

Reply Serial No.

S-SJ01

Question Serial No.

SV027

Examination of Estimates of Expenditure 2007-08
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Head : 92 Department of Justice Subhead (No. & title) :

Programme : (2) Civil

Controlling Officer : Director of Administration and Development

Question :

At the request of Hon Albert CHAN, the Secretary for Justice undertook to provide the following information:

- (a) The 1 305 civil proceedings brought by the Government in 2006, with breakdown by the number of cases handled by various levels of courts and tribunals; and
- (b) The prevailing criteria and factors for consideration in assessing whether civil litigations should be brought by the Government.

Asked by : Hon. CHAN Wai-yip, Albert

Reply :

- (a) Breakdown of the 1 305 civil proceedings brought by the Government in 2006 is as follows -

Level of Court	No.
Court of Appeal	11
Court of First Instance	86
District Court	406
Statutory Boards and Tribunals, including the Small Claims Tribunal	802
Total	<u>1 305</u>

- (b) In assessing whether civil proceedings should be brought by the Government, the criteria and factors to be taken into consideration include merits, evidence, any legal and financial implications.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

Post Title and Development

Date 26 March 2007

Reply Serial No.

S-SJ02

Question Serial No.

SV028

Examination of Estimates of Expenditure 2007-08
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Head : 92 Department of Justice Subhead (No. & title) :

Programme : (4) Law Drafting

Controlling Officer : Director of Administration and Development

Question :

At the request of Hon. Margaret NG, the Secretary for Justice undertook to provide, where provisions on protection of personal privacy permitted, general information on the experience in legal practice of officers of the Government Counsel Grade in the Law Drafting Division (**Reply Serial No. SJ006**).

Asked by : Hon. NG Margaret

Reply :

Information on the experience of officers in the Law Drafting Division in the Government Counsel (GC) grade has been provided in the Reply Serial No. SJ006. The experience of these officers in legal practice before joining the GC grade is set out below –

Years of Experience	No. of Counsel
15 years or more	1
10 to less than 15	0
5 to less than 10	9
Less than 5 years	24
Total	34

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
and Development

Date 26 March 2007

Examination of Estimates of Expenditure 2007-08
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ03

Question Serial No.

SV029

Head : 92 Department of Justice Subhead (No. & title) :

Programme : (4) Law Drafting

Controlling Officer : Director of Administration and Development

Question :

In response to Hon. Margaret NG's concern about the entry requirements for draftsmen in Law Drafting Division (LDD), the Secretary for Justice undertook to provide information on the number of serving draftsmen in LDD whom had been granted approval for exemptions from the general language proficiency requirement (i.e. obtaining 'Level 1' or "Level 2" results in the Use of Chinese and Use of English papers in the Common Recruitment Examination) during recruitment (**Reply Serial No. SJ013**).

Asked by : Hon. NG Margaret

Reply :

The general language proficiency requirement of obtaining a pass in both the Use of Chinese and Use of English papers in the Common Recruitment Examination (CRE) was introduced on 1 January 2003. Since then three officers in the entry rank of the Government Counsel grade have been recruited to join the Law Drafting Division. All three passed the two language papers in the CRE.

Signature _____

Name in block letters Miss Susie Ho

Post Title Director of Administration
and Development

Date 26 March 2007

Examination of Estimates of Expenditure 2007-08
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ04

Question Serial No.

S099

Head : 92 Department of Justice Subhead (No. & title) :

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

Question :

On which bills did the Administration conduct legal research relating to human rights issues in 2006? Please list all the bills concerned and details of the research conducted (**Reply Serial No. SJ001**).

Asked by : Hon. LEE Chu-ming, Martin

Reply :

All bills are cleared by the Human Rights Unit from the human rights perspective to ensure compliance with human rights provisions of the Basic Law. Legal research is conducted in relation to the preparation of draft legislation in order to give advice as and when required. In 2006, legal research relating to human rights issues was conducted for the following gazetted bills –

- (i) Race Discrimination Bill;
- (ii) Interception of Communications and Surveillance Bill;
- (iii) Smoking (Public Health) (amendment) Bill 2005;
- (iv) Copyright (Amendment) Bill 2006;
- (v) Safety of United Nations and Associated Personnel Bill; and
- (iv) Unsolicited Electronic Messages Bill.

Signature _____

Name in block letters Miss Susie Ho
Director of Administration

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Examination of Estimates of Expenditure 2007-08
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ05

Question Serial No.

S100

Head : 92 Department of Justice Subhead (No. & title) :

Programme : (3) Legal Policy

Controlling Officer : Director of Administration and Development

Question :

On which litigation cases did the Administration conduct legal research relating to human rights issues in 2006? Please list all the cases concerned (**Reply Serial No. SJ001**).

Asked by : Hon. LEE Chu-ming, Martin

Reply :

Human rights advice given on litigation matters may involve legal research. In 2006, the cases on which human rights related legal research was conducted include –

- (i) Yeung Chung Ming v Commissioner of Police;
- (ii) Dr Kwok-hay Kwong v Medical Council;
- (iii) Official Receiver & Trustee in Bankruptcy of Chan Wing Hing & Another v Chan Wing Hing & Another & Secretary for Justice (Intervener);
- (iv) Leung Kwok Hung, Koo Sze Yiu v CE of the HKSAR;
- (v) N & Family v Director of Social Welfare and G & Family v Director of Social Welfare;
- (vi) Leung v Secretary of Justice;
- (vii) Tong Yu Lam v The Long-term Prison Sentences Review Board;
- (viii) Brian Alfred Hall v Secretary for Justice;
- (ix) Tso Tak Keung, Eddy v Secretary for the Civil Service & Another; and
- (x) Lau Kwok Fai Bernard v Commissioner of Police and Another.

Signature _____

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Director of Administration
and Development

Post Title _____

Date 26 March 2007