

**Replies to supplementary questions raised by Finance Committee
Members in examining the Estimates of Expenditure 2002-03**

**Controlling Officer : Director of Administration and Development
[Session No. : 7] [File name : S-SJ-E]**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-SJ001	Oral	NG Margaret	92	Prosecutions
S-SJ002	S011	HO Sau-lan, Cyd	92	Law Drafting

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ001

Question Serial No.

Oral

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

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development

Question :

Will the Administration provide information on the following -

- (1) the number of cases actually conducted by Senior Court Prosecutors II and above;
- (2) the criteria for promotion of court prosecutors, and whether legal qualifications count; and
- (3) legal qualifications of Senior Court Prosecutors II and above.

Asked by: Hon. NG Margaret

Reply:

- (1) In 2001, 19 Senior Court Prosecutors II (SCP IIs) were deployed to prosecute in the plea court and the more serious or complicated cases in trial courts. There were 61,972 cases conducted in the plea courts, and 3,761 serious or complicated cases conducted in the trial courts. About 95% of the cases conducted in the Plea Courts were handled by SCP IIs, the remainder being handled by experienced Court Prosecutors (CPs). A substantial proportion, estimated to be in excess of 70%, of the 3,761 serious or complicated cases conducted in the trial courts, such as affray, blackmail, burglary, deception, forgery, false accounting, conspiracy offences, triad offences, vice establishment cases, perjury, perverting course of justice, dangerous driving causing death, infringing copyright offences, forged trade description offences, forged trademark offences, agents soliciting advantages offences etc, were handled by SCP IIs. Where they were not available, these serious or complicated cases were handled by experienced CPs or fiat lawyers. Occasionally, some important or sensitive cases were conducted by the Chief Court Prosecutor (Operations).
- (2) Selection of officers for promotion to the higher ranks of the CP grade is decided on the criteria of character, ability and experience as reflected in their day-to-day performance. Legal qualification is not a prerequisite for promotion. By continuously monitoring a CP grade officer's performance, the management can assess the officer's suitability for advancement to the higher rank on the basis of his / her abilities in various aspects. These include the possession and application of up-to-date knowledge of the law, of court practice and of court procedure, advocacy skills, the ability to grasp legal issues, to present cases clearly and logically, and to use his / her overall skills and experience to resolve issues in court, professionally and competently. Regard is made to analytical ability and judgement, commitment and drive, capacity to guide and motivate subordinates, to plan and organise work and to communicate with a view to establishing effective work relations. These are the qualities required to discharge the duties in the ranks of SCP II and above.

- (3) To date, of the 34 Senior Court Prosecutors II and above, the following have legal qualifications -
- (a) 5 are admitted as barristers (1 SCP I and 4 SCP IIs);
 - (b) 11 hold LLB degrees (1 CCP, 3 SCP Is and 7 SCP IIs); and
 - (c) 2 SCP IIs are studying for LLB degrees in their spare time.

Signature	_____
Name in block letters	Kevin C M Ho
Post Title	Director of Administration and Development
Date	4 April 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-SJ002

Question Serial No.

S011

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

Programme: (4) Law Drafting

Controlling Officer: Director of Administration and Development

Question :

Regarding the Administration's reply to my question (Reply Serial No. SJ002, Question Serial No. 0338) on the progress of the Adaptation of Laws Programme, it is listed in Annexes A and B a total of 53 local ordinances which have policy implications but have not yet been adapted. The Personal Data (Privacy) Ordinance (PDPO)(Cap. 486) is not included in the list. However, in a paper (CB(2)1907/00-01(09)) submitted by the Constitutional Affairs Bureau to the LegCo Panel on Administration of Justice and Legal Services in July 2001, it was stated that in the review of the PDPO, the HKSAR Government considered it necessary to explain to the Central People's Government (CPG) the key provisions of the Ordinance and how they operated in practice; and that in view of Members' concern, it would expedite matters with a view to resolving it as early as possible. Hence, can the Administration tell us whether the PDPO has been adapted to extend its applicability to the review of the CPG offices? If yes, what are the details? If no, why is it not included in the reply and what is the scheduled time for the review to be completed?

Asked by: Hon. HO Sau-lan, Cyd

Reply:

The Administration has not yet completed the review on extending the application of the Personal Data (Privacy) Ordinance to offices set up in Hong Kong by the Central People's Government.

Since the review does not concern or involve the adaptation of laws, the Ordinance was not included in the list in our previous reply.

Signature	_____
Name in block letters	Kevin C M Ho

Post Title	Director of Administration and Development

Date	4 April 2002
