

SJ045

(Question Serial No. 1399)

Head: (92) Department of Justice

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

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

An aspect of the Department of Justice's work on international law is to organise activities with international organisations to raise Hong Kong's international profile. Please give an account of such work in the past 3 years, including the activities held and the expenditures incurred. In particular, in respect of the work on raising Hong Kong's international profile, what are the programmes and the estimated expenditure for this year?

Asked by: Hon WONG Ying-ho, Kennedy (LegCo internal reference no.: 40)

Reply:

In a bid to raise Hong Kong's international profile and showcase Hong Kong's efforts in promoting international legal and dispute resolution services, the Department of Justice (DoJ) has been proactively promoting international exchanges and co-operation as well as collaborating in the organisation of relevant activities, including co-organising a conference with the United Nations Commission on International Trade Law (UNCITRAL) in 2020 to celebrate the 40th anniversary of the United Nations Convention on Contracts for the International Sale of Goods, and organising the "Hague Conference on Private International Law (HCCH) Conventions Supporting Transnational Litigation in Civil or Commercial Matters: A Workshop to celebrate the Tenth Anniversary of the Regional Office for Asia and the Pacific" in 2022. The DoJ has also successfully sought to host decision-making meetings of international organisations in Hong Kong, such as the UNCITRAL Working Group III pre-intersessional meeting in 2020 and the UNCITRAL Working Group III intersessional meeting in 2021. The expenditure incurred was absorbed by the existing resources of the DoJ.

Moreover, the DoJ is committed to facilitating the above international and regional organisations to set up offices in Hong Kong in order to enhance effective promotion of exchanges and collaborations among the organisations and between the Mainland and Hong Kong, thereby reinforcing Hong Kong's international profile. In this connection, the Hong Kong Legal Hub was officially opened in 2020 to provide office accommodation for law-related organisations and dispute resolution institutions, etc. The DoJ Project Office for Collaboration with UNCITRAL and the Asian-African Legal Consultative Organization

(AALCO) Hong Kong Regional Arbitration Centre were established in the Hong Kong Legal Hub in 2020 and May 2022 respectively, and the inauguration ceremony of the International Organization for Mediation Preparatory Office was held at the Hong Kong Legal Hub in February 2023.

Furthermore, the DoJ actively participates in meetings of international organisations as members of the Chinese delegation, and will continue to make use of such platforms to engage in strategic discussions on the formulation and development of international law, including participation in the UNCITRAL Working Group III, the Council on General Affairs and Policy and the Working Group on Jurisdiction of the HCCH, and the Annual Session of the AALCO. Meanwhile, the DoJ will, under the name “Hong Kong, China”, continue to join the Friends of the Chair on Strengthening Economic and Legal Infrastructure under the Economic Committee of the Asia Pacific Economic Cooperation. Through participating in the said meetings, the DoJ will ensure that Hong Kong’s legal system and legal infrastructure will stay closely aligned with the international trend and at the forefront of international development, with a view to strengthening and enhancing Hong Kong’s status as a leading centre for international legal and dispute resolution services.

In addition, the DoJ has reached an agreement with the Hague Academy of International Law, one of the world’s leading academic institutes on international law, on the organisation of capacity building courses regularly in Hong Kong in collaboration with the Asian Academy of International Law. Webinars on related topics were hosted in Hong Kong in 2020 and 2021. The DoJ will continue to actively discuss with the Hague Academy of International Law the organisation of courses related to international law in Hong Kong in 2023.

In order to further enhance Hong Kong’s international profile, the DoJ will continue efforts in organising various activities and courses this year. In particular, the DoJ will continue to discuss with the HCCH and the UNCITRAL on co-organising or supporting conferences or events in Hong Kong on relevant topics. The relevant expenditure will be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ046

(Question Serial No. 0412)

Head: (92) Department of Justice

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

As regards the computer equipment of the Prosecutions Division (PD) of the Department of Justice, would the Government inform this Committee of:

1. the quantity of computers procured by the various teams of the PD and the expenditure involved;
2. the quantity of computers procured and disposed of by the various teams of the PD in each of the past 3 years and in relation to the estimated expenditure for 2023-24; and
3. the expenditure for upgrading information technology systems and the number and details of such systems, as well as the establishment, ranks and expenditure involved in managing and maintaining the routine operation of the computer systems by the various teams of the PD in each of the past 3 years and in relation to the estimated expenditure for 2023-24?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 2)

Reply:

1. There are currently a total of about 700 computers (including desktop and portable computers) in the various teams of the Prosecutions Division (PD). Computers are replaced and acquired every year subject to operational needs. The Department of Justice (DoJ) plans to procure 70 computers for the PD in 2023-24 with an estimated expenditure of \$610,000.
2. The quantity of computers procured and distributed to the various teams of the PD in each of the past 3 years and the estimated quantity to be procured and distributed in 2023-24 are as follows:

Year	2020-21	2021-22	2022-23	2023-24
Quantity of computers (to be) procured	77	26	44	70

The repair and replacement as well as disposal arrangements of all computer devices of the DoJ are handled in a centralised manner. A total of 11,314 and 90 computers were disposed of by the DoJ in the past 3 years respectively.

[Note: More computers were disposed of in 2021-22 due to the necessary replacement of a large number of outdated computers which were no longer compatible with the new operating system after completion of the upgrading of the Windows operating system (Windows 10) in 2020.]

3. Ongoing efforts are made to optimise the case management system in use by the PD in response to operational needs for better system operation and efficiency. The expenditure on such small-scale optimisation is absorbed by the existing resources of the DoJ. We plan to upgrade the management system in 2023-24, including its hardware and software, to enable additional functions, facilitate the storage and sharing of case information, and enhance the search function and the integration and display of various information, thereby further improving the workflow of case handling. As the project is still under planning, we will seek additional resources in accordance with the existing mechanism as necessary. We are unable to set out the expenditure involved at the moment.

As the Information Technology Management Unit of the DoJ is responsible for managing and maintaining the routine operation of the entire department's computer systems, the establishment and expenditure involved in managing the PD's computer systems cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ047

(Question Serial No. 0413)

Head: (92) Department of Justice

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

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the promotion of Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region, would the Government inform this Committee of:

1. the numbers of arbitrators and mediators in Hong Kong as at January 2023;
2. the initiatives to encourage mediation and arbitration centres to train or engage more mediators and the related expenditures as well as the numbers of mediators successfully trained or engaged in the past 3 years and in relation to the estimated expenditure for 2023-24;
3. the related expenditures on the research, development and upgrading of the online mediation system as well as the establishment, ranks and expenditures involved in managing and maintaining the system in each of the past 3 years and in relation to the estimated expenditure for 2023-24;
4. the numbers, details, related expenditures and numbers of participants of the activities on the promotion of community mediation in the past 3 years and in relation to the estimated expenditure for 2023-24?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 3)

Reply:

1.
The Hong Kong Mediation Accreditation Association Limited (HKMAAL) aims to set standards for accredited mediators, supervisors, assessors, trainers, coaches and other professionals involved in mediation in Hong Kong, and to accredit them upon satisfying the requisite standards. According to the information provided by HKMAAL, there was a total of 1 744 General Mediators, 245 Family Mediators and 54 Family Mediation Supervisors as at January 2023. The Department of Justice (DoJ) does not compile nor maintain statistics on the number of arbitrators. Members of the public may refer to the open data of the relevant arbitral institutions.

2.

With the establishment of the Mediation Mechanism for Investment Disputes in the Investment Agreement made under the Mainland and Hong Kong Closer Economic Partnership Arrangement, the DoJ will work towards developing Hong Kong into a training base for international investment law and international investment dispute resolution skills, and build up a team of mediators for Asia to handle international investment disputes. Since 2018, the DoJ has co-organised the 7-day Investment Law and Investor-State Mediator Training Course in Hong Kong with the International Centre for Settlement of Investment Disputes and the Asian Academy of International Law, which is the first of its kind in Asia. The past 3 training courses provided investment law and investor-state mediator training for a total of 134 participants. The average expenditure for physical courses was around \$660,000, whereas the expenditure for the 3rd training course, which was conducted virtually in 2022 due to the pandemic, was around \$372,000. Physical attendance is expected at the 4th training course to be conducted in 2023 and the estimated expenditure is \$900,000.

3.

The Government has been actively supporting the development of online dispute resolution (ODR) and deal-making platforms (Online Platforms) by non-governmental organisations to facilitate convenient and cost-effective online deal-making and dispute resolution services in Hong Kong and further strengthen the status of Hong Kong as an international legal and dispute resolution services centre.

In the 2019-20 Budget of the Government, it was announced that \$150 million would be made available for the preparation and initial operation of Online Platforms. The proposal was endorsed by the Panel on Administration of Justice and Legal Services in March 2019. In January 2021, the Finance Committee of the Legislative Council approved a funding support of \$100 million for the eBRAM International Online Dispute Resolution Centre Limited (eBRAM Centre) to develop Online Platforms. The funding support is to be released in phases from 2021 onwards in accordance with the Memorandum of Understanding signed between the Government and the eBRAM Centre.

The eBRAM Centre is responsible for the research and development of Online Platforms, and a number of Online Platforms have been launched since 2020, including the COVID-19 ODR Platform and the Asia-Pacific Economic Cooperation ODR Platform. The standalone Online Arbitration Platform and Online Mediation Platform were also launched in October 2022. As a local non-governmental organisation, the eBRAM Centre uses its resources to manage, maintain and upgrade the relevant online platform systems.

The DoJ takes forward the development of Hong Kong's ODR services mentioned above with its existing resources and manpower.

4.

The initiatives of the DoJ to promote community mediation in the past 3 years and in 2023-24 are as follows:

(i) “Mediate First” Pledge Campaign

The DoJ has been organising the biennial “Mediate First” Pledge Event since 2013, with the aim of encouraging all sectors of the community to explore the use of mediation to resolve disputes before resorting to other means of dispute resolution or litigation. The DoJ has also launched the “Mediate First” Pledge Star Logo Award Scheme to award Star Logo to pledgees meeting the award criteria as a recognition of their achievements in promoting and using mediation, thereby encouraging them to continue to fulfil their “Mediate First” pledge and actively consider using mediation to resolve disputes.

The “Mediate First” Pledge Event 2021 with the theme of “Mediate First - Anchoring the Future” was held virtually. A diversity of speakers from different sectors were invited to discuss how mediation services can be used for resolving disputes in the areas of private wealth management, healthcare and employees’ compensation. The event concluded with a Signing Ceremony of the “Mediate First” Pledge and the Star Logo Award Ceremony.

The “Mediate First” Pledge Event 2023 will be held on 5 May 2023 with the theme of “Mediate First - Let’s Do This Together”. A diversity of speakers from different sectors will be invited to discuss the use of mediation in different types of disputes. Similarly, the event will conclude with a Signing Ceremony of the “Mediate First” Pledge and the Star Logo Award Ceremony.

As at 28 February 2023, there were 776 pledgees, 73 of which were awarded Star Logo Award. These pledgees include small and medium enterprises, law firms, counsel’s chambers and accounting firms. The DoJ will continue to assist in building up a mediate first culture across different sectors of the community by organising talks and experience sharing sessions.

(ii) West Kowloon Mediation Centre

The West Kowloon Mediation Centre (WKMC) commenced operation on 8 November 2018, while the pilot mediation scheme for handling cases referred by the Small Claims Tribunal (SCT) and other suitable cases (Pilot Mediation Scheme) was also launched on the same day. The Joint Mediation Helpline Office (JMHO) was appointed by the Government as an independent coordinator to implement the Pilot Mediation Scheme, and the implementation was overseen by a supervisory committee established under the Steering Committee on Mediation chaired by the Secretary for Justice. According to the information provided by JMHO, WKMC received a total of 900 applications for mediation from 8 November 2018 to 30 June 2022, among which mediation was conducted for 656 cases. Settlement was reached during mediation sessions in 337 cases out of those mediated cases. Following the conclusion of the Pilot Mediation Scheme on 30 June 2022, the Integrated Mediation Office (West Kowloon) (IMO(WK)) of the Judiciary commenced operation on 5 July 2022 at the original premises of the WKMC. Adjudicators of the SCT will refer suitable cases to the IMO(WK) for mediation, and parties who agree to participate in mediation may attend free mediation sessions.

(iii) Mediation-related seminars

The DoJ organised a webinar entitled “Private Wealth Management in Hong Kong - the Best Option” with the Financial Services and the Treasury Bureau and Invest Hong Kong on 18 October 2021. Distinguished representatives from local wealth management and legal sectors discussed the latest policy initiatives of the local private wealth management industry and Hong Kong’s legal services. The webinar was attended by 202 participants who were mostly legal professionals or senior staff of banks or financial institutions.

To further promote the extensive use of mediation in dispute resolution, the DoJ organises mediation-related seminars from time to time. The Seminar on Cross-boundary Family Mediation was held on 16 February 2022. In order to raise public awareness of the use of mediation in cross-boundary family disputes, representatives of the legal and family mediation sectors from the Mainland and Hong Kong were invited to examine the changes brought about by the implementation of the new mechanism under the Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Ordinance on cross-boundary family litigation and related mediation. The webinar was attended by 683 participants.

The DoJ and the Judiciary co-organised a seminar entitled “The Launch of the Integrated Mediation Office (West Kowloon) of the Judiciary” in May 2022. Acting Principal Adjudicator of the SCT and Adjudicator of the SCT were invited to share their insights on the use of mediation in small claim cases. Attended by 344 participants, the seminar not only gave the public and the legal and mediation sectors a better understanding of the services and operation of the newly-established IMO(WK), but also encouraged parties of small claim cases to resolve their disputes by mediation in the future.

(iv) Mediation Essay Competition and School Mediation Seminar

The Mediation Essay Competition aims to raise public awareness on the use of mediation as an amicable means to resolve disputes, whether in school, at home, in business context or in general disputes, and to promote the use of mediation skills as life skills. It is hoped that through the competition, students will be encouraged to develop a positive and constructive mindset in dispute resolution, thereby understanding the importance of resolving conflicts amicably and maintaining harmonious relationships in their lives. The 2nd Mediation Essay Competition was open for application from November 2021 to July 2022, with 281 entries received in total. The Prize Presentation Ceremony of the Mediation Essay Competition was held on 3 December 2022 with real-time livestreaming broadcast online, attracting a total of 132 registrants. On the theme of “Mediation: Constructing a Harmonious Community”, students of the Hong Kong Secondary Peer Mediation Competition Alumni demonstrated how peer mediation skills could be used to resolve common school disputes and how mediation could be used to prevent escalation of school disputes from various perspectives. The 2023-24 Essay Competition will commence in the second half of 2023, with details to be announced in due course.

(v) Mediation Week and Mediation Conference

To promote and encourage the wider use of mediation in Hong Kong, the DoJ has been organising the Mediation Week biennially since 2012, featuring a full range of activities

including demonstrations, seminars and the Mediation Conference. The Mediation Week 2022 and the Mediation Conference 2022 were held in May 2022. Themed “Mediate First - Harmony from Now to Beyond”, the Mediation Conference 2022 aimed to further promote and encourage the public to use mediation to resolve various types of disputes. The conference attracted over 1 200 online participants, whereas more than 1 500 participants (including online participants) took part in the Mediation Week 2022.

The overall expenditure involved in the above measures cannot be separately identified, and all related expenses will continue to be absorbed by the existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY

SJ048

(Question Serial No. 0414)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

The Government will launch the “Rule of Law Education Train-the-Trainers Programme” to promote the Constitution, the Basic Law and the Hong Kong National Security Law, and to strengthen the rule of law education. In this connection, would the Government inform this Committee of the following:

1. How many projects are planned to be included? How many rule of law education trainers are planned to be trained under the Programme?
2. What are the establishment, ranks and expenditure involved in the Programme?
3. The Government has indicated that the Care Teams in the 18 districts are among the training targets of the Programme. Please advise on the estimated expenditure on training the trainers-to-be from the Care Teams and the percentage they account for in the overall training targets.
4. Regarding the promotional activities on the rule of law to be undertaken by the Care Teams, what are the number and types of activities, estimated manpower and expenditure involved?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 4)

Reply:

1. Establishing a “Steering Committee on Rule of Law Education” (Steering Committee) and launching a new “Rule of Law Education Train-the-Trainers” Programme (Programme) are among the key policy initiatives of the Department of Justice (DoJ) in the 2022 Policy Address. Established in February 2023, the Steering Committee is chaired by the Secretary for Justice and vice-chaired by the Deputy Secretary for Justice, with members comprising representatives from relevant bureaux, the judicial and legal sectors and law schools. The Steering Committee will assist the DoJ to launch the Programme. Focusing on the concept of the rule of law, the Programme elucidates the fundamental topics related to the rule of law and legal system in Hong Kong.

At the first meeting of the Steering Committee on 28 February 2023, it was agreed that a working group on the design of the course and teaching materials (Working Group on Course Design) and a working group on co-ordination and liaison (Working Group on Co-ordination) would be set up. The Working Group on Course Design will further discuss the design and content of the Programme.

The number of participants and the scale of the Programme will be adjusted based on a holistic consideration of a wide spectrum of factors which include, among others, the design of the course content and the needs of different groups. The Working Group on Co-ordination will discuss issues relating to the order of priority of the target groups of the Programme and their respective sizes, with the aim of promoting rule of law education on all fronts across the community.

With the preparatory work currently underway, the above two working groups are expected to be established and commence their work in March 2023.

2. The relevant work and expenses for launching and taking forward the Programme will be absorbed by the existing resources of the DoJ.

3-4. As mentioned in the above reply to Question 1, issues such as the order of priority of the training targets, the number of participants and the scale of the Programme, will be determined taking into account a wide spectrum of factors. The Working Group on Co-ordination will follow up and discuss the strategies and plans on promotion or related work to be further undertaken in the community by participants of the Programme (e.g. the Care Teams or other groups). The DoJ is unable to provide information on, among others, the number of participants of the Programme and the number and types of promotional activities to be undertaken by participants at this stage.

- End -

CONTROLLING OFFICER'S REPLY

SJ049

(Question Serial No. 0427)

Head: (92) Department of Justice

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

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the establishment of a standard online mediation platform in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA), please inform this Committee of the following:

1. the establishment, ranks, timetable and relevant expenditure involved in establishing the platform;
2. the estimated establishment, ranks and relevant expenditure involved in operating the platform;
3. the number of mediators in each GBA city as at January 2023;
4. the annual estimated number of cross-boundary dispute cases handled by the platform and the estimated monetary amount involved.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 17)

Reply:

1 & 2.

In early January this year, the Department of Justice (DoJ) established the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Task Force (Task Force) to deepen the mutually beneficial co-operation in the GBA and to facilitate the growth and development of the GBA. Chaired by the Deputy Secretary for Justice, the Task Force comprises representatives from the legal sector, academics, the business sector and Hong Kong residents in the Mainland. The Task Force will advise on the promotion and utilisation of the unique strengths of “one country, two systems and three jurisdictions” of the GBA, including researching on the promotion of the online mediation platform. The work of the Task Force (including the online mediation platform) will be absorbed by the existing resources of the DoJ.

3.

The Hong Kong Mediation Accreditation Association Limited (HKMAAL) sets standards for accredited mediators, supervisors, assessors, trainers, coaches and other professionals involved in mediation in Hong Kong, and accredits them on satisfying the requisite standards. According to the information provided by the HKMAAL, it had a total of 1 744 General Mediators, 245 Family Mediators and 54 Family Mediation Supervisors as at January 2023. The DoJ does not compile nor maintain statistics on the number of mediators in other GBA cities.

4.

The DoJ will focus on facilitating the convergence of legal and mediation practices in the GBA through the Task Force. The Task Force will conduct research on the promotion of the online mediation platform and is expected to explore the design and operation of the platform. The number of dispute cases to be handled by the platform and the monetary amount involved cannot be estimated at present.

- End -

CONTROLLING OFFICER'S REPLY

SJ050

(Question Serial No. 0433)

Head: (92) Department of Justice

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

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the promotion of the wider use of mediation services in the context of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and the Belt and Road Initiative, please inform this Committee of:

1. the establishment, ranks and related expenditure as well as the respective percentages of permanent posts and supernumerary posts of the Legal Enhancement and Development Office established under the Secretary for Justice's Office;
2. the numbers and details of the projects on promoting mediation and dispute resolution services in the GBA and the expenditures and establishment involved in the past 3 years and in relation to the estimated expenditure for 2023-24;
3. the numbers and details of the projects on promoting mediation and dispute resolution services along the Belt and Road, the countries or regions covered and the expenditures and establishment involved in the past 3 years and in relation to the estimated expenditure for 2023-24.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 23)

Reply:

1. The Department of Justice (DoJ) established in October 2022 the Legal Enhancement and Development Office (LEAD Office) under the Secretary for Justice (SJ)'s Office and the direct steer of the SJ. Taking on the role as the central policy unit of the DoJ, the LEAD Office renders high-level strategic support to the SJ and Deputy SJ, and assists in the formulation, co-ordination and implementation of the policy initiatives in 3 major areas, including: (a) strengthening the co-ordination of the rule of law education and training of advocacy leaders; (b) promoting the strengths of and opportunities for Hong Kong's legal and dispute resolution services on all fronts; and (c) deepening the integration of legal practices between Hong Kong and the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) and promoting the wider use of mediation in the GBA. The establishment and estimated expenditure of the LEAD Office are tabulated below:

	Establishment for 2023-24	Estimated annual expenditure on emoluments for 2023-24 (notional annual mid-point salary value)
LEAD Office	2 Principal Government Counsel, 1 Deputy Principal Government Counsel (DPGC), 1 Assistant Principal Government Counsel (APGC), 3 Senior Government Counsel (SGC), 3 Government Counsel (GC), 1 Law Clerk (LC) and 2 Personal Secretaries (PS) I	\$19,120,200

Note: Among these posts, 1 DPGC, 1 APGC, 1 SGC and 2 GC are time-limited. Staff on loan from other divisions are not included in the above table. As the promotion work is undertaken by the above officers among their other duties, the manpower/expenditure actually involved in the relevant work cannot be separately identified.

Furthermore, in respect of the promotion of wider use of mediation services in the context of the GBA and the Belt and Road Initiative, the LEAD Office primarily provides policy support for SJ and Deputy SJ. The promotion work is undertaken by the Alternative Dispute Resolution Team of the Civil Division (CD) with assistance from other units of the DoJ through resources deployment from time to time to meet actual needs.

2 & 3. The DoJ's work on promoting Hong Kong as a leading centre for international legal and dispute resolution services in the Asia-Pacific region is co-ordinated by the LEAD Office, while the relevant implementation is undertaken by the Alternative Dispute Resolution Team of the CD.

The DoJ has been working closely with professional bodies in the legal and dispute resolution sectors in organising, co-organising and supporting a variety of promotional activities and training courses to actively promote the alternative dispute resolution services of Hong Kong locally, nationally and globally, and to establish Hong Kong's status as a leading centre for international legal and dispute resolution services in the Asia-Pacific region in alignment with the national development strategies such as the 14th Five-Year Plan, the GBA development and the Belt and Road Initiative.

The DoJ's key work on promoting dispute resolution services (including mediation and arbitration) in the GBA and regions along the Belt and Road in the past 3 years and in 2023-24 is set out below:

- (i) Co-organising annually with the Hong Kong Trade Development Council (HKTDC) a thematic breakout session on dispute resolution at the Belt and Road Summit to promote to participants from around the globe the strengths of and opportunities for Hong Kong in resolving Belt and Road-related disputes;

- (ii) Co-organising annually with the HKTDC a thematic breakout session on dispute resolution at the Business of Intellectual Property Asia Forum where world-renowned experts are invited to explore the latest developments in intellectual property and GBA-related issues, and promoting the strengths of Hong Kong in resolving international and GBA intellectual property disputes;
- (iii) Co-organising annually with the Vis East Moot Foundation Limited the Vis East International Commercial Arbitration Moot to foster research in international commercial arbitration and to nurture professionals in international commercial arbitration. This year, physical presence at the Moot will be resumed, bringing together contestants and arbitrators from around the world to further promote international arbitration and arbitration in Hong Kong;
- (iv) Co-organising with the HKTDC a large-scale outreach promotional campaign entitled “Resolve2Win Campaign” to promote Hong Kong’s dispute resolution services in Bangkok, Thailand and in Mainland cities of the GBA in March and the fourth quarter of 2023 respectively;
- (v) Supporting the hosting of the biennial International Council for Commercial Arbitration Congress in Hong Kong in 2024 by the Hong Kong International Arbitration Centre. As the largest regular international arbitration conference of its kind worldwide, the Congress is known for its major contribution to international dispute resolution and will attract experts from the global arbitration community to Hong Kong, with a view to consolidating Hong Kong’s leading position as a centre for international legal and dispute resolution services in the Asia-Pacific region and beyond;
- (vi) Co-organising with the Asian Academy of International Law in 2021 the “Why Hong Kong” webinar series, the first one of which, entitled “Why Arbitrate in Hong Kong”, explains why Hong Kong is the best choice for the provision of international arbitration services;
- (vii) Organising biennially since 2013 the “Mediate First” Pledge Event with the aim of encouraging all sectors of the community to explore the use of mediation to resolve disputes before resorting to other means of dispute resolution or litigation. So far, over 770 companies, organisations/associations and individuals have signed the pledge;
- (viii) Co-organising annually with a law firm the Hong Kong Mediation Lecture, where internationally renowned speakers will be invited to share views on different topics of mediation including the latest development of investor-state mediation, the relationship between modern mediation practice and the equity system, as well as the mediation principles of confidentiality and privilege in court-annexed and court-based mediation services, with a view to facilitating in-depth exchanges between Hong Kong and international mediation sectors;
- (ix) Organising biennially since 2012 the Mediation Week featuring a range of activities such as a carnival, demonstration sessions and seminars to promote and nurture mediation culture and showcase the professional mediation services of Hong Kong to the local and international communities. The Mediation Conference held during the

event brings together renowned speakers from Hong Kong and overseas to discuss and exchange views on hot topics of mediation such as the United Nations Convention on International Settlement Agreements Resulting from Mediation, online dispute resolution, family and matrimonial disputes in the GBA and the metaverse, attracting participants from different jurisdictions around the world and promoting the wider use of mediation locally, in the GBA and internationally;

- (x) Organising regularly in Hong Kong training courses on international investment law and international investment dispute resolution skills and inviting world-renowned speakers from the International Centre for Settlement of Investment Disputes and the Centre for Effective Dispute Resolution to speak at the training courses, with a view to developing Hong Kong into a training base for international investment law and international investment dispute resolution skills. Past participants were from the GBA, regions along the Belt and Road and various other jurisdictions;
- (xi) Promoting the extensive use of mediation in the GBA in collaboration with the legal departments of Guangdong and Macao after the endorsement of the establishment of the GBA Mediation Platform at the Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference in December 2020. The platform has promulgated and endorsed the GBA Mediator Accreditation Standards, the GBA Mediator Code of Conduct Best Practice and the GBA Cross-Boundary Disputes Mediation Model Rules. Preparations are also underway to facilitate the establishment of a panel of qualified GBA mediators in each of the 3 places; and
- (xii) Organising or supporting other promotional activities, such as seminars on the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region, seminars on the outcome related fee structures for arbitration, the Seminar on Cross-boundary Family Mediation, the School Mediation Seminar and the Mediation Essay Competition.

The above work on the promotion of dispute resolution services of Hong Kong is primarily undertaken by the Alternative Dispute Resolution Team of the CD with an establishment of 2 DPGC, 6 SGC, 8 GC, 3 LCs, 2 PSs I, 1 PS II, and 2 Assistant Clerical Officers.

As the promotion work is undertaken by the above officers among their other duties, the manpower and expenditure involved in the relevant work cannot be separately identified. All relevant expenses will continue to be absorbed by existing resources of the DoJ.

- End -

CONTROLLING OFFICER'S REPLY**SJ051****(Question Serial No. 0444)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

The rates of providing advice or interim reply for law enforcement agencies within 14 working days upon receipt of request by the Prosecutions Division (PD) in the past 2 years were 88.4% and 89.5% respectively, and the Government plans to increase the rate to 100% in 2023. In this connection, please inform this Committee of:

1. the reasons for failing to provide advice or interim reply within 14 working days by the PD in the past 2 years;
2. the specific measures to increase the rate of providing advice or interim reply within 14 working days, including the figures and details of the plan as well as the manpower and expenditure involved.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 34)Reply:

1. The numbers of pieces of legal advice provided by the Prosecutions Division (PD) in the past 2 years are tabulated below:

Year	2021	2022
Number of pieces of legal advice provided	15 410	14 610

In addition to providing legal advice for law enforcement agencies, the prosecutors of the PD have to handle a substantial number of appeals and reviews and various trials and mention hearings. Despite a trend of year-on-year increase in the number of pieces of legal advice provided for law enforcement agencies by the prosecutors, the PD strives at all times to provide legal advice for law enforcement agencies as quickly as practically possible. The actual time taken to provide substantive advice on individual cases would however depend on a number of factors, including the nature and complexity of the cases, and the quantity of the evidence and materials involved.

2. The PD has all along strived to raise the compliance rate by various measures, including providing the latest guidance on cases involving significant legal principles to its prosecutors through the issue and updating of circulars and reference materials; maintaining close communication with law enforcement agencies to proactively provide legal advice on their investigations; enhancing efficiency in the management of simple cases through the quick advisory system known as “FAST”; designating co-ordinators or specific units for handling particular types of cases to allow for more effective and efficient handling of the cases; reviewing from time to time its volume of work and staff establishment, refining its structure and distribution of work, and considering to apply for additional resources according to the established mechanism when appropriate; and optimising its case management system through system upgrades of hardware and software to facilitate storage and sharing of case information for better system operation and efficiency.

As the manpower and other related expenses for the above measures have been absorbed by the existing resources of the Department of Justice, the manpower and expenditure involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY**SJ052****(Question Serial No. 0445)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (3) Constitutional and Policy AffairsControlling Officer: Director of Administration and Development (Jessie WONG)Director of Bureau: Secretary for JusticeQuestion:

1. Please advise on the numbers of legal advice provided by the Department of Justice (DoJ) to bureaux and departments in each of the past 3 years.
2. Please advise on the numbers of certificates issued by the Law Draftsman of the DoJ for private bills presented by Legislative Council members in each of the past 3 years.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no. 35)Reply:

1. The numbers of pieces of legal advice provided by the Constitutional and Policy Affairs Division to bureaux and departments in the past 3 years are tabulated below:

	Year		
	2020	2021	2022
	Number		
Overall legal policy affairs matters	3 890	3 030	2 670
Basic Law matters	1 601	1 196	1 539
Human rights issues	1 120	835	594
Constitutional development and election matters	749	905	537
Mainland law and related matters	723	969	625
Total	8 083	6 935	5 965

2. The numbers of certificates issued by the Law Draftsman of the Department of Justice for bills presented by Legislative Council members (whether or not a private bill within the meaning of the Private Bills Ordinance (Cap. 69)) in each of the past 3 years are tabulated below:

Year	Number of certificates issued by the Law Draftsman
2020	9
2021	5
2022	0

- End -

CONTROLLING OFFICER'S REPLY

SJ053

(Question Serial No. 0446)

Head: (92) Department of Justice

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

Programme: (3) Constitutional and Policy Affairs

Controlling Officer: Director of Administration and Development (Jessie WONG)

Director of Bureau: Secretary for Justice

Question:

Regarding the statistics on the events organised by the Department of Justice (DoJ), please inform this Committee of the following:

1. Despite the boundary closure in 2021 due to the pandemic, 13 briefings were given by the DoJ in the Mainland and to Mainland delegations in Hong Kong, whereas there was none in 2022. Why was it the case?
2. Further to the question above, the DoJ expects to only give 5 briefings in 2023, which are far fewer than the 13 briefings given in 2021. What are the reasons?
3. The DoJ expects that fewer international and regional events will be organised with fewer participants in 2023 than in 2022. What are the reasons?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 36)

Reply:

1 & 2.

The figure in 2021 mainly reflects the various briefings given during the former Secretary for Justice's visit to different Mainland authorities and institutions in Beijing in July 2021. Due to the pandemic, we did not arrange any such visits to the Mainland nor receive any Mainland delegations in 2022. When the estimate for 2023 was being prepared, the timetable for full resumption of cross-boundary travel between the Mainland and Hong Kong was not yet available. Since the resumption of cross-boundary travel on 8 January 2023, the Department of Justice (DoJ) has from time to time received visit requests from various Mainland delegations. By late March, at least 3 delegations would have been received. The DoJ is also planning to visit the Mainland, thus the number of relevant briefings to be given this year is expected to exceed the original estimate.

3.

The DoJ will keep reviewing, optimising and integrating the international and regional events in the pipeline with reference to past experience to make the best use of resources and

maximise the benefits. Hence, the number of events to be organised in 2023 and the number of participants are only preliminary estimates.

In view of the policy initiatives set out in the 2022 Policy Address, the DoJ has been proactively organising a series of international and regional promotional events, including a seminar entitled “New Arbitration Funding Options in Hong Kong - Making Your Best Informed Choice” recently held in February; the “Mediate First” Pledge Event scheduled for May; the “Hong Kong Legal Services Forum” to be held in the third quarter; and the “Hong Kong Legal Week 2023” to be held in November. Other law- and dispute resolution-related promotional events are also underway, with details to be announced in due course. The DoJ will develop an overall promotion strategy to promote the unique strengths of Hong Kong’s common law system under “one country, two systems” and its diversified legal and dispute resolution services. These promotional events will help promote Hong Kong’s sound and robust legal system, solid foundation of the rule of law and excellent legal and dispute resolution services, with a view to telling the good and accurate stories of the city’s rule of law to local citizens and the international community.

- End -