

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY WRITTEN QUESTION**

S-SJ01

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

Question Serial No.

SV009

Programme: (2) Civil
(4) Law Drafting

Controlling Officer: Director of Administration and Development

Question:

- (a) In response to the request of Hon Audrey EU, the Administration would provide information on the considerations given by the Secretary for Justice in waiving the legal cost or otherwise awarded to Mr TONG Wai-ting in respect of the case HCAL 73/2009.
- (b) Addressing the concern of Hon Margaret NG, the Administration agreed to provide information on the measures, including details of the seminars to be conducted for counsel and translation officers in the Department of Justice, to be taken to enhance the Chinese standard of legal and related documents, and the resources involved.

Asked by: (a) Hon. EU Yuet-mee, Audrey
(b) Hon. NG Margaret

Reply:

- (a) Legal costs awarded by the court to the Government and recoverable from the party liable to pay the costs are public funds; the Administration is duty bound to exercise vigilance in deciding whether there are sound justifications for not pursuing such costs from the party. In considering any application for waiving the legal costs awarded, we would take into account relevant factors, including the conduct of the proceedings and any special circumstances or otherwise compassionate grounds which may justify not pursuing the cost. This would apply regardless whether the party liable to pay the legal costs is legally aided or not and each case must be considered on its own merits. The same considerations would apply in the case of the Applicant (Mr Tong Wai-ting by Madam Choi Wai-chu as his next friend) in respect of the case HCAL 73/2009.
- (b) The Law Drafting Division intends to invite experts in translation and linguistics and legislative drafters in other Chinese-speaking jurisdictions to conduct a number of seminars for counsel in the Law Drafting Division and Law Translation Officers. As we are in the process of identifying qualified speakers for the seminars, we do not have further information on these seminars for the time being.

By the very nature of the Department's activities, many of the documents and papers that we prepare, in particular those proposing legislative changes, inevitably include a lot of English legal terms and concepts, the technical legal meanings of which are not apparent when such terms are translated into Chinese. The Chinese text may be less readable when compared with the English original. In order to enhance the comprehensibility of the Chinese text, consideration would be given to the more extensive use of footnotes to explain the legal terms. Colleagues would also be reminded of the importance of ensuring the readability of the

Chinese text and that the concepts in the Chinese text should not be regarded as purely a translation of the English version.

In relation to the Department as a whole, we attach much importance to providing continuous training for its staff members to enhance their language proficiency. As part of the on-going efforts, officers including counsel and members of the Official Languages Officer grade, particularly those responsible for preparing legal and related documents, attend courses, talks and seminars organised by the Civil Service Training and Development Institute from time to time to improve their Chinese language abilities and refresh their translation skills. Officers attended the tailor-made Chinese Language Course in the Mainland Universities organised by the Official Languages Division of the Civil Service Bureau. Taking into account the changing operational needs, we will continue to identify new training opportunities for colleagues with a view to enhancing their Chinese standard on legal and related matters.

Some of the costs for organizing the above training courses are subsumed under the Department's overall expenses while some are met by other training agencies in Government. The specific costs incurred cannot be quantified.

Signature _____

Name in block letters _____ Susie Ho

Post Title _____ Director of Administration and
Development

Date _____ 12 April 2010