

**Replies to supplementary questions raised by Finance Committee Members
in examining the Estimates of Expenditure 2006-07**

**Controlling Officer: Director of Administration and Development
Session No. : 16**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-SJ01	SV35	LEUNG Kwok-hung	92	(2) Civil
S-SJ02	SV36	EU Yuet-mee, Audrey	92	(1) Prosecutions
S-SJ03	SV37	EU Yuet-mee, Audrey	92	(2) Civil

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ01

Question Serial No.

SV35

Head : 92 Department of Justice Subhead (No. & title) : 000 Operational Expenses

Programme : (2) Civil

Controlling Officer : Director of Administration and Development

Question :

The Department of Justice to provide statistics on judicial review proceedings since the reunification raising constitutional law and human rights issues.

Asked by : Hon. LEUNG Kwok-hung

Reply :

For the period from 1 July 1997 to 31 December 2005, there were 6 051 judicial review proceedings (including first instance hearings and appeals) raising constitutional law and human rights issues under the Basic Law, of which 5 930 proceedings concerned claims for right of abode in the HKSAR.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	18 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ02

Question Serial No.

SV36

Head : 92 Department of Justice Subhead (No. & title) : 000 Operational Expenses

Programme : (1) Prosecutions

Controlling Officer : Director of Administration and Development

Question :

The Department of Justice to advise whether the performance target of “advice for law enforcement agencies on whether charges should be laid given within 14 working days upon receipt of request, or for a complex case, interim reply within 14 working days” applies to all prosecution cases, and if not, the percentage and breakdown of cases which are not bound by this performance pledge.

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

The performance target applies to all requests submitted to the Prosecutions Division for legal advice for law enforcement agencies on whether charges should be laid. In 2005, the compliance rate was 95.2%, calculated as follows –

(a)	Legal advice given within 14 days :	9 807 (84.1%)
(b)	Interim reply given within 14 days :	<u>1 298 (11.1%)</u>
		11 105 (95.2%)

As to the remaining 558 cases (4.8%), these were complex cases which were subject to the target of issuing interim replies thereto within 14 working days.

Signature	_____
Name in block letters	Miss Annie Tam

Post Title	Director of Administration and Development

Date	18 March 2006

Examination of Estimates of Expenditure 2006-07
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ03

Question Serial No.

SV37

Head : 92 Department of Justice Subhead (No. & title) : 000 Operational Expenses

Programme : (2) Civil

Controlling Officer : Director of Administration and Development

Question :

The Department of Justice to advise whether a performance target applies to civil service disciplinary cases.

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

The performance target of providing legal advice within 14 working days upon receipt of instructions/requests applies to all civil cases including civil service disciplinary cases.

Signature	_____
Name in block letters	Miss Annie Tam
Post Title	Director of Administration and Development
Date	18 March 2006