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Foreword by the Secretary for Justice
It gives me great pleasure to present this fourth periodical review of the work of my department, covering the period from 1 January 2002 to 31 December 2003.

During those two years, we continued to assist the courts in respect of challenges brought under the Basic Law. The decisions made in those cases have clarified the law in areas such as the right to grant bail, the offence of misconduct in public office, the mandatory penalty for murder, deprivation of property, and the constitutional rights of public servants. The increasing number of judgments under the Basic Law will assist lawyers, both within and outside my department, to advise their clients on their constitutional rights and obligations. There can be no doubt that the Basic Law has proved to be a firm foundation for the rule of law and the protection of human rights in Hong Kong.

My department has also continued to assist in the development and revitalisation of the legal profession. It has contributed to the work of the Steering Committee on the Review of Legal Education and Training in Hong Kong, which brought about the extension of LLB from three to four years, and significant changes to the PCLL course. It was also active in discussions leading to the Closer Economic Partnership Arrangement between the Hong Kong SAR and the Mainland, which confers substantial benefits on Hong Kong lawyers who wish to provide services in the Mainland.

It is important that policies developed in respect of legal services should reflect the needs of the community. With this in mind, my department is initiating a consultancy study that will identify the legal services that are currently available to members of the public, and
will ascertain the demand for such services. In this way, any mismatch between supply and demand can be identified, and policies formulated accordingly.

I should like to pay tribute to the members of the dedicated team drawn from the department’s Civil and Law Drafting Divisions for their contribution to the Government’s battle against SARS. The team was formed in March 2003 and provided prompt legal advice and assistance to the Government on all SARS related legal issues, including the preparation of legal notices and subsidiary legislation under the Quarantine and Prevention of Diseases Ordinance (Cap 141), the Closure Order in respect of Block E of Amoy Gardens, and the Prevention of the Spread of Infectious Diseases (Amendment) Regulation 2003. Much of this work was completed under great pressure, and to rigorous time constraints.

A review such as this can only reflect a small part of the work and achievements of my department during 2002 and 2003. While it may be the high-profile prosecution, or the controversial piece of legislation, which receives the media coverage, the vast bulk of the department’s day-to-day work goes unremarked, but it is no less vital because of that. What I hope this report provides is an insight into the breadth and variety of the responsibilities my department fulfils, and a confirmation of the department’s continuing commitment to the rule of law.

ELSIE LEUNG
Secretary for Justice
This review seeks to provide an insight into the work of the Department of Justice over the last two years. It covers what has happened between 1 January 2002 and 31 December 2003. The review tries not only to give an overall picture of the work of the Department of Justice, but also to give some idea of the range and variety of opportunities which are available to those who choose to make a career in the department. At various places throughout this review, you will find features on individuals in different posts and in different divisions, describing the work they do and the paths their careers have taken.

While this review focuses on the department's work over the last two years, you can find other information which may be of interest on the department's website at www.info.gov.hk/justice. The website includes an outline of Hong Kong's legal system, details of the treaties and international agreements which apply to Hong Kong, information about the WTO and the legal profession, and a number of links to other related sites on the Internet. The website also provides an online version of all Hong Kong's legislation.

In common with the rest of the community, the department has been faced with new challenges and new opportunities in the past two years. The contents of this review illustrate how the department is adapting to change, while continuing to maintain the high standards of performance which the community has a right to expect from the Department of Justice.
Initiatives and reforms

Prosecution policy

The department’s prosecution policy guidelines were published in a new and expanded Statement of Prosecution Policy and Practice in 2002. The purpose of the Statement is to promote consistency and openness in the area of public prosecutions. Apart from its obvious function of assisting prosecutors at all levels in the proper discharge of their duties, the Statement is intended to make the decision-making process more understandable to the public at large.

Strategic Plan for the Prosecutions Division 2002-2007

In September 2002, the Director of Public Prosecutions presented a Strategic Plan for the Prosecutions Division of the Department of Justice. The purpose of the Strategic Plan is to identify the priorities and targets which the Prosecutions Division has set for itself over the next five years and to indicate how these will be achieved. The goals of the Prosecutions Division have been defined as:

• fair and independent decision-making
• the timely and accurate giving of advice
• the firm and fair prosecution of offenders
• the effective and concerted combating of crime
• the modern and efficient operation of the prosecution service

The vision of the Strategic Plan involves a commitment to the fair and effective administration of the system of public prosecutions and to excellence in service to the people of Hong Kong.
Opening of legal services market in the Mainland under the CEPA

The Department of Justice provided legal advice to the HKSAR Government and took part in the consultations with the Mainland on the Closer Economic Partnership Arrangement (CEPA) which was signed on 29 June 2003. The CEPA (and the six annexes which were signed on 29 September 2003) was concluded under the framework of the WTO and encompasses three broad areas: trade in goods, trade in services and trade and investment facilitation.

The CEPA makes a number of specific commitments in respect of legal services, and these reflect the department’s efforts in negotiations with the Mainland authorities to provide enhanced opportunities for Hong Kong’s legal profession in the Mainland. Under the CEPA, Hong Kong law firms that have set up representative offices in the Mainland can now operate in association with Mainland law firms, and Mainland law firms can employ Hong Kong legal practitioners. Hong Kong permanent residents with Chinese citizenship can obtain a Mainland legal professional qualification by sitting the qualifying examination and can engage in non-litigation legal work in Mainland law firms. The minimum residency requirement for Hong Kong representatives working in the Mainland representative offices of Hong Kong law firms has been waived or relaxed.

Survey of legal services

The department has been at the forefront of an initiative to review the supply and demand for legal services in Hong Kong. In November 2001, the Legislative Council called for a comprehensive review of the legal needs of
the Hong Kong community and how those needs were being met. This followed similar reviews in the United Kingdom which have led to important proposals there to enhance access to justice.

The Solicitor General currently chairs a consultative committee which has been established to oversee the Hong Kong research project. The committee comprises representatives from the legal services sector and other professional, academic and community bodies interested in the promotion of access to justice. It is anticipated that a three-year consultancy study to carry out the research will commence in early 2004.

**Enhancement of IT capability**

A range of initiatives were undertaken during 2002 and 2003 to enhance the department’s IT capability. These included:

- an upgrading of both the hardware and software of the Bilingual Laws Information System (BLIS) to achieve improvements in system reliability and resilience
- the establishment of a portal to provide ready access for counsel to law-related material on the Internet
- an upgrade to the existing document management system for improvements to security, reliability and convenience
- the provision of enhanced access facilities to allow staff to make use of their own portable or home computers to access the department’s computer systems from any Internet connection worldwide

Regular maintenance ensures an efficient IT system.
Notable cases

Civil

Right of abode

The Court of Final Appeal (CFA) handed down its judgment in the Ng Siu-tung and Others v Director of Immigration series of cases in January 2002, confirming the effect of the interpretation given by the Standing Committee of the National People’s Congress (NPCSC) in respect of Articles 22(4) and 24(2)(3) of the Basic Law. It also provided guiding principles for the application of the Government’s announced concession policy. Applying these principles, a great majority of the cases of the original 5,000 or so applicants were disposed of by consent and endorsed by the Court. In July 2002, the CFA directed that the remaining 200 or so unresolved cases be remitted to the Court of First Instance (CFI) for determination. In October 2003, the CFI, after a hearing lasting 40 days, made a report to the CFA in respect of 22 applicants for the ultimate disposal of their cases.

A further 4,500 right of abode cases involving parties without legal representation reached the Court of Appeal, with 20 reaching the CFA. Only two of these cases had their appeals allowed against refusal of leave to bring judicial review, and these were remitted to the CFI. Twenty-eight cases are awaiting a hearing before the Court of Appeal.

In January 2002, the Court of Appeal in Tse Yiu-hon v HKSAR Passport Appeal Board and Anor gave judgment on the proper application of the Explanations of Some Questions by the NPCSC Concerning the Implementation of the Nationality Law of the PRC in the HKSAR. In that case, a German-born child
of Chinese extraction (to Hong Kong permanent resident parents) had been issued with a British Dependent Territory Citizen passport and had subsequently became a naturalised German. It was held that his naturalisation as a German citizen had not deprived him of the Chinese citizenship which he had acquired by birth.

In February 2003, the CFA declared in Prem Singh v Director of Immigration that the requirement in paragraph 3(1)(c) of Schedule 1 to the Immigration Ordinance (Cap 115) that the applicant be “settled in Hong Kong”, read together with paragraph 1(5)(b) of that Schedule, was inconsistent with Article 24(2)(4) of the Basic Law in respect of a claim for right of abode in Hong Kong by non-Chinese residents.

Other constitutional cases

In the context of a case concerning non-permanent residents’ freedom to travel, the CFA ruled in Gurung Kesh Bahadur v Director of Immigration that the proviso under Article 39(2) of the Basic Law did not imply that rights found only in the Basic Law (one of which was the right to travel) might be freely qualified or limited simply by restrictions which were “prescribed by law”. The Court held that the question of whether a particular restriction would be constitutional depended on the nature and subject matter of the particular right, and this was ultimately a matter for the courts.

In Director of Lands v Yin Shuen Enterprises Ltd and Anor the CFA considered section 12(c) of the Lands Resumption Ordinance (Cap 124), which excludes compensation in respect of the expectation of a grant or renewal. The CFA held that this exclusion was not inconsistent with Article 105 of the Basic Law which required compensation on resumption to correspond to the “real value” of the property concerned.
In Collector of Stamp Revenue v Arrowtown Assets Ltd, a joint venture between two groups of property developers purchasing landed property sought to avoid stamp duty under section 45 of the Stamp Duty Ordinance (Cap 117) through a scheme involving, among other steps, the allotment of a new class of shares by the vendor’s group of companies to itself. The CFA held that such a scheme fell foul of an anti-avoidance principle under common law known as the “Ramsay” principle. Some $330 million of stamp duty was involved.

WTO cases

During 2002 and 2003 the Review Body on Bid Challenges heard six complaints by unsuccessful tenderers of breaches by different procuring agencies of the WTO Agreement on Government Procurement. The complaints related to a range of matters, including the supply of certain drugs, a Reloadable Card Operated Parking System, the Central Reclamation Phase III contract and the building of a fire fighting vessel. Two of the complaints were successful, and the remaining four were dismissed.

Ongoing cases

At the time this publication went to print, three important sets of cases were in the process of litigation. The first set of cases involved challenges to the civil service pay adjustment under the Public Officers Pay Adjustment Ordinance. The Court of First Instance confirmed the constitutionality of that Ordinance and its compliance with Articles 100, 102 and 103 of the Basic Law (governing the system of employment of public servants and their conditions of service) and other provisions of the Basic Law which guaranteed the right of access to the courts, rights under the international labour conventions, the right to property and the continued validity of contracts. The matter is now subject to appeal before the Court of Appeal.
The second set of cases involved challenges to the Wan Chai and Central reclamation plans. In January 2004, the CFA dismissed the appeal against the decision of the CFI in holding that the Town Planning Board had not complied with the Protection of the Harbour Ordinance (Cap 531) in approving reclamation under Phase II of the Wan Chai Development. This appeal was the first to be “leap-frogged” to the CFA for hearing. The other challenge, also brought by the Society for Protection of the Harbour Ltd by way of judicial review in respect of Phase III of the Central Reclamation, is expected to be heard by the CFI in February 2004.

The third set of cases relates to an arbitration between the Government and the Swire Group of companies over a claim for payment of substantial land premium and interest in relation to certain commercial and residential developments at Taikoo Shing. The Government’s claim was upheld in the arbitration in January 2001. Swire’s attempts to appeal certain elements of the award were unsuccessful at each level of courts, culminating in a decision of the CFA in July 2003 to reject their application for leave to appeal against the award. The arbitration has been resumed to deal with issues relating to the determination of the quantum of the Government’s claim, including payment of interest.

Criminal

In Li Defan and Another v HKSAR ([2002] 1 HKC 636), the Court of Final Appeal rejected the appellant’s submission that the trial judge had erred in his conclusion that inferences against the accused could more readily be drawn because they had not given evidence. The Court recognised that there might sometimes be cases in which the prosecution case on a particular issue might be strengthened by the failure of the accused to put forward any contradiction or explanation in circumstances in which he could be expected to know the truth and be willing, if innocent, to testify under oath. Although the absence of a denial or explanation by the accused was not to be treated as an independent admission, it might sometimes give the prosecution evidence greater probative force than it would gain from being merely uncontradicted.
In Lau Cheong and Another v HKSAR ([2002] 3 HKC 209), the Court of Final Appeal held that an intention to cause grievous bodily harm was a sufficient form of mens rea for the offence of murder. The Court also concluded that the mandatory life sentence performed deterrent and denunciatory functions in support of the existing policy of the law and was not a manifestly disproportionate sentence.

In Shum Kwok-sher v HKSAR ([2002] 3 HKC 117), the Court of Final Appeal held that the offence of misconduct in public office was not so imprecise or arbitrary as to infringe constitutional safeguards. The Court decided that the elements of the offence were: (a) a public official; (b) who in the course of, or in relation to, his public office; (c) wilfully and intentionally; (d) culpably misconducted himself in a serious way.

In HKSAR v Chu Kam-yiu and Others ([2003] 1 HKLRD 326), the Court of Final Appeal confirmed the decision of the Court of Appeal in acquitting the accused of charges of conspiracy to engage in bookmaking. It was held that the accused were mere conduits for the bets of others and had not received bets by way of trade or business.

In HKSAR v Lee Ming-tee and Another ([2003] 1 HKC 174), the Court of Final Appeal allowed the prosecution’s appeal and set aside the order of permanent stay made on the ground of non-disclosure. The Court reiterated the principle that the prosecution was under a duty to disclose to the defence material or information in the prosecution’s possession or control which might undermine its case or advance the defence case. The duty to make enquiry as to all disclosable material applied not only to material already in the prosecution’s possession, but also to any material in the possession or control of other government departments and law enforcement agencies.
In HKSAR v Scofield and Others (WSCC 13727 of 2001) the accused were charged with offences of keeping a disorderly house and of managing objectionable performances. Undercover police officers infiltrated parties of an allegedly indecent nature, which involved exposure and intimate contact. In acquitting the accused, the magistrate was not satisfied that the parties were open to the public and that the accused had knowledge of indecent activities.

In Li Man-wai v Secretary for Justice (FACC 6 of 2003), an Inland Revenue Department assessor was cleared by the Court of Final Appeal of dishonestly gaining access to a computer system. This was after the prosecution had successfully appealed to the Court of First Instance against a magistrate’s decision to acquit him of having gained unauthorised access to the department’s computer system and obtained personal data on a female colleague. The assessor had used that data to enrol her in the World Wildlife Fund without her consent. Although the Court of First Instance decided that it was not reasonable for the magistrate to have held such conduct not to be dishonest, the Court decided that dishonesty was essentially a question of fact for the trial court, and the decision at trial was not perverse.

In HKSAR v Sze Kwan-lung and Others (CACC 92 of 2002) a nine-woman jury convicted seven accused of causing the deaths of a fellow abode-seeker and a senior immigration officer after paint thinner was ignited at Immigration Tower. The trial lasted for 64 days. Sze’s appeal against his convictions for murder was allowed due to deficiencies in the evidence. Convictions for manslaughter were substituted and Sze was sentenced to 14 years’ imprisonment. The appeals of the other six defendants against their convictions for manslaughter and arson were dismissed, as were their appeals against sentences of imprisonment of 14 years. Sze’s appeal against his arson conviction also failed.
In HKSAR v Cheng Wai-keung and Others (HKCC 65 of 2003), the mastermind of the largest vice syndicate in Hong Kong’s history and his confederates were prosecuted for offences of conspiracy to keep vice establishments and of money laundering. The gross turnover generated between 1998 to 2002 from the 24 vice establishments kept by the syndicate amounted to $165 million. After guilty pleas, the prosecution sought enhanced sentences on the basis that this was “organised crime”, and these were imposed in respect of the mastermind and three of his co-accused. The syndicate members were sentenced to terms of imprisonment which included six years for the mastermind and substantial terms for his assistants. Confiscation proceedings were instituted for properties which had an initial estimated value of $83 million.

Extradition

In June 2003, Cheng Chui-ping (alias “Big Sister Ping”) was finally extradited to the United States after a three year battle in the Hong Kong courts. Cheng was wanted in connection with extensive trafficking of illegal immigrants from the PRC to the United States, including those on board the ship Golden Venture which ran aground off the coast of New York in 1993 with loss of life.

In March 2003, three fugitives were extradited to the United States after being arrested in Hong Kong in connection with attempts to obtain arms for the terrorist organisation Al Qaeda. Their extradition was facilitated in part by Hong Kong’s recent enactment in 2002 of the United Nations (Anti-Terrorism Measures) Ordinance (Cap 575).

People

Two members of the department were among those whose contribution to the community was recognised by the award of Hong Kong’s highest honours. In July 2002, Ms Elsie Leung, Secretary for Justice, was awarded the Grand Bauhinia Medal. In July 2003, David Little, former Law Officer (International Law), was awarded the Silver Bauhinia Star.
In November 2002, Ian Wingfield moved from Civil Division, where he had been Law Officer (Civil Law), to fill the post of Law Officer (International Law) following the departure of David Little. The Treaties and Law Unit of the International Law Division, which had been separately housed in Central Government Offices since the 1980s, rejoined the rest of the Department of Justice in Queensway Government Offices in October 2003.

Two members of the department, Arthur Luk, Deputy Director of Public Prosecutions, and Kevin Zervos, Senior Assistant Director of Public Prosecutions, were appointed as Senior Counsel in May 2002 and May 2003 respectively.

In October 2002, Miss Annie Tam joined the department as Director of Administration and Development, replacing Kevin Ho who left the department on his appointment as Director-General of Trade and Industry.

In July 2003, Mrs Emily Chik, Senior Treasury Accountant, was awarded the Chief Executive’s Commendation for Government/Public Service.
An Overview of the Department of Justice
The role of the Secretary for Justice

The Department of Justice is headed by the Secretary for Justice, who fulfils a wide range of duties. Chief among these is to act as the principal legal adviser to the Chief Executive, to the Government and to individual Government bureaux, departments and agencies. The Secretary for Justice is also a member of the Executive Council.

The decision to prosecute criminal offences is the sole responsibility of the Secretary for Justice who in this respect operates independently, free from any interference. The Secretary for Justice is also the defendant in all civil actions brought against the Government and represents both the Government and the public interest in the courts.

As guardian of the public interest in a wider sense, the Secretary for Justice may make application for judicial review to enforce public legal rights. The Secretary has a right to intervene in any case involving a matter of great public interest. The Secretary represents the public interest as counsel to tribunals of inquiry. The Secretary is the Protector of Charities and must be joined as a party in all actions to enforce charitable or public trusts. The Secretary for Justice also has a more general public interest role as amicus curiae (literally, friend of the court), the most important example of which is the bringing of alleged contempts to the notice of the courts.

Amongst many other functions, the Secretary for Justice is Chairman of the Committee on Bilingual Legal System, the Legal Practitioners’ Liaison Committee and the Law Reform Commission, and is Vice-Chairman of the Fight Crime Committee.
The Secretary for Justice's Office

The Secretary for Justice's Office provides legal and administrative support in respect of the Secretary for Justice's many functions. This includes assisting the Secretary in all matters related to the Executive and Legislative Councils, be it the promotion of legislation or providing answers to legislators' questions. Members of the Office ensure that the Secretary is fully briefed on the issues which arise, assist in the analysis of those issues, and help to prepare speeches and responses.

A specialist consultant serves within the Office as the Legal Adviser on Legislative Affairs. He provides expert advice on legislative affairs, in particular on practices and procedures relating to the legislative process, and on other legal issues affecting the Legislative Council.

The department considers part of its role is to promote understanding in the community of Hong Kong's legal system. To that end, the Public Relations and Information Unit of the Secretary for Justice's Office provides information to the public and the media about the work of the department through press releases, press conferences, and arranging counsel to participate in public debates and TV and radio public affairs programmes. Arrangements are also made for counsel to contribute articles to newspapers on a variety of law-related issues. The unit also co-ordinates the preparation and distribution of educational materials and publications to introduce aspects of Hong Kong's legal system and foster commitment to the rule of law.

The Divisions

The lawyers in the department work within one of five distinct legal "divisions". These divisions are Civil, International Law, Law Drafting, Legal Policy and Prosecutions. The legal divisions are provided with general support by the Administration and Development Division, which is headed by the Director of Administration and Development.
Each of the legal divisions is headed by a "Law Officer" who, as well as directing the work of their respective divisions, assists the Secretary for Justice in the overall management of the department. The Law Officers are the Law Officer (Civil Law) (who heads the Civil Division), the Law Officer (International Law) (heading the International Law Division), the Law Draftsman (who heads the Law Drafting Division), the Solicitor General (heading the Legal Policy Division) and the Director of Public Prosecutions (heading the Prosecutions Division).

While each of the legal divisions has distinct areas of responsibility, many issues arise where input from more than one division or specialist unit within a division may be necessary. In such cases, lawyers from each of the relevant units will work together to ensure that the client department or bureau is provided with comprehensive legal advice which fully meets the client's needs.
Civil Division
The Civil Division has a major role in providing legal advice on a wide range of civil matters to all Government bureaux and departments. The division also represents the Government and other related public bodies in the conduct of all civil claims and disputes involving the Government before courts and tribunals.

The Civil Division comprises four major units:

- Advisory
- Civil Litigation
- Commercial
- Planning, Environment, Lands and Housing

**Advisory**

Counsel in this unit provide legal advice to various Government bureaux and departments on civil law issues of a general nature. Matters on which counsel have advised include:

- civil aviation, shipping and public transport
- civil service and disciplinary proceedings
- education and social welfare
- employment
• immigration
• protection of personal data
• public finance, inland revenue and customs and excise
• public health and environmental hygiene
• recreation and culture

Civil Litigation

This unit represents the Government in the conduct of all civil claims and disputes involving the Government. Counsel in the unit act as solicitors and barristers in such litigation. Some work is briefed out to private practitioners.

In 2002 and 2003, public law litigation continued to feature prominently in the unit’s work. A number of claims by Mainland citizens for right of abode in Hong Kong have yet to be resolved. A significant number of Basic Law challenges have been brought in the context of other immigration cases. The issues raised have included:

• the loss of Chinese citizenship under the Chinese Nationality Law as applied in Hong Kong
• acquisition of permanent residence by non-Chinese nationals
• the freedom to travel for non-permanent residents

Other Basic Law challenges include those relating to the exclusion of what is commonly referred to as “hope value” in the calculation of real value of land upon resumption by the Government and the lawfulness of detention of convicted prisoners under Executive Detention.

The unit also handles a wide spectrum of other litigation, including cases involving personal injuries, charities and trusts and the recovery of debts and damages. Since the coming into force of the WTO Government Procurement Agreement (GPA) in Hong Kong in June 1997, several cases have gone before the Review Body on Bid Challenges which enables unsuccessful tenderers or bidders to be heard if they consider there has been a breach of the GPA.
Since the Secretary for Justice was designated the Central Authority in 1997 for the purposes of facilitating the return of, and the effective exercise of access to, children under The Hague Convention on the Civil Aspects of International Child Abduction, the unit has handled 48 such cases.

Alison Cabrelli, a graduate of Aberdeen University, joined the then Legal Department (renamed the Department of Justice in 1997) as a Crown Counsel in 1981. Her experience as a procurator fiscal depute in the Sheriff Courts of Aberdeen and Glasgow in Scotland led to Alison being posted first to Prosecutions Division where she spent nearly three years.

In 1984 Alison joined the Civil Division where she has remained. In 1984 Alison was promoted to Senior Crown Counsel and in 1989 to Deputy Principal Crown Counsel.

Apart from two years with the Civil Litigation Unit, where Alison, acting both as a solicitor and barrister, represented the Government in civil claims and disputes, Alison’s work in Civil Division has been in the Advisory II Unit which is responsible for the provision of advice on a variety of civil law matters to four bureaux and some twenty departments, as well as advising on discipline issues within the Civil Service.

"Despite my long service with the department each day brings new challenges. This is one of the most rewarding aspects of life as a Government Counsel," says Alison.

"Working in the public service providing sound, practical and accurate advice to enable departments and bureaux to carry out their statutory duties and obligations towards the people of Hong Kong continues to give me great job satisfaction."
Commercial

Work on commercial law is generated by the Government’s own commercial requirements, by the Government’s regulation of utilities, franchisees and licensees, and by certain commercial services provided to the community. During 2002 and 2003, Counsel in the unit advised on such matters as:

- reform of companies, securities and futures legislation, including the relationship between regulatory tiers
- regulation of utilities under the Schemes of Control
- registration and regulation of the Mandatory Provident Fund Schemes
- telecommunications (including the legislative amendments with regard to monopoly and merger) and electronic transactions
- partial privatisation of the Government's interests in the Airport Authority and Tradelink
- proposals to merge the KCRC and the MTRCL
- drafting and advising upon agreements and major project briefs such as the Disney-branded Theme Park, the West Kowloon Cultural District and the International Exhibition Centre at Chek Lap Kok
- establishment of various trust funds and schemes, including the sustainable development fund, the self-employment business start-up assistance scheme, the trust fund for SARS and the film guarantee fund
- rules and related legal documents of the Capital Investment Entrant Scheme (Immigration)
- public private partnership and private sector involvement
• drafting and advising on securitisation of loans and toll receipts
• advising on bank mergers and deposit protection

Planning, Environment, Lands and Housing

Counsel in this unit advise the Government on a wide range of matters relating to planning issues under the Town Planning Ordinance (Cap 131), environmental protection and regulatory control under various pieces of environmental legislation, the New Territories Ordinance (Cap 97) in respect of Tsos, Tongs and succession, regulatory control of building operations and building management. Counsel also advise on infrastructural projects involving the resumption of land, the reclamation of foreshore and sea-bed, compensation and related disputes.

In 2002 and 2003, the unit advised on a range of matters, including:

• a review of the Buildings Ordinance (Cap 123)
• amendments to the Town Planning Ordinance (Cap 131)
• a review of the Building Management Ordinance (Cap 344)
• proposal to reconstitute all missing or illegible Government leases by way of legislation
• the Land Titles Bill and subsidiary legislation
• amendments to the Landlord and Tenant (Consolidation) Ordinance (Cap 7) to remove the security of tenure provisions
• amendments to various pieces of environmental legislation, such as the Waste Disposal Ordinance (Cap 354), the Noise Control Ordinance (Cap 400), the Ozone Layer Protection Ordinance (Cap 403), and the Water Pollution Control and Air Pollution Control Regulations
• the Government’s Team Clean project and implementation of necessary legislative measures
• the Deep Bay Link project for border crossing facilities
Apart from advising on a significant number of proposals for legislative change, counsel in the unit also advised the Government on legal issues in respect of housing policy and resumption for Urban Renewal Authority projects. On the litigation side, counsel represented the Government in a number of judicial review proceedings arising out of infrastructure projects, the assessment of statutory compensation before the Lands Tribunal arising from properties resumed or adversely affected by such projects, and judicial proceedings in respect of the interpretation of the Environmental Impact Assessment Ordinance (Cap 499). Counsel also handled a significant number of Government rent appeal cases in respect of the grant of rent exemptions to indigenous villagers.

Yung Lap-yan was admitted as a solicitor in 1993 and began his career in private practice, dealing mainly with general commercial and corporate finance matters. He joined the department as a Government Counsel in 1999. He has worked since then in the Commercial Unit of the Civil Division, and was promoted to the rank of Senior Government Counsel in 2002. Lap-yan is responsible for advising Government bureaux and departments on a variety of commercial law matters. He has advised on a range of projects, including the de-mutualisation of the Stock Exchange, the privatisation of Government assets, the employment of principal officials under the Accountability System and the reform of companies, securities and futures legislation.

"Working in the department for the past three years has given me great job satisfaction," he says. "I’ve had the opportunity to work on a wide range of subjects that affect not merely the interests of my clients but also those of the community at large. It has also enabled me to look at things from different perspectives."
Significant initiatives and reforms in 2002 and 2003

In view of the continued importance of environmental protection and the application of statutory controls and administrative law to Government departments in the execution of their functions and duties, during 2002 and 2003 a number of leading academics were invited to speak on specific aspects of this area of the law. The aim was to enhance counsel's knowledge and understanding of the issues involved. Areas discussed included environmental planning and the law in Hong Kong, the international environmental norms relevant to Hong Kong, and nature conservation and the law in Hong Kong. Counsel from different units in the division with experience in environmental law form a core group so that resources can be better and more efficiently deployed in response to the complex environmental issues which may arise.

Clifford Joseph Tavares, Government Counsel, Civil Division

Clifford Tavares joined the Department of Justice as a Legal Trainee after graduating from law school in 2000. Clifford was admitted as a solicitor in October 2002, and appointed a Government Counsel the same month. Since then, he has worked in Civil Division's Civil Litigation Unit, where he is responsible for representing the Government in public law litigation and other civil disputes before different courts and tribunals.

"I had been seconded to a private law firm for some time during my two-year training, and noted the differences between working in the private sector and in the department," says Clifford. "One of the main reasons why I chose to begin my career as a Government Counsel is that I appreciate that the work we do affects people's daily lives. In private practice, we have to serve our clients' interests, but as Government lawyers, we are serving the community at large and I find this both meaningful and challenging!"
International Law Division
The International Law Division comprises the Treaties and Law Unit and the Mutual Legal Assistance Unit. It has three important roles: it provides legal advice on public international law to the Government; it negotiates international agreements, or provides legal advisers for such negotiations; and it handles requests for legal co-operation between the HKSAR and other jurisdictions.

**Treaties and Law Unit**

**Advice**

The subjects on which the unit gives advice include international trade law, visa abolition, diplomatic and consular privileges and immunities, civil aviation, the law of the sea, international labour conventions, and international obligations in relation to intellectual property, human rights, conservation and outer space. In addition, the unit has played a leading role in preparing primary legislation dealing with anti-terrorism measures following the events of September 11 and subsidiary legislation to implement agreements in the areas of surrender of fugitive offenders and mutual legal assistance in criminal matters, as well as subsidiary legislation to implement United Nations Security Council Resolutions.

**Multilateral agreements**

Over 200 multilateral treaties in areas such as international civil aviation, merchant shipping, private international law, international arbitration and customs co-operation now apply to the HKSAR. These also include international instruments relating to the participation of the HKSAR in international organisations in one capacity or another. The unit advises the Government on the interpretation and implementation of those treaties, as well as on other treaties that may be applied to the HKSAR.
The Government Procurement Agreement (GPA)

This Agreement, which operates under the auspices of the World Trade Organisation, applies to Hong Kong. It aims to implement a non-discriminatory and open system for the procurement by governments of goods and services. The last two years have seen a significant increase in the number of requests to counsel in the division for legal advice as suppliers and Government officials responsible for procurement have become more familiar with the Agreement. Counsel in the unit also advise on the GPA aspects of challenges before the Review Body on Bid Challenges.

Bilateral agreements

Lawyers from the unit negotiate agreements with foreign countries on the surrender of fugitive offenders, mutual legal assistance in criminal matters and the transfer of sentenced persons. For negotiations concerning agreements on investment promotion and protection, air services, customs cooperation, visa abolition and double taxation, a member of the division attends as part of the Hong Kong delegation to provide legal advice. The various negotiating programmes commenced before the resumption of sovereignty. The total number of Hong Kong's bilateral agreements now extends to well over 100.

Mutual legal assistance in criminal matters

These agreements provide for the rendering of assistance in relation to the investigation and prosecution of crime, and proceedings related to criminal matters. The types of assistance include the taking of evidence, executing requests for search and seizure, producing documents and confiscating the proceeds of crime.

Surrender of fugitive offenders

The parties to an agreement for the surrender of fugitive offenders undertake to surrender to each other, subject to conditions, persons who are accused of serious offences, or who have absconded after conviction. The conduct
constituting the crime must be criminal according to the laws of both parties. These agreements help to prevent Hong Kong from becoming a haven for criminals from abroad and facilitate the return to Hong Kong of criminals who have fled overseas.

**Transfer of sentenced persons**

These agreements enable foreign nationals serving a sentence of imprisonment in Hong Kong to return to their home country to serve out the remainder of their sentence. Similarly, people from Hong Kong who are serving sentences of imprisonment imposed in foreign jurisdictions may apply to return to Hong Kong to serve their sentences here.

**Visa abolition**

These agreements and arrangements provide for mutual dispensation with visa requirements. The purpose is to facilitate travel between the two places concerned and these arrangements are especially important for businessmen and tourists. There are over 90 agreements and arrangements which enable holders of HKSAR passports to enjoy visa-free entry.

**Customs co-operation**

Customs co-operation agreements and arrangements facilitate mutual assistance between customs authorities of the HKSAR and their overseas partners in areas such as the administration of customs legislation and the investigation of customs offences.

**Avoidance of double taxation**

These agreements and arrangements provide for the avoidance of double taxation of persons carrying on cross-border economic activities. The agreements and arrangements may relate to specific income (such as income from international air and maritime traffic), or may provide for comprehensive double taxation avoidance. Hong Kong has entered into agreements providing
Department of Justice

for double taxation agreements (DTAs) in respect of shipping and air service income, and commenced negotiations with a number of countries in 2003 for the conclusion of comprehensive DTAs. The first comprehensive DTA, with Belgium, was signed in December 2003.

**Investment promotion and protection**

An investment promotion and protection agreement creates favourable conditions for greater investment by investors of one contracting party in the area of the other. Such an agreement includes provision for the investments of each party to be accorded fair treatment with no discrimination, and for compensation to be paid for losses caused by revolution, national emergency or riot.

**Air services**

Air services agreements provide the framework for scheduled air services to operate between Hong Kong and its bilateral partners. They are negotiated on the basis of a balanced exchange of air traffic rights. Negotiations have also taken place to provide for overflight agreements with appropriate countries.

**Mutual Legal Assistance Unit**

The unit co-ordinates all requests to and from the HKSAR for surrender of fugitive offenders, mutual legal assistance and transfer of sentenced persons. It discharges the responsibilities of the HKSAR's Central Authority for the purposes of mutual legal co-operation in criminal matters.

The unit prepares all outgoing requests to other jurisdictions for the surrender of fugitive offenders to stand trial in Hong Kong. The unit also processes all incoming requests for surrender of fugitive offenders and represents the requesting jurisdiction in related court proceedings.

The unit also provides assistance to foreign jurisdictions in the investigation and prosecution of criminal matters. That assistance includes the taking of
evidence, executing requests for search and seizure, producing documents, and restraining and confiscating the proceeds of crime. Similarly, the unit processes all outgoing requests for mutual legal assistance from the HKSAR to other jurisdictions for similar assistance in criminal matters.

In addition, the unit provides legal advice to the Government on applications from foreign nationals serving a sentence of imprisonment in Hong Kong to transfer to their home country to serve out their sentence, and on applications by Hong Kong people serving sentences of imprisonment imposed in foreign jurisdictions to return to Hong Kong to serve out their sentences here.

**Significant developments in 2002 and 2003**

**The Hague Conference on Private International Law**

Our participation in the Hague Conference on Private International Law has continued to increase. Members of the division have participated as members of the Chinese delegation in a number of sessions of that Conference dealing with existing or proposed conventions in the following areas:

- a Convention on the Law Applicable to Certain Rights in respect of Securities held with an Intermediary was concluded
• the international recovery of child support and other forms of family maintenance
• the service abroad of judicial and extra-judicial documents in civil and commercial matters
• the taking of evidence abroad in civil or commercial matters
• the abolition of the requirement of legalisation of foreign public documents
• international jurisdiction and foreign judgments in civil and commercial matters

CEPA

Members of this division joined the HKSAR delegation in the consultations with the Mainland on a Closer Economic Partnership Arrangement (CEPA). The CEPA was concluded under the framework of the WTO and encompasses three broad areas, namely, trade in goods, trade in services and trade and investment facilitation. The main text of the CEPA was signed on 29 June 2003 while its six annexes were signed on 29 September 2003. Members of this division advise the Government on the implementation of the CEPA and will also participate in future consultations to expand the scope of the CEPA.

Evidence (Miscellaneous Amendments) Ordinance 2003

Following the enactment of the Evidence (Miscellaneous Amendments) Ordinance 2003 on 3 July 2003, the Court of First Instance or the Secretary for Justice may request a foreign court or appropriate authority to arrange for evidence to be taken from witnesses in that jurisdiction by way of live television link for use in criminal trial proceedings in Hong Kong. Similar provisions in the Ordinance permit the taking of evidence from witnesses located in Hong Kong for the purposes of criminal proceedings in a foreign jurisdiction. These new procedures will prove a useful addition to the range of options now available for international co-operation in criminal matters.
Ian Wingfield, Law Officer (International Law),
International Law Division

Ian Wingfield graduated from the University of East Anglia in 1970 and after two years working as a school teacher, attended the Inns of Court School of Law. He was called to the English Bar as a member of the Inner Temple in 1974. After two years' private practice he joined the Official Solicitor's Department as a Legal Assistant, where he gave legal advice and conducted civil litigation in cases involving children or persons who were mentally incapacitated, or in which for any other reason the court required independent legal advice or assistance.

In 1982, Ian joined the Civil Division in the Legal Department (now the Department of Justice) as a Crown Counsel. He was promoted to Senior Crown Counsel towards the end of 1982 and to Deputy Principal Crown Counsel in 1985. He was further promoted to Principal Crown Counsel in 1988 and in 1991 was appointed Crown Solicitor (now retitled Law Officer (Civil Law)). In that post he was responsible for civil advice and civil litigation in the period leading up to and following Hong Kong's change of sovereignty in 1997. As the most senior Law Officer, he acted regularly as Attorney General before 1997 and as Secretary for Justice afterwards, until the introduction of politically appointed officials in 2002.

In 2002, Ian was appointed Law Officer (International Law) and is now responsible for advising the Government on its external legal relations, including the negotiation of bilateral and multilateral agreements which are applied to Hong Kong and for providing mutual legal assistance to other jurisdictions. "After eleven fascinating years heading the Civil Division, when I had the privilege to act as both Attorney General and Secretary for Justice, I welcomed the opportunity to take on a new challenge," he says.

In 1999, Ian was awarded the Gold Bauhinia Star for his public service in the department.
The task of keeping pace with the demands of a crowded legislative timetable falls on the Law Drafting Division which is responsible for drafting all legislation, both Ordinances and subsidiary legislation (such as regulations and by-laws), proposed by the Government. It also vets all non-Government Bills and all subsidiary legislation put forward by non-Government bodies to make sure that these comply with current drafting practice on format and style. The division is also responsible for ensuring that the published version of Hong Kong’s legislation is kept up to date.

**Legislation**

Where a Government proposal for new legislation is put forward, the drafting counsel will need to liaise with those making the proposal to gain a thorough understanding of the background and intended effect of the proposal. The drafting counsel must also analyse the drafting instructions carefully to ensure that the proposal is conceptually sound and legally effective. "Drafting instructions" refers to the document prepared for the draftsman by the responsible Government policy bureau which sets out the background to the proposal and what the bureau wishes the new legislation to achieve. The drafting instructions also specify which existing provisions will need to be amended in order to achieve that end.

After the proposed legislation is drafted, the drafting counsel assists in steering it through the legislative process. In the case of Government Bills and subsidiary legislation to be made by the Chief Executive, the legislation will be submitted to the Executive Council for consideration. Drafting counsel attend the Executive Council meetings to advise on general legal issues and on questions relating to drafting.
Usually, a Bills Committee (made up of members of the Legislative Council with an interest in the particular policy area) will be established to consider a Bill after it has been introduced to the Legislative Council. The drafting counsel attends the Bills Committee meetings to advise on general legal issues and on questions relating to drafting. He or she also drafts all committee stage amendments (that is, changes to the Bill arising from deliberations in the Bills Committee stage) which are proposed or agreed to by the Government. These amendments are considered and decided upon before the Bill is put to the vote for its final reading in the Legislative Council meeting. Likewise, if an item of subsidiary legislation should be referred to a sub-committee after it has been laid on the table of the legislature, the drafting counsel will attend the sub-committee meetings and draft any amendments which the Government may require.

David Morris, Principal Government Counsel, Law Drafting Division

David Morris comes originally from New Zealand. Before he joined the department in 1980 he had worked as a District Land Registrar and Registrar of Companies in New Zealand, as a Legal Officer in Sarawak, Malaysia and as Parliamentary Counsel in Western Samoa.

David has worked in the Law Drafting Division throughout his service in Hong Kong. He was promoted to the rank of Principal Crown Counsel as Deputy Law Draftsman (Legislation) in 1990 and his main responsibilities now are to supervise the work of the English Drafting and Laws Compilation Units of the division.

"Legislation has significance for the whole community and I have always regarded it as a great privilege to be able to contribute to this primary source of Hong Kong Law," says David.

"Legislative drafting is a specialist skill itself but legislative counsel are also required to tackle problems stemming from practically every branch of the law. There is also a great variety in the type of legislation we are asked to draft. We are required to work with the Judiciary, the Legislature and with all government departments and bureaux. It is very rewarding work and I certainly have no regrets about spending my entire service here engaged in legislative drafting."
Apart from drafting legislation for policies initiated by the Government, the division also undertakes any drafting work necessary to apply to Hong Kong relevant national laws of the PRC (that is, those listed in Annex III to the Basic Law), including the English translations of those laws.

The Adaptation of Laws Programme, begun in the 1997/1998 legislative session, involved the adaptation of all Ordinances in the statute book to make them conform with the Basic Law and with the status of Hong Kong as a Special Administrative Region of the People's Republic of China. Over 500 Ordinances have now been adapted. The Ordinances that have not been adapted require further consideration by policy bureaux of the policy implications arising from adaptation. However, the division will continue to provide the necessary drafting service.

Hong Kong's legislation is fully bilingual, with all new legislation being drafted and enacted in both Chinese and English. Both language versions of a piece of legislation are equally authentic, and drafting counsel must therefore ensure that the text in each language bears the same meaning and correctly reflects the intention of the policy.

**Compilation and publication of laws**

Hong Kong's legislation is published in both a hard copy loose-leaf edition and in electronic form freely available over the Internet. For the hard copy version, which contains the bilingual texts of all Ordinances and subsidiary legislation, periodic issues of new or replacement pages incorporating new legislation or amendments to the texts are sent to subscribers, who need only substitute them for the outdated pages. The hard copy version now comprises 44 volumes, containing over 650 Ordinances and 1,280 items of subsidiary legislation. Volume 1 of the loose-leaf edition includes for reference the Basic Law and national laws applied to the HKSAR, as well as other constitutional instruments and related decisions.
The on-line legislation database (known as the Bilingual Laws Information System (BLIS)) is available free to the public on the Internet either directly at www.justice.gov.hk or through the department’s Homepage at www.info.gov.hk/justice/new/laws. Amendments are shown on the database by a marker placed at the relevant point in the legislation. This is done on the same day the amendments are made, with the amendments themselves incorporated in the database within an average of two to three weeks.

Mr Lui joined the Civil Service in 1972 as a Clerical Assistant. He was posted to the Law Drafting Division of the then Legal Department where his major duty was to proof-read draft legislation and Gazette proofs from the Government Printer. In 1982, Mr Lui became a Clerical Officer II. He stayed with the division until his transfer in July 1997 to the Personnel Registry where he undertook administrative work. Mr Lui was promoted to Clerical Officer in 2000 soon after his return to the Law Drafting Division in August 1999. He is now an administrative assistant in the division.

Mr Lui served the Law Drafting Division at a time when Hong Kong’s legislation saw landmark changes, including the switch to bilingual legislation. As one of the longest serving members of the support staff in the Law Drafting Division, Mr Lui realised the importance of teamwork in successfully achieving these major goals.

“I am fortunate to have witnessed the transition of the laws of Hong Kong from monolingualism to bilingualism and to be able to observe first hand how demanding legislative projects are completed within incredibly tight time frames. I found these experiences most valuable because they have helped me to adapt to rapid changes within the Civil Service.”
Significant initiatives and reforms in 2002 and 2003

The division organised a series of training courses for its counsel during 2002 and 2003. These included a 22-week legislative drafting training programme designed to meet the particular needs of legislative drafting in Hong Kong. The programme supervisor is a retired legislative counsel who has unique experience in training draftsmen elsewhere. To keep up with the latest trends in plain legislative drafting, the division has twice invited Professor Peter Butt of the University of Sydney to deliver a seminar on the subject. Professor Butt is a universally known promoter of plain legal language and is the current President of Clarity, an international plain language organisation.
Legal Policy Division
Legal Policy Division advises Government departments and bureaux on whether proposed legislation, or a particular policy, is consistent with the Basic Law, international human rights standards, and established principles underlying the legal system. It also has a specialist unit that provides advice on (and promotes understanding of) the law on the Mainland. In addition, the division plays an active part in law reform, both through its responsibility for any new legislation promoted by the Secretary for Justice, and because the lawyers who serve in the Secretariat of the Law Reform Commission are part of the division.

**General legal policy**

As well as advising on the legality of policies established by the Government, the division also assists in formulating policy, particularly in relation to the legal system and the legal profession. The division has assisted the legal profession in exploring the opportunities that China’s accession to the World Trade Organisation will offer and in enhancing its opportunities in the Mainland under the Closer Economic Partnership Arrangement (CEPA).

Where the Secretary for Justice has responsibility for a particular piece of new legislation, counsel in the division will take an active part in the preparation of the Bill and its presentation to the Executive and Legislative Councils. This will often include extensive consultation with those with an interest in the matter, both inside and outside the Government.
Apart from preparing new legislation, the work of the division includes advising on legal issues arising out of petitions to the Chief Executive from prisoners seeking remission of sentences; advising the Chief Executive whether to refer a decided criminal case to the Court of First Instance or the Court of Appeal; and responding to public enquiries and complaints. The division is also responsible for advising the Government on a wide variety of constitutional law issues and the powers and procedures of the Legislative Council.

**Human rights**

The division provides specialised human rights advice and assistance within the Department of Justice and to other Government bureaux and departments, reflecting the human rights provisions of the Basic Law. Lawyers in the division advise members of the department's Civil Division on human rights law and issues arising from litigation.

The division also advises on the human rights policy aspects of proposals for new legislation (and practices arising from the implementation of legislation) and ensures their consistency with the human rights provisions of the Basic Law.

The division provides advice and assistance in the preparation of reports to the United Nations under various UN instruments related to human rights that have been extended to Hong Kong. In June 2003, the HKSAR’s reports under the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child were submitted to the United Nations as part of China's reports on those Conventions. Counsel of the division will attend the United Nations hearings on those reports when hearing dates are fixed.

The division also advises Government bureaux and departments extensively on the interpretation, implementation and implications of the Sex Discrimination Ordinance (Cap 480), the Disability Discrimination Ordinance (Cap 487) and the Family Status Discrimination Ordinance (Cap 527).
Mainland law

The Department of Justice regards the enhancement of mutual understanding and the establishment of a good working relationship with officials in the legal field in the Mainland as an integral part of the "one country, two systems" principle. To further this aim, the division provides advice within the Government on the law in the Mainland and the implementation of national laws applied to the HKSAR by virtue of Annex III of the Basic Law. The increasing number of cross border activities and projects in recent years have made the provision of advice on Mainland law particularly relevant.

As part of its efforts to enhance mutual understanding with officials in the legal field and legal practitioners in the Mainland, in December 2002 the department conducted a symposium in Chongqing on the litigation systems in the Mainland and Hong Kong. A mock trial of a Hong Kong intellectual property case was staged in Putonghua to demonstrate Hong Kong civil proceedings and intellectual property law, and legal officials and practitioners from Hong Kong and the Mainland exchanged views on civil proceedings in the two jurisdictions at a discussion following the mock trial.

Since 1999, the department has assisted in running a training scheme in the common law for Mainland officials. Under the scheme, the participants first attend a nine-month academic programme on the common law and the law of the HKSAR at the Law Faculty of the
University of Hong Kong. At the end of the academic programme, the participants are attached for a further three months to one of the Government's law departments or to another public body. By August 2003, a total of 55 Mainland officials had successfully completed the training course, and in September 2003 the next batch of 14 participants arrived in Hong Kong to commence their training.

The division also assists in organising training courses and seminars for the department's lawyers and para-legal staff. A number of such courses have been presented by Zhongshan University in Guangzhou and by Peking University.

**Basic Law**

The division provides advice to the Government on the interpretation of the Basic Law, both in ensuring alignment of existing legislation with the Basic Law and in the formulation of new policies and legislation. Questions concerning the interpretation of provisions of the Basic Law have arisen in a number of important lawsuits. In such cases, counsel in the division work closely with other divisions in the conduct of the Government's case, and provide advice and research on the Basic Law and other related issues.

The division plays a key role in promoting understanding of the Basic Law. It provides support to other government departments and public authorities including the Civil Service Training & Development Institute both by providing counsel to give lectures and seminars on the Basic Law and by assisting in the production and revision of self-learning booklets and other training materials for use throughout the civil service. In 2002 and 2003, the division (in conjunction with the Civil Service Training & Development Institute) completed four further issues of the Basic Law Bulletin, following the
publication of the first issue in 2001. The bulletin is intended to promote greater awareness and knowledge of the Basic Law among civil servants.

The division maintains a collection of research materials relevant to the Basic Law and constitutional law generally. This includes reference books and articles, relevant decisions of the Standing Committee of the National People's Congress, reports of the Basic Law Consultative Committee and court judgments. The collection is constantly added to and updated as more case precedents and other literature on the Basic Law become available.

**Significant initiatives and reforms in 2002 and 2003**

The department has continued to play an active part in the work of the Steering Committee on the Review of Legal Education and Training, which was established in late 1999 to oversee a comprehensive review of legal education and training.

Having regard to the recommendations in a detailed consultancy report, the Steering Committee has proposed various reforms to improve the standards of legal education and training, including extending the length of the Bachelor of Laws programme from three to four years, and adopting a new approach to teaching professional legal skills in the Postgraduate Certificate in Laws course. The department, in conjunction with the Steering Committee, will continue to support these reforms and oversee their implementation.

To maintain the momentum for improvement after these reforms are implemented, the Steering Committee has proposed the creation of a new statutory body to replace the existing Advisory Committee on Legal Education. The new body will include lay members, together with representatives from the two branches of the profession, the two universities and other providers of legal education, and the Government. The requisite enabling legislation was enacted in May 2003.
During 2002 and 2003, counsel in the division worked on a number of important pieces of legislation:

- **The Statute Law (Miscellaneous Provisions) Ordinance 2002.** In addition to a number of minor amendments to a variety of Ordinances, this amended the Crimes Ordinance (Cap 200) to provide expressly that marital rape is an offence.

- **The Law Amendment and Reform (Miscellaneous Provisions) Ordinance 2003.** The more significant amendments were to the Conveyancing and Property Ordinance (Cap 219) to resolve a problem regarding the execution of conveyancing documents by corporations, and to the Legal Practitioners Ordinance (Cap 159) to improve the regulation of the legal profession, including notaries public, and to establish a standing committee on legal education and training.

- **The Evidence (Miscellaneous Provisions) Ordinance 2003.** Part I implements recommendations made by the Law Reform Commission regarding the law on competence and compellability of spouses in criminal proceedings. A spouse of an accused is made competent to give evidence on behalf of the accused or a co-accused and, subject to certain specified conditions, for the prosecution. And provided that certain conditions are satisfied, a spouse of an accused is compellable to give evidence for the accused, a co-accused or the prosecution. Part II provides for the giving of evidence by way of live television link in criminal proceedings. The subsidiary legislation giving effect to the amendments in Part II is being prepared in consultation with interested parties.
The National Security (Legislative Provisions) Bill. The purpose of this Bill (which was promoted by the Security Bureau) was to implement Article 23 of the Basic Law. Before the Bill was prepared, Legal Policy Division provided the bureau with comparative material, and advice on the human rights and legal policy aspects of the proposals. After the Bill's publication, the division assisted in explaining its legal implications to the Bills Committee and the public.

Maria Tong joined the Department in 1998 as a Law Clerk in the Legal Policy Division. She had previously worked for a year as an executive trainee at an insurance company after graduating from Hong Kong University of Science and Technology. Maria assists the counsel in the division in their work by carrying out legal research on many of the subjects on which the division's advice is sought. She also handles some of the wide range of public enquiries which the division receives.

Maria's interest in the law and the legal system prompted her to enrol for an external law degree at London University in 1998 and she obtained an LLB degree in 2003.

In her spare time, Maria is a Black Belt Second Dan in Taekwondo. She has been practising Taekwondo since 1998 and is a Taekwondo instructor at City University. "Legal research and Taekwondo may seem far apart," says Maria, "but both demand mental agility and fast reactions. And they both give me great satisfaction."
Prosecutions Division
The Prosecutions Division is the largest in the department, with around 110 lawyers. The role of the division is to prosecute trials and appeals on behalf of the HKSAR, to provide legal advice to law enforcement agencies upon their investigations, and generally to exercise on behalf of the Secretary for Justice the discretion whether or not to bring criminal proceedings in the HKSAR. In addition, counsel in the division provide advice and assistance to Government bureaux and departments in relation to any criminal law aspects of proposed legislation.

The prosecution of offences

A criminal case may be prosecuted in the Magistrates Court (for relatively minor offences) or in the District Court or the Court of First Instance where the offence is more serious. The decision whether or not to prosecute, and on what charges, is taken by the Secretary for Justice or by counsel acting on behalf of the Secretary in the Prosecutions Division. The Secretary is ultimately responsible for all prosecution decisions. In the decision-making process, the prosecution policy guidelines, which were first published in 1993 and updated in 1998 and 2002, are applied.

The majority of prosecutions in the magistrates courts are conducted by public prosecutors, called Court Prosecutors. They are appointed by the Secretary for Justice under section 13 of the Magistrates Ordinance (Cap 227) and have rights of audience in the magistrates courts. Every Court Prosecutor attends an initial nine-month training course run by counsel in the Department of Justice before starting work. Throughout their careers thereafter as Court...
Prosecutors, they will participate in a programme of continuing legal education.

Counsel in the Prosecutions Division will sometimes prosecute in the magistrates courts, particularly in cases of significance or where complex points of law are expected to arise.

Counsel in the division handle almost all appeals, the majority of prosecutions in the Court of First Instance and a considerable number of cases in the District Court. Counsel from the private bar and solicitors in private practice are regularly employed to prosecute on behalf of the division (referred to as a counsel or solicitor “on fiat”).

Before a case goes to trial, there is considerable work to be done by counsel in the division in marshalling and evaluating the evidence and carrying out any necessary legal research. While some counsel in the division specialise in presenting cases at trial, or on appeal, other counsel appear in court less often and instead specialise in the vital work of preparing cases for trial in either the District Court or the Court of First Instance.

Since 1997, the application of the Costs in Criminal Cases Ordinance (Cap 492) has extended the ability of a defendant who is successful in criminal proceedings in Hong Kong to recover his costs, unless there are positive reasons for a court not to make any such order. This Ordinance also provides a framework for the recovery of costs by the prosecution, and increases the maximum amount of costs to be awarded by a magistrate to a defendant from $5,000 to $30,000. Alternatively, a magistrate can order that the costs be assessed (or "taxed") by the Registrar of the District Court. There has been a substantial increase in both the number of claims and the amounts claimed since the Ordinance came into operation.
Recovery of proceeds in the domestic context and money laundering

One of the sections in the division’s Commercial Crime Sub-division also specialises in handling the restraint and confiscation of crime proceeds under the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap 405) and the Organised and Serious Crimes Ordinance (Cap 455) in the domestic context (International asset recovery is handled by the Mutual Legal Assistance Unit in the International Law Division.). These two Ordinances also criminalise

Arthur Luk Yee-shun, Principal Government Counsel, Prosecutions Division

Arthur Luk graduated from the Chinese University of Hong Kong in 1975. He joined the government in 1977 and worked as a Housing Assistant and Court Interpreter before he was awarded a legal scholarship in 1982. Arthur was called to the Bar in 1985 and has been in the Prosecutions Division since 1986. He has gained experience in a number of different sections in the division and has prosecuted a wide range of cases, including the most serious offences, many of which were high-profile.

After being promoted to Deputy Principal Crown Counsel in 1992, Arthur headed the Court Specialists Section and the Management and Training Sections. He was promoted to Principal Government Counsel in 1998 and is now a Deputy Director of Public Prosecutions of the Prosecutions Division. In addition to his day-to-day role as a prosecutor, Arthur has delivered papers and chaired workshops at a number of international conferences, and lectured at training courses and participated in mock trials in the Mainland. He is a member of the Criminal Court Users’ Committee, the Judicial Studies Board and a Law Reform Commission sub-committee examining criteria for jury service. In 2002, Arthur was appointed Senior Counsel - the first local officer in the department to have achieved this distinction.

"Working in this Department is a privilege," says Arthur. "You are working with colleagues of high calibre who are devoted to their duties and there are many opportunities to enhance your ability in every way, whether it’s in advisory work, trials, appeals, research, public seminars or conferences."
money laundering activities. In 2002, these Ordinances were amended to enhance their effectiveness, and the United Nations (Anti-Terrorism Measures) Ordinance (Cap 575) was enacted by the Hong Kong legislature. This provides for the forfeiture of terrorist property, for which the same section in the division is responsible.

**Computer crime**

Computer and Internet crime embrace a variety of offences. These include fraud, theft, pornography, criminal damage, access to a computer with dishonest intent and copyright infringement. Such crimes frequently disregard national boundaries.

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David Leung Cheuk-yin, Senior Government Counsel, Prosecutions Division

David graduated from the University of Hong Kong in 1990 and worked in a private law firm in Hong Kong, first as a trainee solicitor and then as an assistant solicitor. He joined the Prosecutions Division as a Crown Counsel in 1995 and was promoted to Senior Government Counsel in 1997. He obtained his Masters degree in law in 1996.

David has worked in various sections of the Prosecutions Division, including computer crime and human rights. He is the Prosecution Policy Co-ordinator on Costs in Criminal Cases.

Apart from conducting trials and appeals, David teaches law-related subjects at the University of Hong Kong, the City University and the University of Science and Technology. In September 2000, David was appointed as an Honorary Lecturer in the Department of Professional Legal Education of the University of Hong Kong's Faculty of Law. David regularly speaks on computer crime related topics and Internet security, both in Hong Kong and overseas. In 2003, David became Chairman of the Information Security and Forensics Society.

"The work of a Government Counsel requires me to keep abreast with the latest developments of the law," David says. "Giving talks and teaching helps me to keep updated."
It is estimated that about 40% of the population in Hong Kong use the Internet. Criminal activities involving the use of a computer have risen in recent years. While law enforcement agencies are responsible for the investigation of such crimes, prosecutors in the Department of Justice provide the legal backup required for the enforcement of the law in this area.

To make a reality of the commitment to take firm action on this front, a Prosecutions Division counsel was designated as Prosecution Policy Coordinator on Computer Crime in November 1999 to head a team of specially trained specialist counsel. The team is responsible for the provision of specialist legal advice in this area and for the conduct of related prosecutions. It also co-ordinates legal action in the HKSAR and promotes co-operation at the international level.

**Copyright crime**

A Prosecutions Division counsel was designated as Prosecution Policy Co-ordinator on Intellectual Property in 1998. His team of specialist counsel advise the Customs and Excise Department on cases of copyright infringement and false trade descriptions, and conduct the prosecutions which result. The division has enhanced the capacity of its existing specialist team to prosecute intellectual property cases through redeployment and training, and through liaison with prosecutors from other jurisdictions.

**Market misconduct**

The Securities and Futures Ordinance (Cap 571) came into operation on 1 April 2003. One of the division’s commercial crime sections is responsible for handling market misconduct cases, including insider dealing, false trading, price rigging, disclosure of information about prohibited transactions, disclosure of false or misleading information inducing transactions and stock market manipulation.
A bilingual prosecution system

Until 1997, all proceedings in the High Court (now the Court of First Instance) were conducted in English. Following necessary amendments to the Jury Ordinance (Cap 3), on 29 July 1997 the Court of First Instance heard the first criminal case conducted in Chinese. Since then, an increasing number of trials have been conducted in Chinese where it is agreed that this is the most convenient language for all concerned. In the magistrates court, the majority of cases are now dealt with in Chinese, while a significant number of criminal appeals have also been heard in Chinese in the Court of First Instance and the Court of Appeal.

With the aim of achieving a fully bilingual prosecution system, the division’s Bilingual Court Documents Unit arranges for the translation of court documents into Chinese. This ensures that all criminal cases can be heard in either English or Chinese. Bilingual charge sheets, advising the defendant of the precise charges against him, have been provided for all criminal cases heard in the District Court since 1 August 1995. Bilingual indictments have

Vincent Tsoi Ming-shing, Senior Court Prosecutor II, Prosecutions Division

Vincent Tsoi has been with the Department for over 14 years, having first joined the Prosecutions Division in May 1989 as a Court Prosecutor. He was promoted to Senior Court Prosecutor II in 1997.

Vincent has been the staff side representative of the Court Prosecutor Association on the Departmental Consultative Committee for four years. He feels that communication between management and staff has been enhanced through the Committee.

In his spare time, Vincent’s hobby is scale modelling. He is a committee member of the Hong Kong Society of Scale Modelling and helps to organise competitions and exhibitions. "Prosecuting and modelling are equally challenging in their own ways. They both demand skill and endurance. At the same time, each is personally fulfilling," he says.
been provided in respect of all criminal cases brought before the Court of First Instance since 2 November 1995. Bilingual summaries of facts, which set out how the offences were committed, are now available for all trials which are listed to be heard in Chinese in the District Court. Whenever cases are heard in Chinese in the District Court or the Court of First Instance, the unit provides Chinese versions of all court documents, including immunities, admitted facts and notices to the defence. For appeals in Chinese to the higher courts, court documents in Chinese are filed. The unit also translates important judgments.

**Appeals**

The division’s Appeals Sub-division has responsibility for all appeals and reviews of sentence. Counsel conduct, prepare and advise on appeals from all trial courts to the Court of Appeal and the Court of Final Appeal. Applications to the Court of Appeal to review sentences are usually only made by the Secretary for Justice once it is apparent that the sentence is wrong in principle or manifestly inadequate, or contrary to law. The review procedure also gives the Court of Appeal the opportunity to establish or amend sentencing tariffs or guidelines for certain offences, thus promoting uniformity and continuity in sentencing and assisting the lower courts.

**Significant initiatives and reforms in 2002 and 2003**

Counsel in the division also review and recommend changes in criminal law, practice and procedure. This involves close liaison with other government departments. Counsel from the division assisted in the passage through the Legislative Council of a number of important changes to the criminal law.

The Prevention of Child Pornography Ordinance (No 31 of 2003) was enacted in July 2003 and created new offences designed to prevent child pornography and to prohibit child sex tourism. A Prosecutions Division counsel was designated as Prosecution Policy Co-ordinator on Obscene Articles and Child Pornography in 2003.
The Evidence Ordinance (Cap 8) was amended in 2003 to modernise the rules on competence and compellability of spouses in criminal proceedings. Another amendment enables courts in criminal cases to receive testimony from witnesses outside Hong Kong via live television link, and overseas authorities may be requested to assist in this.

The United Nations (Anti-Terrorism Measures) Ordinance (Cap 575) was enacted in 2002 to implement a September 2001 decision of the United Nations Security Council aimed at preventing terrorist acts. The Ordinance includes provisions designed to prevent funding of terrorists, and to allow the freezing of terrorist funds. A Prosecutions Division counsel was designated as Prosecution Policy Co-ordinator on Anti-Terrorism in 2002.

After a comprehensive review, new guidelines were promulgated in stages in 2003 by the division for the disclosure of unused material to the defence in criminal proceedings. That exercise had particular regard to the position of the unrepresented defendant. The guidelines were intended for prosecutors, fiat counsel, law enforcement agencies and government departments responsible for enforcement of regulations. Law enforcers were advised to adjust internal procedures in the light of these developments.

To promote a more effective system of criminal justice, the Director of Public Prosecutions held biannual meetings with the Director of Crime and Security of the Hong Kong Police and the heads of the prosecutions sections in each of the government departments charged with prosecution duties to resolve problems and to map strategies. A similar meeting was held each year with the Head of Operations of the ICAC to review issues of interest and concern.

Having successfully integrated training programmes with the Bar Association in 1998, the division forged a similar arrangement with the Law Society in 2003. Both prosecutors and practitioners now benefit from these joint training programmes.
Administration and Development Division
As with any other large organisation, the ability of the Department of Justice to function effectively depends greatly on the work of its administrative staff, who provide essential support services to its professional officers. The department's many administrative requirements are the responsibility of the Administration and Development Division. The administrative staff of the department includes managers, accounting and translation officers, training officers, library staff, secretaries and clerical officers, carrying out services ranging from human resources management to information technology.

**Human resources**

The people who work for the Department of Justice are its most valuable resource. An important aspect of the division’s human resource function is to ensure that the high calibre of the department's staff is maintained. This objective is achieved through:

- effective recruitment of new staff
- continuous training
- proper career planning
- effective performance management
- long-term succession planning for the senior posts in the department
- minimal wastage or loss of experienced staff
- good staff relations

A key part of this is the department's highly successful programme of recruitment and training of law graduates. The programme enables graduates from the University of Hong Kong and the City University of Hong Kong to complete within the department the period of practical training required before qualifying as barristers or solicitors. In 2002, the department offered trainee places to ten law graduates. A further ten trainees were taken on in 2003. The number of applications on each occasion greatly exceeded the number of places.
In addition to direct recruitment of law graduates as legal trainees, the department recruited 18 qualified lawyers as counsel in 2002, and a number of temporary counsel in 2002 and 2003. The wastage rate of counsel in the department has been reduced from 22% per annum in 1988 to less than 2%.

**Financial management**

Effective financial management is important to ensure that the available financial resources are put to the best use in enabling the department to carry out its various functions. Annual estimates are prepared taking into account the different needs of the various divisions and financial performance is closely monitored. The exercise of prudent financial principles ensures that the department's services are delivered within budget.

**Training**

The division plays an important part in organising a range of in-service training opportunities to equip counsel and para-legal staff with the necessary knowledge and skills to discharge their duties more effectively and to prepare them for career advancement.

Senior officers with potential for higher responsibilities were sent to attend management development programmes at the University of Oxford, INSEAD, the University of Pennsylvania and Henley Management College, and the Leadership Enhancement and Development Programme conducted by Harvard University in Hong Kong. In addition, counsel attended China studies courses at the Tsinghua University and the National School of Administration in Beijing. Counsel also participated in law seminars and conferences, both in Hong Kong and elsewhere, in order to keep abreast of the latest developments in the legal field. In November 2003, ten counsel from Prosecutions Division attended a China Law Course at Zhongshan University.
attended a pilot course at Zhongshan University on submission writing in Chinese. Following the success of this course, it is planned to run further courses in 2004 for counsel in Prosecutions and Civil Divisions.

Training opportunities were provided to various members of the department's staff through legal, management and communication courses organised within the department, as well as those conducted by local institutes and the Civil Service Training and Development Institute. Counsel and para-legal officers were also sponsored to attend law-related courses, either part-time or by correspondence, for self-development purposes on a course-fee-refund basis.

During 2002 and 2003, a total of 6,817 places on various kinds of training and development courses were taken up by staff in the department. Arrangements were also made for one counsel to be posted to the Economic Development and Labour Bureau on training attachment from March to September 2002 to widen her experience.

**Library services**

A vital resource in any legal practice is the law library and the Department of Justice library has one of the most extensive legal research collections in Hong Kong. It houses over 78,000 volumes and acquires, on average, a further 1,600 volumes each year. The library catalogue is available on-line, and can be accessed through communal and personal workstations across the department. The library also has a steadily expanding range of legal reference materials available in electronic form, either on CD-ROM or on-line databases. To facilitate legal research work, some of the CD-ROM and on-line databases can be accessed by counsel and para-legal officers both from their desktop computers in the office or at home. Library staff now use computers to process book circulation, acquisitions, cataloguing, stock-taking and other daily routines.

**Information technology**

The Information Technology Management Unit is responsible for management of the department's information technology systems and information
resources. This includes the maintenance and periodic upgrade of existing IT systems, implementation of current projects and planning for future IT needs. The Unit is also responsible for training staff in how best to use the department's IT systems.

The department's IT facilities

The department now has one of the most sophisticated office automation networks in the Government, linking around 1,150 users across 25 different floors or separate locations. Ninety seven per cent of staff in the department now use personal computers equipped with modern word-processing, printing, fax, electronic mail, electronic diary facilities and Internet access for email and legal research. Remote access to the department's network and facilities is also available.

Yu Yiu-tin, Senior Clerical Officer, Administration and Development Division

Mr Yu has been with the Department of Justice for over 35 years since he joined the Government in 1968 as a Clerical Assistant. He became a Clerical Officer II in 1976, a Clerical Officer I in 1989, and was promoted to his present rank of Senior Clerical Officer in 1997. Mr Yu worked in both the Civil Division and the Law Drafting Division before moving to the Administration and Development Division more than 15 years ago. He is now responsible for overseeing the work of the General Registry in providing support services to the department.

"I find it very challenging working in my present post as I need to work with different ranks of officers to handle a wide range of administrative matters. The valuable experience enriches my knowledge and widens my horizons."

Mr Yu was awarded the 30 Years' Meritorious Service Certificate in 1999 and the Long Service Travel Award in 2001. He also received an award under the Departmental Staff Suggestion Scheme in 2003 when his team submitted a suggestion which helped achieve substantive savings by re-organising the staffing arrangements in the department's Receipt and Despatch Section.
Bilingual Document Management System. This system provides the facility to allow documents created on the system to be easily located, by reference to criteria such as the author's name, the title of the document, its date of creation, or by using the system's full text search facility.

Bilingual Laws Information System (BLIS). This system enables users to view and search the Laws of Hong Kong in both Chinese and English. BLIS is available free to the public on the Internet, including a simplified Chinese character version. BLIS has proved very popular since its introduction and now has an average of over 3,000 visits per day.

Library Management System. This system automates all the acquisitions, cataloguing, lending and stock-taking of library publications and allows users to access the library catalogue and to reserve books over the network from their desktop computers.

Work Management System. This system provides up-to-date information about work assignments, workload and work progress of the cases handled by the department. The system enables counsel more efficiently to adjust work priorities and keep track of the different cases and tasks for which they are responsible. It also provides effective tools for managers to monitor the work of the units under their charge. This system is being extended to incorporate the workflow and monitoring of progress and the fees of cases briefed-out to private practitioners and experts in order to replace the existing standalone Briefing-out System and facilitate the integration and generation of management and accounting information.

Administration System. The system provides improved automated processes and monitoring functions for the management of human resources, personnel records, training, inventory and supplies procurement.

Social activities

Two popular organisations within the department, the Staff Club and the Mess, provide staff with an opportunity to enjoy a range of social activities with their colleagues.
**Department of Justice Staff Club**

The Staff Club, a society registered under the Societies Ordinance, aims to promote friendship and a sense of belonging amongst serving and former staff of the department. It is open to both lawyer and non-lawyer members of the department.

The Staff Club is run by an Executive Committee composed of representatives from different ranks of officers in the department. It organises a wide range of activities every year, including regular classes in Qi-gong, Social Dance, Simplified Tai Chi, Yoga and Calligraphy, and outdoor activities such as hiking and barbecues.

To celebrate Christmas and Lunar New Year, the Staff Club organises a Christmas lunchtime party and a spring dinner every year, usually for two to three hundred participants.

For the last four years, the Staff Club has also jointly organised a Chinese Essay Competition with the department's Standing Committee on the Use of Chinese to promote the use of Chinese in the department.

**The Department of Justice Mess**

In contrast to the Staff Club, membership of the Mess is confined to counsel and senior officers in the department. The Mess provides a place for counsel to discuss cases with their colleagues during the working day, and to relax in friendly surroundings after office hours. Coffee, tea and snacks are provided during office hours, and the Mess serves as a bar after office hours.

The Mess organises social events from time to time, and it is a tradition that counsel leaving the department will be presented with a mug and will entertain their colleagues to drinks in the Mess on their departure. The Prosecutions Division organises Mess Nights twice a year, to which judges and lawyers in private practice are invited.
Our Links with other Jurisdictions
Our Links with other Jurisdictions

The legal system which the Department of Justice serves has the same roots and applies many of the same principles as other common law systems around the world. Just as lawyers in Hong Kong refer to case law from jurisdictions from Singapore to South Africa, so decisions of Hong Kong's courts can assist lawyers researching overseas.

The new constitutional order reflected in the establishment of the HKSAR and the concept of "one country, two systems" means that, in addition to continuing to foster strong links with the common law world, mutual understanding with the Mainland of our two legal systems is also important. The sharing of experience with lawyers in other jurisdictions plays an important role in legal life, a fact reflected in the composition of Hong Kong's Court of Final Appeal, which at every full hearing has included one judge from another common law jurisdiction.

Visits

The Secretary for Justice and the Law Officers regularly meet visitors from the Mainland and overseas, both lawyers and non-lawyers. The Secretary for Justice personally met 52 visitors or delegations from overseas and 82 from the Mainland during 2002 and 2003. Among those who visited the department were delegations of judges and law societies from the Mainland and a delegation of lawyers from the Japan Federation of Bar Associations. Briefings on Hong Kong's legal system were given to many distinguished visitors, including US Congressional Staffers, MPs from the Hong Kong Committee of the United Kingdom Parliament's All Party China Parliamentary Group, and a delegation led by the Attorney General of Singapore. The Secretary for Justice received the Ministers of Justice (or their equivalent) from Belgium, Israel, New Zealand, Singapore, Switzerland, the United Kingdom, the USA and the Mainland, and Public Prosecutors from England and Wales, New South Wales, Ukraine, and from Beijing, Guangdong and Shanghai. In addition, many consular officials visited the department.
The Secretary for Justice and the Law Officers themselves from time to time visit their counterparts in other jurisdictions. During 2002 and 2003, the Secretary for Justice visited counterparts in Australia, Canada, Macau and the Mainland (including Beijing, Chengdu, Chongqing, Guangzhou, Qingdao, Shanghai and Shenzhen). The Secretary for Justice took the opportunity of these contacts with other jurisdictions to promote Hong Kong as a legal services centre and to report on the implementation of the concept of "one country, two systems".

International conferences and seminars

Counsel from the department regularly attend conferences and seminars on the Mainland or overseas. These enable counsel to keep abreast of legal developments and law reform in other jurisdictions and to learn from the experience of others. Major international conferences attended by counsel during 2002 and 2003 included an international symposium in Beijing on the WTO and Legal Services in September 2002, the 17th and 18th annual conferences of the International Association of Prosecutors in London in September 2002 and Washington in August 2003, the 9th Asia Crime Prevention Foundation World Conference on Crime Prevention and Criminal Justice in Tokyo in October 2002, the 13th Commonwealth Law Conference in Melbourne in April 2003, the Heads of Prosecution Agencies Conference in Darwin in May 2003, and the 18th Biennial LAWASIA Conference in Tokyo in September 2003.

The Solicitor General gave speeches at a conference on the Legal Landscape of China after the WTO and at the Presidents of Law Associations of Asia conference.
In July 2002, a Deputy Law Draftsman attended a conference in Cambridge in the United Kingdom on the language of legislation. In September that year, a delegation from the Law Drafting Division attended a drafting conference organised by the Canadian Institute for the Administration of Justice in Ottawa, Canada. Another drafting counsel participated in the Second Annual Caribbean Legislative Drafting Forum in July 2003. These opportunities enable the division to benefit from the experience of other jurisdictions in relation to various legislative drafting issues.

In November 2002, the department arranged for Professor William Duncan, the Deputy Secretary General of the Permanent Bureau of the Hague Conference on Private International Law to visit Hong Kong and he introduced his work to a group of around 50 counsel at an in-house seminar.

**Day-to-day links with other jurisdictions**

The breadth of experience of the lawyers in the department means that, while the majority have completed their legal qualifications in Hong Kong, there are a number who have qualified in overseas jurisdictions, including Australia, Canada, England and New Zealand. Quite apart from this in-house experience of other jurisdictions, counsel have access to the Internet, with its wealth of legal resources from around the world freely available at the touch of the keyboard. E-mail communication enables counsel to obtain input from lawyers in other jurisdictions quickly and efficiently. The department receives on a regular reciprocal basis reports and papers from law reform agencies and other legal bodies around the world. The department also makes use of the Commonwealth Legal Advisory Service when researching aspects of comparative law, in addition to the regular contacts which members of the department maintain with their counterparts overseas.
Statistics and Tables
Organisation chart of the Department of Justice
(as at 31 December 2003)
Organisation chart of the Civil Division
(as at 31 December 2003)
Organisation chart of the International Law Division (as at 31 December 2003)

Law Officer (International Law)
Ian Wingfield

Treaties & Law Unit
Deputy Law Officer (International Law) (Treaties & Law)
Lena Chi

Mutual Legal Assistance Unit
Deputy Law Officer (International Law) (Mutual Legal Assistance)
Amelia Luk
Organisation chart of the Law Drafting Division (as at 31 December 2003)

Law Draftsman
Tony Yen

Deputy Law Draftsman (Bilingual Drafting & Administration)
Gilbert Mo

Deputy Law Draftsman (Legislation)
David Morris

Administration Unit
Bilingual Drafting Unit
Laws Compilation Unit
English Drafting Unit
Organisation chart of the Legal Policy Division
(as at 31 December 2003)
Organisation chart of the Prosecutions Division
(as at 31 December 2003)

Director of Public Prosecutions
Grenville Cross, SC

Sub-Division I (Management & Trial Preparation)
Deputy Director of Public Prosecutions
John Reading, SC

Section 1 Trial Preparation Unit
(Court of First Instance)

Section 2 Trial Preparation Unit
(District Court)

Section 3 Police Advice
(Magistrates Court)
Court Prosecutors, Vice & Obscene Articles

Section 4 Management & Training

Sub-Division II (Trials)
Deputy Director of Public Prosecutions
Arthur Luk, SC

Section 5 Court Specialists + Triad & Organised Crime

Section 6 Court Specialists + Customs & Excise

Section 7 Court Specialists + Special Duties

Sub-Division III (Appeals)
Deputy Director of Public Prosecutions
Darryl Saw, SC

Section 8 Appeals & Narcotics Policy Coordination

Section 9 Policy Research & Departmental Prosecutions

Sub-Division IV (Commercial Crime/Corruption)
Deputy Director of Public Prosecutions
Harry Macleod

Section 11 Commercial Crime Unit(A) + Domestic Proceeds of Crime & Inland Revenue

Section 12 Commercial Crime Unit(B) + Computer Crime & Copyright

Section 13 Commercial Crime Unit(C) + Market Misconduct

Section 14 ICAC (A) (Public Sector)

Section 15 ICAC (B) (Private Sector)
Organisation chart of the Administration and Development Division (as at 31 December 2003)
## Headcount of Department of Justice (as at 31 December 2003)

<table>
<thead>
<tr>
<th>Division</th>
<th>Directorate Counsel</th>
<th>Non-directorate Counsel</th>
<th>Para-legal staff #</th>
<th>Other staff</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretary for Justice’s Office</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>12</td>
<td>13</td>
</tr>
<tr>
<td>Civil</td>
<td>15</td>
<td>81</td>
<td>18</td>
<td>93</td>
<td>207</td>
</tr>
<tr>
<td>International Law</td>
<td>7</td>
<td>12</td>
<td>2</td>
<td>14</td>
<td>35</td>
</tr>
<tr>
<td>Law Drafting</td>
<td>16</td>
<td>21</td>
<td>28</td>
<td>61</td>
<td>126</td>
</tr>
<tr>
<td>Legal Policy</td>
<td>9</td>
<td>19</td>
<td>8</td>
<td>30</td>
<td>66</td>
</tr>
<tr>
<td>Prosecutions</td>
<td>19 +1*</td>
<td>91</td>
<td>143</td>
<td>209</td>
<td>462+1*</td>
</tr>
<tr>
<td>Administration &amp; Development</td>
<td>-</td>
<td>5</td>
<td>-</td>
<td>190</td>
<td>195</td>
</tr>
<tr>
<td><strong>Total number of posts</strong></td>
<td>66 +1*</td>
<td>230</td>
<td>199</td>
<td>609</td>
<td>1,104+1*</td>
</tr>
<tr>
<td><strong>Total number of staff</strong></td>
<td>64</td>
<td>223</td>
<td>190</td>
<td>580</td>
<td>1,057</td>
</tr>
</tbody>
</table>

# Court Prosecutors, Law Translation Officers and Law Clerks
* supernumerary post
## Rank and post title of senior legal staff

<table>
<thead>
<tr>
<th>Rank</th>
<th>Civil Division</th>
<th>International Law Division</th>
<th>Law Drafting Division</th>
<th>Legal Policy Division</th>
<th>Prosecutions Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Officer</td>
<td>Law Officer (Civil Law)</td>
<td>Law Officer (International Law)</td>
<td>Law Draftsman</td>
<td>Solicitor General</td>
<td>Director of Public Prosecutions</td>
</tr>
<tr>
<td>Principal Government Counsel</td>
<td>Deputy Law Officer (Civil Law)</td>
<td>Deputy Law Officer (International Law)</td>
<td>Deputy Law Draftsman</td>
<td>Deputy Solicitor General</td>
<td>Deputy Director of Public Prosecutions</td>
</tr>
<tr>
<td>Deputy Principal Government Counsel</td>
<td>Senior Assistant Law Officer (Civil Law)</td>
<td>Deputy Principal Government Counsel (International Law)</td>
<td>Senior Assistant Law Draftsman</td>
<td>Senior Assistant Solicitor General</td>
<td>Senior Assistant Director of Public Prosecutions</td>
</tr>
</tbody>
</table>

## Total expenditure on departmental activities

<table>
<thead>
<tr>
<th></th>
<th>2002 ($ million)</th>
<th>2003 ($ million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal emoluments and personnel related expenses</td>
<td>$566.6</td>
<td>$556.6</td>
</tr>
<tr>
<td>Departmental expenses</td>
<td>$68.7</td>
<td>$61.2</td>
</tr>
<tr>
<td>Court costs</td>
<td>$79.1</td>
<td>$62.4</td>
</tr>
<tr>
<td>Hire of legal services and related professional fees</td>
<td>$167.3</td>
<td>$157.4</td>
</tr>
<tr>
<td>General non-recurrent account</td>
<td>$2.1</td>
<td>$0.9</td>
</tr>
</tbody>
</table>
Civil Division

Advisory Units

<table>
<thead>
<tr>
<th>Number of pieces of advice given</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Planning, Environment, Lands &amp; Housing Unit</td>
<td>2,400</td>
<td>2,251</td>
</tr>
<tr>
<td>(b) Civil Advisory Unit</td>
<td>10,451</td>
<td>10,747</td>
</tr>
<tr>
<td>(c) Commercial Unit</td>
<td>3,330</td>
<td>3,456</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of commercial tenders, consultancy briefs, contracts, licences and franchises drafted/vetted by the Commercial Unit</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>497</td>
<td>528</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of tenders, contracts and permits drafted/vetted by the Civil Advisory Unit</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8</td>
<td>109</td>
</tr>
</tbody>
</table>
## Civil Litigation Unit

<table>
<thead>
<tr>
<th>Description</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number (and percentage) of civil litigation cases being conducted without briefing-out</td>
<td>8,936</td>
<td>7,102</td>
</tr>
<tr>
<td>(94.4%)</td>
<td>(91.6%)</td>
<td></td>
</tr>
<tr>
<td>Number (and percentage) of civil litigation cases where one or more outside professionals were briefed</td>
<td>533</td>
<td>653</td>
</tr>
<tr>
<td>(5.6%)</td>
<td>(8.4%)</td>
<td></td>
</tr>
<tr>
<td>Total number of current civil litigation cases (excluding debt collection cases dealt with by Debt Collection Unit)</td>
<td>9,469</td>
<td>7,755</td>
</tr>
<tr>
<td>(Note 1)</td>
<td>(Note 2)</td>
<td></td>
</tr>
</tbody>
</table>

### Selected categories of current civil litigation cases

<table>
<thead>
<tr>
<th>Description</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax, Stamp Duty, Estate Duty, Rating &amp; Government rent appeals</td>
<td>2,369</td>
<td>3,111</td>
</tr>
<tr>
<td>Judicial review / habeas corpus proceedings (Note 1)</td>
<td>3,044</td>
<td>367</td>
</tr>
<tr>
<td>(Note 2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building, Planning, Environmental appeals</td>
<td>51</td>
<td>72</td>
</tr>
<tr>
<td>Personal injuries proceedings</td>
<td>180</td>
<td>214</td>
</tr>
<tr>
<td>Medical Council, Dental Council, Supplementary Medical Professions Council, Veterinary Surgeons Board and Chinese Medicine Practitioners Board</td>
<td>155</td>
<td>265</td>
</tr>
<tr>
<td>Land related cases (other than Land Resumption)</td>
<td>45</td>
<td>41</td>
</tr>
<tr>
<td>Land resumption</td>
<td>216</td>
<td>228</td>
</tr>
</tbody>
</table>

Note 1: Including 2,733 right of abode judicial review cases
Note 2: Including 55 right of abode judicial review cases
### International Law Division

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of international agreements initialled</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Number of pieces of advice provided</td>
<td>8,023</td>
<td>8,534</td>
</tr>
<tr>
<td>Number of new requests dealt with in various categories of mutual legal assistance</td>
<td>179</td>
<td>127</td>
</tr>
</tbody>
</table>
### Law Drafting Division

<table>
<thead>
<tr>
<th>Volume of legislation drafted</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Bills</td>
<td>27</td>
<td>41</td>
</tr>
<tr>
<td>Number of pages of bilingual text</td>
<td>1,400</td>
<td>2,026</td>
</tr>
<tr>
<td>Number of pieces of subsidiary legislation</td>
<td>255</td>
<td>279</td>
</tr>
<tr>
<td>Number of pages of bilingual text</td>
<td>1,916</td>
<td>2,404</td>
</tr>
<tr>
<td>Number of Committee Stage Amendments</td>
<td>36</td>
<td>32</td>
</tr>
<tr>
<td>Number of pages of bilingual text</td>
<td>1,645</td>
<td>1,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volume of legislation enacted</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Bills enacted</td>
<td>33</td>
<td>37</td>
</tr>
</tbody>
</table>

### Legal Policy Division

#### Visits (and visitors) to and from the Mainland handled by the China Law Team

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of visits (and visitors) from the Mainland</td>
<td>39 (622)</td>
<td>21 (303)</td>
</tr>
<tr>
<td>Number of visits (and visitors) to the Mainland</td>
<td>8 (76)</td>
<td>8 (20)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>47 (698)</td>
<td>29 (323)</td>
</tr>
</tbody>
</table>

#### Number of pieces of legal advice given

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>General legal policy</td>
<td>537</td>
<td>476</td>
</tr>
<tr>
<td>Basic Law</td>
<td>1,186</td>
<td>1,164</td>
</tr>
<tr>
<td>Human rights</td>
<td>680</td>
<td>796</td>
</tr>
<tr>
<td>Mainland Law</td>
<td>183</td>
<td>201</td>
</tr>
</tbody>
</table>
### Prosecutions Division

<table>
<thead>
<tr>
<th>Number of pieces of legal advice given</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16,579</td>
<td>16,820</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Criminal cases / appeals at all levels of court</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Court of Final Appeal and related applications</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of appeals concluded</td>
<td>72</td>
<td>94</td>
</tr>
<tr>
<td>(Including number of Prosecution appeals)</td>
<td>(3)</td>
<td>(2)</td>
</tr>
<tr>
<td><strong>Court of Appeal</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of appeals heard</td>
<td>560</td>
<td>513</td>
</tr>
<tr>
<td>(Including number of Prosecution appeals - case stated)</td>
<td>(1)</td>
<td>(1)</td>
</tr>
<tr>
<td>(Including number of Prosecution appeals - review of sentence)</td>
<td>(2)</td>
<td>(2)</td>
</tr>
<tr>
<td><strong>Court of First Instance (Magistracy Appeals)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of appeals heard</td>
<td>1,101</td>
<td>1,018</td>
</tr>
<tr>
<td>(Including number of Prosecution appeals - case stated)</td>
<td>(3)</td>
<td>(1)</td>
</tr>
<tr>
<td><strong>Court of First Instance</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of indictments</td>
<td>275</td>
<td>195</td>
</tr>
<tr>
<td><strong>District Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of charge sheets</td>
<td>1,268</td>
<td>1,319</td>
</tr>
<tr>
<td><strong>Magistrates Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of applications for review under section 104 of the Magistrates Ordinance (Cap 227)</td>
<td>53</td>
<td>49</td>
</tr>
<tr>
<td>Caseload of Court Prosecutors</td>
<td>190,377</td>
<td>183,866</td>
</tr>
<tr>
<td><strong>High Court</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of bail applications</td>
<td>559</td>
<td>698</td>
</tr>
<tr>
<td><strong>Death Inquests</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of inquests</td>
<td>46</td>
<td>57</td>
</tr>
</tbody>
</table>
### Percentage of criminal cases conducted in Chinese

<table>
<thead>
<tr>
<th>Court Type</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court of Final Appeal and related applications</td>
<td>39.22%</td>
<td>26.32%</td>
</tr>
<tr>
<td>Court of Appeal (criminal appeals)</td>
<td>23.04%</td>
<td>24.56%</td>
</tr>
<tr>
<td>Court of First Instance (Magistracy appeals)</td>
<td>55.86%</td>
<td>59.82%</td>
</tr>
<tr>
<td>Court of First Instance (criminal trials)</td>
<td>27.14%</td>
<td>23.74%</td>
</tr>
<tr>
<td>District Court (criminal trials)</td>
<td>30.03%</td>
<td>32.51%</td>
</tr>
<tr>
<td>Magistrates' Courts (criminal trials)</td>
<td>77.52%</td>
<td>74.89%</td>
</tr>
</tbody>
</table>

### Briefing out (number of court days)

<table>
<thead>
<tr>
<th>Court Type</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CFA &amp; related appeals</td>
<td>4</td>
<td>27</td>
</tr>
<tr>
<td>Other appeals</td>
<td>4</td>
<td>8</td>
</tr>
<tr>
<td>Court of First Instance (criminal trials)</td>
<td>1,069</td>
<td>458</td>
</tr>
<tr>
<td>District Court (criminal trials)</td>
<td>2,758</td>
<td>2,239</td>
</tr>
<tr>
<td>Magistrates Courts (criminal trials)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>In place of Counsel</td>
<td>709</td>
<td>561</td>
</tr>
<tr>
<td>In place of Court Prosecutor</td>
<td>691</td>
<td>78</td>
</tr>
</tbody>
</table>
### Training

#### Courses attended by Department of Justice staff

<table>
<thead>
<tr>
<th>Law-related training and conferences</th>
<th>Number of participants (2002)</th>
<th>Number of participants (2003)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Trainee Scheme</td>
<td>13</td>
<td>16</td>
</tr>
<tr>
<td>Courses on criminal law, evidence, procedure &amp; advocacy</td>
<td>187</td>
<td>357</td>
</tr>
<tr>
<td>Workshops for Court Prosecutors and Prosecutors in other departments</td>
<td>132</td>
<td>207</td>
</tr>
<tr>
<td>Legislative drafting course</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Seminars on use of plain language in legislative drafting</td>
<td>40</td>
<td>36</td>
</tr>
<tr>
<td>Law seminars organised by divisions</td>
<td>216</td>
<td>288</td>
</tr>
<tr>
<td>International law conferences</td>
<td>27</td>
<td>25</td>
</tr>
<tr>
<td>Law courses outside Hong Kong</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>Legal courses and workshops at the Law Society of Hong Kong, Advocacy Institute and other institutes</td>
<td>333</td>
<td>291</td>
</tr>
<tr>
<td>Law-related long courses (e.g. LLB, CPE, degree courses at local universities and institutes)</td>
<td>24</td>
<td>27</td>
</tr>
<tr>
<td>Workshops on the drafting of court documents in Chinese</td>
<td>16</td>
<td>21</td>
</tr>
<tr>
<td>Mock trials in Chinese</td>
<td>56</td>
<td>98</td>
</tr>
<tr>
<td>Mock appeals in Chinese</td>
<td>6</td>
<td>15</td>
</tr>
<tr>
<td>In-house seminars for Court Prosecutors</td>
<td>491</td>
<td>430</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,557</strong></td>
<td><strong>1,824</strong></td>
</tr>
</tbody>
</table>
### National Studies, China Law and Chinese writing

<table>
<thead>
<tr>
<th>Event Description</th>
<th>Number of participants (2002)</th>
<th>Number of participants (2003)</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Studies courses at Peking University, Tsinghua University and the National School of Administration, Beijing, China and familiarisation visits</td>
<td>14</td>
<td>8</td>
</tr>
<tr>
<td>Short China law courses at Zhongshan University, Guangzhou, China</td>
<td>32</td>
<td>0</td>
</tr>
<tr>
<td>Short China law course for English-speaking counsel at Peking University, Beijing, China</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>Course on Writing of Submissions in Chinese at Zhongshan University, Guangzhou, China</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Seminars on National Studies</td>
<td>69</td>
<td>63</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>123</strong></td>
<td><strong>81</strong></td>
</tr>
<tr>
<td>Management training (including training courses outside Hong Kong)</td>
<td>Number of participants (2002)</td>
<td>Number of participants (2003)</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>-----------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Management development programmes for directorate counsel</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>General management courses</td>
<td>457</td>
<td>388</td>
</tr>
<tr>
<td>Media training courses</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Directorate seminars</td>
<td>51</td>
<td>10</td>
</tr>
<tr>
<td>Leadership in the Public Sector Programme</td>
<td>5</td>
<td>2</td>
</tr>
<tr>
<td>Leadership in Action Programme</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Leadership Enhancement and Development Programme</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>524</strong></td>
<td><strong>405</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Communication training (language)</th>
<th>Number of participants (2002)</th>
<th>Number of participants (2003)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Putonghua courses</td>
<td>98</td>
<td>84</td>
</tr>
<tr>
<td>Written Chinese courses</td>
<td>87</td>
<td>62</td>
</tr>
<tr>
<td>Hanyu Pinyin courses</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>English and communication courses</td>
<td>154</td>
<td>73</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>340</strong></td>
<td><strong>223</strong></td>
</tr>
</tbody>
</table>
Courses provided by Department of Justice staff to others

<table>
<thead>
<tr>
<th>Legal training seminars arranged by divisions for other Government departments</th>
<th>Number of participants (2002)</th>
<th>Number of participants (2003)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Division</td>
<td>50</td>
<td>40</td>
</tr>
<tr>
<td>International Law Division</td>
<td>-</td>
<td>190</td>
</tr>
<tr>
<td>Law Drafting Division</td>
<td>175</td>
<td>504</td>
</tr>
<tr>
<td>Legal Policy Division</td>
<td>1,207</td>
<td>527</td>
</tr>
<tr>
<td>Prosecutions Division</td>
<td>3,985</td>
<td>3,491</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,417</strong></td>
<td><strong>4,752</strong></td>
</tr>
</tbody>
</table>

Others

<table>
<thead>
<tr>
<th></th>
<th>Number of participants (2002)</th>
<th>Number of participants (2003)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Induction Courses for Legal Trainees and Government Counsel</td>
<td>29</td>
<td>8</td>
</tr>
<tr>
<td>Computer training courses</td>
<td>742</td>
<td>961</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>771</strong></td>
<td><strong>969</strong></td>
</tr>
<tr>
<td><strong>Grand total</strong></td>
<td><strong>3,315</strong></td>
<td><strong>3,502</strong></td>
</tr>
</tbody>
</table>
Distribution of participants in training courses in 2002 by place of training

- In-house training: 2,325 (66%)
- Training in local institutes: 1,125 (32%)
- Training outside Hong Kong (other than the Mainland): 34 (1%)
- Training in local institutes (Mainland): 54 (2%)
- Training outside Hong Kong (other than the Mainland): 47 (1%)

Distribution of participants in training courses in 2003 by place of training

- In-house training: 1,788 (54%)
- Training in local institutes: 1,125 (32%)
- Training outside Hong Kong (other than the Mainland): 34 (1%)
- Training in local institutes (Mainland): 18 (1%)
- Training outside Hong Kong (other than the Mainland): 47 (1%)
Distribution of participants in training courses in 2002 by content of training

- National Studies, China Law and Chinese writing: 123 (4%)
- Management training (including those outside Hong Kong): 524 (16%)
- Communication training (language): 340 (10%)
- Others: 771 (24%)
- Law-related training and conferences: 1,557 (46%)

Distribution of participants in training courses in 2003 by content of training

- National Studies, China Law and Chinese writing: 81 (2%)
- Management training (including those outside Hong Kong): 405 (12%)
- Communication training (language): 223 (6%)
- Law-related training and conferences: 1,824 (52%)
- Others: 969 (28%)