

**LegCo Panel on Administration of Justice and Legal Services**

**Implications of cost-saving proposals  
of the Department of Justice on  
the System of Administration of Justice**

**Introduction**

This paper responds to the Panel's request as set out in the Clerk's letter of 28 January 2003 for information on the following :-

- (a) details of the cost-saving proposals in the Department of Justice and the likely consequences of the proposals;
- (b) the number and costs of briefing out cases in 2000 – 2002, and their percentage in terms of the total number and costs of cases handled by the Prosecutions Division in the same period; and
- (c) a chart showing the number, rank, salary and the type of the directorate posts in the Department of Justice.

**Cost-Saving Proposals**

2. Like other Bureaux and Departments, the Department of Justice is required to achieve 1.8% efficiency savings on the operating expenditure in the next (2003-04) financial year. Our draft Estimates for 2003-04 have been formulated on that basis. Details of our Estimates will be announced at the same time as the Budget Speech in early March 2003.

3. Beyond 2003-04, the Government's target is to reduce the

projected spending of \$220 billion in the operating accounts in 2006-07 by \$20 billion. Along with other parts of the Government, the Department of Justice will need to make a significant reduction in our expenditure by 2006-07. Individual Divisions under the Department of Justice have been requested to critically review all of our expenditure related to Departmental Expenses, Personal Emoluments and Briefing Out Vote to identify savings. Our cost-saving proposals are under consultation within the Government and therefore it is not appropriate for us to prejudge the outcome of this consultation exercise. Nevertheless we hope the information set out in the ensuing paragraphs may provide some useful background information.

4. Our cost-saving proposals cut across the expenditure items under the six Divisions of our Department. All the Divisions will be expected to contribute to reduction of Departmental Expenses through all possible measures. Some measures which we have already adopted are to reduce our paper publications by maximising electronic communication and to achieve the most economical use of stationery. We will also need to critically review our expenditure in other areas, such as travel and transport, entertainment and training.

5. A chart providing detailed information in respect of 72 directorate posts in the Department of Justice is provided at **Annex A**. There are another 1,034 civil service non-directorate posts created on our establishment. Altogether we have a total of 1,106 civil service posts, and these include posts for legal and para legal professional staff and posts for administrative and support staff in different disciplines. The Department of Justice is working towards the Chief Executive's overall target of cutting the civil service establishment by 10% by 2006-07.

The question of reducing our posts and the corresponding savings on our Personal Emoluments is being addressed in the context of our cost-saving proposals which are still under consultation within the Government.

6. In the pursuit of cost-saving measures, we are actively considering delayering our departmental structure. We are also contemplating restructuring of various administrative units, streamlining our work processes and reducing some support services. These initiatives would inevitably result in fewer staff positions required but the impact on the delivery of our legal services should not be significant.

7. In this financial climate, our in-house counsel will be expected to be provided with less support services although they will need to shoulder heavier caseloads. We are of course minded to brief out cases to private sector lawyers if deemed necessary and appropriate. In general, the Department may resort to briefing out when –

- (a) there is a need for expert assistance where the requisite skill is not available in the Department;
- (b) there is no suitable in-house counsel to appear in court for the Hong Kong Special Administrative Region;
- (c) there is a need for advice or proceedings involving members of the Department;
- (d) there is a need for continuity and economy, e.g. where a former member of the Department who is uniquely familiar with the subject matter is in private practice at the time when

legal services are required; and

- (e) the size, complexity, quantum and length of a case so dictate.

Some criminal cases are also briefed out in order to promote a strong and independent local Bar, to give the junior Bar exposure to our work, and to secure a pool of experienced prosecutors to supplement those within the Department.

8. Recent statistics for Briefing Out at different levels of the court handled by our Prosecutions Division are provided in **Annex B** to this paper. The estimated Briefing Out Vote for 2003-04 will be announced as part of our departmental Estimates on Budget Day. The size of Briefing Out Vote beyond 2003-04 is a subject being addressed in the context of our cost-saving proposals. The present financial stringency no doubt requires that we achieve a delicate balance between briefing out and prosecuting cases in-house.

### **Conclusion**

9. The Department of Justice will share the hard times with the community. We will strive to ensure that the professional services provided by the Department will be delivered in a most cost-effective manner. On the other hand, we will take practical measures to minimise impact on staff morale and to prevent erosion in the quality of our services.

Department of Justice  
17 February 2003

Directorate Posts in the Department of Justice  
律政司首長級職位

Rank 職級	Pay Scale 薪級	No. of Posts 職位數目
Law Officer 律政專員	DL6 (HK\$163,205) 首長級(律政人員)薪級第六點 (港幣 163,205 元)	5
Principal Government Counsel 首席政府律師	DL3 (HK\$128,365 - HK\$136,015) 首長級(律政人員)薪級第三點 (港幣 128,365 元 - 136,015 元)	15
Deputy Principal Government Counsel 副首席政府律師	DL2 (HK\$117,040 - HK\$124,305) 首長級(律政人員)薪級第二點 (港幣 117,040 元 - 124,305 元)	47
Administrative Officer Staff Grade 'A' 首長級甲級政務官	DL6 (HK\$163,205) 首長級薪級第六點 (港幣 163,205 元)	1
Administrative Officer Staff Grade 'C' 首長級丙級政務官	D2 (HK\$117,040 - HK\$124,305) 首長級薪級第二點 (港幣 117,040 元 - 124,305 元)	2
Deputy Director (Administration) 律政司副政務專員(行政)	D3 (HK\$128,365 - HK\$136,015) 首長級薪級第三點 (港幣 128,365 元 - 136,015 元)	1
Principal Executive Officer 首席行政主任	D1 (HK\$98,595 元 - HK\$104,615 元) 首長級薪級第一點 (港幣 98,595 元 - 104,615 元)	1
<b>Total</b> 總數		72

**Expenditure on Briefing-out by Prosecutions Division**  
由刑事檢控科處理的外判工作支出  
**(Financial Years of 2000-01 to 2002-03)**  
(由 2000-01 至 2002-03 財政年度)

	<b>Actual Expenditure</b> 實際支出
<b>2000-01</b>	\$45.4 m (4,540 萬元)
<b>2001-02</b>	\$62.8 m (6,280 萬元)
<b>2002-03</b> (from 1.4.2002 to 31.12.2002) (由 2002 年 4 月 1 日至 2002 年 12 月 31 日)	\$53.9 m (5,390 萬元) (in addition, there were outstanding commitments of \$15.9 m) (另外，還有未履行的承擔額 共 1,590 萬元)

It is not possible to provide the percentage of briefing out costs in terms of the total costs of cases handled by the Prosecutions Division because we have not kept separate record on the expenditure of prosecution work carried out by Government Counsel.

由於律政司沒有為政府律師進行的檢控工作另備獨立的開支記錄，因此未能提供外判工作佔刑事檢控科檢控工作總支出的百分比。

**Statistics for briefing out at different levels of court (2000 - 2002) by Prosecutions Division**  
**2000 至 2002 年度由律政司刑事檢控科處理的各級法院外判案件的統計數字**

Levels of Court 各級法院	Number and percentage of cases briefed out 外判案件的數目及所佔的百分比		
	2000	2001	2002
<b>Court of Final Appeal</b> 終審法院	2 (2.5%)	3 (2.9%)	1 (1.3%)
<b>Court of Appeal</b> 上訴法庭	0 (0%)	2 (0.3%)	4 (0.6%)
<b>Court of First Instance</b> 原訟法庭	48 (8%)	76 (13.4%)	68 (11.8%)
<b>District Court</b> 區域法院	517 (33.3%)	538 (41.7%)	682 (42.3%)
<b>Magistrates Courts</b> 裁判法院			
- in place of <b>Government Counsel</b> 代替政府律師	201 (32.4%)	179 (27.7%)	225 (33.4%)
- in place of <b>Court Prosecutors</b> 代替法庭檢控主任	140 (days 日) (0.9%)	797 (days 日) (5.2%)	691 (days 日) (4.7%)