

Index Page

Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2020-21

Director of Bureau : Secretary for Justice

Session No. : 2

Consolidated e-file name : SJ-2-e1.docx

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
SJ001	2673	CHAN Chi-chuen	92	(1) Prosecutions
SJ002	2674	CHAN Chi-chuen	92	
SJ003	2675	CHAN Chi-chuen	92	
SJ004	2692	CHAN Chi-chuen	92	(3) Legal Policy
SJ005	2715	CHAN Chi-chuen	92	(3) Legal Policy
SJ006	2575	CHAN Tanya	92	(2) Civil
SJ007	0144	CHEUNG Chung-tai	92	
SJ008	3160	CHEUNG Chiu-hung, Fernando	92	
SJ009	3174	CHEUNG Chiu-hung, Fernando	92	
SJ010	1264	CHEUNG Wah-fung, Christopher	92	(1) Prosecutions
SJ011	1278	CHEUNG Wah-fung, Christopher	92	
SJ012	0248	CHEUNG Yu-yan, Tommy	92	
SJ013	0587	CHOW Ho-ding, Holden	92	(3) Legal Policy
SJ014	0588	CHOW Ho-ding, Holden	92	(1) Prosecutions
SJ015	0589	CHOW Ho-ding, Holden	92	(1) Prosecutions
SJ016	0593	CHOW Ho-ding, Holden	92	(1) Prosecutions (2) Civil
SJ017	0381	IP LAU Suk-yea, Regina	92	
SJ018	3142	KWOK Ka-ki	92	(1) Prosecutions
SJ019	3143	KWOK Ka-ki	92	(1) Prosecutions
SJ020	3147	KWOK Ka-ki	92	(1) Prosecutions (2) Civil
SJ021	3150	KWOK Ka-ki	92	(1) Prosecutions
SJ022	2727	KWOK Wing-hang, Dennis	92	
SJ023	2750	KWOK Wing-hang, Dennis	92	(1) Prosecutions (2) Civil
SJ024	2753	KWOK Wing-hang, Dennis	92	

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
SJ025	2754	KWOK Wing-hang, Dennis	92	(3) Legal Policy
SJ026	2756	KWOK Wing-hang, Dennis	92	
SJ027	2757	KWOK Wing-hang, Dennis	92	(3) Legal Policy
SJ028	2758	KWOK Wing-hang, Dennis	92	
SJ029	2759	KWOK Wing-hang, Dennis	92	(4) Law Drafting
SJ030	2760	KWOK Wing-hang, Dennis	92	(1) Prosecutions (3) Legal Policy
SJ031	2762	KWOK Wing-hang, Dennis	92	(3) Legal Policy
SJ032	2772	KWOK Wing-hang, Dennis	92	(3) Legal Policy
SJ033	2773	KWOK Wing-hang, Dennis	92	
SJ034	2775	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ035	2776	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ036	2777	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ037	3246	KWOK Wing-hang, Dennis	92	(3) Legal Policy
SJ038	3247	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ039	1147	LAM Kin-fung, Jeffrey	92	(1) Prosecutions
SJ040	1128	LAU Ip-keung, Kenneth	92	
SJ041	2363	LAU Ip-keung, Kenneth	92	(1) Prosecutions
SJ042	2652	LEUNG Kenneth	92	(2) Civil
SJ043	2653	LEUNG Kenneth	92	(2) Civil
SJ044	2654	LEUNG Kenneth	92	(2) Civil
SJ045	2655	LEUNG Kenneth	92	(2) Civil
SJ046	2156	LEUNG Mei-fun, Priscilla	92	(1) Prosecutions
SJ047	2157	LEUNG Mei-fun, Priscilla	92	(1) Prosecutions
SJ048	2158	LEUNG Mei-fun, Priscilla	92	(1) Prosecutions
SJ049	2159	LEUNG Mei-fun, Priscilla	92	(2) Civil
SJ050	2160	LEUNG Mei-fun, Priscilla	92	(2) Civil
SJ051	2161	LEUNG Mei-fun,	92	(3) Legal Policy

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
		Priscilla		
SJ052	2162	LEUNG Mei-fun, Priscilla	92	(3) Legal Policy
SJ053	2164	LEUNG Mei-fun, Priscilla	92	(3) Legal Policy
SJ054	2910	LIAO Cheung-kong, Martin	92	(1) Prosecutions
SJ055	2911	LIAO Cheung-kong, Martin	92	(3) Legal Policy
SJ056	2912	LIAO Cheung-kong, Martin	92	
SJ057	2929	LIAO Cheung-kong, Martin	92	(1) Prosecutions
SJ058	1343	LO Wai-kyok	92	(3) Legal Policy
SJ059	2215	MO Claudia	92	
SJ060	0304	NG Wing-ka, Jimmy	92	
SJ061	1776	TAM Man-ho, Jeremy	92	
SJ062	1991	TO Kun-sun, James	92	(1) Prosecutions
SJ063	1994	TO Kun-sun, James	92	
SJ064	1997	TO Kun-sun, James	92	(3) Legal Policy
SJ065	1998	TO Kun-sun, James	92	(3) Legal Policy
SJ066	1999	TO Kun-sun, James	92	
SJ067	2001	TO Kun-sun, James	92	
SJ068	1361	TSE Wai-chuen, Tony	92	
SJ069	2449	TSE Wai-chun, Paul	92	
SJ070	2452	TSE Wai-chun, Paul	92	
SJ071	2466	TSE Wai-chun, Paul	92	(3) Legal Policy
SJ072	2467	TSE Wai-chun, Paul	92	
SJ073	2478	TSE Wai-chun, Paul	92	(1) Prosecutions
SJ074	2480	TSE Wai-chun, Paul	92	
SJ075	2481	TSE Wai-chun, Paul	92	(1) Prosecutions
SJ076	2557	WONG Pik-wan, Helena	92	(3) Legal Policy
SJ077	0326	WONG Ting-kyong	92	(1) Prosecutions
SJ078	0327	WONG Ting-kyong	92	(1) Prosecutions
SJ079	1005	YEUNG Alvin	92	(3) Legal Policy
SJ080	1477	YUNG Hoi-yan	92	
SJ081	1481	YUNG Hoi-yan	92	(1) Prosecutions
SJ082	1482	YUNG Hoi-yan	92	(4) Law Drafting
SJ083	1484	YUNG Hoi-yan	92	(3) Legal Policy
SJ084	1485	YUNG Hoi-yan	92	(3) Legal Policy
SJ085	1491	YUNG Hoi-yan	92	(1) Prosecutions
SJ086	1496	YUNG Hoi-yan	92	
SJ087	3896	CHAN Chi-chuen	92	(3) Legal Policy
SJ088	3902	CHAN Chi-chuen	92	(1) Prosecutions
SJ089	3903	CHAN Chi-chuen	92	
SJ090	3992	CHAN Chi-chuen	92	
SJ091	4136	CHAN Tanya	92	

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
SJ092	4178	CHAN Tanya	92	(1) Prosecutions
SJ093	4184	CHAN Tanya	92	
SJ094	4210	CHAN Tanya	92	
SJ095	4211	CHAN Tanya	92	
SJ096	4212	CHAN Tanya	92	
SJ097	4213	CHAN Tanya	92	
SJ098	4277	CHAN Tanya	92	(2) Civil
SJ099	4465	CHAN Tanya	92	
SJ100	6407	CHAN Tanya	92	(3) Legal Policy
SJ101	5544	CHEUNG Chiu-hung, Fernando	92	
SJ102	5545	CHEUNG Chiu-hung, Fernando	92	
SJ103	5546	CHEUNG Chiu-hung, Fernando	92	
SJ104	5547	CHEUNG Chiu-hung, Fernando	92	
SJ105	5549	CHEUNG Chiu-hung, Fernando	92	
SJ106	5550	CHEUNG Chiu-hung, Fernando	92	
SJ107	5551	CHEUNG Chiu-hung, Fernando	92	
SJ108	5552	CHEUNG Chiu-hung, Fernando	92	
SJ109	5553	CHEUNG Chiu-hung, Fernando	92	
SJ110	6821	CHEUNG Chiu-hung, Fernando	92	
SJ111	4515	KWOK Ka-ki	92	
SJ112	4516	KWOK Ka-ki	92	
SJ113	4517	KWOK Ka-ki	92	(1) Prosecutions
SJ114	4518	KWOK Ka-ki	92	(1) Prosecutions
SJ115	4931	KWOK Ka-ki	92	
SJ116	4932	KWOK Ka-ki	92	
SJ117	4933	KWOK Ka-ki	92	(1) Prosecutions
SJ118	4934	KWOK Ka-ki	92	(1) Prosecutions
SJ119	4935	KWOK Ka-ki	92	(1) Prosecutions
SJ120	4936	KWOK Ka-ki	92	(1) Prosecutions
SJ121	4937	KWOK Ka-ki	92	(1) Prosecutions
SJ122	4940	KWOK Ka-ki	92	(4) Law Drafting
SJ123	4941	KWOK Ka-ki	92	(1) Prosecutions
SJ124	4942	KWOK Ka-ki	92	(1) Prosecutions (2) Civil
SJ125	4943	KWOK Ka-ki	92	(1) Prosecutions
SJ126	4944	KWOK Ka-ki	92	(1) Prosecutions
SJ127	4945	KWOK Ka-ki	92	(2) Civil
SJ128	4946	KWOK Ka-ki	92	(2) Civil

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
SJ129	4947	KWOK Ka-ki	92	(2) Civil
SJ130	4948	KWOK Ka-ki	92	(5) International Law
SJ131	4949	KWOK Ka-ki	92	(1) Prosecutions (2) Civil
SJ132	6776	KWOK Ka-ki	92	
SJ133	6097	KWOK Wing-hang, Dennis	92	(5) International Law
SJ134	6098	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ135	6099	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ136	6100	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ137	6114	KWOK Wing-hang, Dennis	92	(3) Legal Policy
SJ138	6115	KWOK Wing-hang, Dennis	92	(3) Legal Policy
SJ139	6116	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ140	6117	KWOK Wing-hang, Dennis	92	(1) Prosecutions
SJ141	3677	LEUNG Mei-fun, Priscilla	92	(3) Legal Policy
SJ142	3678	LEUNG Mei-fun, Priscilla	92	(3) Legal Policy
SJ143	3679	LEUNG Mei-fun, Priscilla	92	(4) Law Drafting
SJ144	3680	LEUNG Mei-fun, Priscilla	92	(5) International Law
SJ145	6038	MO Claudia	92	
SJ146	4052	NG Wing-ka, Jimmy	92	
SJ147	6530	YEUNG Alvin	92	(3) Legal Policy (4) Law Drafting (5) International Law
SJ148	6531	YEUNG Alvin	92	(3) Legal Policy
SJ149	6532	YEUNG Alvin	92	(4) Law Drafting
SJ150	6533	YEUNG Alvin	92	(5) International Law
SJ151	6554	YEUNG Alvin	92	(1) Prosecutions

CONTROLLING OFFICER'S REPLY

SJ001

(Question Serial No. 2673)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Would the Administration inform this Committee of the following:

(1) What is the estimated expenditure on emoluments to be incurred in 2020-21 under this Programme?

(2) What was the number of prosecutions handled in 2019-20 in respect of the offence of riot? What was the staffing establishment for handling these prosecutions? What are the staffing provision, estimated expenditure on emoluments and operating expenses expected to be incurred for handling such prosecutions in 2020-21?

(3) Among the cases conducted by Government Counsel in 2019-20, what was the number of those involving social incidents occurred in 2019? What was the number of such cases in which judges rebuked Government Counsel at first hearing for lacking preparation? What were the respective numbers of acquittals and cases withdrawn at last in respect of cases involving the same?

(4) Under Matters Requiring Special Attention in 2020-21, the Administration mentioned enhancing the standards of advocacy and preparation in criminal cases. Would the Administration inform this Committee of the specific measures to be taken forward in this regard? What are the standards to be adopted for assessment of their effectiveness? What are the staffing provision, estimated expenditure on emoluments and operating expenses to be incurred for such enhancements in 2020-21?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 8)

Reply:

(1) The estimated expenditure on the annual emoluments to be incurred in 2020-21 under this Programme is \$426,293,400.

(2) and (3) According to the information provided by the Security Bureau, the Police Force arrested a total of 7 613 persons between 9 June 2019 and 29 February 2020 in

relation to the “anti-extradition law amendments” incidents, 1 235 of whom have undergone or are undergoing judicial proceedings.

As at 29 February 2020, of the 1 235 arrestees having undergone or undergoing judicial proceedings, 78 have to bear legal consequences (including 52 convicted, 25 bound over and 1 subject to a care or protection order), and the charges against another 19 have been withdrawn while the rest are undergoing judicial proceedings. There are no acquittals for the time being. The prosecution of the above cases are conducted by Government Counsel of the Department of Justice (DoJ) and/or Counsel in private practice instructed to prosecute.

The Administration does not maintain the number of prosecutions handled in 2019-20 in respect of the offence of riot.

Currently with over 200 prosecutors, the Prosecutions Division (PD) has all along had a dedicated team of prosecutors for handling cases concerning “public order events” to ensure consistency in the handling approach. In view of the recent increase in the number of “public order event” cases, the DoJ has arranged for officers who had formerly served in that dedicated team and deployed additional manpower to assist in work relating to prosecution decisions.

Subject to the overall operational needs and available manpower of PD, we do not rule out the possibility of deploying additional manpower to handle relevant cases where necessary.

The prosecution of cases in respect of the offence of riot are handled by existing staff of the DoJ among their other duties and/or Counsel in private practice instructed to prosecute. The manpower/expenditure therefore cannot be separately identified.

The DoJ does not keep the required statistics on views expressed by judges at hearing.

(4) We seek to enhance the efficiency and professionalism of our in-house prosecutors in handling prosecutions through various means, including the following –

- (a) We review from time to time the volume of work and staff establishment of PD, and apply for additional resources to meet its daily operational needs according to the established mechanism, when appropriate. In 2020-21, PD will create 12 additional Senior Government Counsel and 4 additional Government Counsel posts;
- (b) the continued provision of local and overseas training programmes to our in-house prosecutors, including seminars on different topics under the Continuing Legal Education Programme, and talks/seminars delivered by experienced private practitioners and other professionals;
- (c) the provision of guidance to prosecutors from time to time through the issue and updating of circulars and reference materials;
- (d) maintaining co-ordinators or specific units for handling particular types of cases (including cases relating to public order events, human exploitation, money laundering, cybercrime, those involving vulnerable witnesses, as well as matters

concerning court costs of criminal cases) so as to allow for better development of expertise within the Division in such areas of laws, and hence more effective and efficient handling of these cases; and

- (e) the continued operation of the quick advisory system known as “FAST” to promptly deal with relatively simple and straightforward cases. Legal advices processed through the system are generally provided on the same day. FAST has proven to be extremely effective in ensuring the overall efficiency of the advisory function of the Division whilst, at the same time, reducing the workload of counsel from advisory sections to free them up for more advocacy work. It also serves as another important training ground for our in-house prosecutors, as counsel from teams other than the few advisory sections would have the opportunities to regularly handle such FAST cases which help hone and consolidate their advisory skills and legal knowledge in respect of a broad spectrum of general criminal cases.

The staff costs of officers responsible for the above measures and other related expenses will be absorbed by existing resources of the DoJ. The expenditure involved cannot be separately identified.

Apart from outlining the aim and areas of work of Programme (1) Prosecutions, the Controlling Officer’s Report for the current financial year sets out the key performance measures for PD in the past 2 years and this year (i.e. 2020), including the relevant targets and indicators. In 2019, the aim of the programme was generally met. As the prosecution authority, we are committed to the objective of presenting appropriate cases to the court in a fair manner. Prosecutions are, in accordance with the guidelines set out in the Prosecution Code, pursued only if there is a reasonable prospect of conviction and that it is in the public interest to prosecute. Once it is decided that prosecution should be pursued, it is the duty of prosecutors to act in a fair and objective manner. The question of guilt or innocence is a matter for the court to decide, on the criminal law standard of proving “beyond reasonable doubt” (which is a higher threshold than that for deciding whether to commence prosecution). Therefore, conviction rates in criminal cases are not and should not be taken as performance indicators.

- End -

CONTROLLING OFFICER'S REPLY

SJ002

(Question Serial No. 2674)

Head: (92) Department of Justice

Subhead (No. & title): (234) Court costs

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Will the Administration inform this Committee of:

- (1) the court costs paid to the defendants as a result of adverse rulings in 2019-20 and the estimate for 2020-21;
- (2) the estimated court costs for criminal proceedings in 2020-21?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 9)

Reply:

For civil cases, the net court costs for 2019-20 (as at 29 February 2020) were \$31.71 million while the estimated court costs for 2020-21 are \$143 million.

For criminal cases, the net court costs for 2019-20 (as at 29 February 2020) were \$70.4 million while the estimated court costs for 2020-21 are \$203 million.

- End -

CONTROLLING OFFICER'S REPLY

SJ003

(Question Serial No. 2675)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Would the Administration inform this Committee of the estimated expenditures on the emoluments of the Law Officer (International Law), the Deputy Law Officer (Mutual Legal Assistance) and the Deputy Solicitor General (Constitutional Affairs) of the Department of Justice in 2020-21?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 10)

Reply:

The estimated expenditures on the emoluments of the Law Officer (International Law), the Deputy Law Officer (Mutual Legal Assistance) and the Deputy Solicitor General (Constitutional Affairs) of the Department of Justice in 2020-21 are as follows:

	Estimated expenditures on the emoluments in 2020-21
Law Officer (International Law)	\$3,276,000
Deputy Law Officer (Mutual Legal Assistance)	\$2,650,800
Deputy Solicitor General (Constitutional Affairs)	\$2,650,800

- End -

CONTROLLING OFFICER'S REPLY

SJ004

(Question Serial No. 2692)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

To follow up on the Court of Final Appeal case of *W v Registrar of Marriages*, the Department of Justice (DoJ) set up a few years ago the Inter-departmental Working Group on Gender Recognition (IWG) to consider the legislation and incidental administrative measures required for protecting the rights of transsexual persons in Hong Kong in all legal contexts, and to make recommendations for reform as appropriate. In this connection, would the Government advise:

- (1) What were the manpower and expenditure incurred for the IWG in the past year?
- (2) What are the estimated manpower and expenditure for the IWG in the coming year?
- (3) How many meetings have been conducted by the IWG to date? Please tabulate the topics deliberated and the names of participating government departments in each meeting.
- (4) How many experts or professionals were consulted and invited for assistance by the DoJ? What were their capacity and background? Were transgenders and bisexuals represented among them? If yes, who were invited? If not, what were the reasons?
- (5) According to the Administration, a total of more than 17 000 submissions were received in response to the public consultation on gender recognition conducted earlier by the IWG. How many of them were received from individuals and how many from organisations? When will the IWG publish the consultation report? Please advise on the work progress of the report.
- (6) What research projects have been conducted by the IWG?
- (7) What is the work progress of the IWG to date? What topics have been dealt with? What is the work direction envisaged for the coming year?
- (8) When does the IWG expect to consult the public for taking forward the legislative work?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 27)

Reply:

- (1)&(2) The existing 1 Senior Government Counsel post and 1 Government Counsel post for dealing with the work, which were created in 2014-15, have been further extended for 2 years starting from 2018-19 to provide ongoing legal support to the IWG. The estimated annual staff costs of the above posts are around \$2.5 million in 2019-20 and around \$2.6 million in 2020-21. For other officers providing support to the IWG, as their work in this regard is undertaken among their other duties, the staff costs and other related expenses involved cannot be separately identified.
- (3) - (8) The IWG has held 19 formal meetings to date. In addition, the IWG has held 9 informal meetings so far to consult a range of individuals and organisations, including doctors, psychiatrists, academic experts and transgender people (including those who have undergone full sex reassignment surgery). Both the formal and informal meetings were attended by IWG members including representatives from the DoJ, the Constitutional and Mainland Affairs Bureau, the Security Bureau, and the Food and Health Bureau, as well as non-government members. To ensure that the IWG can have a full and frank discussion on the subject, the content of the meetings is confidential and will generally not be disclosed to the public. This approach is no different from that adopted by similar committees or working groups.

The scope of the IWG's study covers both recognition and post-recognition issues. On recognition issues, the IWG has been reviewing various issues, including the condition known as gender identity disorder or gender dysphoria, whether there should be a gender recognition scheme, the various options for a gender recognition scheme, and the relevant qualification criteria and the application procedure. In this connection, the IWG has undertaken a comparative study of the legislation, schemes and case law on gender recognition in over 100 jurisdictions, as well as the standards of different international bodies.

As regards post-recognition issues, they include reviewing all the existing legislative provisions and administrative measures in Hong Kong which may be affected by legal gender recognition so that the Government can take forward any required legislative or procedural reform.

The IWG issued a consultation paper on 23 June 2017. The consultation period ended on 31 December 2017. A meticulous count has revealed that, during the consultation period, the IWG in fact received about 18 800 submissions, with views being expressed from a wide range of different perspectives. The IWG was briefed in late August 2018 by its Secretariat on a preliminary report in respect of those submissions. Currently, the IWG is carefully analysing the submissions received and deliberating over various options. Upon completing the first part of the study on gender recognition, the IWG will report on the results of the public consultation (including the specific numbers and categories of individual and group submissions) and the proposed way forward.

- End -

CONTROLLING OFFICER'S REPLY

SJ005

(Question Serial No. 2715)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Would the Administration inform this Committee of the establishment and the estimated expenditure on emoluments involved in providing legal advice on election matters for 2020-21?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 55)

Reply:

The establishment and estimated annual expenditure on emoluments of the Constitutional Development and Elections Unit under the Constitutional Affairs Sub-Division of the Legal Policy Division for 2020-21 are tabulated below:

Establishment for 2020-21	Estimated annual expenditure on emoluments for 2020-21 (notional annual mid-point salary)
1 Deputy Principal Government Counsel, 2 Senior Government Counsel, 1 Government Counsel and 1 Personal Secretary I	\$6,854,160

- End -

CONTROLLING OFFICER'S REPLY**SJ006****(Question Serial No. 2575)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (2) CivilControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please provide information on the civil claims for damages brought against the Hong Kong Police Force (HKPF) by the people of Hong Kong in the past 5 years:

Year	Number of cases represented by the Department of Justice (DoJ)	Pending	Successful	Unsuccessful	Settled by both parties	Court costs paid by the Government	Total amount of damages paid by the Government
2016-2017							
2017-2018							
2018-2019							
2019-2020							
2020-21 (up to late February 2020)							

Please provide information on the nature of civil claims for damages brought against the HKPF in the past 5 years:

Year	Personal injuries		Traffic accident		Wrongful detention		Others	
	Number of cases	Total amount of damages	Number of cases	Total amount of damages	Number of cases	Total amount of damages	Number of cases	Total amount of damages
2016-2017								
2017-2018								
2018-2019								
2019-2020								

2020-21 (up to late February 2020)								
---	--	--	--	--	--	--	--	--

Please provide information on the civil claims for damages brought against the Police for their handling of the series of confrontation arising from the Fugitive Offenders Amendment Bill since June 2019:

Nature of civil claims for damages	Number of cases represented by the DoJ	Pending	Successful	Unsuccessful	Settled by both parties	Court costs paid by the Government	Total amount of damages paid by the Government
Personal injuries							
Wrongful detention							
Others							

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 20)

Reply:

The information sought is provided as follows -

1. Number of claims and expenses with breakdown by outcome

Financial year	Number of cases represented by the Department of Justice <small>Note 1</small>	Outcome of proceedings <small>Note 2</small>				Related expenses <small>Note 3</small>	
		Pending	Successful	Unsuccessful	Settled by both parties	Court costs paid by the Government (\$'000)	Total amount of damages paid by the Government (\$'000)
2015-16	81	12	18	0	51	498	1,895
2016-17	212	23	16	0	173	293	2,507
2017-18	74	19	9	0	46	3,392	2,085
2018-19	72	32	12	0	28	40	947
2019-20 (up to 29.2.2020)	127	107	7	0	13	0	660

Note 1: The numbers of cases refer to new cases received in the relevant year.

Note 2: Position as at 29 February 2020. Proceedings with "Successful" outcome refer to those cases with outcome in favour of the Government.

Note 3: Position as at 29 February 2020. The amount of court costs and damages refer to expenses incurred for those cases received in the relevant year which have been completed.

2. Nature of civil claims for damages brought against the Hong Kong Police Force (HKPF)

Financial year	Personal injuries		Traffic accident		Wrongful detention		Others	
	Number of cases	Total amount of damages (\$'000) Note 3	Number of cases	Total amount of damages (\$'000) Note 3	Number of cases	Total amount of damages (\$'000) Note 3	Number of cases	Total amount of damages (\$'000) Note 3
2015-16	8	1,086	39	781	2	0	32	28
2016-17	10	475	55	915	5	0	142	1,117
2017-18	11	1,177	47	876	2	0	14	32
2018-19	11	142	45	518	3	269	13	18
2019-20 (up to 29.2.2020)	23	400	63	215	5	0	36	45

3. A total of 112 civil claims for damages were brought against the HKPF between 1 June 2019 and 15 March 2020. We do not maintain breakdown of cases in relation to particular incidents.

- End -

CONTROLLING OFFICER'S REPLY

SJ007

(Question Serial No. 0144)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please set out the estimated expenditure on the annual emoluments (including the non-accountable entertainment allowance) of the Secretary for Justice in 2020-21.

Asked by: Hon CHENG Chung-tai (LegCo internal reference no.: 4)

Reply:

The estimated expenditures on the emoluments and non-accountable entertainment allowance of the Secretary for Justice for 2020-21 are \$4.32 million and \$0.25 million respectively.

- End -

CONTROLLING OFFICER'S REPLY

SJ008

(Question Serial No. 3160)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

What are the details of the “Vision 2030 for Rule of Law” project? What is the specific substance of “the concept of the rule of law”? What is the estimated expenditure for this year? What indicators will be used to evaluate the effectiveness of the above project? Will it be implemented in government departments, particularly in the Police Force?

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 990)

Reply:

“Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force, with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community’s understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also

preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The Vision 2030 project aims to benefit people from all walks of life. The detailed workplan for the 3 phases will be considered and decided by the Task Force. The DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

As for performance indicators, 2 new indicators are added under Programme (3) Legal Policy in the Controlling Officer's Report starting from 2020, which cover the number of events organised and the number of participants in promotional and capacity building events relating to the rule of law.

- End -

CONTROLLING OFFICER'S REPLY

SJ009

(Question Serial No. 3174)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please provide:

1. the estimates of salary, benefits and allowances for the Secretary for Justice for the coming year.
2. the estimates of salary, benefits and allowances for each of the other politically appointed officials for the coming year.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 9015)

Reply:

The estimated expenditures on the emoluments and non-accountable entertainment allowance of the Secretary for Justice for 2020-21 are \$4.32 million and \$0.25 million respectively. The Department's estimates for the coming year do not include the emoluments, benefits or allowances for other politically appointed officials.

- End -

CONTROLLING OFFICER'S REPLY

SJ010

(Question Serial No. 1264)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Since the middle of last year, over 7 000 people have been arrested by the Police for their participation in illegal activities due to opposition to the extradition law amendment. Among them over 1 000 people have been prosecuted, and the number of prosecutions is expected to be on the rise. However, the estimated expenditure for prosecution work for the coming year will only increase by 13%, which is less than the 27.6% increase in civil expenditure. In this regard, would the Government inform this Committee of:

1. the reasons for the smaller increase in provision for prosecutions than for civil matters and whether the increase is adequate to cope with the increasing workload in prosecutions.
2. the reasons for the anticipated decrease in the number of cases conducted by Government Counsel by 1 case over last year to only 3 650 cases.

Asked by: Hon CHEUNG Wah-fung, Christopher (LegCo internal reference no.: 75)

Reply:

1. Under Programme (1) Prosecutions, provision for 2020-21 is \$112.3 million (13.0%) higher than the revised estimate for 2019-20. This is mainly due to the anticipated increase in other charges and general departmental expenses, filling of vacancies and net creation of 39 posts to meet operational needs. Currently with over 200 prosecutors, the Prosecutions Division (PD) of the Department of Justice (DoJ) has all along had a dedicated team of prosecutors for handling cases concerning “public order events” to ensure consistency in the handling approach. In view of the recent increase in the number of “public order event” cases, the DoJ has arranged for officers who had formerly served in that dedicated team and deployed additional manpower to assist in work relating to prosecution decisions. Subject to the overall operational needs and available manpower of the PD, we do not rule out the possibility of deploying additional manpower to handle relevant cases where necessary.

2. The number of cases conducted by Government Counsel in the past 5 years are tabulated as follows:

	2015	2016	2017	2018	2019
No. of cases conducted by Government Counsel	3 685	3 719	3 338	3 730	3 651

In estimating the number of cases conducted by Government Counsel for 2020-21, the DoJ has taken into account not only the corresponding figures in the past 5 years, but also the manpower requirements for handling various types of cases (including those concerning large-scale public events). As Police investigations of some of the cases are still ongoing, we are unable to accurately forecast at this stage the number of cases requiring prosecution action by Government Counsel. That said, handling cases concerning the recent large-scale public events will put pressure on our resources. Apart from the above deployment arrangement, some cases will be briefed out as appropriate under the existing mechanism when there is a manpower shortage. The DoJ will review the progress of cases and the manpower situation from time to time and make suitable arrangements accordingly. We will maintain close communication with the Police and follow up their investigations proactively with a view to handling the cases as quickly as possible.

- End -

CONTROLLING OFFICER'S REPLY

SJ011

(Question Serial No. 1278)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in the Budget Speech that ‘Respect for the rule of law and independence of the judiciary are among the cornerstones underpinning Hong Kong’s success. I will earmark about \$450 million for the Department of Justice to implement the “Vision 2030 for Rule of Law” project so as to strengthen our community’s understanding of the concept of the rule of law and its implementation.’ In this regard, will the Administration inform this Committee of the following:

- (1) a breakdown of the provision of \$450 million;
- (2) details of implementing the “Vision 2030 for Rule of Law” project and the expected results.

Asked by: Hon CHEUNG Wah-fung, Christopher (LegCo internal reference no.: 29)

Reply:

The “Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

- End -

CONTROLLING OFFICER'S REPLY

SJ012

(Question Serial No. 0248)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

It is stated in paragraph 83 of the Budget Speech that the Government will earmark about \$450 million for the Department of Justice to implement the “Vision 2030 for Rule of Law” project so as to strengthen our community’s understanding of the concept of the rule of law and its implementation. Please advise on:

- the sectors in which the project is expected to be implemented and the expenditure involved for each sector.
- the time when the first stage of the project will be implemented, the target sectors and the specific details.
- the estimated staff establishment involved for the whole project.

Asked by: Hon CHEUNG Yu-yan, Tommy (LegCo internal reference no.: 43)

Reply:

The “Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

To support implementation of the project, the DoJ will set up a Rule of Law Unit in the Inclusive Dispute Avoidance and Resolution Office under the Secretary for Justice's Office. As for establishment, it is expected that additional manpower will be required to implement the project. The DoJ will set out the detailed manpower arrangements, and conduct consultations and seek support from the Legislative Council according to established procedures.

The "Vision 2030 for Rule of Law" project aims to benefit people from all walks of life so no estimates have been made in respect of the expenditures for different sectors.

- End -

CONTROLLING OFFICER'S REPLY

SJ013

(Question Serial No. 0587)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The law and order situation in the latter half of 2019 was worrisome, revealing that Hong Kong people, especially youngsters, had a weak sense of law compliance and the rule of law. In this connection, did the Department of Justice (DoJ) launch any specific projects or initiatives for different age groups and social strata to promote the rule of law in the past 3 years? If yes, please provide the information below; if no, what are the reasons? Will specific initiatives be launched for different age groups and social strata in light of the weak sense of law compliance and the rule of law?

Date	Project or initiative	Targeted age groups and/or social strata	Number of participants	Number of staff involved (DoJ and/or Government departments)	Expenditure involved

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 9)

Reply:

The Hong Kong Special Administrative Region Government and the Department of Justice (DoJ) are and will always be committed to upholding the rule of law and judicial independence of Hong Kong. To promote the rule of law and Hong Kong's legal system, the Secretary for Justice regularly speaks publicly on these two themes in her speeches in Hong Kong as well as overseas. To foster youngsters' general understanding and awareness of the Basic Law, DoJ counsel also participate in talks for schools on an overview of Hong Kong's legal system and conduct Basic Law seminars for civil servants. At the same time, to enhance understanding of the Basic Law and relevant case law among civil servants and the general public, the DoJ, the Civil Service Bureau, and the Constitutional and Mainland Affairs Bureau jointly publish regular issues of the Basic Law Bulletin. The latest one was uploaded to the DoJ's website for public access last December. The expenses for publication of the Basic Law Bulletin and the conduct of Basic Law seminars for civil servants are absorbed by other bureaux.

The Prosecutions Division (PD) of the DoJ organises the “Meet the Community” programme and the “Prosecution Week” every year. The relevant information for the past 3 years is tabulated below:

Date	Project or initiative	Targeted age groups and/or social strata	Number of participants	Number of staff involved (DoJ and/or other Government departments)	Expenditure involved (\$)
26 June to 30 June 2017	Prosecution Week 2017	Students from all local secondary schools and English Schools Foundation/ international secondary schools	723	20 Counsel of the PD	About 55,000 (excluding staff costs)
25 June to 29 June 2018	Prosecution Week 2018	Students from all local secondary schools and English Schools Foundation/ international secondary schools	469	19 Counsel of the PD	About 56,000 (excluding staff costs)
2 July to 8 July 2019	Prosecution Week 2019	Students from all local secondary schools and English Schools Foundation/ international secondary schools	597	20 Counsel of the PD	About 40,000 (excluding staff costs)
2017 to 2019	“Meet the Community” programme	Students from all local secondary schools and English Schools Foundation/ international	19 613	69 Counsel of the PD 2 Counsel of the Legal Policy Division	-

Date	Project or initiative	Targeted age groups and/or social strata	Number of participants	Number of staff involved (DoJ and/or other Government departments)	Expenditure involved (\$)
		secondary schools			

The DoJ will launch a 10-year initiative entitled “Vision 2030 for Rule of Law” aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law both locally and internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development.

The work in promoting the rule of law is undertaken among other duties of the relevant legal divisions and the expenditure cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ014

(Question Serial No. 0588)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Since the latter half of 2019, illegal acts have been frequently witnessed in a number of protests. In this connection, please provide information on the provision of legal advice by the Prosecutions Division to the Police in the past year:

Date of the alleged illegal incident	Type of offences	Number of people arrested in the incident	Items of legal advice provided to the Police in respect of the incident	Items of prosecution advice provided in respect of the incident

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 10)

Reply:

The Department of Justice (DoJ) does not maintain the requested statistics on individual cases concerning “public order events” in the past year. According to the information provided by the Security Bureau, the Police Force arrested a total of 7 613 persons between 9 June 2019 and 29 February 2020 in relation to the “anti-extradition law amendments” incidents, involving offences such as “taking part in a riot”, “unlawful assembly”, “wounding”, “assault occasioning actual bodily harm”, “common assault”, “arson”, “criminal damage”, “assaulting police officer”, “obstructing a police officer in the execution of his duty”, “in possession of offensive weapons”, etc.

Apart from handling cases concerning “public order events”, prosecutors under Section I(4) Public Order Events and Cybercrime of Sub-division I (Advisory) of the Prosecutions Division also provide legal advice on cases involving cybercrime among other duties. There were a total of 228 items of legal advice provided to law enforcement agencies in 2019. The DoJ does not maintain statistics on the number of items of legal advice provided to the Police in respect of cases concerning “public order events”.

- End -

CONTROLLING OFFICER'S REPLY**SJ015****(Question Serial No. 0589)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

A large number of offences involving criminal damage, wounding, assaulting police officers, etc. have been witnessed since the latter half of 2019, but there was no substantial increase in the actual number of criminal prosecutions in 2019, seemingly unrepresentative of the reality. In this connection, please provide the following information in respect of the past 3 years for comparison:

Year	No. of staff in the Prosecutions Division (PD)	No. of cases where legal advice was sought from PD	No. of prosecutions instituted	No. of cases prosecuted by Government Counsel	No. of briefed out cases
2017					
2018					
2019					

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 11)Reply:

The information requested is provided as follows:

Year	Actual no. of staff in the Prosecutions Division (PD) (as at 1 December)	No. of items of legal advice provided by Government Counsel to law enforcement agencies ^{Note}	No. of cases conducted by	
			Government Counsel	Counsel instructed to prosecute
2017	447	13 790	3 338	1 685
2018	470	13 105	3 730	1 349
2019	479	12 225	3 651	1 415

Note: The Department of Justice (DoJ) does not maintain statistics on the number of prosecutions instituted for cases where legal advice was provided.

All criminal investigations are conducted by law enforcement agencies, which will, when necessary, refer cases to the DoJ for independent decisions on whether to prosecute. The DoJ at all times seeks to provide legal advice to law enforcement agencies as expeditiously as possible. The processing time from commencement of investigation to institution of prosecution for each case depends on various factors, such as the time required for investigation by law enforcement agencies, the volume of evidence, and the nature and complexity of the case.

- End -

CONTROLLING OFFICER'S REPLY

SJ016

(Question Serial No. 0593)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions
(2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please give an account where different levels of courts had to interpret the provisions of the Basic Law in hearings in which the SAR Government was involved as a party over the past 3 years.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 15)

Reply:

The required statistics for civil cases are as follows :

Year	Type of Cases	Provisions of the Basic Law Involved	Number of Interpretation	Decision Made	
				In favour of the Government	Not in favour of the Government
2017	Judicial Review	1, 2, 12, 17, 25, 24, 31, 36, 37, 39, 41, 43, 48(2), 66, 73, 104	12	9	3
2018	Judicial Review	7, 8, 12(1), 24, 25, 26, 27, 37, 38, 39, 41, 80, 82, 154, 160	14	12	2
2019	Judicial Review	22, 25, 27, 33, 37, 39, 41, 66, 73(1), 75(1), 104, 158, 154(2)	12	8	4

The Department does not maintain the required statistics for all criminal cases. Nevertheless, based on available records, we have identified the following criminal cases

involving the interpretation of the provisions of the Basic Law (including Judicial Review cases):

Year	Type of Cases	Provisions of the Basic Law Involved	Number of Interpretation	Decision Made	
				In favour of the Government	Not in favour of the Government
2017	Application for leave for judicial review	29	1	1	0
2018	Trial, application for leave for judicial review, judiciary review, bail application, civil appeal and criminal appeal	6, 19, 25, 28, 30, 31, 33, 35, 39, 41, 80, 83, 87, 105, 142	10	9	1
2019	Trial, application for leave for judicial review and magistracy appeal	14, 19, 25, 27, 28, 32, 33, 80, 81, 83, 87, 140	5	4	1

- End -

CONTROLLING OFFICER'S REPLY

SJ017

(Question Serial No. 0381)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Government will earmark about \$450 million for the Department of Justice to implement the “Vision 2030 for Rule of Law” project. Will the Administration inform this Committee of:

- the anticipated beneficiaries of the project and their numbers;
- the details of the project (including various initiatives to be implemented, a breakdown of the financial provision, etc);
- whether performance indicators have been set for the project to review if the target goals are attained with the allocated expenditure; if yes, what are the details; if not, what are the reasons? and
- whether the project will cover students and teachers from primary and secondary schools and printers of textbooks and school learning materials?

Asked by: Hon IP LAU Suk-ye, Regina (LegCo internal reference no.: 35)

Reply:

The “Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;

- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

As for performance indicators, 2 new indicators are added under Programme (3) Legal Policy in the Controlling Officer's Report starting from 2020, which cover the number of events organised and the number of participants in promotional and capacity building events relating to the rule of law.

- End -

CONTROLLING OFFICER'S REPLY

SJ018

(Question Serial No. 3142)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

As regards cases prosecuted by the Department of Justice in relation to the anti-extradition law amendment movement since June 2019, please advise on the following:

1. What was the total number of cases where charges were eventually withdrawn?
2. Please advise in table form on the criminal offences involved in cases where charges were withdrawn and the respective numbers of these cases (please set out the offences according to the descending order of the number of cases withdrawn and specify, under other criminal offences, the criminal offences not in the list):

Criminal offence involved	Number of cases where charges were withdrawn
Riot-related	
Unlawful assembly	
Disorder in public places	
Possession of instrument for unlawful purposes	
Possession of offensive weapon	
Other criminal offence (1)	
Other criminal offence (2)	
...	

3. Please also advise in table form on the reasons for withdrawing the charges and the respective numbers of cases (please set out the reasons according to the descending order of the number of cases withdrawn and specify, under other reasons, the reasons for withdrawal not in the list):

Reasons for withdrawing prosecution	Number of cases withdrawn
Insufficient evidence	
Expiry of statutory time limit for prosecution	

Other reason (1)	
Other reason (2)	
...	

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 38)

Reply:

According to the information provided by the Security Bureau, the Police Force arrested a total of 7 613 persons between 9 June 2019 and 29 February 2020 in relation to the “anti-extradition law amendments” incidents. Among them, 1 235 persons have undergone or are undergoing judicial proceedings, including 19 whose charges have been withdrawn. The main ground for withdrawal of charges is insufficient evidence. Where the Police has not sought legal advice for the cases concerned before instituting prosecution, the Department of Justice will, after careful consideration of the relevant evidence adduced by the Police, the facts, the applicable laws and the Prosecution Code, withdraw the prosecution if it sees no reasonable prospect of conviction on any charges basing on the overall evidence.

- End -

CONTROLLING OFFICER'S REPLY**SJ019****(Question Serial No. 3143)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

According to data available, the rate of “providing advice for law enforcement agencies within 14 working days upon receipt of request, or for a complex case, interim reply within 14 working days” by the Department of Justice in the past year was 91.2%. Please advise on the following:

1. Please set out in the table below the criminal offences involved in cases where advice or interim reply could not be provided within the specified time frame and the respective numbers of these cases (please set out the criminal offences according to the descending order of the number of cases and specify, under other criminal offences, the criminal offences not in the list and the respective numbers of cases):

Criminal offence involved	Number of cases where advice could not be provided within the specified time frame
Riot-related	
Unlawful assembly	
Disorder in public places	
Possession of instrument for unlawful purposes	
Possession of offensive weapon	
Other criminal offence (1)	
Other criminal offence (2)	

What were the reasons for the delay in providing advice?

2. What was the percentage of prosecution cases arising from the anti-extradition law amendment processions against cases where advice or interim reply could not be provided within the specified time frame?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 39)

Reply:

The Prosecutions Division at all times strives to provide legal advice to law enforcement agencies as quickly as practically possible. The actual time taken to provide substantive advice on individual cases would however depend on a number of factors, including the nature and complexity of the case, and the quantity of the evidence and materials involved. To achieve better compliance with our performance pledge, we will continue to strengthen our monitoring system and remind counsel to handle requests for advice with due regard to the response time pledged. We will continue to closely monitor the compliance trend and provide additional resources to the relevant teams for handling complicated cases or requests, where necessary.

The Department of Justice does not maintain statistics by different criminal offences or incidents in respect of requests for legal advice or the time taken to provide such advice.

- End -

CONTROLLING OFFICER'S REPLY

SJ020

(Question Serial No. 3147)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions
(2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

According to the Department of Justice (DoJ), what were the numbers of complaints and cases involving the Police Force for “use of excessive force by police officers” and “unlawful arrest” in the past 5 years? How many of them have been brought to judicial proceedings? How many of them have been decided by court?

	Number of complaints	Investigation completed and no judicial proceedings to be commenced	Under investigation	Judicial proceedings underway	Decided by court
Use of excessive force by police officers					
Unlawful arrest					

What were the total court costs borne by the Government?

Please advise on the number of complaints received by the DoJ in 2019 regarding “statement made and signed by the accused under police intimidation”.

Please advise on the number of complaints received by the DoJ since June 2019 regarding “statement made and signed by the accused under police intimidation”.

Please advise on the number of complaints received by the DoJ regarding “statement made and signed by the accused under police intimidation” in connection with cases related to anti-extradition law amendments.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 43)

Reply:

Since complaints lodged against the Police and investigation relating to the same are not under the purview of the Department of Justice, we are unable to provide the relevant figures. Regarding the cases/decisions concerned, we do not maintain any breakdown of such cases/decisions in relation to the causes of action.

- End -

CONTROLLING OFFICER'S REPLY

SJ021

(Question Serial No. 3150)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding prosecution of cases related to the anti-extradition law amendments since June 2019, what was the number of cases briefed out to legal advisory and consultancy firms or bodies not under the Department of Justice (DoJ) for legal advice?

Which firms/bodies were involved? What were the respective fees incurred?

What were the criteria the DoJ adopted for selecting briefed-out legal advisory and consultation firms or bodies not under the DoJ?

What were the criteria the DoJ adopted for setting the shares of cases to be assigned to the nominated briefed-out legal advisory and consultation firms?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 46)

Reply:

Under Article 63 of the Basic Law, the Department of Justice (DoJ) shall control criminal prosecutions, free from any interference.

The briefing out of criminal cases has two parts, which are before a prosecution decision is made and after prosecution has commenced. Regarding the former, the norm of the DoJ is for its members to make prosecution decisions. When a case involves any member of the DoJ, it is appropriate to brief out the case for legal advice. The DoJ has been briefing out certain criminal cases, according to fee schedules approved by the Finance Committee (standard briefing out), or for other cases (including civil cases) at negotiated fees in specified circumstances (non-standard briefing out). Briefing out is mainly to meet operational needs. In general, the DoJ may resort to briefing out when –

- (a) there is a need for expert assistance where the requisite skill is not available in the DoJ;
- (b) there is no suitable in-house counsel to appear in court for the Hong Kong Special Administrative Region;

- (c) the size, complexity, quantum and length of a case so dictate;
- (d) it is deemed appropriate to obtain independent outside counsel's legal advice or services so as to address possible perception of bias or issues of conflict of interest;
- (e) there is a need for continuity or economy; and
- (f) there is a need for legal advice or legal proceedings in respect of cases involving members of the DoJ.

The briefing out of individual cases is made in accordance with established procedures, factoring in not only the level of fees, but also the fiat counsel's suitability in terms of areas of expertise, years of experience and availability for the case concerned, etc.

The DoJ does not maintain any statistics on the numbers of criminal cases prosecuted and briefed out in relation to public order events since early June last year.

- End -

CONTROLLING OFFICER'S REPLY

SJ022

(Question Serial No. 2727)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the salaries, allowances, job-related allowances and related expenses to be incurred by the Secretary for Justice's Office in 2020-21, please tabulate the following information:

(1) the estimates for (i) salaries, (ii) allowances, (iii) job-related allowances, (iv) Mandatory Provident Fund (MPF) contribution and (v) other allowances and contribution (please specify) for the Secretary for Justice (SJ) in this financial year. If the above estimates are for departmental operational expenses instead of personal emolument, please provide (b) the departmental estimates for the above items;

	(i) Salaries	(ii) Allowances	(iii) Job-related allowances	(iv) MPF contribution	(v) Other allowances and contribution (please specify)
(a) SJ					
(b) Total estimate of the related departmental expenses					

(2) the estimates for allowances for (a) SJ in this financial year, including the following 4 categories: (i) her medical and dental benefits, (ii) the medical and dental benefits for her spouse, (iii) her leave passage allowances, and (iv) the leave passage allowances for her spouse. If the above estimates are for departmental operational expenses instead of personal emolument, please provide (b) the departmental estimates for the above items;

	(i) Medical and dental benefits	(ii) Medical and dental benefits for spouse	(iii) Leave passage allowances	(iv) Leave passage allowances for spouse
(a) SJ				
(b) Total estimate of the related departmental expenses				

(3) the estimates for (i) government vehicle services and (ii) security arrangements for (a) SJ in this financial year. If the above estimates are for departmental operational expenses instead of personal emolument, please provide (b) the departmental estimates for the above items;

	(i) Cars and chauffeur services	(ii) Security arrangements
(a) SJ		
(b) Total estimate of the related departmental expenses		

(4) the estimates for job-related allowances for (a) SJ in this financial year, including the following 2 categories: (i) official entertainment, (ii) passage for duty visits. If the above estimates are for departmental operational expenses instead of personal emolument, please provide (b) the departmental estimates for the above items;

	(i) Official entertainment	(ii) Passage for duty visits
(a) SJ		
(b) Total estimate of the related departmental expenses		

(5) the estimates for terminal gratuity for (a) SJ upon completion of her term of office, including the following 2 categories: (i) terminal gratuity and (ii) related allowances. If the above estimates are for departmental operational expenses instead of personal emolument, please provide (b) the departmental estimates for the above items;

	(i) Terminal gratuity	(ii) Related allowances
(a) SJ		
(b) Total estimate of the related departmental		

expenses		
----------	--	--

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 118)

Reply:

The estimated expenditures on the emoluments and non-accountable entertainment allowance of the Secretary for Justice for 2020-21 are \$4.32 million and \$0.25 million respectively. There is no separate provision for the allowances for the Secretary and her spouse set out in the question (medical benefits, security and cars services are directly provided by the Government or Hospital Authority to the politically appointed officials).

For 2020-21, the estimated expenditures on accountable entertainment allowance and duty visits for Secretary for Justice's Office are about \$0.1 million and about \$1.30 million respectively.

According to the Remuneration package for Politically-Appointed Officials (PAOs) serving in the HKSAR Government, the Secretary for Justice and other PAOs are only entitled for MPF contribution without any retirement benefits or terminal gratuity.

- End -

CONTROLLING OFFICER'S REPLY

SJ023

(Question Serial No. 2750)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions
(2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Department of Justice (DoJ) briefs out some cases to barristers and solicitors in private practice. Please inform this Committee of:

1. the costs incurred in each of the past 3 years in relation to:
 - (a) the total costs of briefing out;
 - (b) the total costs of briefing out in relation to criminal cases, among which the ten cases that incurred the highest briefing out costs and the respective costs incurred;
 - (c) the total costs of briefing out in relation to civil cases, among which the ten cases that incurred the highest briefing out costs and the respective costs incurred;
 - (d) the total costs of briefing out in relation to construction cases, among which the ten cases that incurred the highest briefing out costs and the respective costs incurred;
 - (e) the total costs of briefing out in relation to judicial review cases, among which the ten cases that incurred the highest briefing out costs and the respective costs incurred; and
2. the following in each of the past 3 years:
 - (a) a list of barristers and solicitors instructed to handle civil cases, construction cases and judicial review cases under the briefing out system of the DoJ;
 - (b) the top ten overseas counsel instructed, their names, the total costs paid to them respectively and the respective numbers of cases which they were instructed for;
 - (c) the top ten local counsel instructed, their names, the total costs paid to them respectively and the respective numbers of cases which they were instructed for in relation to criminal cases;

(d) the top ten local counsel instructed, their names, the total costs paid to them respectively and the respective numbers of cases which they were instructed for in relation to civil cases;

(e) the top ten local counsel instructed, their names, the total costs paid to them respectively and the respective numbers of cases which they were instructed for in relation to construction cases;

(f) the top ten local counsel instructed, their names, the total costs paid to them respectively and the respective numbers of cases which they were instructed for in relation to judicial review cases.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 71)

Reply:

1(a) The total costs of briefing out in the past 3 financial years were as follows:

Financial year	Expenditure (\$)
2016-17	291,717,313
2017-18	303,504,219
2018-19	345,528,340

1(b) The total costs of briefing out in relation to criminal cases in the past 3 financial years were as follows:

Financial year	Expenditure (\$)
2016-17	126,492,465
2017-18	162,850,719
2018-19	139,731,253

1(c) The total costs of briefing out in relation to civil cases in the past 3 financial years were as follows:

Financial year	Expenditure (\$)
2016-17	104,794,119
2017-18	87,127,907
2018-19	115,083,722

1(d) The total costs of briefing out in relation to construction cases involving the Government in the past 3 financial years were as follows:

Financial year	Expenditure (\$)
2016-17	60,430,729
2017-18	53,525,593
2018-19	90,713,365

- 1(e) The total costs of briefing out in relation to judicial review cases in the past 3 financial years were as follows:

Financial year	Expenditure (\$)
2016-17	46,798,639
2017-18	37,955,471
2018-19	42,637,018

The Department of Justice (DoJ) will annually submit an information paper entitled “Legal Expenses for Briefing Out Cases Not Covered by Approved Fee Schedules” to the Finance Committee of the Legislative Council on its briefing-out expenditure with details of cases involving high briefing-out costs for the preceding financial year. We have submitted the reports for 2016-17 and 2017-18 and the report for 2018-19 will be submitted as soon as possible.

- 2(a) The numbers of chambers and briefed out counsel instructed to handle civil cases (including judicial review cases) and construction cases in the past 3 financial years were as follows:

	2016-17	2017-18	2018-19
Set of chambers	30	30	42
Briefed out counsel	91	88	124

Information on the sets of chambers to which the counsel belonged with details of the numbers of counsel and their respective numbers of cases briefed is provided at **Annexes 1 to 3**. The counsel were briefed in the cases set out in the Annexes in new matters in the respective financial years or ongoing cases from previous financial years. The chambers to which a counsel belongs is not a consideration for selection of counsel for briefing out civil cases, except in special circumstances such as engagement of a junior counsel for a selected senior counsel in the same chambers for better work efficiency where the circumstances so require.

Among the civil cases (including judicial review cases) and construction cases briefed out in the financial years 2016-17, 2017-18 and 2018-19, the respective numbers of cases briefed out to solicitors firms by the Civil Division were 61, 54 and 69.

- 2(b)-(f) The expenditure for briefing out varies from case to case, depending on various factors including complexity, number of parties involved, number of hearing days, the need for expert witnesses to testify, etc. For briefing out not covered by approved fee schedules, outside counsel are selected based on established selection criteria including the briefed out counsel’s expertise and experience as the particular case requires. It is therefore neither appropriate nor does it serve any useful purpose to make a comparison amongst briefed out cases or counsel solely on the basis of their expenditure, fee or number of cases instructed. Due to restriction on disclosure of information imposed by the Personal Data

(Privacy) Ordinance (Cap. 486), the DoJ is not at liberty to disclose the amounts of fees paid to individual counsel without their prescribed consent.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
Local Chambers		
1	10/F, Printing House, 6 Duddell St, Central, H.K.	1 counsel was briefed on 9 cases ¹ .
2	7/F, Effectual Bldg, 16 Hennessy Road, Wanchai, H.K.	1 counsel was briefed on 1 case.
3	704B, Tower 1, Admiralty Centre, 18 Harcourt Rd, Admiralty, H.K.	1 counsel was briefed on 77 cases ² .
4	Bernacchi Chambers	1 counsel was briefed on 2 cases ³ .
5	Denis Chang's Chambers	2 counsel were briefed on 1 and 2 cases respectively.
6	Des Voeux Chambers	12 counsel were briefed on 1, 2 (for 2 counsel), 3 (for 3 counsel), 6 ⁴ , 9 ⁵ , 13 ⁶ , 15 ⁷ , 34 ⁸ and 37 ⁹ cases respectively.
7	Erik Shum's Chambers	2 counsel were briefed on 6 and 10 ¹⁰ cases respectively.
8	Fraternity Chambers	1 counsel was briefed on 8 cases.

¹ Of the 9 cases, there are 6 related cases which involved a total of 2 sets of proceedings.

² Of the 77 cases, there are 67 related cases which involved a total of 8 sets of proceedings.

³ The 2 cases are related and involved 1 set of proceedings.

⁴ Of the 6 cases, 2 are related cases involving 1 set of proceedings.

⁵ Of the 9 cases, 2 are related cases involving 1 set of proceedings.

⁶ Of the 13 cases, 8 are related cases involving 1 set of proceedings.

⁷ Of the 15 cases, there are 4 related cases which involved a total of 2 sets of proceedings.

⁸ Of the 34 cases, there are 15 related cases which involved a total of 4 sets of proceedings.

⁹ Of the 37 cases, there are 15 related cases which involved a total of 4 sets of proceedings.

¹⁰ Of the 10 cases, there are 8 related cases which involved a total of 2 sets of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
9	Gary Plowman S.C.'s Chambers	3 counsel were briefed on 1, 6 and 37 ¹¹ cases respectively.
10	Liberty Chambers	2 counsel were briefed on 12 ¹² and 37 ¹³ cases respectively.
11	Pacific Chambers	3 counsel were briefed on 1 case each.
12	Parkside Chambers	5 counsel were briefed on 1 (for 2 counsel), 3 (for 2 counsel) and 10 ¹⁴ cases respectively.
13	Patrick Yu's Chambers	1 counsel was briefed on 18 cases ¹⁵ .
14	Prince's Chambers	1 counsel was briefed on 1 case.
15	Rm 1205, New World Tower 1, 18 Queen's Rd Central, H.K.	1 counsel was briefed on 3 cases.
16	Rm 1603, Ruttonjee House, 11 Duddell St, Central, H.K.	1 counsel was briefed on 3 cases.
17	Rm 3308, Tower Two, Lippo Centre, 89 Queensway, Admiralty, H.K.	1 counsel was briefed on 2 cases.
18	Rm 87, New Henry House, 10 Ice House St, Central, H.K.	1 counsel was briefed on 2 cases.
19	Sir Oswald Cheung's Chambers	5 counsel were briefed on 2, 4, 5 ¹⁶ (for 2 counsel) and 9 ¹⁷ cases respectively.

¹¹ All the 37 cases are related cases, which involved a total of 2 sets of proceedings.

¹² Of the 12 cases, there are 11 related cases which involved a total of 2 sets of proceedings.

¹³ Of the 37 cases, there are 28 related cases which involved a total of 5 sets of proceedings.

¹⁴ Of the 10 cases, there are 8 related cases which involved a total of 3 sets of proceedings.

¹⁵ Of the 18 cases, there are 8 related cases which involved a total of 2 sets of proceedings.

¹⁶ For 1 of the counsel, of the 5 cases, 2 are related cases involving 1 set of proceedings.

¹⁷ Of the 9 cases, there are 4 related cases which involved a total of 2 sets of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
20	Temple Chambers	32 counsel were briefed on 1 (for 6 counsel), 2 (for 5 counsel), 3 ¹⁸ (for 5 counsel), 4 ¹⁹ (for 2 counsel), 5, 6 ²⁰ , 8, 10 ²¹ , 12 ²² (for 2 counsel), 15 ²³ , 16, 18 ²⁴ , 23 ²⁵ , 30 ²⁶ , 39 ²⁷ and 54 ²⁸ (for 2 counsel) cases respectively.
21	Wellington Chambers	2 counsel were briefed on 1 and 2 cases respectively.
22	Wong Man Kit SC's Chambers	1 counsel was briefed on 1 case.
Overseas Chambers		
23	4 Pump Court Chambers	1 counsel was briefed on 2 cases.
24	4-5 Gray's Inn Square	1 counsel was briefed on 2 cases.
25	Atkin Chambers	3 counsel were briefed on 1 (for 2 counsel) and 3 cases respectively.
26	Blackstone Chambers	2 counsel were briefed on 4 and 5 ²⁹ cases respectively.

¹⁸ For 2 of the counsel, of the 3 cases, 2 are related cases involving 1 set of proceedings.

¹⁹ For 1 of the counsel, of the 4 cases, 2 are related cases involving 1 set of proceedings.

²⁰ Of the 6 cases, there are 5 related cases which involved a total of 2 sets of proceedings.

²¹ Of the 10 cases, there are 4 related cases which involved a total of 2 sets of proceedings.

²² For 1 of the counsel, of the 12 cases, 2 are related cases involving 1 set of proceedings.

²³ Of the 15 cases, there are 11 related cases which involved a total of 2 sets of proceedings.

²⁴ Of the 18 cases, there are 4 related cases which involved a total of 2 sets of proceedings.

²⁵ Of the 23 cases, there are 9 related cases which involved a total of 4 sets of proceedings

²⁶ All of the 30 cases are related cases, which involved a total of 2 sets of proceedings.

²⁷ Of the 39 cases, there are 37 related cases which involved a total of 2 sets of proceedings.

²⁸ For 1 of the counsel, of the 54 cases, there are 38 related cases which involved a total of 4 sets of proceedings. For the other counsel, of the 54 cases, there are 43 related cases which involved a total of 5 sets of proceedings.

²⁹ Of the 5 cases, 2 are related cases involving 1 set of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
27	Essex Chambers	1 counsel was briefed on 1 case.
28	Keating Chambers	1 counsel was briefed on 1 case.
29	Ten Old Square	1 counsel was briefed on 1 case.
30	Wilberforce Chambers	1 counsel was briefed on 5 cases ³⁰ .
	Total number of counsel briefed out:	91

Remark 1: We do not maintain information on the sets of chambers to which a briefed out counsel belonged when a case was briefed. The sets of chambers set out in this document denote the chambers to which the briefed out counsel belonged as at the time when this document was prepared.

Remark 2: The same case dealt with at different court levels is counted as one case.

³⁰ Of the 5 cases, 2 are related cases involving 1 set of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
Local Chambers		
1	10/F, Printing House, 6 Duddell St, Central, H.K.	2 counsel were briefed on 1 and 4 ³¹ cases respectively.
2	7/F, Effectual Bldg, 16 Hennessy Road, Wanchai, H.K.	2 counsel were briefed on 1 case each.
3	704B, Tower 1, Admiralty Centre, 18 Harcourt Rd, Admiralty, H.K.	1 counsel was briefed on 33 ³² cases.
4	Alan Leong, S.C.'s Chambers	2 counsel were briefed on 1 and 18 ³³ cases respectively.
5	Bernacchi Chambers	1 counsel was briefed on 9 ³⁴ cases.
6	Chambers of Ronny Wong S.C.	1 counsel was briefed on 6 ³⁵ cases.
7	Denis Chang's Chambers	1 counsel was briefed on 2 cases.
8	Des Voeux Chambers	14 counsel were briefed on 1 (for 2 counsel), 2, 3 (for 2 counsel), 4 (for 3 counsel), 6, 9 ³⁶ , 10 ³⁷ , 13 ³⁸ , 25 ³⁹ and 38 ⁴⁰ cases respectively.

³¹ The 4 cases are related and involved 1 set of proceedings.

³² Of the 33 cases, there are 24 related cases which involved a total of 6 sets of proceedings.

³³ Of the 18 cases, there are 17 related cases which involved a total of 3 sets of proceedings.

³⁴ The 9 cases are related and involved 1 set of proceedings.

³⁵ Of the 6 cases, there are 4 related cases which involved 1 set of proceedings.

³⁶ Of the 9 cases, there are 2 related cases which involved 1 set of proceedings.

³⁷ Of the 10 cases, there are 8 related cases which involved 1 set of proceedings.

³⁸ Of the 13 cases, there are 2 related cases which involved 1 set of proceedings.

³⁹ Of the 25 cases, there are 14 related cases which involved a total of 3 sets of proceedings.

⁴⁰ Of the 38 cases, there are 18 related cases which involved a total of 3 sets of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
9	Erik Shum's Chambers	2 counsel were briefed on 2 ⁴¹ and 15 ⁴² cases respectively.
10	Fraternity Chambers	1 counsel was briefed on 4 cases.
11	Gary Plowman S.C.'s Chambers	4 counsel were briefed on 1 (for 2 counsel), 2 and 35 ⁴³ cases respectively.
12	Gilt Chambers	2 counsel were briefed on 1 and 3 ⁴⁴ cases respectively.
13	Liberty Chambers	2 counsel were briefed on 13 ⁴⁵ and 39 ⁴⁶ cases respectively.
14	Pacific Chambers	2 counsel were briefed on 1 case each.
15	Parkside Chambers	4 counsel were briefed on 1, 2, 3 and 28 ⁴⁷ cases respectively.
16	Patrick Yu's Chambers	1 counsel was briefed on 17 ⁴⁸ cases.
17	Rm 1205, New World Tower 1, 18 Queen's Rd Central, H.K.	1 counsel was briefed on 1 case.
18	Rm 1603, Ruttonjee House, 11 Duddell St, Central, H.K.	1 counsel was briefed on 3 ⁴⁹ cases.

⁴¹ The 2 cases are related and involved 1 set of proceedings.

⁴² Of the 15 cases, there are 14 related cases which involved a total of 4 sets of proceedings.

⁴³ All the 35 cases are related cases and involved a total of 2 sets of proceedings.

⁴⁴ All the 3 cases are related and involved 1 set of proceedings.

⁴⁵ Of the 13 cases, there are 12 related cases which involved a total of 2 sets of proceedings.

⁴⁶ Of the 39 cases, there are 28 related cases which involved a total of 4 sets of proceedings.

⁴⁷ Of the 28 cases, there are 23 related cases which involved a total of 5 sets of proceedings.

⁴⁸ Of the 17 cases, there are 6 related cases which involved 1 set of proceedings.

⁴⁹ Of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
19	Rm 3308, Tower Two, Lippo Centre, 89 Queensway, Admiralty, H.K.	1 counsel was briefed on 2 cases.
20	Rm 705, 7/F, Wilson House, 19-27 Wyndham St, Central, H.K.	1 counsel was briefed on 1 case.
21	Rm 87, New Henry House, 10 Ice House St, Central, H.K.	1 counsel was briefed on 3 cases.
22	Sir Oswald Cheung's Chambers	5 counsel were briefed on 1, 3 ⁵⁰ (for 2 counsel) and 7 ⁵¹ (for 2 counsel) cases respectively.
23	Temple Chambers	27 counsel were briefed on 1 (for 6 counsel), 2 (for 3 counsel), 3 ⁵² (for 2 counsel), 4 ⁵³ (for 2 counsel), 5 ⁵⁴ (for 4 counsel), 11 ⁵⁵ , 12 ⁵⁶ , 14, 15, 16, 22 ⁵⁷ , 35 ⁵⁸ , 36 ⁵⁹ , 48 ⁶⁰ and 90 ⁶¹ cases respectively.
24	Wellington Chambers	1 counsel was briefed on 1 case.

⁵⁰ For one of the counsel, of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

⁵¹ For one of the counsel, of the 7 cases, there are 2 related cases which involved 1 set of proceedings.

⁵² For one of the counsel, of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

⁵³ For one of the counsel, of the 4 cases, there are 2 related cases which involved 1 set of proceedings.

⁵⁴ For two of the counsel, of the 5 cases, there are 3 related cases which involved 1 set of proceedings.

⁵⁵ Of the 11 cases, there are 5 related cases which involved 1 set of proceedings.

⁵⁶ Of the 12 cases, there are 3 related cases which involved 1 set of proceedings.

⁵⁷ Of the 22 cases, there are 6 related cases which involved a total of 2 sets of proceedings.

⁵⁸ Of the 35 cases, there are 13 related cases which involved a total of 5 sets of proceedings.

⁵⁹ Of the 36 cases, there are 35 related cases which involved a total of 2 sets of proceedings.

⁶⁰ Of the 48 cases, there are 37 related cases which involved a total of 3 sets of proceedings.

⁶¹ Of the 90 cases, there are 76 related cases which involved a total of 4 sets of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
Overseas Chambers		
25	39 Essex Chambers	1 counsel was briefed on 2 cases.
26	4 Pump Court Chambers	1 counsel was briefed on 1 case.
27	Atkin Chambers	2 counsel were briefed on 1 and 2 cases respectively.
28	Blackstone Chambers	2 counsel were briefed on 2 and 4 cases respectively.
29	Keating Chambers	1 counsel was briefed on 1 case.
30	Wilberforce Chambers	1 counsel was briefed on 11 ⁶² cases.
	Total number of counsel briefed out:	88

Remark 1: We do not maintain information on the sets of chambers to which a briefed out counsel belonged when a case was briefed. The sets of chambers set out in this document denote the chambers to which the briefed out counsel belonged as at the time when this document was prepared.

Remark 2: The same case dealt with at different court levels is counted as one case.

⁶² Of the 11 cases, there are 9 related cases which involved 1 set of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
Local Chambers		
1	10/F, Printing House, 6 Duddell St, Central, H.K.	2 counsel were briefed on 1 and 7 ⁶³ cases respectively.
2	4/F, Chung Nam Bldg, 1 Lockhart Rd, Wanchai, H.K.	1 counsel was briefed on 1 case.
3	7/F, Effectual Bldg, 16 Hennessy Road, Wanchai, H.K.	2 counsel were briefed on 1 and 2 cases respectively.
4	704B, Tower 1, Admiralty Centre, 18 Harcourt Rd, Admiralty, H.K.	1 counsel was briefed on 13 ⁶⁴ cases.
5	Admiralty Chambers	1 counsel was briefed on 1 case.
6	Alan Leong, S.C.'s Chambers	1 counsel was briefed on 1 case.
7	Central Chambers	1 counsel was briefed on 1 case.
8	Cheng Huan SC's Chambers	2 counsel were briefed on 1 case each.
9	Denis Chang's Chambers	3 counsel were briefed on 1 (for 2 counsel) and 2 cases respectively.
10	Des Voeux Chambers	20 counsel were briefed on 1 (for 6 counsel), 2 ⁶⁵ (for 3 counsel), 3 (for 3 counsel), 4 ⁶⁶ , 5 ⁶⁷ , 7 (for 2 counsel), 8 ⁶⁸ , 11 ⁶⁹ , 20 ⁷⁰ and 28 ⁷¹ cases respectively.

⁶³ Of the 7 cases, there are 4 related cases which involved 1 set of proceedings.

⁶⁴ Of the 13 cases, there are 7 related cases which involved a total of 2 sets of proceedings.

⁶⁵ For one of the counsel, the 2 cases are related and involved 1 set of proceedings.

⁶⁶ The 4 cases are related and involved 1 set of proceedings.

⁶⁷ Of the 5 cases, there are 2 related cases which involved 1 set of proceedings.

⁶⁸ Of the 8 cases, there are 2 related cases which involved 1 set of proceedings.

⁶⁹ Of the 11 cases, there are 9 related cases which involved 1 set of proceedings.

⁷⁰ Of the 20 cases, there are 6 related cases which involved a total of 2 sets of proceedings.

⁷¹ Of the 28 cases, there are 9 related cases which involved a total of 4 sets of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
11	Equity Chambers	1 counsel was briefed on 1 case.
12	Erik Shum's Chambers	2 counsel were briefed on 1 and 4 ⁷² cases respectively.
13	Fortune Chambers	1 counsel was briefed on 1 case.
14	Fraternity Chambers	1 counsel was briefed on 6 cases.
15	Gary Plowman S.C. Chambers	4 counsel were briefed on 1 (for 2 counsel), 2 and 16 ⁷³ cases respectively.
16	Gilt Chambers	5 counsel were briefed on 1 (for 3 counsel) and 2 ⁷⁴ cases (for 2 counsel) respectively.
17	Hin Lee Chambers	2 counsel were briefed on 1 and 2 cases respectively.
18	Kenneth C.L. Chan's Chambers	1 counsel was briefed on 1 case.
19	Liberty Chambers	2 counsel were briefed on 3 ⁷⁵ and 17 ⁷⁶ cases respectively.
20	Pacific Chambers	1 counsel was briefed on 3 cases.
21	Parkside Chambers	7 counsel were briefed on 1 (for 2 counsel), 2, 4, 5 ⁷⁷ (for 2 counsel) and 8 ⁷⁸ cases respectively.

⁷² Of the 4 cases, there are 3 related cases which involved 1 set of proceedings.

⁷³ Of the 16 cases, there are 15 related cases which involved 1 set of proceedings.

⁷⁴ For one of the counsel, the 2 cases are related and involved 1 set of proceedings.

⁷⁵ Of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

⁷⁶ Of the 17 cases, there are 12 related cases which involved a total of 5 sets of proceedings.

⁷⁷ For one of the counsel, of the 5 cases, there are 4 related cases which involved 1 set of proceedings.

⁷⁸ Of the 8 cases, there are 6 related cases which involved a total of 2 sets of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
22	Patrick Yu's Chambers	2 counsel were briefed on 1 and 5 ⁷⁹ cases respectively.
23	Prince's Chambers	1 counsel was briefed on 19 ⁸⁰ cases.
24	Room 1205, New World Tower 1, 18 Queen's Rd Central, H.K.	2 counsel were briefed on 1 case each.
25	Room 1603, Ruttonjee House, 11 Duddell St, Central, H.K.	1 counsel was briefed on 3 ⁸¹ cases.
26	Room 28, New Henry House, 10 Ice House St, Central, H.K.	1 counsel was briefed on 1 case.
27	Room 3308, Tower Two, Lippo Centre, 89 Queensway, Admiralty, H.K.	1 counsel was briefed on 2 cases.
28	Room 705, 7/F, Wilson House, 19-27 Wyndham St, Central, H.K.	1 counsel was briefed on 4 cases.
29	Room 87, New Henry House, 10 Ice House St, Central, H.K.	1 counsel was briefed on 1 case.
30	Rooms 1703-4, St. George's Bldg, 2 Ice House St, Central, H.K.	1 counsel was briefed on 1 case.
31	Sir Oswald Cheung's Chambers	8 counsel were briefed on 1 (for 4 counsel), 2 ⁸² (for 2 counsel), 3 and 6 ⁸³ cases respectively.

⁷⁹ Of the 5 cases, there are 2 related cases which involved 1 set of proceedings.

⁸⁰ All the 19 cases are related cases and involved a total of 2 sets of proceedings.

⁸¹ Of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

⁸² For both of the counsel, the 2 cases are related and involved 1 set of proceedings.

⁸³ Of the 6 cases, there are 4 related cases which involved a total of 2 sets of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
32	Temple Chambers	29 counsel were briefed on 1 (for 10 counsel), 2 (for 2 counsel), 3 ⁸⁴ (for 2 counsel), 4 ⁸⁵ (for 3 counsel), 5, 6 ⁸⁶ (for 2 counsel), 8 ⁸⁷ , 12 ⁸⁸ , 13 ⁸⁹ , 14 ⁹⁰ , 15 ⁹¹ , 17 ⁹² , 20 ⁹³ (for 2 counsel) and 22 ⁹⁴ cases respectively.
33	Wong Man Kit SC's Chambers	1 counsel was briefed on 1 case.
Overseas Chambers		
34	4 Pump Court	1 counsel was briefed on 1 case.
35	20 Essex Street	3 counsel were briefed on 1, 2 ⁹⁵ and 3 ⁹⁶ cases respectively.
36	Atkins Chambers	3 counsel were briefed on 1 case each.
37	Blackstone Chambers	2 counsel were briefed on 1 and 5 ⁹⁷ cases respectively.
38	Brick Court Chambers	1 counsel was briefed on 1 case.

⁸⁴ For both counsel, of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

⁸⁵ For one of the counsel, of the 4 cases, there are 3 related cases which involved 1 set of proceedings.

⁸⁶ For one of the counsel, of the 6 cases, there are 3 related cases which involved 1 set of proceedings.

⁸⁷ Of the 8 cases, there are 3 related cases which involved 1 set of proceedings.

⁸⁸ Of the 12 cases, there are 2 related cases which involved 1 set of proceedings.

⁸⁹ Of the 13 cases, there are 2 related cases which involved 1 set of proceedings.

⁹⁰ Of the 14 cases, there are 6 related cases which involved a total of 2 sets of proceedings.

⁹¹ Of the 15 cases, there are 4 related cases which involved a total of 2 sets of proceedings.

⁹² Of the 17 cases, there are 10 related cases which involved a total of 3 sets of proceedings.

⁹³ For one of the counsel, of the 20 cases, there are 11 related cases which involved a total of 4 sets of proceedings; for the other counsel, of the 20 cases, there are 19 related cases which involved a total of 2 sets of proceedings.

⁹⁴ Of the 22 cases, there are 15 related cases which involved 1 set of proceedings.

⁹⁵ The 2 cases are related and involved 1 set of proceedings.

⁹⁶ Of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

⁹⁷ Of the 5 cases, there are 2 related cases which involved 1 set of proceedings.

No.	Chambers (Remark 1)	No. of briefing out (Remark 2)
39	Henderson Chambers	1 counsel was briefed on 1 case.
40	Keating Chambers	1 counsel was briefed on 1 case.
41	Pump Court Tax Chambers	1 counsel was briefed on 3 ⁹⁸ cases.
42	Wilberforce Chambers	1 counsel was briefed on 3 ⁹⁹ cases.
Total number of counsel briefed out:		124

Remark 1: We do not maintain information on the sets of chambers to which a briefed out counsel belonged when a case was briefed. The sets of chambers set out in this document denote the chambers to which the briefed out counsel belonged as at the time when this document was prepared.

Remark 2: The same case dealt with at different court levels is counted as one case.

⁹⁸ The 3 cases are related and involved 1 set of proceedings.

⁹⁹ Of the 3 cases, there are 2 related cases which involved 1 set of proceedings.

- End -

CONTROLLING OFFICER'S REPLY

SJ024

(Question Serial No. 2753)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

\$450 million has been earmarked for the Department of Justice to implement the “Vision 2030 for Rule of Law” project.

Please inform the Council the budget in relation to commissioning an independent and credible study of the meaning of the rule of law, and of the aspects of the rule of law that the community’s understanding requires strengthening.

As the Secretary for Justice, Ms Teresa Cheng, SC, said at the Ceremonial Opening of the Legal Year 2020, the correct concept of the rule of law includes “all persons and authorities within the state, whether public or private, should be bound by...law...” Please inform the Council the budget under this Project in relation to holding police officers who have violated the law during the handling of protests related to the Anti-Extradition Bill Movement since June 2019 accountable to the law.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 91)

Reply:

“Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years. Around \$450 million earmarked in the Budget will be used over ten years for the following categories of work:

- (a) collaboration with stakeholders;
- (b) academic/professional exchanges/research;
- (c) capacity building/dissemination of proper information and concepts;
- (d) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (e) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

A Task Force comprising prominent local and international experts will be set up to advise and give steers on details and implementation of Vision 2030. Details of the proposal will be considered and decided by the Task Force. The Department of Justice will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

- End -

CONTROLLING OFFICER'S REPLY**SJ025****(Question Serial No. 2754)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (3) Legal PolicyControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please set out in a table the legislative proposals submitted to the various panels of the Legislative Council for discussion in the past 3 years and the latest progress as at 29 February 2020.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 100)Reply:

The following legislative proposals were introduced by the Legal Policy Division (LPD) into various Legislative Council (LegCo) panels for discussion in the past 3 years:

2020 (as at 29 February 2020)

Between January 2020 and 29 February 2020, the LPD did not introduce any legislative proposal into any LegCo panels.

2019

LegCo panel	Legislative proposal
The Panel on Administration of Justice and Legal Services (AJLS Panel) was consulted on the proposed Mainland Judgments in Matrimonial and Family Cases (Reciprocal Recognition and Enforcement) Bill on 25 February 2019.	The bill is to give effect to the “ <i>Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the Hong Kong Special Administrative Region</i> ” (“Matrimonial Arrangement”) signed between the Department of Justice (DoJ) and the Supreme People’s Court on 20 June 2017. The DoJ conducted a public consultation

LegCo panel	Legislative proposal
	<p>exercise in relation to the bill from 8 February 2019 to 8 March 2019. On 25 February 2019, the DoJ also briefed the LegCo AJLS Panel and sought members' views on the key features of the bill.</p> <p>The DoJ will seek to introduce the bill into the LegCo as soon as possible and continue to engage with stakeholders on the implementation of the Matrimonial Arrangement.</p>
<p>On 25 November 2019, the DoJ submitted an information paper on the Statute Law (Miscellaneous Provisions) Bill 2019 to the AJLS Panel.</p>	<p>The amendments proposed in the bill were largely technical, non-controversial and minor in nature. The bill received its first reading at the LegCo meeting on 15 January 2020.</p>

2018

LegCo panel	Legislative proposal
<p>On 22 January 2018, the DoJ briefed the AJLS Panel on the consultation exercise regarding the Continuing Powers of Attorney Bill which commenced on 28 December 2017.</p>	<p>The bill aims to implement the recommendations in the Law Reform Commission (LRC) Report on Enduring Powers of Attorney: Personal Care. The consultation period ended on 28 April 2018. The DoJ and the relevant bureaux and departments are considering the responses received for the purpose of refining the bill. The DoJ will brief the AJLS Panel on the results of the consultation exercise and the proposed way forward in due course.</p>
<p>The Government's findings on the consultation exercise and the proposed way forward relating to the recommendations of the LRC Report on Hearsay in Criminal Proceedings were further discussed on 26 February 2018.</p>	<p>On 4 July 2018, the Secretary for Justice (SJ) introduced the Evidence (Amendment) Bill 2018 into the LegCo in order to implement the recommendations of the LRC Report on Hearsay in Criminal Proceedings, i.e. to establish a statutory mechanism allowing the court to admit hearsay evidence in criminal proceedings when certain conditions are met. The Bills</p>

LegCo panel	Legislative proposal
	Committee established to scrutinise the bill has since held 5 meetings. The DoJ will continue to assist the Bills Committee with a view to securing its early passage through the LegCo.
On 28 May 2018, the DoJ consulted the AJLS Panel on the review of the amount of damages for bereavement under the Fatal Accidents Ordinance (Cap. 22).	The DoJ proposed to increase the amount of damages for bereavement to HK\$220,000. A resolution proposed by SJ to increase the damages to the proposed amount was passed by the LegCo on 11 July 2018.

2017

Panels of the LegCo	Legislative proposals
The Government's proposals to implement the recommendations of the LRC Report on Hearsay in Criminal Proceedings and the planned consultation exercise were discussed on 27 March 2017.	As above.
On 27 March 2017, the DoJ submitted an information paper on Statute Law (Miscellaneous Provisions) Bill 2017 to the AJLS Panel.	The amendments proposed in the bill were largely technical, non-controversial and minor in nature. The bill was passed on 11 April 2018.

- End -

CONTROLLING OFFICER'S REPLY

SJ026

(Question Serial No. 2756)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Financial Secretary will earmark about \$450 million for the Department of Justice to implement the "Vision 2030 for Rule of Law". Please set out the annual provision for the "Vision 2030 for Rule of Law" from 2020 to the end of the project by year.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 133)

Reply:

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to, inter alia, set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The detailed workplan for the 3 phases will be considered and decided by the Task Force. Around \$450 million earmarked in the Budget will be used over 10 years.

- End -

CONTROLLING OFFICER'S REPLY

SJ027

(Question Serial No. 2757)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please inform this Committee of the numbers of days of casual leave and sick leave taken, and the number of days of duty visits outside Hong Kong made by the Secretary for Justice in each of the past 3 years.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 80)

Reply:

Same as other politically appointed officials (PAOs), the Secretary for Justice (SJ) has been entitled to an annual paid leave entitlement of 22 working days to be calculated on a pro rata basis in accordance with her terms of employment since her assumption of office in 2018. The sick leave arrangements for PAOs are made with reference to those of civil servants. Where necessary, PAOs are entitled to take sick leave according to established procedures. The numbers of days of duty visits made by SJ from 2017 to 2019 were 21, 48 and 35 days respectively.

- End -

CONTROLLING OFFICER'S REPLY

SJ028

(Question Serial No. 2758)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please set out in the table below information on each of the duty visits made by the incumbent Secretary for Justice, Ms Teresa Cheng, SC:

Period of visit	Place of visit	Purpose of visit	Main content of event	Expenditure on visit

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 40)

Reply:

Relevant information on the duty visits of the Secretary for Justice since she took up office is as follows -

Date of visit Note 1	Place of visit	Purpose of visit and main content of event	Total Expenditure Note 2
2018-19 (16 times)	UK (London), USA (Washington DC, New York), Japan (Tokyo), South Korea (Incheon), Beijing, Guangzhou, Shenzhen, Zhuhai, Thailand (Bangkok)	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Belt and Road Joint Conference, roundtable discussion at Asia House, Forum on the Belt and Road Legal Cooperation, Society of International Economic Law Biennial Conference, Fifth Hong Kong Legal Services Forum and its opening ceremony, Tsinghua World Forum on the Rule of Law, United Nations Commission on International Trade Law (UNCITRAL) Inter-sessional Regional Meeting on Investor-State Dispute Settlement (ISDS) Reform, opening of the Hong Kong-Zhuhai-Macao Bridge, thematic session "From Deal Making to Dispute Resolution: Legal Risk Management for Enterprises in Japan", 3rd Qianhai Legal Intelligence Forum, signing the "Arrangement on Reciprocal Recognition and Enforcement	About \$1,424,000

Date of visit Note 1	Place of visit	Purpose of visit and main content of event	Total Expenditure Note 2
		of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region”)	
2019-20 (Up to February 2020) (14 times)	France (Paris), Luxembourg, The Netherlands (The Hague), Austria (Vienna), Beijing, Guangzhou, Shanghai, Shenzhen, Korea (Seoul), Macao, United Kingdom (London)	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. speaking at the thematic forum in second Belt and Road Forum for International Cooperation in Beijing, participation in the second Belt and Road Joint Conference in Beijing organised by National Development and Reform Commission, signing of the framework arrangement on legal exchange and mutual learning with High People’s Court of Guangdong Province, signing of a Memorandum of Co-operation with the Ministry of Justice of Korea, speaking at 4th Qianhai Legal Intelligence Forum, mock hearing activity under the “Seminars on Adjudicating with Common Law Concepts” series and the China Forum on International Legal Cooperation, participation in a seminar on external legal affairs in commemoration of the anniversary of the establishment of Macao SAR, joining the delegation to Beijing on the establishment anniversaries of People’s Republic of China and the Macao SAR, speaking in the “Alexander Lecture 2019” organised by Chartered Institute of Arbitrators, participation in the Guangdong-Hong Kong-Macao Greater Bay Area judicial case seminar)	About \$875,000

Remarks:

Note 1 The duty visits to the Mainland cities, Macao and Asian cities are either day trips or short trips.

Note 2 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

- End -

CONTROLLING OFFICER'S REPLY

SJ029

(Question Serial No. 2759)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (4) Law Drafting

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

What are the estimated 27 bills and 200 subsidiary legislations to be gazetted in 2020?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 89)

Reply:

The 27 bills and 200 subsidiary legislations to be gazetted in 2020 are estimates made taking into account our operational experience and the relevant figures in 2019. We prepare draft legislation on the basis of policy bureaux's legislative proposals, and policy bureaux prepare their legislative timetables having regard to their workload and work priorities. Hence, our workload and work timetable are demand-led, depending largely on the progress of the legislative programme of the Government.

- End -

CONTROLLING OFFICER'S REPLY

SJ030

(Question Serial No. 2760)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions
(3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

How many times did the Secretary for Justice and the Director of Public Prosecutions meet with the Police in each of the past 3 years? What were the dates and purposes of each meeting since June 2019?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 95)

Reply:

The Secretary for Justice and the Director of Public Prosecutions routinely conduct meetings with different institutions and departments according to operational needs. We do not keep the required statistics.

- End -

CONTROLLING OFFICER'S REPLY**SJ031****(Question Serial No. 2762)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (3) Legal PolicyControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please set out in table form the numbers of meetings of the Legislative Council and its committees and bills committees attended by the Secretary for Justice in the past 3 years and the relevant details (including dates and names of committees).

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 79)Reply:

The table below details the number of meetings of the Legislative Council (LegCo), its committees (including the House Committee, the Finance Committee and panels) and bills committees attended by the Secretary for Justice in the past 3 years.

	2017	2018	2019
LegCo meetings	18	15	16
Committee meetings	7	4	4
Bills committee meetings	0	4	0

- End -

CONTROLLING OFFICER'S REPLY

SJ032

(Question Serial No. 2772)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the 2019 District Council Election:

(1) A candidate's nomination for the South Horizons West Constituency was ruled invalid. Did the Department of Justice (DoJ) provide legal advice to the Returning Officer concerned or instruct fiat counsel to provide legal advice on the issue? If yes, what are the details (including the content, number of items of advice and expenditure)?

(2) Did DoJ provide legal advice to individual Returning Officers in respect of the Election or instruct fiat counsel to provide legal advice on the issue? If yes, what are the details (including the content, constituencies involved, number of items of advice and expenditure)?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 82)

Reply:

(1) & (2): Regarding the 2019 District Council Election, the DoJ, in the course of providing legal advice as part of its services, gave legal advice to Returning Officers on various electoral issues as required from time to time. The DoJ did not engage lawyers in private practice to provide legal advice on the issues and does not maintain any statistical breakdown of each item of legal advice given with reference to the Returning Officers seeking the advice. The number of items of legal advice provided is entirely demand-driven. It is inappropriate for us to respond to questions over the legal advice given to individual Returning Officers since the contents of the advice are covered by legal professional privilege.

- End -

CONTROLLING OFFICER'S REPLY**SJ033****(Question Serial No. 2773)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please inform this Committee whether the Department of Justice has organised seminars or training for its officers on constitutional law issues, human right law issues, human trafficking issues and legal issues related to Mainland laws, and of the details such as the speakers, dates and content of such seminars or training.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 41)Reply:

The Department of Justice encourages its officers to attend seminars or training conducted by external organisations and internal training within the Department. In 2019, seminars and training courses on constitutional law issues, human right law issues, human trafficking issues and legal issues related to Mainland laws conducted by the Department for its officers include:

	Date	Speaker	Topic of seminar/training course
Co-organised by the Prosecutions Division			
1	25 May 2019	Lady Justice Hallett, Vice-President of the Criminal Division of the Court of Appeal of England and Wales; Ms Julie Read, Director of the Serious Fraud Office of New Zealand; representatives of the Hong Kong Bar Association and the Law Society of Hong Kong and Deputy Directors of Public Prosecutions	5th Criminal Law Conference (Conference themes included trafficking in persons, cybercrime, money laundering and sexual offences)

	Date	Speaker	Topic of seminar/training course
Organised by the Civil Division			
1	11 June 2019	Professor Christopher Forsyth	“When will a Court refuse to entertain a Judicial Review?”
Organised/co-organised/joined by the Legal Policy Division (for civil servants including DoJ officers)			
1	3 May 2019	a Senior Assistant Solicitor General (SASG)	Basic Law Briefing
2	8 May 2019	a Deputy Solicitor General	Political Structure of the Hong Kong Special Administrative Region and Matters relating to the Procedures of the Legislative Council
3	3 June 2019	an SASG	Basic Law Briefing
4	7 August 2019	an SASG	Basic Law Briefing
5	28 August 2019	an SASG	Basic Law Briefing
6	4 October 2019	an SASG	Basic Law Briefing
7	9 October 2019	an SASG	Basic Law Briefing
Organised by the International Law Division			
1	10 May 2019	Mr Li Chenggang, Assistant Minister of Commerce	Foreign Investment Law of the People's Republic of China

- End -

CONTROLLING OFFICER'S REPLY

SJ034

(Question Serial No. 2775)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The number of advice for each law enforcement agencies respectively since 2014. In particular, the issues of advice given to the Police Force in 2019.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 88)

Reply:

The number of items of legal advice provided by the Prosecutions Division since 2014 are tabulated below:

	2014	2015	2016	2017	2018	2019
Number of items of legal advice provided	12 896	13 348	13 462	13 790	13 105	12 225

The Department of Justice does not maintain breakdown of the legal advice provided to individual law enforcement agencies.

- End -

CONTROLLING OFFICER'S REPLY

SJ035

(Question Serial No. 2776)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

What are the operational needs for the net creation of 39 posts in the Prosecutions? What will be the duties of the new posts created?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 90)

Reply:

The work of the posts to be created in 2020-21 under this Programme Area are set out below -

Post(s)	Nature of Duties	NAMS*
12 Senior Government Counsel	Providing additional manpower to strengthen legal support for advisory and advocacy work	\$1,514,640 x 12 = \$18,175,680
4 Government Counsel	Ditto	\$1,078,140 x 4 = \$4,312,560
4 Senior Court Prosecutors II	Supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents	\$807,540 x 4 = \$3,230,160
4 Law Clerks	Ditto	\$441,180 x 4 = \$1,764,720
5 Assistant Clerical Officers	Ditto	\$288,840 x 5 = \$1,444,200
7 Clerical Assistants	Ditto	\$225,540 x 7 = \$1,578,780
1 Senior Official Languages Officer ^{Note 1}	Providing additional manpower to strengthen general official languages support	\$1,124,520
1 Official Languages Officer I ^{Note 1}	Ditto	\$807,540

1 Government Counsel ^{Note 2}	Assisting in consolidating Hong Kong's role as an ideal hub for deal-making as well as a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond	\$1,078,140
--	---	-------------

Note 1: The post is to be created in the Administration and Development Division.

Note 2: The post is to be created in the Secretary for Justice's Office.

*NAMS means notional annual mid-point salary

- End -

CONTROLLING OFFICER'S REPLY

SJ036

(Question Serial No. 2777)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Whether the Department of Justice has provided any advice, training material, briefing session, etc, to the Police Force, regarding the Prohibition on Face Covering Regulation; if yes, when was each of the advice given, their respective content, and to whom.

Asked by: KWOK Wing-hang, Dennis (LegCo internal reference no.: 92)

Reply:

The Department of Justice (DoJ) advises Government bureaux and departments on different legal issues as required from time to time. The Prosecutions Division makes prosecutorial decisions on cases referred by law enforcement agencies. We do not maintain any statistical breakdown of legal advice given regarding the Prohibition on Face Covering Regulation. It is inappropriate to disclose the contents of legal advice as they are subject to legal professional privilege.

The functions of DoJ prosecutors and law enforcement agencies are separate and distinct. Law enforcement agencies gather evidence and other materials on which prosecutors rely to make prosecutorial decisions. Law enforcement agencies are responsible for providing their officers with training in the enforcement of criminal law. They may seek legal advice from the DoJ on legal issues relevant to their training topics if needed.

- End -

CONTROLLING OFFICER'S REPLY

SJ037

(Question Serial No. 3246)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Whether the Department of Justice has conducted any work in relation to Article 23 legislation, including but not limited to drafting of bill and legal research. Please inform the Council whether there is a timeline for the implementation of Basic Law Article 23.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 93)

Reply:

The Department of Justice (DoJ) provides professional legal support to Government bureaux or departments by drafting bills or providing legal advice on the instructions from the relevant policy bureaux or departments on their administrative and legislative proposals to ensure that Government bureaux or departments are fully apprised of the relevant legal implications of their proposals including those arising under the Basic Law. Communications in this regard between the DoJ and Government bureaux or departments are subject to legal professional privilege.

The Government has a constitutional responsibility to legislate for Article 23 of the Basic Law in order to safeguard national security. The Government will carefully consider relevant factors, act prudently and continue with its efforts to create a favourable social environment for the legislative work. The Government will continue to listen to views of different sectors of the community and explore ways to enable the Hong Kong society to respond positively to this constitutional responsibility.

- End -

CONTROLLING OFFICER'S REPLY

SJ038

(Question Serial No. 3247)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

How many Court Prosecutors are qualified holders of a practising certificate in law as at 29 February 2020? What is the percentage over the total number of Court Prosecutors?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 94)

Reply:

As at 29 February 2020, a total of 6 Court Prosecutor (CP) Grade officers are legally qualified, accounting for 8% of the strength of the CP Grade.

- End -

CONTROLLING OFFICER'S REPLY

SJ039

(Question Serial No. 1147)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Government is invited to advise on the following:

- (1) The details of the establishment (including ranks, strength and salary points) and the numbers of vacancies of Government Counsel and Court Prosecutors.
- (2) The details of the briefing out of prosecution cases to barristers and solicitors in private practice and the percentage of such cases against the total number of cases in the past 3 years by using the table below.

Number of cases conducted	2017-18	2018-19	2019-20
(Different levels of courts)			

- (3) Whether the Administration has compared the conviction rates for the same type of cases conducted by Government Counsel and by fiat counsel.
- (4) In view of the increasing number of lawyers who publicly express their stance on criminal cases in recent years, whether the Government has taken into account the remarks and stance that lawyers made on different occasions in engaging fiat counsel; and whether the Administration will take follow-up actions with the professional body concerned if it considers that a fiat counsel has committed an act of professional misconduct in litigation.

Asked by: Hon LAM Kin-fung, Jeffrey (LegCo internal reference no.: 18)

Reply:

- (1) The establishment, strength, vacancies, ranks and salary points of Government Counsel and Court Prosecutors in the Prosecutions Division as at 1 March 2020 are as follows -

Grade	Establishment	Strength	Vacancy	Rank and Salary Point*
Government Counsel	154	150	4	<ul style="list-style-type: none"> • Law Officer: DL6 • Principal Government Counsel: DL3 • Deputy Principal Government Counsel: DL2 • Assistant Principal Government Counsel: DL1 • Senior Government Counsel: MPS 45-49 • Government Counsel: MPS 32-44
Court Prosecutor	98	75	23	<ul style="list-style-type: none"> • Chief Court Prosecutor: MPS 40-44 • Senior Court Prosecutor I: MPS 34-39 • Senior Court Prosecutor II: MPS 28-33 • Court Prosecutor: MPS 13-27

* DL: Directorate Legal Pay Scale
MPS: Master Pay Scale

(2) The number of cases conducted by Government Counsel and by barristers and solicitors instructed to prosecute at different levels of courts in the past 3 years -

Number of cases conducted		2017-18		2018-19		2019-20 (up to 31 December 2019)	
		Government Counsel	Barristers and solicitors instructed to prosecute	Government Counsel	Barristers and solicitors instructed to prosecute	Government Counsel	Barristers and solicitors instructed to prosecute
Appeal Court	Court of Final Appeal	172	21	178	9	70	12
	Court of Appeal	382	16	412	21	314	4
	Magistracy Appeal	621	2	604	4	491	1
Court of First Instance		375	186	346	169	336	99
District Court		587	686	757	581	656	456
Magistracy		181	636 ¹	163	593 ¹	88	470 ¹
Death Inquest		29	14	29	8	20	0
Total		2 347	1 561	2 489	1 385	1 975	1 042
Percentage		60%	40%	64%	36%	65%	35%

¹ Apart from prosecuting in the Magistrates' Courts in place of Government Counsel, fiat counsel are also engaged to prosecute in the Magistrates' Courts in place of Court Prosecutors, attending to all cases before a particular magistrate on each day or half day. Such engagement is on court-day basis rather than case-based, and the numbers of court days concerned in 2017-18, 2018-19 and 2019-20 (up to 31 December 2019) are 5 327 days, 4 668 days and 2 869 days respectively.

- (3) The Department of Justice (DoJ) does not maintain such statistics.
- (4) The selection of fiat counsel is made in accordance with established internal guidelines on briefing out. For standard briefing out, we maintain lists of fiat counsel for different levels of courts and cases are assigned to them on a rotation basis. For non-standard briefing out, outside counsel are selected based on established selection criteria including the fiat counsel's years of experience and suitability in terms of areas of expertise and availability for the case concerned in light of its nature and complexity as well as the level of fees. As with Government Counsel, fiat counsel should act impartially and without prejudice or favour in accordance with the Prosecution Code in prosecuting cases on behalf of the DoJ. They should also declare that they have no conflict of interest in the case they are instructed to prosecute before accepting the instruction. If the DoJ considers that a fiat counsel has committed an act of professional misconduct in litigation, the case will be handled pursuant to established internal guidelines on briefing out.

- End -

CONTROLLING OFFICER'S REPLY

SJ040

(Question Serial No. 1128)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please tabulate the details of duty visits made by the Secretary for Justice in the past 3 years, including the dates and places of visit, purposes of visit, sizes of entourage, accommodation expenses, air ticket expenses, entertainment expenses and total expenditures.

Asked by: Hon LAU Ip-keung, Kenneth (LegCo internal reference no.: 17)

Reply:

Relevant information on the duty visits of the Secretary for Justice in the past 3 years (2017-18 to 2019-20) is as follows -

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
2017-18 (10 times)	UK (London and Oxford), Austria (Vienna), Malaysia (Kuala Lumpur), Xian, Shenzhen, Guangzhou, Shanghai and Beijing	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g Congress hosted by the United Nations Commission on International Trade Law, the 7th Greater China Arbitration Forum, the 9th Lujiazui Law Forum, Conference to	About \$138,000	About \$374,000	About \$111,000	About \$623,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
			review the development of mutual legal assistance on civil and commercial matters between the Mainland and the Hong Kong Special Administrative Region in the past 20 years, Law Conference to commemorate the 20th anniversary of China's resumption of the exercise of sovereignty over Hong Kong)				
2018-19 (16 times)	UK (London), USA (Washington DC, New York), Japan (Tokyo), South Korea (Incheon), Beijing, Guangzhou, Shenzhen, Zhuhai, Thailand (Bangkok)	0-3	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Belt and Road Joint Conference, roundtable discussion at Asia House, Forum on the Belt and Road Legal Cooperation, Society of International Economic Law Biennial Conference, Fifth Hong Kong Legal Services Forum and its opening ceremony, Tsinghua World Forum on the Rule of Law, United Nations Commission on International Trade Law (UNCITRAL) Inter-sessional Regional Meeting on Investor-State Dispute Settlement (ISDS) Reform, opening of the Hong Kong-Zhuhai-Macao Bridge, thematic session "From Deal Making to Dispute Resolution: Legal	About \$223,000	About \$912,000	About \$289,000	About \$1,424,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
			Risk Management for Enterprises in Japan”, 3rd Qianhai Legal Intelligence Forum, signing the “Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region”)				
2019-20 (Up to February 2020) (14 times)	France (Paris), Luxembourg, The Netherlands (The Hague), Austria (Vienna), Beijing, Guangzhou, Shanghai, Shenzhen, Korea (Seoul), Macao, United Kingdom (London)	0-3	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. speaking at the thematic forum in second Belt and Road Forum for International Cooperation in Beijing, participation in the second Belt and Road Joint Conference in Beijing organised by National Development and Reform Commission, signing of the framework arrangement on legal exchange and mutual learning with High People’s Court of Guangdong Province, signing of a Memorandum of Co-operation with the Ministry of Justice of Korea, speaking at 4th Qianhai Legal Intelligence Forum, mock hearing	About \$94,000	About \$509,000	About \$272,000	About \$875,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
			activity under the “Seminars on Adjudicating with Common Law Concepts” series and the China Forum on International Legal Cooperation, participation in a seminar on external legal affairs in commemoration of the anniversary of the establishment of Macao SAR, joining the delegation to Beijing on the establishment anniversaries of People’s Republic of China and the Macao SAR, speaking in the “Alexander Lecture 2019” organised by Chartered Institute of Arbitrators, participation in the Guangdong-Hong Kong-Macao Greater Bay Area judicial case seminar)				

Remarks:

- Note 1 The duty visits to the Mainland cities, Macao and Asian cities are either day trips or short trips.
- Note 2 The entourage usually comprised Administrative Assistant and Press Secretary to the Secretary for Justice.
- Note 3 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

No expenses for official entertainment during duty visits were incurred in 2017-18. The expenses for official entertainment during duty visits in 2018-19 and 2019-20 were about \$6,700 and \$31,000 respectively.

- End -

CONTROLLING OFFICER'S REPLY**SJ041****(Question Serial No. 2363)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

What are the reasons for the net creation of 39 posts under Programme (1), which represents a marked increase compared with the net creation of 9 posts in 2019-20? What are the establishment, functions and estimated expenditure in respect of the new posts to be created?

Asked by: Hon LAU Ip-keung, Kenneth (LegCo internal reference no.: 13)Reply:

We review from time to time the volume of work and staff establishment of the Prosecutions Division, and apply for additional resources to meet the daily operational needs according to established mechanism, when appropriate. The work of the posts to be created in 2020-21 under this Programme Area are set out below -

Post(s)	Nature of Duties	NAMS*
12 Senior Government Counsel	Providing additional manpower to strengthen legal support for advisory and advocacy work	\$1,514,640 x 12 = \$18,175,680
4 Government Counsel	Ditto	\$1,078,140 x 4 = \$4,312,560
4 Senior Court Prosecutors II	Supporting the implementation of the Judiciary's Information and Technology Strategy Plan for the electronic filing of court documents	\$807,540 x 4 = \$3,230,160
4 Law Clerks	Ditto	\$441,180 x 4 = \$1,764,720
5 Assistant Clerical Officers	Ditto	\$288,840 x 5 = \$1,444,200
7 Clerical Assistants	Ditto	\$225,540 x 7 = \$1,578,780
1 Senior Official Languages Officer ^{Note 1}	Providing additional manpower to strengthen general official	\$1,124,520

	languages support	
1 Official Languages Officer I ^{Note 1}	Ditto	\$807,540
1 Government Counsel ^{Note 2}	Assisting in consolidating Hong Kong's role as an ideal hub for deal-making as well as a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond	\$1,078,140

Note 1: The post is to be created in the Administration and Development Division.

Note 2: The post is to be created in the Secretary for Justice's Office.

*NAMS means notional annual mid-point salary

- End -

CONTROLLING OFFICER'S REPLY

SJ042

(Question Serial No. 2652)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please provide in the table below the numbers of cases where the Department of Justice (DoJ) represented the Commissioner of Police (CP) or police officers in civil claims for damages against them for their actions taken in the course of duties, the outcomes of the proceedings and the related expenses in the past 5 years. What claims would be classified as miscellaneous claims? Please provide specific examples.

Financial year	Number of cases where the DoJ represented the CP or police officers in civil claims for damages against them	Outcome of proceedings			Related expenses	
		Successful	Unsuccessful	Settled	Court costs	Amount of damages
2015-2016						
2016-2017						
2017-2018						
2018-2019						
2019-2020						

Breakdowns by nature of claims

Financial year	Personal injuries claim	Traffic accident claim	Wrongful detention claim	Miscellaneous claim	Total no. of claims
2015-2016					
2016-2017					
2017-2018					
2018-2019					
2019-2020					

Personal injuries claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses	
						Court costs	Amount of damages
2015-2016							
2016-2017							
2017-2018							
2018-2019							
2019-2020							

Traffic accident claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses	
						Court costs	Amount of damages
2015-2016							
2016-2017							
2017-2018							
2018-2019							
2019-2020							

Wrongful detention claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses	
						Court costs	Amount of damages
2015-2016							
2016-2017							
2017-2018							
2018-2019							
2019-2020							

Miscellaneous claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses	
						Court costs	Amount of damages
2015-2016							
2016-2017							
2017-2018							
2018-2019							
2019-2020							

Asked by: Hon LEUNG Kenneth (LegCo internal reference no.: 401)

Reply:

The information sought is provided as follows -

Number of claims and expenses with breakdown by outcome

Financial year	Number of cases where the Department of Justice represented the Commissioner of Police or police officers in civil claims for damages against them ^{Note 1}	Outcome of proceedings ^{Note 2}			Related expenses ^{Note 3}	
		Successful	Unsuccessful	Settled	Court costs (\$'000)	Amount of damages (\$'000)
2015-16	81 [12]	18	0	51	498	1,895
2016-17	212 [23]	16	0	173	293	2,507
2017-18	74 [19]	9	0	46	3,392	2,085
2018-19	72 [32]	12	0	28	40	947
2019-20 (up to 29.2.2020)	127 [107]	7	0	13	0	660

Note 1: The numbers of cases refer to new cases received in the relevant year. Figures in square brackets denote the number of cases that were not completed as at 29 February 2020.

Note 2: Position as at 29 February 2020. Proceedings with "Successful" outcome refer to those cases with outcome in favour of the Government.

Note 3: Position as at 29 February 2020. The amount of court costs and damages refer to expenses incurred for those cases received in the relevant year which have been completed.

Breakdown by nature of claims

Financial year	Personal injuries claims	Traffic accident claims	Wrongful detention claims	Miscellaneous claims	Total no. of claims
2015-16	8	39	2	32	81
2016-17	10	55	5	142	212
2017-18	11	47	2	14	74
2018-19	11	45	3	13	72
2019-20 (up to 29.2.2020)	23	63	5	36	127

Personal injuries claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	1	0	7	0	8	497	1,086

2016-17	1	0	5	4	10	231	475
2017-18	1	0	7	3	11	3,392	1,177
2018-19	1	0	3	7	11	40	142
2019-20 (up to 29.2.2020)	0	0	1	22	23	0	400

Traffic accident claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	35	4	39	0	781
2016-17	4	0	44	7	55	62	915
2017-18	1	0	36	10	47	0	876
2018-19	3	0	22	20	45	0	518
2019-20 (up to 29.2.2020)	1	0	7	55	63	0	215

Wrongful detention claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	0	2	2	0	0
2016-17	0	0	0	5	5	0	0
2017-18	0	0	0	2	2	0	0
2018-19	1	0	1	1	3	0	269
2019-20 (up to 29.2.2020)	0	0	0	5	5	0	0

Miscellaneous claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	17	0	9	6	32	1	28
2016-17	11	0	124	7	142	0	1,117
2017-18	7	0	3	4	14	0	32
2018-19	7	0	2	4	13	0	18
2019-20 (up to 29.2.2020)	6	0	5	25	36	0	45

Miscellaneous claims include all kinds of claims that fall outside the categories of personal injuries, traffic accident and wrongful detention claims, for example, claims for the repair/replacement costs of properties damaged during police's operation, etc.

- End -

CONTROLLING OFFICER'S REPLY

SJ043

(Question Serial No. 2653)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

(1) Please provide in the table below the numbers of cases where the Department of Justice (DoJ) represented the Commissioner of Correctional Services (C of CS) or correctional services officers in civil claims for damages against them for their actions taken in the course of duties, the outcomes of the proceedings and the related expenses in the past 5 years. What claims would be classified as miscellaneous claims? Please provide specific examples.

Financial year	Number of cases where the DoJ represented the C of CS or correctional services officers in civil claims for damages against them	Outcome of proceedings			Related expenses	
		Successful	Unsuccessful	Settled	Court costs	Amount of damages
2015-16						
2016-17						
2017-18						
2018-19						
2019-20						

(2) Please provide a breakdown of the numbers of claims by nature (such as personal injuries claims, wrongful arrest or detention claims, traffic accidents claims, contractual claims, etc.) in the past 5 years by listing out the information concerned by year.

(3) Please provide in the table below the relevant information relating to the various types of claims:

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses	
						Court	Amount of

						costs	damages
2015-16							
2016-17							
2017-18							
2018-19							
2019-20							

Asked by: Hon LEUNG Kenneth (LegCo internal reference no.: 403)

Reply:

The information sought is provided as follows -

Number of claims and expenses with breakdown by outcome

Financial year	Number of cases where the Department of Justice represented the Commissioner of Correctional Services or Correctional Services Department officers in civil claims for damages against them ^{Note 1}	Outcome of proceedings ^{Note 2}			Related expenses ^{Note 3}	
		Successful	Unsuccessful	Settled	Court costs (\$'000)	Amount of damages (\$'000)
2015-16	13 [5]	2	0	6	715	256
2016-17	5 [3]	0	1	1	250	350
2017-18	6 [5]	1	0	0	0	0
2018-19	9 [4]	2	0	3	0	106
2019-20 (up to 29.2.2020)	10 [8]	1	0	1	0	38

Note 1: The numbers of cases refer to new cases received in the relevant year. Figures in square brackets denote the number of cases that were not completed as at 29 February 2020.

Note 2: Position as at 29 February 2020. Proceedings with "Successful" outcome refer to those cases with outcome in favour of the Government.

Note 3: Position as at 29 February 2020. The amount of court costs and damages refer to expenses incurred for those cases received in the relevant year which have been completed.

Breakdown by nature of claims

Financial year	Personal injuries claims	Traffic accident claims	Wrongful detention claims	Miscellaneous claims	Total no. of claims
2015-16	7	2	2	2	13
2016-17	5	0	0	0	5
2017-18	4	0	0	2	6
2018-19	3	2	2	2	9
2019-20 (up to 29.2.2020)	0	3	1	6	10

Personal injuries claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	1	0	5	1	7	715	250
2016-17	0	1	1	3	5	250	350
2017-18	0	0	0	4	4	0	0
2018-19	0	0	0	3	3	0	0
2019-20 (up to 29.2.2020)	0	0	0	0	0	0	0

Traffic accident claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	1	1	2	0	6
2016-17	0	0	0	0	0	0	0
2017-18	0	0	0	0	0	0	0
2018-19	0	0	2	0	2	0	106
2019-20 (up to 29.2.2020)	0	0	1	2	3	0	38

Wrongful detention claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	0	2	2	0	0
2016-17	0	0	0	0	0	0	0
2017-18	0	0	0	0	0	0	0
2018-19	0	0	1	1	2	0	0
2019-20 (up to 29.2.2020)	1	0	0	0	1	0	0

Miscellaneous claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	1	0	0	1	2	0	0
2016-17	0	0	0	0	0	0	0
2017-18	1	0	0	1	2	0	0
2018-19	2	0	0	0	2	0	0
2019-20 (up to 29.2.2020)	0	0	0	6	6	0	0

Miscellaneous claims include all kinds of claims that fall outside the categories of personal injuries, traffic accident and wrongful detention claims, for example, claims for alleged medical negligence during detention, etc.

- End -

CONTROLLING OFFICER'S REPLY

SJ044

(Question Serial No. 2654)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

(1) Please provide in the table below the numbers of cases where the Department of Justice (DoJ) represented the Director of Immigration (D of Imm) or immigration officers in civil claims for damages against them for their actions taken in the course of duties, the outcomes of the proceedings and the related expenses in the past 5 years. What claims would be classified as miscellaneous claims? Please provide specific examples.

Financial year	Number of cases where the DoJ represented the D of Imm or immigration officers in civil claims for damages against them	Outcome of proceedings			Related expenses	
		Successful	Unsuccessful	Settled	Court costs	Amount of damages
2015-16						
2016-17						
2017-18						
2018-19						
2019-20						

(2) Please provide a breakdown of the numbers of claims by nature (such as personal injuries claims, wrongful arrest or detention claims, traffic accidents claims, contractual claims, etc.) in the past 5 years by listing out the information concerned by year.

(3) Please provide in the table below the relevant information relating to the various types of claims:

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses	
						Court costs	Amount of damages
2015-16							
2016-17							
2017-18							
2018-19							
2019-20							

Asked by: Hon LEUNG Kenneth (LegCo internal reference no.: 402)

Reply:

The information sought is provided as follows –

Number of claims and expenses with breakdown by outcome

Financial year	Number of cases where the Department of Justice represented the Director of Immigration or immigration officers in civil claims for damages against them ^{Note 1}	Outcome of proceedings ^{Note 2}			Related expenses ^{Note 3}	
		Successful	Unsuccessful	Settled	Court costs (\$'000)	Amount of damages (\$'000)
2015-16	616 [174]	102	1	339	16,013	14,216
2016-17	69 [18]	10	1	40	1,443	2,610
2017-18	142 [42]	3	1	96	1,953	5,490
2018-19	101 [71]	2	0	28	75	1,543
2019-20 (up to 29.2.2020)	168 [155]	3	0	10	0	666

Note 1: The numbers of cases refer to new cases received in the relevant year. Figures in square brackets denote the number of cases that were not completed as at 29 February 2020.

Note 2: Position as at 29 February 2020. Proceedings with “Successful” outcome refer to those cases with outcome in favour of the Government.

Note 3: Position as at 29 February 2020. The amount of court costs and damages refer to expenses incurred for those cases received in the relevant year which have been completed.

Breakdown by nature of claims

Financial year	Personal injuries claims	Traffic accident claims	Wrongful detention claims	Miscellaneous claims	Total no. of claims
2015-16	1	0	614	1	616
2016-17	1	0	67	1	69
2017-18	0	0	137	5	142
2018-19	2	2	94	3	101
2019-20 (up to 29.2.2020)	0	1	160	7	168

Personal injuries claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	1	0	0	0	1	0	0
2016-17	0	0	0	1	1	0	0
2017-18	0	0	0	0	0	0	0
2018-19	0	0	0	2	2	0	0
2019-20 (up to 29.2.2020)	0	0	0	0	0	0	0

Traffic accident claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expense ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	0	0	0	0	0
2016-17	0	0	0	0	0	0	0
2017-18	0	0	0	0	0	0	0
2018-19	0	0	1	1	2	0	18
2019-20 (up to 29.2.2020)	1	0	0	0	1	0	0

Wrongful detention claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note3}	
						Court costs (\$'000)	Amount of damages

							(\$'000)
2015-16	101	1	339	173	614	16,013	14,216
2016-17	9	1	40	17	67	1,443	2,610
2017-18	3	1	93	40	137	1,953	5,452
2018-19	0	0	27	67	94	75	1,525
2019-20 (up to 29.2.2020)	1	0	10	149	160	0	666

Miscellaneous claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	0	1	1	0	0
2016-17	1	0	0	0	1	0	0
2017-18	0	0	3	2	5	0	2
2018-19	2	0	0	1	3	0	0
2019-20 (up to 29.2.2020)	1	0	0	6	7	0	0

Miscellaneous claims include all kinds of claims that fall outside the categories of personal injuries, traffic accident and wrongful detention claims, for example, claims for the repair/replacement costs of properties damaged during the Immigration Department's operation, etc.

- End -

CONTROLLING OFFICER'S REPLY

SJ045

(Question Serial No. 2655)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

(1) Please provide in the table below the numbers of cases where the Department of Justice (DoJ) represented the Independent Commission Against Corruption (ICAC) or ICAC officers in civil claims for damages against them for their actions taken in the course of duties, the outcomes of the proceedings and the related expenses in the past 5 years. What claims would be classified as miscellaneous claims? Please provide specific examples.

Financial year	Number of cases where the DoJ represented the ICAC or ICAC officers in civil claims for damages against them	Outcome of proceedings			Related expenses	
		Successful	Unsuccessful	Settled	Court costs	Amount of damages
2015-16						
2016-17						
2017-18						
2018-19						
2019-20						

(2) Please provide a breakdown of the numbers of claims by nature (such as personal injuries claims, wrongful arrest or detention claims, traffic accidents claims, contractual claims, etc.) in the past 5 years by listing out the information concerned by year.

(3) Please provide in the table below the relevant information relating to the various types of claims:

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses	
						Court costs	Amount of damages
2015-16							
2016-17							
2017-18							
2018-19							
2019-20							

Asked by: Hon LEUNG Kenneth (LegCo internal reference no.: 405)

Reply:

The information sought is provided as follows –

1. Number of claims and expenses with breakdown by outcome

Financial year	Number of cases where the Department of Justice represented the Independent Commission Against Corruption (ICAC) or ICAC officers in civil claims for damages against them ^{Note 1}	Outcome of proceedings ^{Note 2}			Related expenses ^{Note 3}	
		Successful	Unsuccessful	Settled	Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0 [0]	0	0	0	0	0
2016-17	0 [0]	0	0	0	0	0
2017-18	3 [1]	2	0	0	0	0
2018-19	2 [2]	0	0	0	0	0
2019-20 (up to 29.2.2020)	0 [0]	0	0	0	0	0

Note 1: The numbers of cases refer to new cases received in the relevant year. Figures in square brackets denote the number of cases that were not completed as at 29 February 2020.

Note 2: Position as at 29 February 2020. Proceedings with “Successful” outcome refer to those cases with outcome in favour of the Government.

Note 3: Position as at 29 February 2020. The amount of court costs and damages refer to expenses incurred for those cases received in the relevant year which have been completed.

Breakdown by nature of claims

Financial year	Personal injuries claims	Traffic accident claims	Wrongful detention claims	Miscellaneous claims	Total no. of claims
2015-16	0	0	0	0	0
2016-17	0	0	0	0	0
2017-18	0	1	0	2	3
2018-19	0	1	0	1	2
2019-20 (up to 29.2.2020)	0	0	0	0	0

Personal injuries claims

According to record, there was no case involving civil claims for damages for personal injuries against the ICAC or ICAC officers for their actions taken in the course of duties in the past 5 years.

Traffic accident claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expense ^{Note 3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	0	0	0	0	
2016-17	0	0	0	0	0	0	
2017-18	1	0	0	0	1	0	
2018-19	0	0	0	1	1	0	
2019-20 (up to 29.2.2020)	0	0	0	0	0	0	

Wrongful detention claims

According to record, there was no case involving civil claims for damages for wrongful detention against the ICAC or ICAC officers for their actions taken in the course of duties in the past 5 years.

Miscellaneous claims

Financial year	Successful	Unsuccessful	Settled	Pending	Total	Related expenses ^{Note3}	
						Court costs (\$'000)	Amount of damages (\$'000)
2015-16	0	0	0	0	0	0	0
2016-17	0	0	0	0	0	0	0
2017-18	1	0	0	1	2	0	0
2018-19	0	0	0	1	1	0	0
2019-20 (up to 29.2.2020)	0	0	0	0	0	0	0

Miscellaneous claims include all kinds of claims that fall outside the categories of personal injuries, traffic accident and wrongful detention claims, for example, claims for properties damaged during the ICAC's operation, etc.

- End -

CONTROLLING OFFICER'S REPLY

SJ046

(Question Serial No. 2156)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

In 2019-20, the Prosecutions Division (PD) created 2 additional Senior Government Counsel and 2 additional Government Counsel posts. In 2020-21, the estimate for PD will rise to \$976.9 million, representing an increase of 13% over that of last year. In this connection, will the Department of Justice (DoJ) inform this Committee of:

1. the additional manpower required to handle the cases related to the anti-extradition law amendment;
2. the additional provision required for the additional manpower;
3. the ways to ensure proper use of the provision and the details?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 39)

Reply:

Currently with over 200 prosecutors, the Prosecutions Division (PD) has all along had a dedicated team of prosecutors for handling cases concerning “public order events” to ensure consistency in the handling approach. In view of the recent increase in the number of “public order event” cases, the Department of Justice has arranged for officers who had formerly served in that dedicated team and deployed additional manpower to assist in work relating to prosecution decisions.

Subject to the overall operational needs and available manpower of PD, we do not rule out the possibility of deploying additional manpower to handle relevant cases where necessary.

- End -

CONTROLLING OFFICER'S REPLY

SJ047

(Question Serial No. 2157)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Since the eruption of the anti-extradition law amendment bill movement in June 2019, there have been media revelations, one after another, concerning the Department of Justice (DoJ). First, it has been reported that some persons, claiming to be “a group of prosecutors” within the DoJ, issued an anonymous open letter using the DoJ’s letterhead, criticising the ways in which senior personnel of the DoJ dealt with cases involving large-scale public events. Then there have been scandals such as the one where five defendants in a case had their charges withdrawn by the prosecution and were released by the court unconditionally because the name of one of the defendants stated in the DoJ’s consent to prosecution was wrong and discrepancies were found between the Chinese and English versions of an offence. In this connection, will the DoJ advise this Committee on the following:

- Are there sufficient resources within the DoJ to ensure that prosecutors uphold the principles of impartiality, probity and care in dealing with prosecutions relating to the movement?
- Further to the above, if there are sufficient resources, what are the details? If there are not, what are the reasons?
- Whilst DoJ prosecutors are protected by Article 63 of the Basic Law and the conduct of prosecutions is guided by the Prosecution Code, the impartiality of prosecution work has constantly been queried by the public. Does the DoJ have the resources to account for its work to the public? If yes, what are the details? If no, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 41)

Reply:

Prosecutorial independence is guaranteed by Article 63 of the Basic Law. In *Re C (A Bankrupt)* [2006] 3 HKC 582, the Court of Appeal clearly pointed out that the Secretary for Justice shall be “free from interference” and “without political or other pressure” when carrying out his or her work under Article 63 of the Basic Law.

The Prosecution Code (the Code) is a set of statements and instructions to guide prosecutors on how to conduct prosecutions. Prosecutors must operate within the framework of defined and clear prosecution policy guidelines set out in the Code. Prosecutorial independence is the fundamental principle upheld in the Code, of which paragraph 1.1 stipulates that “a prosecutor is required to act in the general public interest, but independently as a ‘minister of justice’. In making decisions and exercising discretion, a prosecutor must act fairly and dispassionately on the basis of the law, the facts provable by the admissible evidence, other relevant information known to the prosecution and any applicable policy or guidelines.” Paragraph 1.2 of the Code also stipulates that a prosecutor must not be influenced by irrelevant factors.

The above legal requirements and the Code ensure that the Department of Justice (DoJ) handles prosecutions in a fair and just manner, free from any interference.

We seek to enhance the efficiency and professionalism of our in-house prosecutors in handling prosecutions through various means, including the following –

- (a) the Prosecutions Division (PD) reviews from time to time its volume of work and staff establishment, and applies for additional resources to meet the daily operational needs according to established mechanism, where appropriate. In 2020-21, PD will create 12 additional Senior Government Counsel and 4 additional Government Counsel posts;
- (b) the continued provision of local and overseas training programmes to our in-house prosecutors, including seminars on different topics under the Continuing Legal Education Programme, and talks/seminars delivered by experienced private practitioners and other professionals;
- (c) the provision of guidance to prosecutors from time to time through the issue and updating of circulars and reference materials;
- (d) maintaining coordinators or specific units for handling particular types of cases (including cases relating to public order events, human exploitation, money laundering, cybercrime, those involving vulnerable witnesses and matters concerning court costs of criminal cases) so as to allow for better development of expertise within PD in such areas of laws, and hence more effective and efficient handling of these cases; and
- (e) the continued operation of the quick advisory system known as “FAST” to promptly deal with relatively simple and straightforward cases. Legal advices processed through the system are generally provided on the same day. FAST has proven to be extremely effective in ensuring the overall efficiency of the advisory function of the Division whilst, at the same time, reducing the workload of counsel from advisory sections to free them up for more advocacy work. It also serves as another important training ground for our in-house prosecutors, as counsel from teams other than the few advisory sections would have the opportunities to regularly handle such FAST cases which help hone and consolidate their advisory skills and legal knowledge in respect of a broad spectrum of general criminal cases.

In addition, PD is committed to promoting transparency in public prosecutions through staging various public relations activities, including the “Meet the Community” Programme and the “Prosecution Week”. Under the “Meet the Community” Programme, our prosecutors will visit schools and other interested community institutions to give talks on

various topics related to their work. It is a key measure taken up by PD to enhance public understanding (in particular the young people) of the criminal justice system and their role in the system as well as the importance of the rule of law. As for the “Prosecution Week”, it aims to engage the general public, so as to deepen their understanding of the criminal justice system. The “Prosecution Week” comprises various lively and informative activities, e.g., school talks, guided visits to courts and different types of competitions. Through these activities, not only will the public come to know more about the work of PD and how prosecutorial decisions are made but also, more importantly, the role that they, as citizens of Hong Kong, can play in furthering the interests of criminal justice.

The staff costs of officers responsible for the above measures and other related expenses will be absorbed by existing resources of the DoJ. The expenditure involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ048

(Question Serial No. 2158)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Information shows that there were obvious drops in the conviction rates of defendants in the Magistrates' Courts for 2018 and 2019; the conviction rate of defendants convicted after trial dropped from 57.5% in 2018 to 54.6% in 2019 and that of defendants convicted after trial and defendants convicted on their own pleas from 71.5% in 2018 to 68.3% in 2019. As for the Court of First Instance, the conviction rate of defendants convicted after trial also dropped considerably from 67.9% in 2018 to 60.7% in 2019. In this connection, will the Department of Justice (DoJ) inform this Committee of:

- the reasons for such obvious drops in the conviction rates;
- whether the DoJ has sufficient resources to handle various types of offences, such as offences related to the anti-extradition law amendment, cybercrimes, frauds arising from the outbreak of the novel coronavirus, etc; and
- in connection with the above, if yes, what are the details; if not, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 42)

Reply:

As the prosecution authority, we are committed to the objective of presenting appropriate cases to the court in a fair manner. Prosecutions are, in accordance with the guidelines set out in the Prosecution Code, pursued only if there is a reasonable prospect of conviction and that it is in the public interest to prosecute. Once it is decided that prosecution should be pursued, it is the duty of prosecutors to act in a fair and objective manner. The question of guilt or innocence is a matter for the court to decide, on the criminal law standard of proving "beyond reasonable doubt" (which is a higher threshold than that for deciding whether to commence prosecution).

The success rates of prosecutions at the Magistrates' Court, District Court and Court of First Instance levels (including defendants convicted after trial and defendants convicted on their own pleas) in the past 5 years are set out below:

	2015	2016	2017	2018	2019
Conviction Rate at Magistrates' Court					
- defendants convicted after trial (%)	52.0	49.4	55.3	57.5	54.6
- defendants convicted after trial and defendants convicted on their own pleas (%)	74.6	74.0	70.4	71.5	68.3
Conviction Rate at District Court					
- defendants convicted after trial (%)	70.2	72.8	78.5	59.2	67.4
- defendants convicted after trial and defendants convicted on their own pleas (%)	93.4	94.6	94.7	89.8	92.9
Conviction Rate at the Court of First Instance					
- defendants convicted after trial (%)	68.8	56.5	70.8	67.9	60.7
- defendants convicted after trial and defendants convicted on their own pleas (%)	93.5	91.1	94.0	90.8	90.0

We review from time to time the volume of work and staff establishment of the Prosecutions Division (PD), and apply for additional resources to meet its daily operational needs according to established mechanism, when appropriate. In 2020-21, the PD will create 12 additional Senior Government Counsel and 4 additional Government Counsel posts.

- End -

CONTROLLING OFFICER'S REPLY

SJ049

(Question Serial No. 2159)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Department of Justice (DoJ) will explore the role of mediation in the establishment of a body for provision of diversified dispute resolution services for Belt and Road countries, and will establish and implement a mediation platform in the Guangdong-Hong Kong-Macao Greater Bay Area. Regarding the eBRAM Centre, will the DoJ inform this Committee of the following:

- What is the current operational status of the Centre?
- Does the DoJ have adequate resources to monitor the development of LawTech by the Centre? If yes, what are the details? If not, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 43)

Reply:

The Government has always supported the development of online dispute resolution by non-governmental organisations to enhance the development of LawTech in Hong Kong and consolidate Hong Kong's position as an international dispute resolution services centre. On 27 February 2019, the Financial Secretary announced in the 2019-20 Budget that \$150 million will be provided for the development and initial operation of the online dispute resolution and deal-making platform ("online platform"). The proposal was supported by the Panel on Administration of Justice and Legal Services on 25 March 2019. The DoJ is in the process of seeking approval from the Finance Committee of the Legislative Council for the provision of \$150 million to eBRAM International Online Dispute Resolution Centre Limited ("eBRAM Centre") for the development of the online platform. It is anticipated that the online platform will launch various services in phases from 2020 onwards.

As a local non-governmental organisation, eBRAM Centre exercises a high degree of independence and autonomy in planning and operating its business, as well as in managing its human and financial resources. Once the online platform is launched, the eBRAM Centre will focus on ensuring the smooth running of the system and the recruitment of

suitable arbitrators, mediators and other talent. Thereafter, the eBRAM Centre will proceed to develop the provision of arbitration/mediation services for e-commerce business to business activities as well as the provision of training as a commercial service for the region.

Recently, eBRAM provided online video-conferencing services to the 17th Willem C. Vis (East) International Commercial Arbitration Moot held in March this year, allowing the Moot to be held successfully as scheduled unaffected by the outbreak of COVID-19 and enabling 71 teams from 25 jurisdictions and about 250 arbitrators from 52 jurisdictions to continue to take part in the Moot at ease in their respective countries or regions.

Meanwhile, the DoJ plans to, following funding approval by the Finance Committee of the Legislative Council, sign a memorandum of understanding with the eBRAM Centre on specific areas in relation to its operation and the utilisation of any funding provided, including a mechanism for progress reporting. The DoJ will utilise its existing resources and manpower to closely monitor eBRAM Centre's developments and its services pursuant to the memorandum of understanding.

- End -

CONTROLLING OFFICER'S REPLY

SJ050

(Question Serial No. 2160)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

From information available, the percentage of cases where legal advice is provided by the Department of Justice (DoJ) within 14 working days upon receipt of instructions/requests dropped by 6 percentage points in 2019; the numbers of new proceedings brought by and against the Government increased by 227 and 1 198 respectively when compared with 2018, hence a corresponding increase in the number of person days of court appearances by 181 days over 2018. In this connection, would DoJ inform this Committee of:

- whether the Civil Division has enough resources to follow up such cases and the relevant details;
- how the Division will ensure the early handling of civil litigation cases in view of the increasing number of cases arising from scandals such as the Shatin to Central Link and Hung Hom Station incidents as well as the vandalism of MTR stations and other facilities by those taking part in the anti-extradition law amendment movement.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 44)

Reply:

The Civil Division (CD) of the Department of Justice reviews from time to time its workload and staffing resources to ensure that it can properly handle the work for which it is responsible, including to represent the Government and various other bodies in courts and tribunals in all forms of civil litigation and dispute resolution; and to provide legal advice to Government bureaux and departments. The 2020/21 draft estimates would provide for manpower and resources to meet anticipated workload. Where there is a genuine operational need, CD would consider staff re-deployment and/or brief out suitable cases to barristers in private practice or solicitors firms for handling, so as to ensure proper handling of civil litigation cases and to provide timely advisory services.

- End -

CONTROLLING OFFICER'S REPLY

SJ051

(Question Serial No. 2161)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Government invoked the Emergency Regulations Ordinance (ERO) (Cap. 241 of the Laws of Hong Kong) following the outbreak of social movements last year. The court later held that the application of the ERO on an occasion of public danger was incompatible with the Basic Law. The Prohibition on Face Covering Regulation made pursuant to the ERO by the Chief Executive was also ruled unconstitutional. The Department of Justice (DoJ) has already lodged an appeal. While I understand that no comment would be made on individual cases, would the Government inform this Committee of:

- whether DoJ has studied when and by whom the ERO can be put into application;
- whether resources are available to study how to prevent the application of the ERO from being struck down by judicial review;
- how the Government can strike a balance between the court and the application of legislation.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 47)

Reply:

Section 2(1) of the Emergency Regulations Ordinance (ERO) (Cap. 241) provides that on any occasion which the Chief Executive in Council (CEIC) may consider to be an occasion of emergency or public danger she may make any regulations whatsoever which she may consider desirable in the public interest. On 18 November 2019, the Court of First Instance held that, the ERO, insofar as it empowers the CEIC to make regulations on any occasion of public danger, is incompatible with the Basic Law. The HKSAR Government has lodged an appeal against the judgment with the outcome of the appeal pending. It is therefore inappropriate to openly discuss on this occasion such legislation which is the subject of on-going judicial proceedings.

The HKSAR Government emphasises that, in considering whether to apply a certain piece of existing legislation, its scope and conditions of application will be examined together

with any relevant court rulings. The question as to whether such legislation is applicable to the prevailing situation and the possible legal challenges which it may face will be carefully assessed in consideration of the rationality and legality of invoking the legislation. In the above process, the Department of Justice will provide professional legal support required with the resources allocated.

- End -

CONTROLLING OFFICER'S REPLY

SJ052

(Question Serial No. 2162)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

As revealed by the information, the Inter-departmental Working Group on Gender Recognition, chaired by the Secretary for Justice, provides support for studying possible legislation on gender recognition in respect of transsexual persons in the light of observations made by the Court of Final Appeal in the *W* case (FACV 4/2012). In this connection, would the Department of Justice (DoJ) inform this Committee of the following:

- What resources has the Government allocated to studying the relevant laws?
- Gender recognition issues concern various legislation, such as the Inland Revenue Ordinance, discrimination ordinances and legislation on family and matrimonial matters. Would the Government advise on the study results in this regard?
- Has DoJ allocated resources to studying the possibility of courts' judgments overriding the legislation? If yes, what are the details? If not, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 48)

Reply:

- (1) The Inter-departmental Working Group on Gender Recognition (IWG) was established in January 2014 to consider legislation and incidental administrative measures that may be required to protect the rights of transsexual persons in Hong Kong in all legal contexts, and to make such recommendations for reform as may be appropriate. The existing 1 Senior Government Counsel post and 1 Government Counsel post for dealing with the work, which were created in 2014-15, have been further extended for 2 years starting from 2018-19 to provide ongoing legal support to the IWG. The estimated annual staff costs of the above posts are around \$2.5 million in 2019-20 and around \$2.6 million in 2020-21. For other officers providing support to the IWG, as their work in this regard is undertaken among their other duties, the staff costs and other related expenses involved cannot be separately identified.

- (2) The scope of the IWG's study covers both recognition and post-recognition issues. Gender recognition-related legislation, such as the Inland Revenue Ordinance, discrimination ordinances and legislation on family and matrimonial matters, are classified as post-recognition issues by the IWG. The study includes reviewing all the existing legislative provisions and administrative measures in Hong Kong which may be affected by the legal gender recognition scheme so that the Government can take forward any required legislative or procedural reform. As the IWG is currently dealing with recognition issues, including an analysis of the submissions received in the public consultation, the study on post-recognition issues has yet to commence. Upon completing the first part of the study on gender recognition, the IWG will report on the results of the public consultation and the proposed way forward.
- (3) As regards the impact of court judgments on the relevant legislation, the right of Hong Kong residents to access to the courts is protected by the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. Whenever a piece of legislation is challenged for being inconsistent with the Basic Law in judicial proceedings, the Department of Justice (DoJ), being the legal representative of the HKSAR Government, will allocate appropriate resources as necessary to represent the Government in the conduct of legal proceedings involving the Government and to provide legal advice to the bureaux and/or departments concerned. Some of the work may be briefed out to barristers and solicitors in private practice as may be required. After the case has been adjudicated upon by the court, the DoJ will study the judgment and its impact carefully with the bureaux and/or departments concerned so as to enable the HKSAR Government to decide whether to appeal to a higher court or whether it is necessary to introduce legislative amendments to the Legislative Council.

- End -

CONTROLLING OFFICER'S REPLY

SJ053

(Question Serial No. 2164)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

In the midst of the outbreak of coronavirus, the Police arrested a local man suspected of circulating a false press release on the Internet. In this regard, would the Department of Justice (DoJ) inform this Committee of the following:

- Has DoJ allocated resources to the study of the law relating to the release of false information and propaganda? If yes, what are the details? If not, what are the reasons?
- Has DoJ studied and made reference to, for example, Singapore's Protection from Online Falsehoods and Manipulation Act in a bid to strike a balance between different interests?
- Regarding existing legislation, does DoJ have any resources for publicity to inform the general public that the release of false information may violate the Crimes Ordinance? If yes, what are the details? If not, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 50)

Reply:

The Government deeply regrets the malicious release of false messages on the Internet while our society is making a concerted effort to combat the ongoing coronavirus outbreak in Hong Kong.

The Police always stress that the Internet is not a virtual world beyond the law. Most of the crime-prevention laws in the real world are applicable to the online world. Therefore, the public should use the Internet lawfully and responsibly. Police officers have the statutory duty to maintain public safety and public order, and to safeguard people's life and property. The Police will strictly enforce the law against persons committing illegal acts through the Internet.

Any messages can now be disseminated quickly on the Internet, particularly via social media and messaging applications. In view of the potential exploitation of information technology, computers and the Internet for criminal purposes, a sub-committee under the Law Reform Commission launched a study on cybercrime in January 2019. In the course of this study, which is still ongoing, the sub-committee will identify the challenges arising from the rapid development of cyber network, review existing legislation and other relevant measures, examine relevant developments in other jurisdictions and make recommendations for law reforms.

Whether specific legislation would be enacted to regulate the release of false information and propaganda is a matter of policy decision. The Department of Justice (DoJ) is responsible for making prosecution decisions based on the existing applicable laws, relevant facts, evidence and the Prosecution Code. If it is considered necessary to enact new legislation or amend existing laws, the relevant bureau would formulate the legislative proposals and the DoJ would provide legal advice to the bureau on such proposals.

- End -

CONTROLLING OFFICER'S REPLY

SJ054

(Question Serial No. 2910)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the manpower of the Department of Justice, please provide this Committee with the following information:

- (1) the 56 additional non-directorate posts in the establishment for 2020-21 and the details of their work;
- (2) the Secretary for Justice has stated in late 2019 that if the number of cases in respect of the anti-extradition law amendment movement is substantial leading to a manpower shortage, solicitors and barristers in private practice may be engaged to provide assistance under the relevant mechanism so that the cases can be handled in a timely manner. Please advise on the number of cases concerned and whether legal practitioners in private practice have been engaged to provide assistance; if yes, the number engaged and the details of such expenditure.

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 30)

Reply:

- (1) The Department of Justice (DoJ) will create 59 and delete 3 non-directorate posts in 2020-21. Their duties are set out below -

Creation of 59 Posts	Nature of Duties
15 Senior Government Counsel	Providing additional manpower to strengthen legal support for advisory and advocacy work
	Providing additional manpower to strengthen support for the Treaties and Law Unit of the International Law Division
	Providing additional manpower to enhance Hong Kong's anti-money laundering, counter-terrorist financing and counter-proliferation financing regimes in respect of mutual legal assistance

	Providing legal support required for promoting the development of the aviation industry and other initiatives under the Outline Development Plan for the Greater Bay Area
12 Government Counsel	Providing additional manpower to strengthen legal support for advisory and advocacy work
	Assisting the co-ordination and implementation of various initiatives and programmes of the DoJ on dispute avoidance and resolution
	Providing additional manpower to strengthen support for the Human Rights Unit of the Legal Policy Division
	Providing additional manpower to strengthen support for the Treaties and Law Unit of the International Law Division
	Providing additional manpower to enhance Hong Kong's anti-money laundering, counter-terrorist financing and counter-proliferation financing regimes in respect of mutual legal assistance
4 Senior Court Prosecutors II	Supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents
7 Law Clerks	Supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents
	Supporting the work of the Civil Litigation Units arising from the implementation of the Judiciary's electronic document filing system
7 Assistant Clerical Officers	Supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents
	Supporting the work of the Civil Litigation Units arising from the implementation of the Judiciary's electronic document filing system
	Assisting the co-ordination and implementation of various initiatives and programmes of the DoJ on dispute avoidance and resolution
9 Clerical Assistants	Supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents
	Supporting the work of the Civil Litigation Units arising from the implementation of the Judiciary's electronic document filing system
1 Senior Official Languages Officer	Providing additional manpower to strengthen general official languages support
1 Official Languages Officer I	Providing additional manpower to strengthen general official languages support
1 Senior Executive Officer	Providing additional manpower to strengthen support for the Departmental Administration Unit of the Administration and Development Division

1 Executive Officer I	Responsible for the property management of the former French Mission Building
1 Personal Secretary II	Providing additional manpower to strengthen support for the Treaties and Law Unit of the International Law Division

Deletion of 3 Posts	Nature of Duties
1 Senior Government Counsel	Providing legal support for healthcare reform
1 Senior Government Counsel	Handling cases arising from new/amended outline zoning plans and development permission area plans
1 Senior Government Counsel	Providing legal support on mediation for the Planning, Environment, Lands and Housing Unit of the Civil Division

- (2) We have a mechanism in place to cope with manpower shortfall where certain cases may be briefed out in certain circumstances. The DoJ will review its work progress and manpower situation from time to time and make appropriate arrangements. The DoJ does not maintain any statistics on the numbers of criminal cases prosecuted and briefed out in relation to public order events since early June last year.

- End -

CONTROLLING OFFICER'S REPLY

SJ055

(Question Serial No. 2911)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The estimate for the promotion and development of Hong Kong's legal and dispute resolution services for 2020-21 is \$124,903,000. Regarding Matters Requiring Special Attention concerning Hong Kong's legal and dispute resolution services, please inform this Committee of:

- (1) the specific measures and the respective estimates for promoting the related services at international level, in the Belt and Road countries and the Guangdong-Hong Kong-Macao Greater Bay Area for 2020-21;
- (2) the manpower and specific measures for exploring opportunities for Hong Kong legal and dispute resolution professionals to provide services in the Mainland.

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 31)

Reply:

Promotion and development of Hong Kong's legal and dispute resolution services

The Department of Justice (DoJ) has been working closely with the legal professional bodies and the dispute resolution sector to promote Hong Kong as a regional centre for international legal and dispute resolution services. Building on previous efforts and successes, the DoJ will increase resources from 2020-21 onwards for stepping up efforts in this respect in order to respond to new challenges and harness the opportunities offered by the Belt and Road Initiative (BRI) and the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Plan. The DoJ will endeavour to enhance the standard of Hong Kong's legal services in a systematic manner through closer collaboration with various international and intergovernmental organisations and institutions. Efforts will also be made to strengthen Hong Kong's status as a regional capacity building centre which seeks to enhance legal infrastructure in the neighbouring regions, facilitating cross-border mobility and business activities, highlighting the contribution of Hong Kong, and fortifying its role under the BRI as well as its competitiveness and influence in international legal services. In 2020-21, the DoJ's measures are set out below.

At international level:

- (a) Striving for the presence of international dispute resolution institutions in Hong Kong to strengthen and enhance its status as a leading centre for international legal and dispute resolution services and to meet the ever increasing demand for legal and dispute resolution services arising from the BRI and the GBA Plan. With the support of the Central People's Government (CPG), the DoJ is exploring the possibility for the Asian-African Legal Consultative Organization (AALCO) to establish a regional centre for international commercial arbitration in Hong Kong.
- (b) To raise Hong Kong's international profile and showcase our efforts in promoting international legal and dispute resolution services, the DoJ is targeting decision-making meetings of international organisations, such as annual meetings or inter-sessional meetings, to be held in Hong Kong. With the CPG's support, the DoJ plans to host the 59th Annual Session of the AALCO and an inter-sessional meeting of Working Group III of the United Nations Commission on International Trade Law (UNCITRAL) in the latter half of 2020.
- (c) Actively organising capacity building courses in dispute resolution. For instance, the DoJ has been co-organising a course in investment law and international investment dispute mediation with the World Bank Group's International Centre for Settlement of Investment Disputes and the Asian Academy of International Law (AAIL) on a regular basis since 2018. The DoJ has also reached an agreement with the Hague Academy of International Law to support its collaboration with the AAIL in organising capacity building courses in Hong Kong regularly starting from December 2020. Furthermore, the DoJ will continue to support the Training Session of the China-AALCO Exchange and Research Programme on International Law conducted by the AAIL in collaboration with the Ministry of Foreign Affairs with a view to providing training in investment law, trade and investment disputes management, etc. for diplomats and government officials from various jurisdictions in the Asian-African regions.
- (d) Providing training and learning opportunities to young legal practitioners to equip them with the necessary skills and to strengthen their competitiveness. DoJ is actively exploring the possibility of local legal professionals taking up fellowship, secondment and internship opportunities in renowned international legal bodies, such as the Hague Conference on Private International Law (HCCH), the International Institute for the Unification of Private Law (UNIDROIT) and UNCITRAL.
- (e) Organising various important international conferences, including:
 - (i) As 2020 marks the 40th Anniversary of the UN Convention on Contracts for the International Sale of Goods ("CISG"), DoJ will organise an international conference to celebrate the 40th Anniversary of CISG with the UNCITRAL and AAIL in the latter half of 2020. This will help to promote wider use of the CISG, thereby facilitating rule-based international trade and reducing legal obstacles in international trade, which will enhance development of international trade. It will also provide participants with a valuable opportunity to exchange with CISG experts.

- (ii) The DoJ will hold the Hong Kong Legal Week during the first week of November 2020 to bring together government officials, judges, academics, legal and other professionals, as well as businesspeople from overseas for a series of important legal events and international conferences in Hong Kong such as the inaugural Rule of Law Congress;
- (iii) The DoJ will host the North-East Asia Multistakeholder Forum on Sustainable Development Goals 2020 with the United Nations Economic and Social Commission for Asia and the Pacific.

Co-operation with the Mainland (including the BRI and the GBA):

- (a) The BRI involves cross-border projects that last for years, hence it is important to develop a mechanism that resolves multi-cultural and cross-jurisdictions disputes. Mediation is particularly suitable for cross-border disputes as it can help reduce litigation risks and disputes on applicable laws. The DoJ will actively promote the role of mediation in the BRI.
- (b) In furtherance of legal co-operation within the GBA, a Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference mechanism was established last September between the DoJ, the Department of Justice of Guangdong Province and the Secretariat for Administration and Justice of the Macao Special Administrative Region for regular exchanges on various legal issues of the GBA and related collaboration with a view to jointly promoting legal development in the GBA. At the first Joint Conference held in September last year, the three legal departments agreed to establish a GBA Mediation Platform and lay down certain uniform standards for mediation services within the GBA. The relevant details are under study and will be reported to the second Joint Conference to be convened this year.
- (c) Last September, the DoJ and the High People's Court of Guangdong Province signed a framework arrangement on exchange and mutual learning in legal aspects, agreeing to encourage and support courts in Guangdong and relevant legal bodies in Hong Kong in their efforts to launch projects on legal exchange and mutual learning, and conduct relevant training. Under the framework arrangement, the DoJ joined forces with the Shenzhen Intermediate People's Court from September to November 2019 and the High People's Court of Guangdong Province in January 2020 in organising exchange activities, including a series of legal seminars on adjudicating with common law concepts as well as mock trials to help legal professionals from Guangdong, Hong Kong and Macao better understand the legal and judicial systems of the three places. The DoJ plans to organise similar events again this year.
- (d) To strengthen exchanges and ties between Mainland enterprises and the Hong Kong legal profession, the DoJ has secured the support of the Ministry of Commerce and the State-owned Assets Supervision and Administration Commission of the State Council for establishing a permanent tripartite communication platform for Mainland enterprises and the Hong Kong legal profession. The first seminar on the legal challenges and strategies under the BRI was held in Beijing on 26 November 2019. The DoJ plans to organise similar events again this year.

- (e) On 2 April 2019, the DoJ and the Supreme People’s Court signed the ground-breaking “Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region”. Under the Arrangement, which came into effect on 1 October 2019, Hong Kong has become the first and so far the only jurisdiction outside the Mainland where, as a seat of arbitration, parties to arbitral proceedings administered by eligible arbitral institutions can apply to the Mainland courts for interim measures to ensure the effective conduct of the arbitral proceedings. In recognition of its enhanced attractiveness as a seat of arbitration for Mainland-related disputes as a result of the Arrangement, Hong Kong has been shortlisted by the *Global Arbitration Review* (GAR), a leading international publication, for the GAR Awards 2020 – jurisdiction that has made great progress. The DoJ will actively promote the Arrangement and organise trainings to enhance the local and overseas dispute resolution sectors’ understanding on the Arrangement.

As in the past, the DoJ will organise conferences and training programmes in Hong Kong, the Mainland and overseas to promote Hong Kong’s legal and dispute resolution services. The overall expenditure on each of the above measures cannot be separately identified and all related expenses will continue to be absorbed by the existing resources of the Department.

Exploring opportunities for Hong Kong legal and dispute resolution professionals to provide services in the Mainland

The DoJ has always made the best use of Hong Kong’s edge under “one country, two systems”. We formulate our work plans with more GBA elements and proactively liaise with relevant organs in the Mainland to implement more pilot liberalisation measures in the GBA so as to help Hong Kong’s legal and dispute resolution services sector to capitalise on the opportunities. The measures concerned include:

- (a) The “Trial Measures of the Department of Justice of Guangdong Province on Hong Kong Law Firms and Macao Law Firms Operating in the Form of Partnership Association with Mainland Law Firms in Guangdong Province (2019 Revision)” have been implemented on 1 August 2019. New measures for partnership associations established in the Guangdong Province include the removal of the minimum capital injection ratio of 30 per cent by Hong Kong partner firms in the partnership associations set up by Hong Kong and Mainland law firms, legal practitioners from Hong Kong, Macao and Mainland can be employed in the name of the partnership associations, and partnership associations may handle and undertake legal matters on administrative litigation. These measures are beneficial to small and medium-sized law firms in Hong Kong in entering the Mainland market by way of partnership associations.
- (b) Pursuant to the “Agreement Concerning Amendment to the Mainland and Hong Kong Closer Economic Partnership Arrangement Agreement on Trade in Services” which will be implemented on 1 June 2020 (the “Amendment Agreement”), Hong Kong legal practitioners will be allowed to obtain practice qualification in the GBA by passing a special examination and to engage in matters on specific areas of Mainland law. The details are pending promulgation by the Mainland. It is believed that the examination

will facilitate the entry of Hong Kong legal practitioners into the GBA’s legal services market.

- (c) Moreover, under the Amendment Agreement, Hong Kong legal practitioners can also be employed as legal consultants by not more than 3 Mainland law firms in the whole Mainland simultaneously, relaxing from the current 1 Mainland law firm restriction. The approval requirement for the employment of legal consultants will also be changed to filing procedures and will no longer require annual registration. These measures will further facilitate Hong Kong legal practitioners’ entry into the GBA’s legal services market.

Manpower

The Inclusive Dispute Avoidance and Resolution (IDAR) Office was established on 2 January 2019 to enhance the overall co-ordination and implementation of the DoJ’s various initiatives and programmes in the areas of dispute avoidance and resolution, and to contribute to the consolidation of Hong Kong’s status as an ideal hub for deal-making and a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond.

In addition to their own duties, the Mediation Team of the Civil Division, the Arbitration Unit of the Legal Policy Division, and the International Organizations and Legal Co-operation Team of the International Law Division also provide support for the IDAR Office. Work in relation to the Mainland is supported by the China Law Unit of the Legal Policy Division.

The staffing establishments of the IDAR Office, the Mediation Team, the Arbitration Unit, the China Law Unit, and the International Organizations and Legal Co-operation Team are as follows:

IDAR Office	1 Principal Government Counsel (PGC) ^{Note 1} , 1 Senior Government Counsel (SGC), 1 Government Counsel (GC), 1 Law Clerk (LC), 1 Personal Secretary (PS) I and 1 Assistant Clerical Officer (ACO)
Mediation Team	1 Deputy Principal Government Counsel (DPGC), 3 SGC, 3 GC, 2 LCs, 1 PS I and 1 ACO
Arbitration Unit	1 DPGC, 3 SGC, 3 GC, 2 LCs, 1 PS I, 1 PS II and 1 ACO
China Law Unit	1 DPGC, 2 SGC, 3 GC, 1 LC, 1 PS I and 2 PSs II
International Organizations and Legal Co-operation Team	1 DPGC, 1 SGC, 2 GC and 1 PS I

Note 1 This PGC post is planned to be created upon approval by the Finance Committee of the Legislative Council.

- End -

CONTROLLING OFFICER'S REPLY

SJ056

(Question Serial No. 2912)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the provision of about \$450 million for the Department of Justice (DoJ) to implement the “Vision 2030 for Rule of Law” project, the Secretary for Justice has indicated that a task force will be established to implement the project from 5 perspectives : 1) collaboration among stakeholders; 2) academic and professional exchanges and researches; 3) capacity building for disseminating proper information and concepts; 4) promotional activities; 5) assessment of the rule of law with objective indicators; and promotion of mutual understanding among the Mainland, the Greater Bay Area and the Belt and Road.

In this connection, please advise this Committee of the following:

- (1) what is the staffing within DoJ for studying and implementing the project;
- (2) what are the details of the promotional activities and exchanges with various regions on the rule of law?
- (3) how will the effectiveness of the promotional activities on the rule of law be monitored and scientifically assessed?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 33)

Reply:

- (1) The first phase of “Vision 2030 for Rule of Law” is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. It is expected that additional manpower will be required to implement the project. The DoJ will set out the detailed manpower arrangements, and conduct consultations and seek support from the Legislative Council according to established procedures.
- (2) “Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders

including youth, legal practitioners and academics, strengthen the Hong Kong community's understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong's prosperity, stability and sustainable development. The initiative covers the following categories of work:

- (i) collaboration with stakeholders;
- (ii) academic/professional exchanges/research;
- (iii) capacity building/disseminating proper information and concepts;
- (iv) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (v) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced the relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

- (3) As for performance indicators, 2 new indicators are added under Programme (3) Legal Policy in the Controlling Officer's Report starting from 2020, which cover, inter alia, the number of events organised and the number of participants in promotional and capacity building events relating to the rule of law.

- End -

CONTROLLING OFFICER'S REPLY

SJ057

(Question Serial No. 2929)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Under Operational expenses, the estimate for the hire of legal services and related professional fees for 2020-21 is \$345,890,000.

In response to the socio-economic situation, the Department of Justice (DoJ) plans to engage more services from fiat counsel by briefing out to them the heavy backlog of cases where appropriate and necessary so as to offer relief to barristers in private practice.

In this connection, please advise this Committee of the following:

- (1) Regarding the briefing-out of the case backlog, will the DoJ's briefing-out standards be followed or partially relaxed?
- (2) How much additional budget is involved in the proposed increase in briefing-out? Will there be a cap on the increase in such provision?
- (3) What are the specific measures for promoting transparency in public prosecutions and enhancing the quality of criminal justice?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 43)

Reply:

- (1) The Department of Justice (DoJ) engages solicitors or barristers in private practice to provide assistance in handling cases, mainly for meeting operational needs. Generally speaking, the DoJ may resort to briefing out when –
 - (i) there is a need for expert assistance where the requisite skill is not available in the DoJ;
 - (ii) there is no suitable in-house counsel to appear in court for the Hong Kong Special Administrative Region;
 - (iii) the size, complexity, quantum and length of a case so dictate;

- (iv) it is deemed appropriate to obtain independent outside counsel's legal advice or services so as to address possible perception of bias or issues of conflict of interest;
- (v) there is a need for continuity or economy; and
- (vi) there is a need for legal advice or legal proceedings in respect of cases involving members of the DoJ.

The selection of briefed out counsel/solicitors for a particular case will be made based on a number of criteria including whether the expertise and experience of the briefed out counsel/solicitors meet the requirements of the case. The level of fees charged by the briefed out counsel/solicitors is also one of the factors to be taken into account, since public money is involved.

Both the DoJ and the legal sector expect that the case backlog can be handled efficiently and effectively. The DoJ will continue to brief out suitable cases to barristers or solicitors under the above established briefing-out and selection criteria according to actual operational needs.

- (2) The estimate for briefing-out expenses for 2020-21 was worked out based on information available at the time of preparing the estimates, which includes provisions made for the briefing-out expenses likely to be required for new cases that will/may arise and the cases currently being handled. The actual expenditure will ultimately depend on subsequent developments and outcomes of the cases concerned and the amount of unanticipated expenditure (arising from cases which could not have been anticipated when the estimate was made and are not entirely within the control of the DoJ). We will make suitable adjustments according to operational needs when drawing up the revised estimate for 2020-21.
- (3) It is the practice of the Prosecutions Division (PD) to publish reviews of its work on an annual basis. The publication covers reports on the work of and notable cases handled by each of the sections, feature articles, other initiatives as well as statistics relating to the work of the Division. In addition to printed copies distributed to colleagues in the Judiciary and other external parties, the publication is also uploaded onto the DoJ's website for public viewing so as to promote transparency in public prosecutions. In addition, the DoJ annually submits an information paper entitled "Legal Expenses for Briefing Out Cases Not Covered by Approved Fee Schedules" to the Finance Committee of the Legislative Council on its briefing-out expenditure with details of cases involving relatively high briefing-out costs in each case for the preceding financial year.

In addition, we seek to enhance the efficiency and professionalism of our in-house prosecutors in handling prosecutions through various means, including the following –

- (i) PD reviews from time to time its volume of work and staff establishment, and applies for additional resources to meet the daily operational needs according to established mechanism, when appropriate. In 2020-21, PD will create 12 additional Senior Government Counsel and 4 additional Government Counsel posts;
- (ii) the continued provision of local and overseas training programmes to our in-house prosecutors, including seminars on different topics under the

- Continuing Legal Education Programme, and talks/seminars delivered by experienced private practitioners and other professionals;
- (iii) the provision of guidance to prosecutors from time to time through the issue and updating of circulars and reference materials;
 - (iv) reminding our in-house prosecutors from time to time that apart from upholding such core values as commitment to the rule of law, honesty and integrity, objectivity and impartiality, and political neutrality according to the Civil Service Code, they are also required to, in their course of prosecution work, comply with paragraph 1.2 of the publicised Prosecution Code, which provides that they must not be influenced by any investigatory, political, media, community or individual interest or representation;
 - (v) maintaining coordinators or specific units for handling particular types of cases (including cases relating to public order events, human exploitation, money laundering, cybercrime, those involving vulnerable witnesses, as well as matters concerning court costs of criminal cases) so as to allow for better development of expertise within the Division in such areas of laws, and hence more effective and efficient handling of these cases; and
 - (vi) the continued operation of the quick advisory system known as “FAST” to promptly deal with relatively simple and straightforward cases. Legal advices processed through the system are generally provided on the same day. FAST has proven to be extremely effective in ensuring the overall efficiency of the advisory function of the Division whilst, at the same time, reducing the workload of counsel from advisory sections to free them up for more advocacy work. It also serves as another important training ground for our in-house prosecutors, as counsel from teams other than the few advisory sections would have the opportunities to regularly handle such FAST cases which help hone and consolidate their advisory skills and legal knowledge in respect of a broad spectrum of general criminal cases.

- End -

CONTROLLING OFFICER'S REPLY

SJ058

(Question Serial No. 1343)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Financial Secretary stated in paragraph 83 of the Budget that respect for the rule of law and independence of the judiciary are among the cornerstones underpinning Hong Kong's success and that the Government will earmark about \$450 million for the Department of Justice to implement the "Vision 2030 for Rule of Law" project so as to strengthen the community's understanding of the concept of the rule of law and its implementation. In this connection, please advise on the following:

1. How many resources and how much manpower will the Administration allocate to this area in 2020-21 and what major initiatives does it plan to launch?
2. Has the Administration considered adopting a diversified approach for promoting the understanding of the concept of the rule of law and the Hong Kong Basic Law amongst primary, secondary and university students as well as different communities of the general public? If yes, what are the details? If no, what are the reasons?

Asked by: Hon LO Wai-kwok (LegCo internal reference no.: 41)

Reply:

1. "Vision 2030 for Rule of Law" is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community's understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong's prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:
 - (1) collaboration with stakeholders;
 - (2) academic/professional exchanges/research;
 - (3) capacity building/disseminating proper information and concepts;
 - (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;

- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

As for establishment, it is expected that additional manpower will be required to implement the project. The DoJ will set out the detailed manpower arrangements, and conduct consultations and seek support from the Legislative Council according to established procedures.

2. The work details for Vision 2030 will be studied and decided by the Task Force. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

In addition, the DoJ will continue to support the Government in promoting the Basic Law. For instance, to foster youngsters' general understanding and awareness of the Basic Law, DoJ counsel would talk at schools to enhance understanding on the Basic Law among students when giving an overview of Hong Kong's legal system, advise on Basic Law quiz competitions organised by other bureaux targeting various age groups, publications, teaching materials, and conduct Basic Law seminars organised by the Government for civil servants. At the same time, to enhance understanding of the Basic Law and relevant case law among civil servants and the general public, the DoJ, the Civil Service Bureau and the Constitutional and Mainland Affairs Bureau jointly publish regular issues of the Basic Law Bulletin. The latest one was uploaded to the DoJ's website for public access last December.

- End -

CONTROLLING OFFICER'S REPLY

SJ059

(Question Serial No. 2215)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational Expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

- a. Please provide the estimates on the salary and allowance for the Secretary for Justice (SJ) for this year;
- b. Please provide the details of the estimates for the Secretary for Justice's Office for this year, including the ranks and number of staff, their salary expenses, allowance expenses and nature of duties;
- c. Please provide in the table below the details of official trips made to Mainland China by SJ, including duty visits, exchanges, study visits, debriefings, etc, in the past 3 years.

Date	Name of department	Destination of the visit	Rank and number of participated staff	Details of the officials/organisations visited	Details of the visit	Expenditure

- d. Please provide in the table below the details of duty visits, exchanges and study visits made overseas (excluding Mainland China) by SJ in the past 3 years.

Date	Name of department	Destination of the visit	Rank and number of participated staff	Details of the officials/organisations visited	Details of the visit	Expenditure

Asked by: Hon MO Claudia (LegCo internal reference no.: 44)

Reply:

The estimated expenditures on the emoluments and non-accountable entertainment allowance of the Secretary for Justice for 2020-21 are \$4.32 million and \$0.25 million

respectively. The staffing establishment of the Secretary for Justice's Office is 20 and the total notional annual mid-point salary value is around \$15.62 million.

Relevant information on the duty visits of the Secretary for Justice in the past 3 years (2017-18 to 2019-20) is as follows -

Date of visit <small>Note 1</small>	Place of visit	Size of entourage <small>Note 2</small>	Purpose of visit	Total Expenditure <small>Note 3</small>
2017-18 (10 times)	UK (London and Oxford), Austria (Vienna), Malaysia (Kuala Lumpur), Xian, Shenzhen, Guangzhou, Shanghai and Beijing	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Congress hosted by the United Nations Commission on International Trade Law, the 7th Greater China Arbitration Forum, the 9th Lujiazui Law Forum, Conference to review the development of mutual legal assistance on civil and commercial matters between the Mainland and the Hong Kong Special Administrative Region in the past 20 years, Law Conference to commemorate the 20th anniversary of China's resumption of the exercise of sovereignty over Hong Kong)	About \$623,000
2018-19 (16 times)	UK (London), USA (Washington DC, New York), Japan (Tokyo), South Korea (Incheon), Beijing, Guangzhou, Shenzhen, Zhuhai, Thailand (Bangkok)	0-3	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Belt and Road Joint Conference, roundtable discussion at Asia House, Forum on the Belt and Road Legal Cooperation, Society of International Economic Law Biennial Conference, Fifth Hong Kong Legal Services Forum and its opening ceremony, Tsinghua World Forum on the Rule of Law, United Nations Commission on International Trade Law (UNCITRAL) Inter-sessional Regional Meeting on Investor-State Dispute Settlement (ISDS) Reform, opening of the Hong Kong-Zhuhai-Macao Bridge, thematic session "From Deal Making to Dispute Resolution: Legal Risk Management for Enterprises in Japan", 3rd Qianhai Legal Intelligence Forum, signing the "Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region")	About \$1,424,000
2019-20 (Up to February 2020) (14 times)	France (Paris), Luxembourg, The Netherlands (The Hague), Austria (Vienna), Beijing, Guangzhou, Shanghai, Shenzhen, Korea (Seoul), Macao, United Kingdom (London)	0-3	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. speaking at the thematic forum in second Belt and Road Forum for International Cooperation in Beijing, participation in the second Belt and Road Joint Conference in Beijing organised by National Development and Reform Commission, signing of the framework arrangement on legal exchange and mutual learning with High People's Court of Guangdong Province, signing of a Memorandum of Co-operation with the Ministry of Justice of Korea, speaking at 4th Qianhai Legal Intelligence Forum,	About \$875,000

Date of visit <small>Note 1</small>	Place of visit	Size of entourage <small>Note 2</small>	Purpose of visit	Total Expenditure <small>Note 3</small>
			mock hearing activity under the “Seminars on Adjudicating with Common Law Concepts” series and the China Forum on International Legal Cooperation, participation in a seminar on external legal affairs in commemoration of the anniversary of the establishment of Macao SAR, joining the delegation to Beijing on the establishment anniversaries of People’s Republic of China and the Macao SAR, speaking in the “Alexander Lecture 2019” organised by Chartered Institute of Arbitrators, participation in the Guangdong-Hong Kong-Macao Greater Bay Area judicial case seminar)	

Remarks:

- Note 1 The duty visits to the Mainland cities, Macao and Asian cities are either day trips or short trips.
- Note 2 The entourage usually comprised Administrative Assistant and Press Secretary to the Secretary for Justice.
- Note 3 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

- End -

CONTROLLING OFFICER'S REPLY

SJ060

(Question Serial No. 0304)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

In the Budget for this year, \$450 million will be earmarked for the Department of Justice to implement the “Vision 2030 for Rule of Law” project so as to strengthen our community’s understanding of the concept of the rule of law and its implementation.

The project is said to span 10 years. What are the details and implementation timetable? In how many phases will the project be implemented? If the project is to be implemented in phases, what is the expenditure for each phase? What is the manpower involved in implementing the project?

What is the estimated number of eligible participants and what are the criteria? How will the objective of the project “strengthen the Hong Kong community’s understanding of the proper concept of the rule of law and enhance the development of the rule of law internationally” be achieved?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 100)

Reply:

The “Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. The estimated annual expenditure will be tens of million dollars.

The expenses and manpower required at the preparatory stage will be absorbed by existing resources.

- End -

CONTROLLING OFFICER'S REPLY**SJ061****(Question Serial No. 1776)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please tabulate a breakdown of the following information regarding the number of duty visits made by the Secretary for Justice, Ms Teresa Cheng, outside Hong Kong and the expenditure involved since she took office on 5 January 2018.

Place(s) visited

Date(s)

Length of visit (days)

Purpose(s)

Actual expenditure

Has Ms Cheng reported the mileage she earned from duty visits? If yes, please provide a breakdown of the mileage she earned by year. If no, will the Administration confirm that Ms Cheng has not earned any mileage from her duty visits? If such confirmation is not forthcoming, what are the reasons? Has Ms Cheng ever used any mileage for duty visits since taking office? If yes, please provide a breakdown of such visits by date, destination and the mileage used.

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 36)Reply:

Relevant information on the duty visits of the Secretary for Justice since she took office in January 2018 is as follows -

Date of visit ^{Note 1}	Place of visit	Purpose of visit	Total Expenditure ^{Note 2}
2018-19 (16 times)	UK (London), USA (Washington DC, New York), Japan (Tokyo), South Korea (Incheon), Beijing, Guangzhou, Shenzhen, Zhuhai, Thailand (Bangkok)	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Belt and Road Joint Conference, roundtable discussion at Asia House, Forum on the Belt and Road Legal Cooperation, Society of International Economic Law Biennial Conference, Fifth Hong Kong Legal Services Forum and its opening	About \$1,424,000

Date of visit ^{Note 1}	Place of visit	Purpose of visit	Total Expenditure ^{Note 2}
		ceremony, Tsinghua World Forum on the Rule of Law, United Nations Commission on International Trade Law (UNCITRAL) Inter-sessional Regional Meeting on Investor-State Dispute Settlement (ISDS) Reform, opening of the Hong Kong-Zhuhai-Macao Bridge, thematic session “From Deal Making to Dispute Resolution: Legal Risk Management for Enterprises in Japan”, 3rd Qianhai Legal Intelligence Forum, signing the “Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region”)	
2019-20 (Up to February 2020) (14 times)	France (Paris), Luxembourg, The Netherlands (The Hague), Austria (Vienna), Beijing, Guangzhou, Shanghai, Shenzhen, Korea (Seoul), Macao, United Kingdom (London)	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. speaking at the thematic forum in second Belt and Road Forum for International Cooperation in Beijing, participation in the second Belt and Road Joint Conference in Beijing organised by National Development and Reform Commission, signing of the framework arrangement on legal exchange and mutual learning with High People’s Court of Guangdong Province, signing of a Memorandum of Co-operation with the Ministry of Justice of Korea, speaking at 4th Qianhai Legal Intelligence Forum, mock hearing activity under the “Seminars on Adjudicating with Common Law Concepts” series and the China Forum on International Legal Cooperation, participation in a seminar on external legal affairs in commemoration of the anniversary of the establishment of Macao SAR, joining the delegation to Beijing on the establishment anniversaries of People’s Republic of China and the Macao SAR, speaking in the “Alexander Lecture 2019” organised by Chartered Institute of Arbitrators, participation in the Guangdong-Hong Kong-Macao Greater Bay Area judicial case seminar)	About \$875,000

Remarks:

Note 1 The duty visits to the Mainland cities, Macao and Asian cities are either day trips or short trips.

Note 2 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

The Secretary for Justice did not earn mileage from her duty visits.

- End -

CONTROLLING OFFICER'S REPLY

SJ062

(Question Serial No. 1991)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Government is invited to provide the numbers of persons who were prosecuted and convicted for illegal acts related to processions and gatherings between last June and this February. What offences were involved and what were the numbers?

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 39)

Reply:

According to the information provided by the Security Bureau, the Police Force arrested a total of 7 613 persons between 9 June 2019 and 29 February 2020 in relation to the “anti-extradition law amendments” incidents, 1 235 of whom have undergone or are undergoing judicial proceedings (including 1 206 charged, 27 summonsed and 2 directly bound over). The most common offences involved are “riot”, “in possession of offensive weapons” and “unlawful assembly”.

Of the 1 235 arrestees having undergone or undergoing judicial proceedings, 78 have to bear legal consequences (including 52 convicted, 25 bound over and 1 subject to a care or protection order), and the charges against another 19 have been withdrawn while the rest are undergoing judicial proceedings.

- End -

CONTROLLING OFFICER'S REPLY**SJ063****(Question Serial No. 1994)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please provide the following information in respect of prosecution work:

- a) the establishment, actual manpower and expenditure of the Prosecutions Division for the past 3 years;
- b) the number of cases conducted by Government Counsel and by barristers or solicitors instructed to prosecute at different levels of courts for the past 3 years;
- c) the 10 offences which saw the greatest increase in prevalence among the above cases for the past 3 years (please tabulate the offences concerned, numbers of cases and percentage increase over the previous year).

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 802)Reply:

- (a) The establishment and strength of the Prosecutions Division for the past 3 years are as follows -

Grade	2017-18 (as at 1 March 2018)		2018-19 (as at 1 March 2019)		2019-20 (as at 1 March 2020)	
	Establishment	Strength	Establishment	Strength	Establishment	Strength
Government Counsel	143	135	150	141	154	150
Para-legal	136	98	139	109	139	113
Executive, Clerical and Secretarial	223	218	227	212	230	210
Total	502	451	516	462	523	473

The actual expenditure of the Prosecutions Division for 2017-18 and 2018-19 is \$675 million and \$676 million respectively. The estimated expenditure for 2019-20 is \$865 million.

(b) The number of cases conducted by Government Counsel and by barristers and solicitors instructed to prosecute at different levels of court for the past 3 years -

No. of cases conducted		2017-18		2018-19		2019-20 (up to 31 December 2019)	
		Government Counsel	Barristers and solicitors instructed to prosecute	Government Counsel	Barristers and solicitors instructed to prosecute	Government Counsel	Barristers and solicitors instructed to prosecute
Appeal Court	Court of Final Appeal	172	21	178	9	70	12
	Court of Appeal	382	16	412	21	314	4
	Magistracy Appeal	621	2	604	4	491	1
Court of First Instance		375	186	346	169	336	99
District Court		587	686	757	581	656	456
Magistracy		181	636 ¹	163	593 ¹	88	470 ¹
Death Inquest		29	14	29	8	20	0
Total		2 347	1 561	2 489	1 385	1 975	1 042

¹Apart from prosecuting in the Magistrates' Courts in place of Government Counsel, fiat counsel are also engaged to prosecute in the Magistrates' Courts in place of Court Prosecutors, attending to all cases before a particular magistrate on each day or half day. Such engagement is on court-day basis rather than case-based, and the numbers of court days concerned in 2017-18, 2018-19 and 2019-20 (up to 31 December 2019) are 5 327 days, 4 668 days and 2 869 days respectively.

(c) The Department of Justice does not maintain such statistics.

- End -

CONTROLLING OFFICER'S REPLY

SJ064

(Question Serial No. 1997)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

1. Please set out the expenditure on the emoluments of the Secretary for Justice (SJ) in 2020-21.
2. What is the staffing establishment of the SJ's Office in 2020-21? What is the expenditure on the emoluments of the entire SJ's Office? What is its percentage in the overall emoluments under this Head?

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 805)

Reply:

In 2020-21, the estimated expenditure on the annual emoluments of the Secretary for Justice is \$4.32 million. The staffing establishment of the Secretary for Justice's Office is 20 and the total notional annual mid-point salary value is around \$15.62 million.

- End -

CONTROLLING OFFICER'S REPLY

SJ065

(Question Serial No. 1998)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the Department of Justice's work in "co-ordinating efforts within the Government in promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond", please inform this Committee of the following:

- a) What are the specific details, expenses and staffing establishment involved in the work?
- b) What were the achievements of such work in the past year?

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 806)

Reply:

Measures to promote Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond

The Department of Justice (DoJ) has been working closely with the legal professional bodies and the dispute resolution sector to promote Hong Kong as a regional centre for international legal and dispute resolution services. Building on previous efforts and successes, the DoJ will increase resources from 2020-21 onwards for stepping up efforts in this respect in order to respond to new challenges and to harness the opportunities offered by the Belt and Road Initiative (BRI) and the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Plan, the DoJ will endeavour to enhance the standard of Hong Kong's legal services in a systematic manner through closer collaboration with various international and intergovernmental organisations and institutions. Efforts will also be made to strengthen Hong Kong's status as a regional capacity building centre which seeks to enhance legal infrastructure in the neighbouring regions, facilitating cross-border mobility and business activities, highlighting the contribution of Hong Kong, and fortifying its role under the BRI

as well as its competitiveness and influence in international legal services. The specific measures and work include:

- (a) Striving for the presence of international dispute resolution institutions in Hong Kong to strengthen and enhance its status as a leading centre for international legal and dispute resolution services and to meet the ever increasing demand for legal and dispute resolution services arising from the BRI and the GBA Plan. With the support of the Central People's Government (CPG), the DoJ is exploring the possibility for the Asian-African Legal Consultative Organization (AALCO) to establish a regional centre for international commercial arbitration in Hong Kong.
- (b) To raise Hong Kong's international profile and showcase our efforts in promoting international legal and dispute resolution services, the DoJ is targeting decision-making meetings of international organisations, such as annual meetings or inter-sessional meetings, to be held in Hong Kong. With the CPG's support, the DoJ plans to host the 59th Annual Session of the AALCO and an inter-sessional meeting of Working Group III of the United Nations Commission on International Trade Law (UNCITRAL) in the latter half of 2020.
- (c) Strengthening legal exchange and collaboration with other countries or regions through the signing of memoranda of co-operation (MoCs). Last year, the DoJ signed MoCs with the Ministry of Justice of Japan (9 January) and the Ministry of Justice of Korea (25 September), a Memorandum of Understanding (MoU) with the Office of the Judiciary of Thailand (4 November), and a MoU with the United Nations (4 November) on legal co-operation with UNCITRAL. The DoJ will continue to pursue conclusion of co-operation arrangements with other jurisdictions and international organisations.
- (d) In furtherance of legal co-operation within the GBA, a Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference mechanism was established last September between the DoJ, the Department of Justice of Guangdong Province and the Secretariat for Administration and Justice of the Macao Special Administrative Region for regular exchanges on various legal issues of the GBA and related collaboration with a view to jointly promoting legal development in the GBA. At the first Joint Conference held in September last year, the three legal departments agreed to establish a GBA Mediation Platform and lay down certain uniform standards for mediation services within the GBA. The relevant details are under study and will be reported to the second Joint Conference to be convened this year.
- (e) Last September, the DoJ and the High People's Court of Guangdong Province signed a framework arrangement on exchange and mutual learning in legal aspects, agreeing to encourage and support courts in Guangdong and relevant legal bodies in Hong Kong in their efforts to launch projects on legal exchange and mutual learning, and conduct relevant training. Under the framework arrangement, the DoJ joined forces with the Shenzhen Intermediate People's Court from September to November 2019 and the High People's Court of Guangdong Province in January 2020 in organising exchange activities, including a series of legal seminars on adjudicating with common law concepts as well as mock trials to help legal professionals from Guangdong, Hong

Kong and Macao better understand the legal and judicial systems of the three places. The DoJ plans to organise similar events again this year.

- (f) In response to the needs of the legal sector, the DoJ has been proactively liaising with the relevant Mainland authorities to implement more liberalisation measures for partnership associations. The “Trial Measures of the Department of Justice of Guangdong Province on Hong Kong Law Firms and Macao Law Firms Operating in the Form of Partnership Association with Mainland Law Firms in Guangdong Province (2019 Revision)” have been implemented on 1 August 2019. New measures for partnership associations established in the Guangdong Province include the removal of the minimum capital injection ratio of 30 per cent by Hong Kong partner firms in the partnership associations set up by Hong Kong and Mainland law firms, legal practitioners from Hong Kong, Macao and Mainland can be employed in the name of the partnership associations, and partnership associations may handle and undertake legal matters on administrative litigation. These measures are beneficial to small and medium-sized law firms in Hong Kong in entering the Mainland market by way of partnership associations.
- (g) To strengthen exchanges and ties between Mainland enterprises and the Hong Kong legal profession, the DoJ has secured the support of the Ministry of Commerce and the State-owned Assets Supervision and Administration Commission of the State Council for establishing a permanent tripartite communication platform for Mainland enterprises and the Hong Kong legal profession. The first seminar on the legal challenges and strategies under the BRI was held in Beijing on 26 November 2019. The DoJ plans to organise similar events again this year.
- (h) On 2 April 2019, the DoJ and the Supreme People’s Court signed the ground-breaking “Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region”. Under the Arrangement, which came into effect on 1 October 2019, Hong Kong has become the first and so far the only jurisdiction outside the Mainland where, as a seat of arbitration, parties to arbitral proceedings administered by eligible arbitral institutions can apply to the Mainland courts for interim measures to ensure the effective conduct of the arbitral proceedings. In recognition of its enhanced attractiveness as a seat of arbitration for Mainland-related disputes as a result of the Arrangement, Hong Kong has been shortlisted by the *Global Arbitration Review* (GAR), a leading international publication, for the GAR Awards 2020 – jurisdiction that has made great progress. The DoJ will actively promote the Arrangement and organise trainings to enhance the local and overseas dispute resolution sectors’ understanding on the Arrangement.
- (i) Actively organising capacity building courses in dispute resolution. For instance, the DoJ has been co-organising a course in investment law and international investment dispute mediation with the World Bank Group’s International Centre for Settlement of Investment Disputes and the Asian Academy of International Law (AAIL) on a regular basis since 2018. The DoJ has also reached an agreement with the Hague Academy of International Law to support its collaboration with the AAIL in organising capacity building courses in Hong Kong regularly starting from December 2020. Furthermore, the DoJ will continue to support the Training Session of the

China-AALCO Exchange and Research Programme on International Law conducted by the AAIL in collaboration with the Ministry of Foreign Affairs with a view to providing training in investment law, trade and investment disputes management, etc. for diplomats and government officials from various jurisdictions in the Asian-African regions.

- (j) Providing training and learning opportunities to young legal practitioners to equip them with the necessary skills and to strengthen their competitiveness. For example, the DoJ and the Department of Justice of Hainan Province arranged the Hainan International Arbitration Court and Hainan Lawyers Association, in collaboration with HK45 and the International Youth Legal Exchange Federation, for co-organising a symposium in Haikou City, Hainan Province on the opening up and the rule of law of Hainan Free Trade Zone (Port). A group of young lawyers from Hong Kong were invited as speakers to share with over 300 Hong Kong and Hainan legal professionals the importance of diversified dispute resolution services to the development of a free trade port with reference to the experience of Hong Kong. In addition, DoJ is actively exploring the possibility of local legal professionals taking up fellowship, secondment and internship opportunities in renowned international legal bodies, such as Hague Conference on Private International Law (HCCH), the International Institute for the Unification of Private Law (UNIDROIT) and UNCITRAL.
- (k) Last year, the DoJ inaugurated the Hong Kong Legal Week to be held annually during the first week of November to bring together government officials, judges, academics, legal and other professionals, as well as business people from overseas for a series of important legal events and international conferences in Hong Kong. The 3 major events of the first Hong Kong Legal Week were the 3rd UNCITRAL Asia Pacific Judicial Summit, the inaugural Hong Kong Mediation Lecture and the 32nd LAWASIA Conference 2019.
- (l) Organising international conferences and training programmes in Hong Kong, the Mainland and overseas to promote Hong Kong’s legal and dispute resolution services. Apart from the above, events that were organised, supported or promoted by the DoJ over the past year include:

January	Public-Private Partnerships Conference: Harnessing Opportunities and Overcoming Challenges
February	Investor-State Dispute Settlement Reform Conference: Mapping the Way Forward
March	“Stocktake Workshop on the SELI ODR Work Plan” during the First Senior Officials’ Meeting of the Asia-Pacific Economic Cooperation (APEC) Forum in Santiago, Chile Hong Kong Vis East Moot Lecture on Arbitration
April	Conference held in Paris, France on the promotion of Hong Kong’s roles as a deal maker and dispute resolver

	2nd Belt and Road Forum for International Cooperation
May	International Dispute Resolution Conference 2019: New Era of Global Collaboration “Mediate First” Pledge events in Hong Kong
August	“Mediate First” Pledge events in Shanghai Policy discussion on online dispute resolution and secured transaction during the APEC Senior Officials’ Meeting in Puerto Varas, Chile Symposium co-organised in Haikou City, Hainan Province on the opening up and the rule of law of the Hainan Free Trade Zone (Port)
September	Inaugural global conference on the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: “2019 HCCH Judgments Convention: Global Enforcement of Civil and Commercial Judgments” Hong Kong Belt and Road Summit 2019 Thematic session entitled “From Deal-making to Dispute Resolution: What Hong Kong can offer to US Enterprises”, co-organised with the Hong Kong Trade Development Council at the “Think Asia, Think Hong Kong” Symposium in Los Angeles, the United States
October	Seminar on the Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region Hong Kong Arbitration Week 2019 2nd Investment Law and Investor-State Mediator Training
November	“Mediate First” Pledge events in Shenzhen Hong Kong Legal Week 2019 <ul style="list-style-type: none"> • 3rd UNCITRAL Asia Pacific Judicial Summit 2019 • Inaugural Hong Kong Mediation Lecture • 32nd LAWASIA Conference 2019 China Forum on International Legal Cooperation and the 11th Mainland, Hong Kong and Macao Legal Seminar held in Guangzhou

	Legal Forum entitled “Maritime Dispute Resolutions in Weak Market” organised by the Hong Kong and Mainland Legal Profession Association
December	9th Business of Intellectual Property Asia Forum

The overall expenditure on each of the above measures cannot be separately identified and all related expenses will continue to be absorbed by the existing resources of the Department.

Staffing establishment

The Inclusive Dispute Avoidance and Resolution (IDAR) Office was established on 2 January 2019 to enhance the overall co-ordination and implementation of the DoJ’s various initiatives and programmes in the areas of dispute avoidance and resolution, and to contribute to the consolidation of Hong Kong’s status as an ideal hub for deal-making and a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond.

In addition to their own duties, the Mediation Team of the Civil Division, the Arbitration Unit of the Legal Policy Division, and the International Organizations and Legal Co-operation Team of the International Law Division also provide support for the IDAR Office. The staffing establishments of the IDAR Office, the Mediation Team, the Arbitration Unit, and the International Organizations and Legal Co-operation Team are as follows:

IDAR Office	1 Principal Government Counsel (PGC) ^{Note 1} , 1 Senior Government Counsel (SGC), 1 Government Counsel (GC), 1 Law Clerk (LC), 1 Personal Secretary (PS) I and 1 Assistant Clerical Officer (ACO)
Mediation Team	1 Deputy Principal Government Counsel (DPGC), 3 SGC, 3 GC, 2 LCs, 1 PS I and 1 ACO
Arbitration Unit	1 DPGC, 3 SGC, 3 GC, 2 LCs, 1 PS I, 1 PS II and 1 ACO
International Organizations and Legal Co-operation Team	1 DPGC, 1 SGC, 2 GC and 1 PS I

Note 1 This PGC post is planned to be created upon approval by the Finance Committee of the Legislative Council.

- End -

CONTROLLING OFFICER'S REPLY

SJ066

(Question Serial No. 1999)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please provide the following information in respect of prosecution work:

- a) the number of prosecutions in respect of the Public Order Ordinance for the past 3 years;
- b) the expenditure incurred in prosecutions in respect of the Public Order Ordinance for the past 3 years;
- c) the success rate of prosecutions and the percentage of cases where prosecution was withdrawn.

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 807)

Reply:

According to the Security Bureau, the statistics on prosecutions in respect of the Public Order Ordinance for the past 3 years are as follows:

Year	Number of persons prosecuted		
	Prosecution unsuccessful	Conviction	Total
2016	545 (53.1%)	481 (46.9%)	1 026
2017	445 (50.5%)	436 (49.5%)	881
2018	498 (59.5%)	339 (40.5%)	837
2019 (as at 30 September)	391 (60.5%)	255 (39.5%)	646

As part of the prosecution work in respect of the Public Order Ordinance is handled by counsel of the Division among their other duties, the expenditure cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ067

(Question Serial No. 2001)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

About \$450 million has been earmarked in the Budget for the Department of Justice to implement the "Vision 2030 for Rule of Law" project so as to "strengthen our community's understanding of the concept of the rule of law and its implementation". Please inform this Committee of the following:

- a) the details of the project;
- b) the staffing establishment involved;
- c) whether the project covers promoting the concept of the rule of law among public sector employees, civilian civil servants and those from law enforcement agencies, in particular, front line police officers?

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 809)

Reply:

(a) and (c)

The "Vision 2030 for Rule of Law" is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community's understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong's prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;

- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

(b)

The expenses and manpower required at the preparatory stage will be absorbed by existing resources.

- End -

CONTROLLING OFFICER'S REPLY

SJ068

(Question Serial No. 1361)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

It is stated in paragraph 83 of the 2020-21 Budget that about \$450 million will be earmarked for the Department of Justice to implement the “Vision 2030 for Rule of Law” project so as to strengthen our community’s understanding of the concept of the rule of law and its implementation, but no related initiatives are found in the Estimates of Expenditure of the Department of Justice. Please provide the details of work and the timetable for the project.

Asked by: Hon TSE Wai-chuen, Tony (LegCo internal reference no.: 42)

Reply:

“Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community’s understanding of the concept

of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. No specific timetable is available yet. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

- End -

CONTROLLING OFFICER'S REPLY

SJ069

(Question Serial No. 2449)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Financial Secretary has stated in the Speech that \$450 million will be earmarked for the Department of Justice to implement the “Vision 2030 for Rule of Law” project. Will the Government inform this Committee:

- (1) of the expenditure items of and activities that will be included in the project;
- (2) of the respective estimated expenditures and staffing establishment involved;
- (3) whether performance indicators will be set for the project to assess its effectiveness to ensure proper use of public money?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 20)

Reply:

(1) The “Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

- (2) The detailed workplan for the 3 phases will be considered and decided by the Task Force. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

The expenses and manpower required at the preparatory stage will be absorbed by existing resources.

- (3) As for performance indicators, 2 new indicators are added under Programme (3) Legal Policy in the Controlling Officer's Report starting from 2020, covering promotional and capacity building events relating to the rule of law, in relation to the number of events organised and the number of participants.

- End -

CONTROLLING OFFICER'S REPLY

SJ070

(Question Serial No. 2452)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

A retired former secretary-level official wrote in a newspaper, pointing out that “these days many Hong Kong people have lost confidence in the rule of law, not because of a lack of understanding, but because of their feeling that the enforcement of law by the Police and the conduct of prosecutions by the Department of Justice in recent years have often failed to realise the fundamental principles of the rule of law...To focus on the rule of law, the Government itself should set an example and need not spend more than \$400 million to launch a ten-year project.” In this connection, will the Government advise this Committee of the following:

- (1) The Financial Secretary mentioned in the Budget that \$450 million would be earmarked for the “Vision 2030 for Rule of Law” project. At a time of severe fiscal deficits, how can the public and the aforesaid former senior official be convinced of the necessity and value-for-money of such a project?
- (2) As the project is to be implemented by a persistently unpopular Secretary for Justice, how can it be ensured that the project will not result in ineffective or counterproductive outcomes that cause public antipathy?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 23)

Reply:

- (1) The rule of law is a core value of Hong Kong and the cornerstone of our success. A society that upholds the rule of law promotes peace and sustainable development. Goal 16 of the United Nations 2030 Sustainable Development Goals emphasises the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all and the building of effective, accountable and inclusive institutions at all levels.

It is the objective of “Vision 2030 for Rule of Law” to build an enhanced and strong rule of law in Hong Kong, thereby furthering the rule of law within the region and beyond, enhancing development of the rule of law internationally and safeguarding

Hong Kong's prosperity, stability and sustainable development. Its successful implementation will also be conducive to building a rule of law community within the region and beyond, which will promote cross-border trade activities.

- (2) The Department of Justice (DoJ) will set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The DoJ has commenced the preparatory work and will issue a report later on.

- End -

CONTROLLING OFFICER'S REPLY

SJ071

(Question Serial No. 2466)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Matters Requiring Special Attention under this programme include the promotion of “online dispute resolution services” (“the services”) in Hong Kong. In this connection, will the Secretary for Justice inform this Committee:

- (1) How will the services be promoted in the region? What are the expenses and staffing involved in the promotion?
- (2) How many cases are expected to be handled in the new financial year?
- (3) What types of cases are primarily targeted?
- (4) How can the public know that DoJ provides the above services?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 48)

Reply:

- (1) The Government has always supported the development of online dispute resolution by non-governmental organisations (“NGO”) to enhance the development of LawTech in Hong Kong and consolidate Hong Kong’s position as an international dispute resolution services centre. On 27 February 2019, the Financial Secretary announced in the 2019-20 Budget that \$150 million will be provided for the development and initial operation of the online dispute resolution and deal-making platform (“online platform”). The proposal was supported by the Panel on Administration of Justice and Legal Services on 25 March 2019. The DoJ is in the process of seeking approval from the Finance Committee of the Legislative Council for the provision of \$150 million to eBRAM International Online Dispute Resolution Centre Limited (“eBRAM Centre”) for the development of the online platform. It is anticipated that the online platform will launch various services in phases from 2020 onwards. As a local non-governmental organisation, eBRAM Centre exercises a high degree of independence and autonomy in planning and operating its business, as well as in managing its human and financial resources. According to the proposal put forward

by the non-governmental organisation concerned, provision for marketing and promotion has been factored-in in the funding proposal.

Meanwhile, the Government also plays an active role in regional organisations in the development and promotion of online dispute resolution (ODR) services. In August 2017, APEC economies discussed a Work Plan for Developing a Cooperative ODR Framework for Micro-, Small- and Medium-sized Enterprises in Business-to-Business Transactions, prepared by the Friends of the Chair on Strengthening Economic and Legal Infrastructure (SELI) under the APEC Economic Committee (Economic Committee), which was endorsed by the Economic Committee. In August 2019, the Economic Committee endorsed the Collaborative Framework for ODR of Cross-Border Business to Business Disputes, thereby initiating the establishment of an ODR platform. The Commissioner of the Inclusive Dispute Avoidance and Resolution Office of the DoJ served as the Convenor of SELI from 2015 to 2019 and has assumed the Chair of the Economic Committee since September 2019. The DoJ will use existing resources and manpower to take forward with APEC the development of ODR services.

- (2) According to the information provided by the NGO concerned, it is anticipated that the online platform will mainly provide training in the initial stage of operation. Upon smooth running of the system, the number of arbitration and mediation cases handled is expected to increase in proportion. Since the online platform is not yet in operation, there is no specific figure available at this stage.
- (3) eBRAM Centre provides services for cases involving cross-border commercial and investment disputes and transactions among enterprises across the globe. Please refer to the discussion paper on “Development of an Online Dispute Resolution and Deal Making Platform by Non-governmental Organisation” for discussion on 25 March 2019 in the Legislative Council Panel on Administration of Justice and Legal Services. Meanwhile, the ODR services provided under the Collaborative Framework endorsed by APEC last year target primarily at cross-border low value business-to-business disputes among micro-, small- and medium-sized enterprises worldwide.
- (4) Members of the public may visit the following webpages for more information on Hong Kong’s ODR services and the related work of the DoJ (<https://www.doj.gov.hk/eng/public/alternative.html>), and Hong Kong’s legal services (<https://www.legalhub.gov.hk/eng/index.html>). Meanwhile, members of the public may visit the following webpage for more information on APEC Economic Committee (<https://www.apec.org/Groups/Economic-Committee>).

- End -

CONTROLLING OFFICER'S REPLY

SJ072

(Question Serial No. 2467)

Head: (92) Department of Justice

Subhead (No. & title): (234) Court costs

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The provision for the payment of costs awarded against the Government under Subhead 234 Court costs is \$79,050,000 (29.6%) higher than that for 2019-2020. What are the cases that contribute to the increase of almost 30% in such court costs expenditure? What is the anticipated increase in the relevant court costs expenditure in the new financial year?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 49)

Reply:

The annual expenditure on court costs varies from year to year, depending on many factors including the number of cases involved, their complexity and development.

For civil cases, the estimate for court costs for 2020-21 is \$143 million, which is 13.2% (or \$21.72 million) lower and 117% (or \$77.05 million) higher than the original and revised estimates for 2019-20 respectively.

For criminal cases, the estimate for court costs for 2020-21 is \$203 million, which is 9.0% (or \$20 million) lower and 1.0% (or \$2 million) higher than the original and revised estimates for 2019-20 respectively.

The anticipated overall increase in court costs payment for 2020-21 is mainly due to provisions that need to be made for the amount likely to be required for new cases that will/may arise, as well as possible expenditure required for a number of cases handled in 2019-20. Besides, the increasing complexity of the cases has also led to higher court costs payment for individual cases.

While the estimate was worked out based on information available at the time of preparing the estimates, the actual expenditure to be incurred in 2020-21 would ultimately depend on subsequent development and outcome of the cases concerned and the amount of unanticipated expenditure (arising from cases which could not have been anticipated when the estimate was made and are not entirely within the control of the Department of Justice).

- End -

CONTROLLING OFFICER'S REPLY

SJ073

(Question Serial No. 2478)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

In the new financial year, the Department of Justice will create 39 new posts for its prosecution work. Please state the titles, salaries and scope of work of these new posts.

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 50)

Reply:

The work of the posts to be created in 2020-21 under this Programme Area are set out below -

Post(s)	Nature of Duties	NAMS*
12 Senior Government Counsel	Providing additional manpower to strengthen legal support for advisory and advocacy work	\$1,514,640 x 12 = \$18,175,680
4 Government Counsel	Ditto	\$1,078,140 x 4 = \$4,312,560
4 Senior Court Prosecutors II	Supporting the implementation of the Judiciary's Information and Technology Strategy Plan for the electronic filing of court documents	\$807,540 x 4 = \$3,230,160
4 Law Clerks	Ditto	\$441,180 x 4 = \$1,764,720
5 Assistant Clerical Officers	Ditto	\$288,840 x 5 = \$1,444,200
7 Clerical Assistants	Ditto	\$225,540 x 7 = \$1,578,780
1 Senior Official Languages Officer ^{Note 1}	Providing additional manpower to strengthen general official languages support	\$1,124,520
1 Official Languages Officer I ^{Note 1}	Ditto	\$807,540

1 Government Counsel ^{Note 2}	Assisting in consolidating Hong Kong's role as an ideal hub for deal-making as well as a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond	\$1,078,140
--	---	-------------

Note 1: The post is to be created in the Administration and Development Division.

Note 2: The post is to be created in the Secretary for Justice's Office.

*NAMS means notional annual mid-point salary

- End -

CONTROLLING OFFICER'S REPLY

SJ074

(Question Serial No. 2480)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The estate of the late Mrs Nina Wang, conservatively estimated to be over HK\$100 billion, was intended for charitable purposes, but has yet to benefit the poor and the needy as the Department of Justice (DoJ) has failed to draw up a supervisory proposal for her estate after all these years. Last year, I asked DoJ the same question about the work progress. DoJ replied again that they would “continue to deploy suitable manpower and resources to process the related matters as expeditiously as possible...it will take some time to complete the process of related matters”. Since DoJ is not making any progress in the above work, would the Secretary for Justice inform this Committee of:

- 1) the latest progress in respect of the supervisory proposal for Mrs Wang’s estate;
- 2) whether DoJ will be able to draw up the proposal for the proper supervision of Mrs Wang’s charitable estate in the financial year 2020-21;
- 3) when Mrs Wang’s charitable estate of over \$100 billion can be expected to benefit members of the Hong Kong public.

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 53)

Reply:

- (1) Following the CFA Judgment of May 18, 2015, the Department of Justice (DoJ) has been in discussion with the Chinachem Charitable Foundation on the implementation of the terms of the Will as construed by the CFA Judgment and a draft scheme of administering the Estate (Draft Scheme). The DoJ submitted an application (together with the Draft Scheme) to the Court on March 29, 2019 to seek the Court's directions on a number of relevant matters. The relevant matters concern the propriety of the Draft Scheme proposed by the DoJ and details thereof, including the setting up of a supervisory managing organisation to monitor the Foundation as trustee.

A direction hearing was held on June 13, 2019 and the Court provided directions on the further conduct of the proceedings with a view to the court's considering and sanctioning the Draft Scheme. The parties are taking steps to implement the Court's directions. Given that legal proceedings have already been commenced, it is not appropriate for us to publicly discuss any further details.

- (2)&(3) Given that legal proceedings have already been commenced, it is not appropriate for us to publicly discuss any further details. The DoJ will continue to closely monitor the case progress according to the Court's timeline to ensure the early preparation and implementation of the Scheme, in order to handle the estate in accordance with the terms of the Will as construed by the CFA Judgment.

- End -

CONTROLLING OFFICER'S REPLY

SJ075

(Question Serial No. 2481)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

What are the reasons for the significant increase in prosecution manpower and expenditure of the Department of Justice in the new financial year? What are the positions of backlog cases and new prosecution cases as compared with those in the past financial year?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 51)

Reply:

Provision for 2020-21 is \$112.3 million (13%) higher than the revised estimate for 2019-20. This is mainly due to the anticipated increase in other charges and general departmental expenses, filling of vacancies and net creation of 39 posts to meet operational needs. The new posts are primarily for providing additional manpower to cope with the anticipated increase in volume and complexity of cases, supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents, etc. The work of the posts to be created in 2020-21 under this Programme Area are set out below -

Post(s)	Nature of Duties	NAMS*
12 Senior Government Counsel	Providing additional manpower to strengthen legal support for advisory and advocacy work	\$1,514,640 x 12 = \$18,175,680
4 Government Counsel	Ditto	\$1,078,140 x 4 = \$4,312,560
4 Senior Court Prosecutors II	Supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents	\$807,540 x 4 = \$3,230,160
4 Law Clerks	Ditto	\$441,180 x 4 = \$1,764,720
5 Assistant Clerical Officers	Ditto	\$288,840 x 5 = \$1,444,200

Post(s)	Nature of Duties	NAMS*
7 Clerical Assistants	Ditto	\$225,540 x 7 = \$1,578,780
1 Senior Official Languages Officer ^{Note 1}	Providing additional manpower to strengthen general official languages support	\$1,124,520
1 Official Languages Officer I ^{Note 1}	Ditto	\$807,540
1 Government Counsel ^{Note 2}	Assisting in consolidating Hong Kong's role as an ideal hub for deal-making as well as a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond	\$1,078,140

Note 1: The post is to be created in the Administration and Development Division.

Note 2: The post is to be created in the Secretary for Justice's Office.

*NAMS means notional annual mid-point salary

The Department of Justice does not maintain statistics on backlog cases. Some indicators for the Prosecutions Division in the past 2 years are appended below for reference -

	2018	2019
Cases prepared for the Court of First Instance	413	424
Cases prepared for the District Court	1 183	966
Appeals conducted ^{Note 3}	1 018	945
Items of legal advice provided	13 105	12 225

Note 3: Applications made within the year.

- End -

CONTROLLING OFFICER'S REPLY

SJ076

(Question Serial No. 2557)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

It is mentioned in the Estimates that "...provide support to the Inter-departmental Working Group on Gender Recognition (IWG), chaired by the Secretary for Justice, which is studying possible legislation on gender recognition in respect of transsexual persons in the light of observations made by the Court of Final Appeal in the *W* case (FACV 4/2012)". In this connection, please inform this Committee of:

- a) the work progress, expenditure and establishment of the IWG last year;
- b) the work target, estimated expenditure and establishment of the IWG for 2020-2021;
- c) when the IWG's study is expected to be completed, whether the study report will be made public and when legislation on gender recognition will be brought forward.

Asked by: Hon WONG Pik-wan, Helena (LegCo internal reference no.: 906)

Reply:

- a) to c) Regarding the number and types of staff and the expenditure involved, the existing 1 Senior Government Counsel post and 1 Government Counsel post for dealing with the work, which were created in 2014-15, have been further extended for 2 years starting from 2018-19 to provide ongoing legal support to the IWG chaired by the Secretary for Justice. The estimated annual staff costs of the above posts are around \$2.5 million in 2019-20 and around \$2.6 million in 2020-21. For other officers providing support to the IWG, as their work in this regard is undertaken among their other duties, the staff costs and other related expenses involved cannot be separately identified.

The scope of the IWG's study covers both recognition and post-recognition issues. On recognition issues, the IWG issued a consultation paper on 23 June 2017. The consultation period ended on 31 December 2017. A meticulous count has revealed that, during the consultation period, the IWG in fact received about 18 800 submissions, with views being expressed from a wide range of

different perspectives. The IWG was briefed in late August 2018 by its Secretariat on a preliminary report in respect of those submissions. Currently, the IWG is carefully analysing the submissions received and deliberating over various options. Upon completing the first part of the study on gender recognition, the IWG will report on the results of the public consultation and the proposed way forward.

The second part of the study concerns post-recognition issues, which include reviewing all the existing legislative provisions and administrative measures in Hong Kong which may be affected by legal gender recognition so that the Government can take forward any required legislative or procedural reform. The second part of the study can commence only after the completion of the first part.

- End -

CONTROLLING OFFICER'S REPLY

SJ077

(Question Serial No. 0326)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

It was reported in the news on 8 September 2019 that a Department of Justice (DoJ) prosecutor had allegedly remarked on a social media website about the anti-extradition law amendment bill protests and made suggestions as to how the protestors should respond when arrested, etc. A spokesperson for the DoJ said that the department would handle the incident in accordance with established internal procedures and that the prosecutor concerned would be “reassigned” and not be tasked with cases involving the Police. However, the arrangement made by the DoJ has failed to address public concern and discontent. In this regard, will the Administration inform this Committee whether that prosecutor will be disciplined with deterrent punishment or even dismissed so as to restore public confidence in the DoJ’s maintenance of law and order? If so, what are the details? If not, what are the reasons?

Asked by: Hon WONG Ting-kwong (LegCo internal reference no.: 18)

Reply:

Pursuant to the Prosecution Code, the DoJ requires prosecutors not to be influenced by any investigatory, political, media, community or individual interest or representation. As prosecutors, officers must ensure that views expressed in their personal capacity will not impede their performance of official duties in a professional and impartial manner. In addition, they should remain independent and impartial, especially because they may handle relevant cases in future. When publicly expressing views, prosecutors should ensure that their views would not give rise to any conflict of interest with their official duties, and would not be seen to compromise the important principle of maintaining impartiality and political neutrality in discharging their official duties.

The DoJ does not comment on individual incidents. All disciplinary matters concerning DoJ personnel will be handled in accordance with established internal procedures.

- End -

CONTROLLING OFFICER'S REPLY

SJ078

(Question Serial No. 0327)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Will the Administration inform this Committee of the details about the series of cases about the “anti-extradition law amendment” in the latter part of 2019, for example, the types, figures, prosecution status, etc.? Will the Administration allocate additional resources to expedite the progress of such cases? If yes, what are the details? If no, what are the reasons?

Asked by: Hon WONG Ting-kwong (LegCo internal reference no.: 19)

Reply:

According to the Security Bureau, the Police arrested a total of 7 613 persons between 9 June 2019 and 29 February 2020 in relation to the “anti-extradition law amendments” incidents, involving offences such as “taking part in a riot”, “unlawful assembly”, “wounding”, “assault occasioning actual bodily harm”, “common assault”, “arson”, “criminal damage”, “assaulting police officer”, “obstructing a police officer in the execution of his duty” and “in possession of offensive weapons”, etc.

As at 29 February 2020, of the 7 613 arrestees, there were 1 235 having undergone or undergoing judicial proceedings (including 1 206 charged, 27 summonsed and 2 directly bound over), 6 released under caution and 512 released without conditions, while cases involving 5 860 persons were still under investigation (including those released on bail pending further investigation and those released pending further investigation after refusing to be bailed).

Of the 1 235 arrestees having undergone or undergoing judicial proceedings, 78 have to bear legal consequences (including 52 convicted, 25 bound over and 1 subject to a care or protection order), and the charges against another 19 have been withdrawn while the rest are undergoing judicial proceedings.

Currently with over 200 prosecutors, the Prosecutions Division (PD) has all along had a dedicated team of prosecutors for handling cases concerning “public order events” to ensure consistency in the handling approach. In view of the recent increase in the number of

“public order event” cases, the Department of Justice has arranged for officers who had formerly served in that dedicated team and deployed additional manpower to assist in work relating to prosecution decisions.

Subject to the overall operational needs and available manpower of PD, we do not rule out the possibility of deploying additional manpower to handle relevant cases where necessary.

- End -

CONTROLLING OFFICER'S REPLY

SJ079

(Question Serial No. 1005)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

In 2019, 774 items of legal advice were given by the Department of Justice (DoJ) on constitutional development and election matters. Please set out the following:

- (1) The number of items of legal advice given to Returning Officers during the District Council election period.
- (2) The District Council constituencies to which DoJ gave the legal advice and the dates the advice was given.
- (3) The dates DoJ received the requests for legal advice from Returning Officers and their respective constituencies.
- (4) The establishment and expenditure involved in the giving of legal advice.

Asked by: Hon YEUNG Alvin (LegCo internal reference no.: 95)

Reply:

(1), (2), (3) & (4):

Regarding the 2019 District Council Ordinary Election, the DoJ gave legal advice to Returning Officers on various electoral issues as required from time to time. The DoJ does not maintain any statistical breakdown of each item of legal advice given with reference to the date on which the advice was sought by Returning Officers, the date on which the advice was given or the constituency concerned. The manpower resources/expenditure involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ080

(Question Serial No. 1477)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Financial Secretary has stated that about \$450 million will be earmarked for the Department of Justice to implement the “Vision 2030 for Rule of Law” project. Please provide the details about the project, including the initiatives involved and the respective details, expenditures, manpower, implementation timetables and objectives.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 6)

Reply:

“Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community’s understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also

preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. The specific timetable is not available yet. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

The expenses and manpower required at the preparatory stage will be absorbed by existing resources.

- End -

CONTROLLING OFFICER'S REPLY

SJ081

(Question Serial No. 1481)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Department of Justice (DoJ) will create 39 posts to handle prosecution work. What are the ranks, posts and employment terms involved in such creation? What measures and work will be taken forward by DoJ in the three areas of promoting transparency in public prosecutions, liaising closely with justice partners and enhancing the standards of advocacy and preparation in criminal cases? What are the specific details, the cost and manpower involved, and the implementation timetable of these measures and work?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 10)

Reply:

The work of the posts to be created in 2020-21 under this Programme Area are set out below –

Post(s)	Nature of Duties	NAMS*
12 Senior Government Counsel	Providing additional manpower to strengthen legal support for advisory and advocacy work	\$1,514,640 x 12 = \$18,175,680
4 Government Counsel	Ditto	\$1,078,140 x 4 = \$4,312,560
4 Senior Court Prosecutor II	Supporting the implementation of the Judiciary's Information Technology Strategy Plan for the electronic filing of court documents	\$807,540 x 4 = \$3,230,160
4 Law Clerks	Ditto	\$441,180 x 4 = \$1,764,720
5 Assistant Clerical Officers	Ditto	\$288,840 x 5 = \$1,444,200
7 Clerical Assistants	Ditto	\$225,540 x 7 = \$1,578,780
1 Senior Official Languages Officer ^{Note 1}	Providing additional manpower to strengthen general official languages	\$1,124,520

	support	
1 Official Languages Officer I ^{Note 1}	Ditto	\$807,540
1 Government Counsel ^{Note 2}	Assisting in consolidating Hong Kong's role as an ideal hub for deal-making as well as a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond	\$1,078,140

Note 1: The post is to be created in the Administration and Development Division.

Note 2: The post is to be created in the Secretary for Justice's Office.

*NAMS means notional annual mid-point salary

We seek to enhance the efficiency and professionalism of our in-house prosecutors in handling prosecutions through various means, including the following –

- (a) the Prosecutions Division (PD) reviews from time to time its volume of work and staff establishment, and applies for additional resources to meet the daily operational needs according to established mechanism, when appropriate. In 2020-21, PD will create 12 additional Senior Government Counsel and 4 additional Government Counsel posts;
- (b) the continued provision of local and overseas training programmes to our in-house prosecutors, including seminars on different topics under the Continuing Legal Education Programme, and talks/seminars delivered by experienced private practitioners and other professionals;
- (c) the provision of guidance to prosecutors from time to time through the issue and updating of circulars and reference materials;
- (d) maintaining coordinators or specific units for handling particular types of cases (including cases relating to public order events, human exploitation, money laundering, cybercrime, those involving vulnerable witnesses, as well as matters concerning court costs of criminal cases) so as to allow for better development of expertise within the Division in such areas of laws, and hence more effective and efficient handling of these cases; and
- (e) the continued operation of the quick advisory system known as "FAST" to promptly deal with relatively simple and straightforward cases. Legal advices processed through the system are generally provided on the same day. FAST has proven to be extremely effective in ensuring the overall efficiency of the advisory function of the Division whilst, at the same time, reducing the workload of counsel from advisory sections to free them up for more advocacy work. It also serves as another important training ground for our in-house prosecutors, as counsel from teams other than the few advisory sections would have the opportunities to regularly handle such FAST cases which help hone and consolidate their advisory skills and legal knowledge in respect of a broad spectrum of general criminal cases.

The staff costs of officers responsible for the above measures and other related expenses will be absorbed by existing resources of the DoJ. The expenditure involved cannot be separately identified.

- End -

CONTROLLING OFFICER'S REPLY

SJ082

(Question Serial No. 1482)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (4) Law Drafting

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

It is estimated that 4 500 items of legal advice will be provided by the Department of Justice in 2020, which is less than the 6 781 items in 2018 and 4 737 in 2019. What are the reasons? Is it due to manpower shortage in the department? If yes, how many officers were there in the ranks and posts involved in providing legal advice in 2019, and what was the shortfall in strength against the original establishment? By how much is the relevant manpower estimated to increase in 2020? What ranks and posts will be involved?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 11)

Reply:

The Law Drafting Division provides legal advice on relevant legal issues in the course of drafting legislation. The estimated number of items of legal advice for 2020 is based on the 2019 figures and the number of current drafting items. It has nothing to do with manpower. The actual number depends on the progress of the legislative programme of the Government.

In 2020, an additional post of Senior Executive Officer will be created in the Law Drafting Division to strengthen administrative support to drafters.

- End -

CONTROLLING OFFICER'S REPLY

SJ083

(Question Serial No. 1484)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Paragraph 82 in the Budget Speech mentions that the Department of Justice (DoJ) will seek to promote the development of Hong Kong's professional services sector in the Greater Bay Area under the "early and pilot implementation" approach. Please inform this Committee of the following:

1. How will the DoJ work in tandem with the "Qianhai's Action Plan of Policies and Measures to Benefit Hong Kong and Macao Residents suggested in the Meeting held by the Leading Group for Development of Guangdong-Hong Kong-Macao Greater Bay Area" under the "early and pilot implementation" approach?

2. What are the estimated expenditure and staffing provision for promoting the development of Hong Kong's professional services sector in the Greater Bay Area this year?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 13)

Reply:

(1)

Regarding Qianhai's Action Plan of "Policies and Measures to Benefit Hong Kong and Macao Residents Suggested in the Meeting held by the Leading Group for Development of Guangdong-Hong Kong-Macao Greater Bay Area", the policy suggestions on legal services include relaxing the current condition that a law firm in Hong Kong or Macao must have been engaged in the operation of legal services for five full years in order to apply for the establishment of a partnership association; allowing more than one Mainland law firm to jointly establish a partnership association with law firms in Hong Kong or Macao; and expanding the scope of legal practice in the partnership association of Hong Kong and Macao residents who have obtained Mainland legal professional qualification. DoJ will maintain close contact with the relevant authorities in the Qianhai District with a view to early implementation of these pilot measures in order to provide more business opportunities for Hong Kong legal services sector.

Further, pursuant to the “Agreement Concerning Amendment to the Mainland and Hong Kong Closer Economic Partnership Arrangement Agreement on Trade in Services” which will be implemented on 1 June 2020, Hong Kong legal practitioners will be allowed to obtain practice qualification in the Greater Bay Area (GBA) by passing a special examination and to engage in matters on specific areas of Mainland law, further expanding the practice area for Hong Kong practitioners in the GBA. The details are pending promulgation by the Mainland, and DoJ will continue to liaise with relevant Mainland authorities in this regard. Moreover, DoJ will continue to strive for further expansion of practice area for Hong Kong legal practitioners in the Greater Bay Area (GBA), including exploring to allow Hong Kong practitioners to participate in appropriate cases concerning Hong Kong (e.g. cases where Hong Kong law is applicable) as advocates in the courts of the GBA (e.g. Qianhai Court).

(2)

The bureaux/departments of the Hong Kong Special Administrative Region (HKSAR) Government will continue to maintain close liaison with relevant stakeholders of the professional services that are within their policy purview to gauge their views on the effective implementation of the development of the Guangdong-Hong Kong-Macao Greater Bay Area, including regular meetings between the Secretary for Justice and the two legal professional bodies as well as the meeting with the legal and dispute resolution professionals on the opportunities arising from the GBA, so as to ensure that the relevant measures can best meet the needs of various sectors. These engagements should be one of the important routines of the bureaux/departments of the HKSAR Government. A separate breakdown of the expenditure and manpower involved is not available.

- End -

CONTROLLING OFFICER'S REPLY

SJ084

(Question Serial No. 1485)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

It is stated in paragraph 83 of the Budget that about \$450 million will be earmarked for the Department of Justice to implement the “Vision 2030 for Rule of Law” project. Please provide details about the framework, objectives, timetables and estimated expenditures of the related work, and the staff establishment involved in such work.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 14)

Reply:

“Vision 2030 for Rule of Law” is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally, and safeguard Hong Kong’s prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community’s understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also

preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The detailed workplan for the 3 phases will be considered and decided by the Task Force. No specific timetable is available yet. DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

The expenses and manpower required at the preparatory stage will be absorbed by existing resources.

- End -

CONTROLLING OFFICER'S REPLY**SJ085****(Question Serial No. 1491)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

With regard to the conviction rates for 2018 and 2019, how many of the convictions involved non-refoulement claimants and what percentage of the overall conviction rates did such cases represent?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 20)Reply:

The conviction rates are defendant-based and relate to any substantive or alternative offence on which the defendant has been convicted. It does not take into account acquittals of other charges, if any. A breakdown of the conviction rates by type of cases is not available.

The conviction rates for 2018 and 2019 at the 3 levels of court are:

	2018	2019
Magistrates' Court		
- defendants convicted after trial (%)	57.5%	54.6%
- defendants convicted after trial and defendants convicted on their own pleas (%)	71.5%	68.3%
District Court		
- defendants convicted after trial (%)	59.2%	67.4%
- defendants convicted after trial and defendants convicted on their own pleas (%)	89.8%	92.9%
Court of First Instance		
- defendants convicted after trial (%)	67.9%	60.7%
- defendants convicted after trial and defendants convicted on their own pleas (%)	90.8%	90.0%

- End -

CONTROLLING OFFICER'S REPLY

SJ086

(Question Serial No. 1496)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

1. What are the estimated annual salary, job-related allowances and related expenses of the Secretary for Justice (SJ) in 2020-21?
2. Please provide the details and related expenses of the duty visits made by SJ in the past 2 years.
3. What were the medical expenses of SJ in 2019-20?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 25)

Reply:

The estimated expenditures on the emoluments and non-accountable entertainment allowance of the Secretary for Justice for 2020-21 are \$4.32 million and \$0.25 million respectively. The Secretary and her family are eligible to medical and dental benefits equivalent to civil servants.

Relevant information on the duty visits of the Secretary for Justice in the past 2 years is as follows -

Date of visit ^{Note 1}	Place of visit	Purpose of visit	Total Expenditure ^{Note 2}
2018-19 (16 times)	UK (London), USA (Washington DC, New York), Japan (Tokyo), South Korea (Incheon), Beijing, Guangzhou, Shenzhen, Zhuhai, Thailand (Bangkok)	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Belt and Road Joint Conference, roundtable discussion at Asia House, Forum on the Belt and Road Legal Cooperation, Society of International Economic Law Biennial Conference, Fifth Hong Kong Legal Services Forum and its opening ceremony, Tsinghua World Forum on the Rule of Law, United Nations Commission on International Trade Law (UNCITRAL) Inter-sessional Regional Meeting on Investor-State Dispute Settlement (ISDS) Reform, opening of the Hong Kong-Zhuhai-Macao Bridge, thematic session "From Deal Making to Dispute Resolution: Legal Risk Management for Enterprises in	About \$1,424,000

Date of visit ^{Note 1}	Place of visit	Purpose of visit	Total Expenditure ^{Note 2}
		Japan”, 3rd Qianhai Legal Intelligence Forum, signing the “Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region”)”))	
2019-20 (Up to February 2020) (14 times)	France (Paris), Luxembourg, The Netherlands (The Hague), Austria (Vienna), Beijing, Guangzhou, Shanghai, Shenzhen, Korea (Seoul), Macao, United Kingdom (London)	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. speaking at the thematic forum in second Belt and Road Forum for International Cooperation in Beijing, participation in the second Belt and Road Joint Conference in Beijing organised by National Development and Reform Commission, signing of the framework arrangement on legal exchange and mutual learning with High People’s Court of Guangdong Province, signing of a Memorandum of Co-operation with the Ministry of Justice of Korea, speaking at 4th Qianhai Legal Intelligence Forum, mock hearing activity under the “Seminars on Adjudicating with Common Law Concepts” series and the China Forum on International Legal Cooperation, participation in a seminar on external legal affairs in commemoration of the anniversary of the establishment of Macao SAR, joining the delegation to Beijing on the establishment anniversaries of People’s Republic of China and the Macao SAR, speaking in the “Alexander Lecture 2019” organised by Chartered Institute of Arbitrators, participation in the Guangdong-Hong Kong-Macao Greater Bay Area judicial case seminar)	About \$875,000

Note 1 The duty visits to the Mainland cities, Macao and Asian cities are either day trips or short trips.

Note 2 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

- End -

CONTROLLING OFFICER'S REPLY

SJ087

(Question Serial No. 3896)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Under this Programme, would the Administration inform this Committee of:

- (1) the establishment and the estimated annual expenditure on emoluments of the Legal Policy Division (LPD) of the Department of Justice (DoJ) for 2020-21?
- (2) the establishment and the estimated annual expenditure on emoluments of the Constitutional Development and Elections Unit under the LPD of the DoJ for 2020-21?
- (3) the establishments and the estimated annual expenditures on emoluments of the Basic Law Unit and the Human Rights Unit under the LPD of the DoJ for 2020-21?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 198)

Reply:

- (1) The establishment and estimated annual expenditure on emoluments of the Legal Policy Division (LPD) for 2020-21 are tabulated below:

	Establishment for 2020-21	Estimated annual expenditure on emoluments for 2020-21 (notional annual mid-point salary)
LPD	1 Law Officer, 3 Principal Government Counsel, 10 Deputy Principal Government Counsel ^{Note 1} , 28 Senior Government Counsel, 20 Government Counsel, 6 Law Clerks, 1 Senior Law Translation Officer, 3 Law Translation Officers, 1 Senior Executive Officer, 2 Executive Officers I,	\$120,856,860

	1 Senior Personal Secretary, 13 Personal Secretaries I, 8 Personal Secretaries II, 1 Clerical Officer, 9 Assistant Clerical Officers and 3 Clerical Assistants	
--	---	--

Note 1 Including 3 Deputy Principal Government Counsel posts, which are planned to be created upon approval by the Finance Committee of the Legislative Council.

(2) & (3)

Furthermore, the respective establishments and estimated annual expenditures on emoluments of the 3 Units under the Constitutional Affairs Sub-Division of the LPD for 2020-21 are tabulated below:

	Establishment for 2020-21	Estimated annual expenditure on emoluments for 2020-21 (notional annual mid-point salary)
Constitutional Development and Elections Unit	1 Deputy Principal Government Counsel, 2 Senior Government Counsel, 1 Government Counsel and 1 Personal Secretary I	\$6,854,160
Basic Law Unit	1 Deputy Principal Government Counsel, 4 Senior Government Counsel, 1 Government Counsel, 1 Law Clerk, 1 Personal Secretary I, 1 Personal Secretary II and 1 Assistant Clerical Officer	\$10,902,300
Human Rights Unit	1 Deputy Principal Government Counsel, 4 Senior Government Counsel, 3 Government Counsel, 1 Personal Secretary I, 1 Personal Secretary II and 1 Assistant Clerical Officer	\$12,617,400

- End -

CONTROLLING OFFICER'S REPLY

SJ088

(Question Serial No. 3902)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Would the Administration inform this Committee of:

- (1) the establishment and the estimated annual expenditure on emoluments of the Public Order Events & Cybercrime Section of Sub-division I (Advisory) of the Prosecutions Division of the Department of Justice for 2020-21; and
- (2) the number of advice on public order events given by the Section in the past year?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 204)

Reply:

- (1) The establishment and the estimated annual expenditure on emoluments of Section I(4) Public Order Events & Cybercrime of Sub-division I (Advisory) of the Prosecutions Division for 2020-21 are tabulated below:

	Establishment for 2020-21	Estimated annual expenditure on emoluments for 2020-21 (notional annual mid-point salary)
Public Order Events & Cybercrime Section	1 Assistant Principal Government Counsel, 3 Senior Government Counsel, 2 Government Counsel and 1 Personal Secretary II	\$8,912,640

Legal advice on cases involving public order events and cybercrime is tendered by staff of the section among other duties.

- (2) The Public Order Events & Cybercrime Section provides legal advice to law enforcement agencies on cases involving public order events and cybercrime. A total of 228 items of legal advice were provided in the past year.

- End -

CONTROLLING OFFICER'S REPLY

SJ089

(Question Serial No. 3903)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Would the Administration inform this Committee of the estimated expenditure on the annual emolument of the Secretary for Justice for 2020-21?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 205)

Reply:

The estimated expenditure on the annual emoluments of the Secretary for Justice in 2020-21 is \$4.32 million.

- End -

CONTROLLING OFFICER'S REPLY

SJ090

(Question Serial No. 3992)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

What is the estimated annual salary of the Secretary for Justice for 2020-21? What is the estimated annual expenditure on the emoluments of the Director of Public Prosecutions for 2020-21?

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 273)

Reply:

The estimated expenditure on the emoluments of the Secretary for Justice for 2020-21 is \$4.32 million. The notional annual mid-point salary for the post of Director of Public Prosecutions for 2020-21 is \$3.28 million.

- End -

CONTROLLING OFFICER'S REPLY**SJ091****(Question Serial No. 4136)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please inform this Committee of:

- (1) the number of civil litigation cases involving the Government and the briefing-out expenses incurred in each of the past 5 years;
- (2) among the civil litigation cases involving the Government in the past 5 years, the 5 government departments and bureaux having the highest number of proceedings brought against them and the number of such proceedings; and
- (3) the case numbers, particulars, progress and verdicts (if any) of civil litigation cases involving the Police Force in the past 5 years, to be set out in table form.

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 99)Reply:

- (1) The number of civil litigation cases involving the Government in the past 5 years are set out below:

Year	Number of civil litigation cases involving the Government^{Note}
2015	3 392
2016	2 952
2017	3 289
2018	3 788
2019	5 213

Note: The figures include new proceedings brought by or against the Government in the relevant year.

Regarding the briefing-out expenses, we do not maintain any breakdown of civil litigation cases involving the Government.

- (2) Regarding civil proceedings brought against the Government, we do not maintain any breakdown of individual cases in relation to government departments.
- (3) The following are the number of civil litigation cases involving the Police Force in the past 5 years. We do not maintain information such as particulars and progress of those cases.

Year	Number of civil litigation cases involving the Police Force^{Note}
2015	183
2016	150
2017	152
2018	160
2019	211

Note: The figures include new proceedings brought by or against the Government in the relevant year.

- End -

CONTROLLING OFFICER'S REPLY

SJ092

(Question Serial No. 4178)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

- a. Please tabulate the numbers of defendants whose reported occupations were serving or retired police officers in cases prosecuted by the Department of Justice (DoJ) over the past 5 years.
- b. Please tabulate the numbers of cases prosecuted by the DoJ where the prosecution eventually applied in courts for withdrawal of charges on its own volition, and the ratio of such cases in the annual totals of prosecution cases over the past 5 years.

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 143)

Reply:

The Department of Justice does not maintain such statistics.

- End -

CONTROLLING OFFICER'S REPLY

SJ093

(Question Serial No. 4184)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please inform this Committee of:

- (1) the number of advice given to government departments and bureaux on civil service disciplinary proceedings, and the departments and bureaux involved in each of the past 5 years;
- (2) the principles or guidelines adopted by the Department of Justice in giving advice on civil service disciplinary proceedings; and
- (3) the number of advice given to government departments and bureaux on personal data protection, and the departments and bureaux involved in each of the past 5 years.

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 149)

Reply:

- (1) & (3) The Department of Justice (DoJ) advises Government bureaux and departments on legal issues as required from time to time over a wide variety of issues. Given the large volume of advice given each year, DoJ does not keep any statistical breakdown of the number of each piece of advice given by reference to the party seeking the advice or the issues concerned.
- (2) The DoJ will provide legal advice to Government bureaux and departments as may be required in accordance with the law and the facts of individual cases.

- End -

CONTROLLING OFFICER'S REPLY

SJ094

(Question Serial No. 4210)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please inform this Committee:

Whether the Hong Kong Special Administrative Region Government has plans to enter into a bilateral legal cooperation agreement with Taiwan and arrange for relevant negotiations in accordance with Article 96 of the Basic Law? What is the progress? What is the expenditure involved?

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 175)

Reply:

According to Article 96 of the Basic Law, “[w]ith the assistance or authorization of the Central People’s Government, the Government of the Hong Kong Special Administrative Region may make appropriate arrangements with foreign states for reciprocal juridical assistance”. “People’s Republic of China” is defined in section 3 of the Interpretation and General Clauses Ordinance, Chapter 1, Laws of Hong Kong, to include Taiwan, Hong Kong Special Administrative Region and Macau. Accordingly, Article 96 of the Basic Law is not applicable to the legal cooperation relationship between Hong Kong and Taiwan.

- End -

CONTROLLING OFFICER'S REPLY

SJ095

(Question Serial No. 4211)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please advise this Committee of the following:

- (1) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is applicable to Hong Kong. Numerous allegations against the Police Force for torturing arrestees in 2019 have been referred to the Force only for follow-up. How many items of legal advice has the Department of Justice (DoJ) offered in this regard? On how many occasions has independent outside legal advice been sought from private practice? What was the expenditure involved?
- (2) Has the DoJ followed up the alleged violations of the above Convention by the Force? What is the progress?
- (3) Regarding the alleged use of torture by the Force, has the DoJ examined the Force's conduct to see if it has violated any conventions applicable to Hong Kong? Please tabulate the conventions that have been violated by the Force.

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 176)

Reply:

(1)-(3)

The Department of Justice (DoJ) advises Government bureaux and departments on various legal issues upon request from time to time. Given the large volume of advice given each year, the DoJ does not keep any statistical breakdown of the advice given by reference to the party seeking the advice or the issue involved.

While independent outside legal advice would be sought in respect of civil cases or related legal issues where necessary, the DoJ does not keep any statistical breakdown of such legal advice by reference to the issues or expenditure involved.

As such legal advice is covered by legal professional privilege, it is inappropriate for the DoJ to disclose the details.

- End -

CONTROLLING OFFICER'S REPLY

SJ096

(Question Serial No. 4212)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please inform this Committee of the following:

(1) What were the respective numbers of cases prosecuted by the Department of Justice where part of and all of the charges were withdrawn after the cases were mentioned at court in each of the past 5 years? Please tabulate the case number and nature of cases where all of the charges were withdrawn.

(2) According to the Prosecution Code, the decision to prosecute requires consideration of whether the admissible evidence available is sufficient to justify instituting or continuing proceedings. The public interest is not served by proceedings with cases that do not satisfy this test. Recently, the charges in a number of cases related to the anti-extradition law amendment movement were withdrawn after proceedings had been instituted. Was it because the sufficiency of the admissible evidence available to justify instituting or continuing proceedings had not been considered in making the decisions to prosecute?

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 177)

Reply:

(1) The Department of Justice (DoJ) does not maintain such statistics.

(2) In deciding whether or not to prosecute a case, prosecutors of the DoJ make an objective and professional assessment of the available evidence and applicable law, and act in accordance with the Prosecution Code (the Code). As provided in paragraph 10.1 of the Code, a prosecutor remains under a duty continually to review a prosecution that has been commenced. The prosecution must be discontinued if, following a change of circumstances, a reapplication of the prosecution test at any stage indicates that the evidence is no longer sufficient to justify a reasonable prospect of conviction or the interests of public justice no longer require the prosecution to proceed. Besides, where the Police have not sought legal advice for the cases concerned before instituting prosecution, the DoJ will, after careful consideration of the relevant evidence adduced by the Police, the facts, the applicable laws and the

Code, withdraw the prosecution if it is considered that the overall evidence fails to support a reasonable prospect of conviction on any charges.

- End -

CONTROLLING OFFICER'S REPLY**SJ097****(Question Serial No. 4213)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please inform this Committee of:

- (1) the annual staffing establishment of the Joint Dispute Resolution Strategy Office (JDRSO) and the expenditure involved since its inception;
- (2) the countries to which the JDRSO has promoted arbitration services. Please tabulate the activities conducted and the number of visits made outside Hong Kong.

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 178)Reply:

- (1) The Joint Dispute Resolution Strategy Office ("JDRSO") was set up internally within the Department of Justice ("DoJ") in September 2016 to coordinate the department's promotional work for mediation and arbitration services and to further promote Hong Kong's international legal and dispute resolution services. The function as Commissioner of the JDRSO was taken up by the Senior Assistant Law Officer (Civil Law) (Mediation) of the Civil Division ("CD") of the DoJ on top of her other duties. Both the Mediation Team of the CD and the Arbitration Unit of the Legal Policy Division provided support for the JDRSO. Their staffing establishment and costs from 2016-17 to 2018-19 are set out in the table below-

	2016-17	2017-18	2018-19
Mediation Team	1 Deputy Principal Government Counsel#, 1 Senior Government Counsel, 1 Law Clerk and 1 Personal Secretary I	1 Deputy Principal Government Counsel#, 1 Senior Government Counsel, 1 Government Counsel, 1 Law Clerk and 1 Personal Secretary I	1 Deputy Principal Government Counsel#, 2 Senior Government Counsel, 2 Government Counsel, 1 Law Clerk, 1 Personal Secretary I and 1 Assistant Clerical Officer

	2016-17	2017-18	2018-19
	\$4,218,780	\$5,189,640	\$7,936,560
Arbitration Unit	1 Deputy Principal Government Counsel, 2 Senior Government Counsel, 1 Law Clerk and 1 Personal Secretary I	1 Deputy Principal Government Counsel, 2 Senior Government Counsel, 1 Law Clerk and 1 Personal Secretary I	1 Deputy Principal Government Counsel, 2 Senior Government Counsel, 2 Government Counsel, 1 Law Clerk, 1 Personal Secretary I and 1 Assistant Clerical Officer
	\$5,354,520	\$5,582,700	\$7,936,560

The Deputy Principal Government Counsel of the Mediation Team also took up the function as Commissioner of the JDRSO.

Note: The above staff costs were calculated based on notional annual mid-point salary value.

Since 2 January 2019, the Inclusive Dispute Avoidance and Resolution (IDAR) Office has superseded the JDRSO to enhance the overall co-ordination and implementation of the DoJ's various initiatives and programmes in the areas of dispute avoidance and resolution, and to contribute to the consolidation of Hong Kong's status as an ideal hub for deal-making and a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond. In addition to their own duties, the Mediation Team, the Arbitration Unit and the International Organizations and Legal Co-operation Team of the International Law Division also provide support for the IDAR Office.

Their staffing establishment and costs in 2019-20 are set out in the table below-

IDAR Office	1 Principal Government Counsel (PGC) [#] , 1 Senior Government Counsel and 1 Law Clerk	\$4,395,900
Mediation Team	1 Deputy Principal Government Counsel, 3 Senior Government Counsel, 3 Government Counsel, 2 Law Clerks, 1 Personal Secretary I and 1 Assistant Clerical Officer	\$11,158,020
Arbitration Unit	1 Deputy Principal Government Counsel, 3 Senior Government Counsel, 3 Government Counsel, 2 Law Clerks, 1 Personal Secretary I, 1 Personal Secretary II and 1 Assistant Clerical Officer	\$11,432,400

International Organizations and Legal Co-operation Team	1 Deputy Principal Government Counsel, 1 Senior Government Counsel, 2 Government Counsel and 1 Personal Secretary I	\$6,124,200
---	---	-------------

This PGC post is planned to be created upon approval by the Finance Committee of the Legislative Council.

Note: The above staff costs are calculated based on notional annual mid-point salary value.

Expenditure other than manpower forms part of the DoJ's general departmental expenses and a separate breakdown is not available.

(2) External promotional activities conducted by the JDRSO from September 2016 to 2018 and the IDAR Office since 2019 are as follows:

Year	Duty visits / External promotional activities
2016 (since September)	<ul style="list-style-type: none"> - Thematic seminar on Legal Risk Management: Key to International Trade and Investment co-organised by the Hong Kong Trade Development Council (HKTDC) and the DoJ (Bangkok) - 4th Asian Mediation Association Conference (Beijing) - 4th Hong Kong Legal Services Forum (Nanjing)
2017	<ul style="list-style-type: none"> - Congress hosted by the United Nations Commission on International Trade Law (Vienna) - Asia-Pacific Economic Cooperation (APEC) Third Senior Officials' Meeting and Related Meetings (Vietnam) - Thematic seminar on the HKSAR's international legal and dispute resolution services co-organised by the HKTDC and the DoJ (Kuala Lumpur) - International Mediation Summit (Hangzhou) - 9th China Overseas Investment Fair (Beijing) - Visit to the Internet Court in Hangzhou and exchanges with local officials and communities (Hangzhou)
2018	<ul style="list-style-type: none"> - 5th Hong Kong Legal Services Forum (Guangzhou) - Seminar on Strategies and Opportunities under the Belt and Road Initiative – Leveraging Hong Kong's Advantages, Meeting the Country's Needs (Beijing) - Lunch time seminar held by the China International Economic and Trade Arbitration Commission Hong Kong Arbitration Center (Sydney) - ICSID Investor – State Mediation Training Course (Paris) - Forum on the Belt and Road Legal Cooperation (Beijing)

	<ul style="list-style-type: none"> - International Mediation Summit (Changsha) - 3rd Qianhai Legal Intelligence Forum (Shenzhen) - Thematic session entitled “From Deal Making to Dispute Resolution: Legal Risk Management for Enterprises in Japan” during the “Think Global, Think Hong Kong” summit forum co-organised by the HKTDC and the DoJ (Tokyo)
2019	<ul style="list-style-type: none"> - Workshop titled “Stocktake Workshop on the SELI ODR Work Plan” during the First Senior Officials’ Meeting of APEC in Santiago, Chile (Santiago, Chile) - Conference held in Paris, France on the promotion of Hong Kong’s roles as a deal maker and dispute resolver (Paris) - “Mediate First Pledge” Events (Shanghai and Shenzhen) - Policy discussion on online dispute resolution and secured transaction during the Plenary Session of the APEC Economic Committee in Puerto Varas, Chile (Puerto Varas, Chile) - Symposium on the opening up and the rule of law of the Hainan Free Trade Zone (Port) (Haikou City) - Thematic seminar entitled “From Deal-making to Dispute Resolution: What Hong Kong can offer to US Enterprises” co-organised with the HKTDC (Los Angeles) - Seminars on Adjudicating with Common Law Concepts (Shenzhen) - China Forum on International Legal Cooperation (Guangzhou) - 11th Mainland, Hong Kong and Macao Legal Seminar co-organised with the China Law Society and the Legal Affairs Bureau of the Macao Special Administrative Region (Guangzhou) - Seminar on the legal challenges and strategies under the Belt and Road Initiative (Beijing) - Seminar entitled “Is Hong Kong still irreplaceable?” (Beijing)
2020 (up to end-March)	<ul style="list-style-type: none"> - Guangdong-Hong Kong-Macao Greater Bay Area judicial case seminar (Guangzhou)

- End -

CONTROLLING OFFICER'S REPLY

SJ098

(Question Serial No. 4277)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please tabulate the Department of Justice's estimated expenditure and number of officers involved in the review of the qualifications of elected councillors (including Legislative and District Councillors) in 2020-2021.

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 243)

Reply:

The officers of the Civil Division (CD) of the Department of Justice (DoJ) deal with all civil litigation and tribunal work involving the Government. While proceedings for the review of qualifications of elected councillors are mainly handled by CD, it may seek inputs or advice from other divisions in the Department and/or instructed outside counsel/ solicitors firms in private practice. As such, while in general the legal proceedings come under the purview of CD, the officer or the team of officers involved in advising or handling the different aspects of the legal proceedings may vary depending on, for example, the nature of the issues, the complexity, etc. Moreover, the officers handling the cases are also responsible for other duties. Hence, the expenditure and officers involved in this regard cannot be separately identified.

The annual expenditure on briefing-out varies from year to year, depending on many factors, including the number of cases involved, their complexity and development. While the estimate for briefing-out expenses for 2020-21 was worked out based on information available at the time of preparing the estimates, the actual expenditure will ultimately depend on subsequent development and outcome of the cases concerned, and the amount of unanticipated expenditure (arising from cases which could not have been anticipated when the estimate was made and are not entirely within the control of the DoJ).

- End -

CONTROLLING OFFICER'S REPLY

SJ099

(Question Serial No. 4465)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the work in relation to the Code on Access to Information, would the Administration advise this Committee on the following:

1) Concerning the requests for information under the Code on Access to Information received by the Department of Justice (DoJ) from October 2018 to present for which only some of the required information has been provided, please state in table form: (i) the content of the requests for which only some of the required information was provided; (ii) the reasons for providing some of the information only; (iii) whether the decision on withholding some of the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application); (iv) whether the decision on withholding some of the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines on Interpretation and Application)? If yes, please provide the details of how the requests have been handled eventually.

From October to December 2018

(i) Content of the requests for which only some of the required information was provided	(ii) Reasons for providing some of the information only	(iii) Whether the decision on withholding some of the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application)	(iv) Whether the decision on withholding some of the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines on

			Interpretation and Application). If yes, please provide the details.

2019

(i) Content of the requests for which only some of the required information was provided	(ii) Reasons for providing some of the information only	(iii) Whether the decision on withholding some of the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application)	(iv) Whether the decision on withholding some of the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines on Interpretation and Application). If yes, please provide the details.

2) Concerning the requests for information under the Code on Access to Information received by the DoJ from October 2018 to present for which the required information has not been provided, please state in table form: (i) the content of the requests refused; (ii) the reasons for refusal; (iii) whether the decision on withholding the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application); (iv) whether the decision on withholding the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines on Interpretation and Application)? If yes, please provide the details of how the requests have been handled eventually.

From October to December 2018

(i) Content of the requests refused	(ii) Reasons for refusal	(iii) Whether the decision on withholding the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application)	(iv) Whether the decision on withholding the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to
-------------------------------------	--------------------------	---	---

			paragraph 2.1.1 of the Guidelines on Interpretation and Application). If yes, please provide the details.

2019

(i) Content of the requests refused	(ii) Reasons for refusal	(iii) Whether the decision on withholding the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application)	(iv) Whether the decision on withholding the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines on Interpretation and Application). If yes, please provide the details.

3) Any person who believes that a department has failed to comply with any provision of the Code on Access to Information may ask the department to review the situation. Please advise this Committee in each of the past 5 years, (i) the number of review cases received; (ii) the number of cases, among the review cases received in the year, in which further information was disclosed after review; (iii) whether the decisions on review were made at the directorate (D1 or D2) level.

Year in which review cases were received	(i) Number of review cases received	(ii) Number of cases, among the review cases received in the year, in which further information was disclosed after review	(iii) Whether the decisions on review were made at the directorate (D1 or D2) level
2015			
2016			
2017			
2018			
2019			

4) With reference to the target response times set out in paragraphs 1.16.1 to 1.19.1 of Guidelines on Interpretation and Application of the Code on Access to Information, please advise this Committee on the following information by year in table form (with text descriptions).

(a) Within 10 days from date of receipt of a written request:

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code on Access to Information	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the fee charged
2020					
2019					
2018					
2017					
2016					

Within 10 to 21 days from date of receipt of a written request:

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code on Access to Information	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the fee charged

2020					
2019					
2018					
2017					
2016					

Within 21 to 51 days from date of receipt of a written request:

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code on Access to Information	Number of applications which the applicants indicated that they did not wish to proceed with and withdrew since they did not accept the fee charged
2020					
2019					
2018					
2017					
2016					

(b) Cases in which information could not be provided within 21 days from date of receipt of a request in the past 5 years:

Date	Subject of information requested	Specific reason

(c) Cases in which information could not be provided within 51 days from date of receipt of a request in the past 5 years:

Date	Subject of information requested	Specific reason

5) Please state in table form the number of cases, among those in which requests for information were refused under the exemption provisions in Part 2 of the Code on Access to Information, on which the Privacy Commissioner for Personal Data was consulted when they were being handled in the past 5 years. For cases on which advice had been sought,

was it fully accepted in the end? For cases where the advice of the Privacy Commissioner for Personal Data was not accepted or was only partially accepted, what were the reasons?

Date	Subject	Particular exemption provision in Part 2 of the Code on Access to Information under which requests for information were refused	Whether the advice of the Privacy Commissioner for Personal Data was fully accepted	Reasons for refusing to accept or only partially accepting the advice of the Privacy Commissioner for Personal Data
------	---------	---	---	---

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 370)

Reply:

- 1) During the period from October 2018 to September 2019, among the access requests handled by the Department under the Code on Access to Information (the Code), there were 4 cases for which only some of the required information had been provided. The 4 requests are set out in the table below -

(i) Content of the requests for which only some of the required information was provided	(ii) Reasons for providing some of the information only	(iii) Whether the decision on withholding some of the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application)	(iv) Whether the decision on withholding some of the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines on Interpretation and Application). If yes, please provide the details.
Statistics on extradition requests made by other jurisdictions and those made by Hong Kong to other jurisdictions and the reasons for rejection of requests	External affairs (Paragraph 2.4(b) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.

Statistics concerning briefing out cases	Law enforcement, legal proceedings and public safety (Paragraph 2.6(d) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.
Statistics concerning briefing out cases	Management and operation of the public service (Paragraph 2.9(d) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.
Statistical breakdown of requests for mutual legal assistance in criminal matters made by other jurisdictions to the Hong Kong Special Administrative Region by category, by types of offence and number of cases involved	External affairs, law enforcement, legal proceedings and public safety, legal restrictions (Paragraphs 2.4(a) & (b), 2.6(e) and 2.18(b) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.

- 2) During the period from October 2018 to September 2019, among the access requests handled by the Department under the Code, there were 5 cases for which the required information had not been provided. The 5 requests are set out in the table below -

(i) Content of the requests refused	(ii) Reasons for refusal	(iii) Whether the decision on withholding the information was made at the directorate (D1 or D2) level (according to paragraph 1.8.2 of the Guidelines on Interpretation and Application)	(iv) Whether the decision on withholding the information was made subject to a “harm or prejudice test”, i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to paragraph 2.1.1 of the Guidelines on Interpretation and Application). If yes, please provide the details.
Information on legal advice given to the returning officer regarding the LegCo by-election	Law enforcement, legal proceedings and public safety (Paragraph 2.6(d) of	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could

	the Code)		result from disclosure.
Information about the prosecution or civil lawsuit, if any, against an individual	Law enforcement, legal proceedings and public safety (Paragraph 2.6(e) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.
Information about the reasons for not taking prosecution action in relation to an alleged criminal case	Law enforcement, legal proceedings and public safety (Paragraph 2.6(d) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.
Information on legal advice given to a government department	Law enforcement, legal proceedings and public safety (Paragraph 2.6(d) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.
Information as to whether an investigation had been instituted in Hong Kong and overseas against a private company and whether the process of mutual legal assistance has been initiated in relation to that company	External affairs, law enforcement, legal proceedings and public safety (Paragraphs 2.4(a) &(b) and 2.6(e) of the Code)	Yes	Yes. It was confirmed that the public interest in disclosure does not outweigh any harm or prejudice that could result from disclosure.

- 3) During the period from 2015 to September 2019, 2 review cases received in 2018 by the Department are set out in the table below -

Year in which review cases were received	(i) Number of review cases received	(ii) Number of cases, among the review cases received in the year, in which further information was disclosed after review	(iii) Whether the decisions on review were made at the directorate (D1 or D2) level
2018	2	0	Yes

- 4) During the period from 2016 to September 2019, the number of requests for which the information requested was provided within 10 days, 11 to 21 days and 22 to 51 days from date of receipt of a request was 14, 22 and 12 respectively. 9 requests received

during the period were transferred to another department. 17 requests were refused under the exemption provisions in Part 2 of the Code.

- 5) During the period from 2016 to September 2019, the main reason for not providing the information requested within 21 days from date of receipt in the 12 requests mentioned in (4) above was that longer time was required to prepare the information which was complex and detailed.
- 6) During the period from 2016 to September 2019, there was no case where information could not be provided within 51 days from date of receipt of a request.
- 7) During the period from 2016 to September 2019, the Department did not consult the Privacy Commissioner for Personal Data on cases where requests for information were refused.

- End -

CONTROLLING OFFICER'S REPLY

SJ100

(Question Serial No. 6407)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

About \$450 million have been earmarked in the Budget for the Department of Justice to implement the “Vision 2030 for Rule of Law” project so as to strengthen the community’s understanding of the concept of the rule of law and its implementation.

1. Please further elaborate on the initiatives of the project and the respective estimated expenditures. Will additional manpower be recruited? How will the project be promoted? Will schools be included as targets for promotion? Will the project be implemented by the Department of Justice or through the Judiciary or other government departments, such as the Police and other disciplinary forces? If yes, please give an account on the ratio.
2. Did the Administration launch similar projects in the past 10 years? If yes, please provide details of the projects and the expenditure involved.
3. In regard to strengthening the understanding of the concept of the rule of law and its implementation, will the provision be used for improving the facilities of the courts, information technology systems or even the legal aid regime, etc.?
4. Will the project be subject to comment and approval by the Law Reform Commission, the Judiciary, the Legislative Council or other independent organisations or experts?

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 27)

Reply:

(1), (4)

“Vision 2030 for Rule of Law” (Vision 2030) is a visionary initiative that spans over 10 years aiming to, through exchanges, research, capacity building and other activities for stakeholders including youth, legal practitioners and academics, strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation,

enhance development of the rule of law internationally, and safeguard Hong Kong's prosperity, stability and sustainable development. Around \$450 million earmarked in the Budget will be used over 10 years for the following categories of work:

- (1) collaboration with stakeholders;
- (2) academic/professional exchanges/research;
- (3) capacity building/disseminating proper information and concepts;
- (4) promotional activities to build a strong and enhanced rule of law community within the region and beyond;
- (5) research on methodology to assess the rule of law – objective indicators/subjective perceptions.

Vision 2030 will be implemented in 3 phases, namely, short, medium and long terms. The first phase is to set up a Task Force, with prominent international and local membership to lead the study and implementation of the initiative following expert discussions. The Department of Justice (DoJ) has commenced relevant preparatory work and will issue a report later on. Other short term goals include compiling data on the rule of law in Hong Kong for research purpose and strengthening the community's understanding of the concept of the rule of law through promotion, education and capacity building. The DoJ is also preparing for a forum on the rule of law to be co-organised with international organisations during the Hong Kong Legal Week scheduled for November this year.

The expenses and manpower required at the preparatory stage will be absorbed by existing resources.

Vision 2030 aims to benefit people from all walks of life. The detailed workplan will be considered and decided by the Task Force and then implemented by the DoJ. The DoJ will elaborate on the details to the Panel on Administration of Justice and Legal Services in accordance with the established practice at an appropriate time.

(2)

The Hong Kong Special Administrative Region Government and the DoJ are and will always be committed to upholding the rule of law and judicial independence of Hong Kong. To promote the rule of law and Hong Kong's legal system, the Secretary for Justice regularly speaks publicly on these two themes in her speeches in Hong Kong as well as overseas. To foster youngsters' general understanding and awareness of the Basic Law, DoJ counsel would talk at schools to enhance understanding on the Basic Law among students when giving an overview of Hong Kong's legal system, advise on Basic Law quiz competitions organised by other bureaux targeting various age groups, publications, teaching materials, and conduct Basic Law seminars organised by the Government for civil servants. At the same time, to enhance understanding of the Basic Law and relevant case law among civil servants and the general public, the DoJ, the Civil Service Bureau and the Constitutional and Mainland Affairs Bureau jointly publish regular issues of the Basic Law Bulletin. The latest one was uploaded to the DoJ's website for public access last December. The expenses for publication of the Basic Law Bulletin and the conduct of Basic Law seminars for civil servants are absorbed by other bureaux. In addition, the Prosecutions Division of the DoJ organises the "Meet the Community" programme and the

“Prosecution Week” every year to help the public better understand the importance of the rule of law.

The work in promoting the rule of law is undertaken among other duties of the relevant legal divisions and the expenditure cannot be separately identified.

(3)

The detailed workplan for Vision 2030 will be considered and decided by the Task Force. However, provision for improving the facilities of the courts, information technology systems or the legal aid regime was not factored-in in the funding proposal concerned.

- End -

CONTROLLING OFFICER'S REPLY**SJ101****(Question Serial No. 5544)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please set out the monthly salary, allowances and other expenses for the holder of the following post in the past 3 years, the monthly pension entitlement on retirement and the total expenditure on the pension.

Secretary for Justice

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1054)Reply:

The monthly salaries and non-accountable entertainment allowance of the Secretary for Justice in the past 3 years (2017-18 to 2019-20) are set out below -

	Cash Remuneration (per month)	Non-accountable entertainment allowance (per month)
April 2017 to March 2018	\$308,585 \$345,600 (wef July 2017)	\$19,133
April 2018 to March 2019	\$345,600 \$352,150 (wef July 2018)	\$19,417
April 2019 to March 2020	\$352,150 \$360,300 (wef July 2019)	\$19,883

The terms of employment and conditions of service for politically-appointed officials serving the fourth and fifth terms of the Hong Kong Special Administrative Region Government, including the Secretary for Justice, do not attract any pension benefits. Apart from the mandatory provident fund contribution made by the Government, the Secretary for Justice and other politically-appointed officials are not entitled to a monthly pension on retirement.

- End -

CONTROLLING OFFICER'S REPLY

SJ102

(Question Serial No. 5545)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

With regard to the growing cross-boundary co-operation between Hong Kong and the Mainland in recent years, please provide relevant information on Hong Kong/Mainland cross-boundary projects or programmes in which your bureau and the departments under your purview have been involved: (a) For Hong Kong/Mainland cross-boundary projects or programmes, please provide information for the past 5 years as per the following table:

Project/Programme;

Details, objectives and whether it is related to the Framework Agreement on Hong Kong/Guangdong Co-operation;

Expenditure involved;

Mainland official and department/organisation involved;

Has any agreement been signed and has it been made public? If not, what were the reasons?

Progress (percentage completed, commencement date, anticipated completion date);

Have the details, objectives, amount involved or impacts on the public, society, culture or ecology been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?

Has any public consultation on the cross-boundary project been conducted in Hong Kong?

Details of the legislative amendments or policy changes involved in the project/ programme.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1055)

Reply:

Information on cross-boundary co-operation between Hong Kong and the Mainland taken forward by the Department of Justice (DoJ) is as follows:

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
1. Enhance Legal Co-operation with the Guangdong Province	Pursuant to the Framework Agreement on Hong Kong/ Guangdong Co-operation (Framework Agreement), we have reinforced the existing communication mechanism in legal matters with Guangdong. This includes exchange of legal information as well as conducting meetings and/or seminars to discuss specific legal issues.	The staff costs and other related expenses have been and will continue to be absorbed by existing resources of the DoJ and the expenditure for this specific programme cannot be separately identified.	The Legislative Affairs Office and the Justice Department of the Guangdong Province, depending on the subject matter concerned.	Please refer to “Co-operation between Shenzhen and Hong Kong” and “Co-operation with the High People’s Court of Guangdong Province” below for details.	The Framework Agreement is valid till 31 December 2020. The Hong Kong/ Guangdong co-operation programme is ongoing.	The Framework Agreement and related initiatives were reported to the Legislative Council Panel on Administration of Justice and Legal Services (AJLS Panel) on 22 October 2010. It was also mentioned in the DoJ’s Policy Initiatives provided to the AJLS Panel in the past years, including the 2018-19 Policy Initiatives of the DoJ. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	N/A	Apart from the co-operative initiatives contained in the Framework Agreement, the programme does not involve a change of law or policy of the Government.
2. Legal Co-operation with the Supreme People’s Court (SPC)	The Arrangement on Mutual Taking of Evidence in Civil and Commercial Matters between the Courts of the Mainland and the Hong Kong Special Administrative Region (HKSAR) was signed between the DoJ and the SPC on 29 December 2016. The Arrangement aims at assisting litigants of both sides to obtain evidence in civil and commercial matters with enhanced efficiency and greater certainty. Such co-operation is not related to the Framework Agreement.	Same as above	SPC	The Arrangement was signed on 29 December 2016 and took effect on 1 March 2017. The text of the Arrangement is available on the DoJ’s website.	The DoJ will regularly monitor the implementation of the Arrangement.	The Government issued a relevant press release on 29 December 2016 when the signing ceremony was held. The DoJ reported the signing of the Arrangement to the AJLS Panel in December 2016. The Law Society of Hong Kong and the Hong Kong Bar Association were also notified of the matter. The staff costs and other related expenses were mainly absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	N/A	The Arrangement is implemented in accordance with the Evidence Ordinance currently in force without involving the enactment or amendment of legislation.

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
3. Legal Co-operation with the SPC	The Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the HKSAR was signed between the DoJ and the SPC on 20 June 2017. The Arrangement aims to ensure that parties of both sides can enforce relevant civil judgments in matrimonial and family cases through a clear and effective legal regime. Such co-operation is not related to the Framework Agreement.	Same as above	SPC	The Arrangement on Reciprocal Recognition and Enforcement of Civil Judgments in Matrimonial and Family Cases by the Courts of the Mainland and of the HKSAR was signed between the DoJ and the SPC on 20 June 2017. The text of the Arrangement is available on the DoJ's website.	On 8 February 2019, the DoJ launched a public consultation on the Bill for implementing the Arrangement. The consultation period ended on 8 March 2019. The DoJ also briefed the AJLS Panel on the features of the Bill and listened to the Panel's views on 25 February 2019.	The Government issued a relevant press release on 20 June 2017 when the signing ceremony was held. The DoJ reported the signing of the Arrangement and its key features to the AJLS Panel on 21 June 2017. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	The Government consulted the public on the features of the Arrangement in June 2016, and on the Bill for implementing the Arrangement in February 2019.	The Arrangement has to be implemented in Hong Kong by legislation. The DoJ will seek to introduce the Bill into the Legislative Council as soon as possible.
4. Legal Co-operation with the SPC	A summary record on strengthening of exchanges and co-operation was signed between the DoJ and the SPC on 14 September 2017, with a view to deepening mutual exchanges and co-operation, including strengthening the annual bilateral business meeting mechanism, refining the current legal assistance mechanism, establishing a co-operation mechanism with the SPC's Judicial	Same as above	SPC	A summary record was signed between the DoJ and the SPC on 14 September 2017.	The co-operation is ongoing.	The Government issued a relevant press release on 14 September 2017 when the signing ceremony was held. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	N/A	Apart from the co-operative initiatives contained in the summary record, the programme does not involve a change of law or policy of the Government.

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
	Research Center for Belt and Road Initiative (BRI), etc. Such co-operation is not related to the Framework Agreement.							
5. Co-operation between Shenzhen and Hong Kong	The Co-operative Arrangement on Legal Matters was renewed between the DoJ and the Shenzhen Municipal People's Government on 12 October 2017 for a period of 5 years, subject to further extension. The main purpose of the Co-operative Arrangement is to establish a mechanism to promote legal co-operation between the two governments. The Arrangement can be regarded as legal co-operation between Shenzhen and Hong Kong under the Framework Agreement.	Same as above	Shenzhen Municipal People's Government	The Co-operative Arrangement on Legal Matters was renewed between the DoJ and the Shenzhen Municipal Government on 12 October 2017. The DoJ reported the signing of the Arrangement and its main purpose to the AJLS Panel on 30 October 2017. The main details of co-operation under the Arrangement are also available on the DoJ's website.	The co-operation is ongoing. For example, a joint DoJ and Shenzhen Court of International Arbitration seminar on recent arbitration developments in the Mainland against the background of the Bay Area was held after the arrangement renewal ceremony on 12 October 2017; officials of the Legislative Affairs Office of the Shenzhen Municipal People's Government joined the DoJ on a short-term attachment in September 2018; and officials of the DoJ joined the Justice Bureau of the Shenzhen Municipality on a short-term attachment in September	The Government issued a relevant press release on 12 October 2017 when the arrangement renewal ceremony was held. The DoJ reported the signing of the Arrangement and its main purpose to the AJLS Panel at its meeting on 30 October 2017. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	N/A	Same as above

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
					2019.			
6. Co-operation between Shanghai and Hong Kong	The Co-operation Arrangement on Legal Matters was signed between the DoJ and the Shanghai Municipal Bureau of Justice on 24 August 2018 as an arrangement to promote co-operation and exchanges on legal matters, such as supporting and facilitating lawyers as well as the legal services (e.g. arbitration and mediation) sectors in Shanghai and Hong Kong in expanding business co-operation. Such co-operation is not related to the Framework Agreement.	Same as above	Shanghai Municipal Bureau of Justice	The Co-operation Arrangement on Legal Matters was signed between the DoJ and the Shanghai Municipal Bureau of Justice on 24 August 2018. The text of the Arrangement is available on news.gov.hk .	The co-operation is ongoing. For example, the DoJ, the Shanghai Law Society and the Shanghai Commercial Mediation Center co-organised an event themed “Commercial Disputes, Mediate First – Shanghai-Hong Kong Commercial Mediation Seminar” in August 2019.	The Government issued a relevant press release on 24 August 2018 when the signing ceremony was held. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	N/A	Apart from the co-operative initiatives contained in the Co-operation Arrangement, the programme does not involve a change of law or policy of the Government.
7. Co-operation with the Ministry of Justice (MoJ)	The DoJ signed a record of meeting with the MoJ on further enhancement of co-operation in legal services between the two places on 7 January 2019, which sets out the consensus between the two sides on further liberalisation of the Mainland legal services market. Parts of the co-operation are related to the Framework	Same as above	MoJ	The record of meeting was signed between the DoJ and the MoJ on 7 January 2019. The main details of the document are available on the DoJ’s website.	The co-operation is ongoing. In July 2019, the Department of Justice of Guangdong Province promulgated the “Trial Measures of the Department of Justice of Guangdong Province on Hong Kong Law Firms and Macao Law Firms Operating in the Form of	After signing the record of meeting, the DoJ posted its main details on the DoJ’s website, issued a relevant press release and informed the two legal professional bodies in writing. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	N/A	Apart from the co-operative initiatives contained in the record of meeting, the programme does not involve a change of law or policy of the Government.

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundar y project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
	Agreement.				Partnership Association with Mainland Law Firms in Guangdong Province (2019 Revision)” to implement in Guangdong Province the liberalisation measures for partnership associations as agreed by the MoJ in the record of meeting.			

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
8. Legal Co-operation with the SPC	The Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the HKSAR was signed between the DoJ and the SPC on 18 January 2019. The Arrangement seeks to establish a legal mechanism to provide greater clarity and certainty for recognition and enforcement of judgments in a wider range of civil and commercial matters between Hong Kong and the Mainland. Such co-operation is not related to the Framework Agreement.	Same as above	SPC	The Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the HKSAR was signed between the DoJ and the SPC on 18 January 2019. The text of the Arrangement is available on the DoJ's website.	To implement the Arrangement, the DoJ will take forward the relevant legislative work in due course.	The Government issued a relevant press release on 18 January 2019 when the signing ceremony was held. The DoJ reported the signing of the Arrangement and its key features to the AJLS Panel on 18 January 2019. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	The Government consulted the AJLS Panel on the proposed Arrangement in 2017. The Government also consulted the public on the proposed features of the Arrangement in July 2018, and further consulted the AJLS Panel in November 2018.	To implement the Arrangement, the DoJ will take forward the relevant legislative work in due course.
9. Legal Co-operation with the SPC	The Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the HKSAR ("Interim Measures Arrangement") was signed between the DoJ and the SPC on 2 April 2019. With the signing of the Interim Measures	The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure for this specific programme cannot be separately identified.	SPC	The Interim Measures Arrangement was signed on 2 April 2019. The text of the Interim Measures Arrangement is available on the DoJ's website.	The Interim Measures Arrangement took effect on 1 October 2019.	The Government issued a relevant press release on 2 April 2019 when the signing ceremony was held, and submitted an information paper on the Interim Measures Arrangement to the AJLS Panel on 3 April 2019. The staff costs and other related expenses were absorbed by existing resources of the DoJ and the expenditure in this regard cannot be separately identified.	N/A	The implementation of the Interim Measures Arrangement does not involve a change of law of the HKSAR or policy of the Government.

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
	Arrangement, Hong Kong has become the world's first and so far the only jurisdiction outside the Mainland where parties to arbitral proceedings administered by designated institutions would be able to apply to the Mainland courts for property preservation, evidence preservation and conduct preservation for ensuring the effective conduct of the arbitral proceedings. The Interim Measures Arrangement is not related to the Framework Agreement.							
10. Exchange and co-operation with courts in Guangdong Province	A framework arrangement on legal exchange and mutual learning in legal aspects in the Greater Bay Area (GBA) was signed between the DoJ and the High People's Court of Guangdong Province on 7 September 2019, under which the two sides agreed to encourage and facilitate courts in Guangdong and relevant legal bodies in Hong Kong to launch	To be absorbed by existing resources of the DoJ and cannot be separately identified.	Courts in Guangdong Province	The framework arrangement on legal exchange and mutual learning in legal aspects in the GBA was signed between the DoJ and the High People's Court of Guangdong Province on 7 September 2019. The main details of co-operation	The co-operation is ongoing. Under the framework arrangement, the DoJ has joined forces with the Shenzhen Intermediate People's Court from September 2019 and the High People's Court of Guangdong Province in January 2020 in organising exchange	The Government issued a relevant press release on 7 September 2019 when the signing ceremony was held. The DoJ has mentioned such co-operation in the Policy Initiatives submitted to the AJLS Panel this year. The staff costs and other related expenses were absorbed by existing resources of the DoJ and cannot be separately identified.	N/A	The programme does not involve a change of law or policy of the Government.

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
	projects on legal exchange and mutual learning, and conduct relevant training. Parts of the co-operation are related to the Framework Agreement.			under the arrangement are available on the DoJ's website.	activities, including a series of legal seminars on adjudicating with common law concepts as well as mock trials to help legal professionals from Guangdong, Hong Kong and Macau better understand the legal and judicial systems of the three places. The DoJ plans to organise similar events again this year.			
11. The Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference (“Joint Conference”)	A Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference mechanism was established on 12 September 2019 between the DoJ, the Department of Justice of Guangdong Province and the Secretariat for Administration and Justice of the Macao Special Administrative Region for regular exchanges on various legal issues of the GBA and related collaboration with a view to jointly promoting legal development in	Same as above	The Department of Justice of Guangdong Province and the Secretariat for Administration and Justice of the Macao Special Administrative Region	At the first Joint Conference held on 12 September 2019, the legal departments of the three places agreed to establish the Joint Conference mechanism. No agreement was signed in respect of this co-operation programme.	The co-operation is ongoing. The second conference is planned to be held this year.	The Government issued a relevant press release on 12 September 2019 when the first Joint Conference was held. The DoJ has mentioned such co-operation in the Policy Initiatives submitted to the AJLS Panel this year. The staff costs and other related expenses were absorbed by existing resources of the DoJ and cannot be separately identified.	The Government will consult the Legislative Council in due course depending on the agenda of the Joint Conference.	The Government will consult the Legislative Council in due course depending on the agenda of the Joint Conference.

Project/ Programme	Details, objectives and whether it is related to the Framework Agreement on Hong Kong/ Guangdong Co-operation	Expenditure involved	Mainland official(s) and department(s)/ organisation(s) involved	Has any agreement been signed and whether it has been made public? If not, what were the reasons?	Progress (% completed, commencement date, anticipated completion date)	Have the details, objectives, amount involved or impact on the public, society, culture or ecology etc. been released to the public? If yes, through what channel(s) and what were the manpower and expenditure involved? If not, what were the reasons?	Has any public consultation on the cross-boundary project been conducted in Hong Kong?	Details of the legislative amendments or policy changes involved in the project/ programme
	the GBA. Such co-operation is not related to the Framework Agreement.							
12. A permanent communication platform for Mainland enterprises and the Hong Kong legal profession	To strengthen exchanges and ties between Mainland enterprises and the Hong Kong legal profession, the DoJ has secured the support of the Ministry of Commerce and the State-owned Assets Supervision and Administration Commission of the State Council for establishing a permanent tripartite communication platform for Mainland enterprises and the Hong Kong legal profession. Such co-operation is not related to the Framework Agreement.	Same as above	The Ministry of Commerce and the State-owned Assets Supervision and Administration Commission of the State Council	The DoJ is now in discussion with the relevant authorities on entering into a related memorandum of co-operation.	The co-operation is ongoing. The first seminar on the legal challenges and strategies under the BRI was held in Beijing on 26 November 2019. The DoJ plans to organise similar events again this year.	The DoJ has mentioned such co-operation in the Policy Initiatives submitted to the AJLS Panel this year. The staff costs and other related expenses were absorbed by existing resources of the DoJ and cannot be separately identified.	N/A	The programme does not involve a change of law or policy of the Government.

- End -

CONTROLLING OFFICER'S REPLY

SJ103

(Question Serial No. 5546)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please provide the following details of each of the duty visits made by the Secretary for Justice in the past 5 years in chronological order: (a) purpose and destination, (b) post titles of local officials met, (c) number and post titles of Hong Kong officials in entourage, (d) number of days of visit, and (e) total expenditure incurred, including expenses on (i) transportation (air tickets and local transportation), (ii) accommodation, (iii) meals, (iv) banquets or entertainment and (v) gifts.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1056)

Reply:

Relevant information on the duty visits of the Secretary for Justice in the past 5 years (2015-16 to 2019-20) is as follows -

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
2015-16 (12 times)	USA (New York, Washington DC), Indonesia (Jakarta), Beijing, Shanghai, Shenzhen, Macau	0-3	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Hague Conventions Conference, Launching ceremony of the Shanghai Office of	About \$180,000	About \$430,000	About \$168,000	About \$778,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
			the Hong Kong International Arbitration Centre, Seminars on legal and dispute resolution services, Opening and graduation ceremony of a Mainland summer internship programme for Hong Kong law students)				
2016-17 (14 times)	Australia (Sydney, Brisbane, Melbourne and Gold Coast), Thailand (Bangkok), Korea (Seoul), United Arab Emirates (Dubai), Beijing, Shanghai, Shenzhen, Qianhai, Zhengzhou, Chongqing, Nanjing	1-2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. 4th Hong Kong Legal Services Forum, 5th Asia Pacific ADR Conference, Chartered Institute of Arbitrators International Conference 2017, 2016 Annual Meeting of the Chinese Judicial Studies Association, Signing Ceremony of the Agreement on Mutual Taking of Evidence in Civil and Commercial Matters between the Courts of the Mainland and the Hong Kong Special Administrative Region with the Supreme People's Court, Opening Ceremony of the new office of the Shenzhen Court of International Arbitration)	About \$90,000	About \$384,000	About \$110,000	About \$584,000
2017-18 (10 times)	UK (London and Oxford), Austria (Vienna),	2	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services	About \$138,000	About \$374,000	About \$111,000	About \$623,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
	Malaysia (Kuala Lumpur), Xian, Shenzhen, Guangzhou, Shanghai and Beijing		in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g Congress hosted by the United Nations Commission on International Trade Law, the 7th Greater China Arbitration Forum, the 9th Lujiazui Law Forum, Conference to review the development of mutual legal assistance on civil and commercial matters between the Mainland and the Hong Kong Special Administrative Region in the past 20 years, Law Conference to commemorate the 20th anniversary of China's resumption of the exercise of sovereignty over Hong Kong)				
2018-19 (16 times)	UK (London), USA (Washington DC, New York), Japan (Tokyo), South Korea (Incheon), Beijing, Guangzhou, Shenzhen, Zhuhai, Thailand (Bangkok)	0-3	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. Belt and Road Joint Conference, roundtable discussion at Asia House, Forum on the Belt and Road Legal Cooperation, Society of International Economic Law Biennial Conference, Fifth Hong Kong Legal	About \$223,000	About \$912,000	About \$289,000	About \$1,424,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
			<p>Services Forum and its opening ceremony, Tsinghua World Forum on the Rule of Law, United Nations Commission on International Trade Law (UNCITRAL) Inter-sessional Regional Meeting on Investor-State Dispute Settlement (ISDS) Reform, opening of the Hong Kong-Zhuhai-Macao Bridge, thematic session “From Deal Making to Dispute Resolution: Legal Risk Management for Enterprises in Japan”, 3rd Qianhai Legal Intelligence Forum, signing the “Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region”)</p>				
<p>2019-20 (Up to February 2020) (14 times)</p>	<p>France (Paris), Luxembourg, The Netherlands (The Hague), Austria (Vienna), Beijing, Guangzhou, Shanghai, Shenzhen, Korea (Seoul), Macao, United Kingdom (London)</p>	<p>0-3</p>	<p>To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives from legal / dispute resolution / business sectors (e.g. speaking at the thematic forum in second Belt and Road Forum for International Cooperation in Beijing, participation in the second Belt and Road Joint Conference in Beijing organised by National</p>	<p>About \$94,000</p>	<p>About \$509,000</p>	<p>About \$272,000</p>	<p>About \$875,000</p>

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
			Development and Reform Commission, signing of the framework arrangement on legal exchange and mutual learning with High People's Court of Guangdong Province, signing of a Memorandum of Co-operation with the Ministry of Justice of Korea, speaking at 4th Qianhai Legal Intelligence Forum, mock hearing activity under the "Seminars on Adjudicating with Common Law Concepts" series and the China Forum on International Legal Cooperation, participation in a seminar on external legal affairs in commemoration of the anniversary of the establishment of Macao SAR, joining the delegation to Beijing on the establishment anniversaries of People's Republic of China and Macao SAR, speaking in the "Alexander Lecture 2019" organised by Chartered Institute of Arbitrators, participation in the Guangdong-Hong Kong-Macao Greater Bay Area judicial case seminar)				

Remarks:

- Note 1 The duty visits to the Mainland cities, Macao and Asian cities are either day trips or short trips.
- Note 2 The entourage usually comprised Administrative Assistant and Press Secretary to the Secretary for Justice.
- Note 3 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

No expenses for official entertainment during duty visits were incurred from 2015-16 to 2017-18. The expenses for official entertainment during duty visits in 2018-19 and 2019-20 were about \$6,700 and \$31,000 respectively.

In line with Government's green policy, public officers should as far as possible refrain from bestowing gifts/souvenirs to others during the conduct of official activities. According to the existing guidelines, where bestowal of gifts/souvenirs is necessary or unavoidable due to operational, protocol or other reasons, the gift/souvenir items should not be lavish or extravagant and the number should be kept to a minimum. Also, the exchange of gifts/souvenirs should only be made between organisations. We do not specifically maintain separate accounts for gift and souvenir expenses.

- End -

CONTROLLING OFFICER'S REPLY**SJ104****(Question Serial No. 5547)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

- (1) What were the numbers of cases in which the Administration applied for a review of decision over the past 5 years?
- (2) Regarding the cases in which an application for a review of decision was made, what were the reasons for the Administration's decision to seek a review for each of them?
- (3) As regards the cases in which the Administration applied for a review of decision, what were the respective numbers of cases with the sentences upheld, enhanced or reduced by the court?

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1057)Reply:

The Secretary for Justice may apply to the court in appropriate cases for review of sentence on the basis of an error of law or of principle or that the sentence is manifestly inadequate or excessive. The number of cases in which the Government applied for review of sentence under section 81A of the Criminal Procedure Ordinance (Cap. 221) over the past 5 years and their results (whether sentences were upheld, enhanced or reduced by the court) are set out below -

	Year (in which the applications were made; as at April 2020)				
	2015	2016	2017	2018	2019
Sentence Upheld	-	-	1	2	1
Sentence Enhanced	2	5	4	3	2
Sentence Reduced	-	-	-	-	-
Others (The figures are provisional and subject to revision based on the latest information)	-	-	-	1 (Pending hearing)	1 (Judgment reserved)

	Year (in which the applications were made; as at April 2020)				
	2015	2016	2017	2018	2019
Total number of applications for “review of sentence”	2	5	5	6	4

- End -

CONTROLLING OFFICER'S REPLY

SJ105

(Question Serial No. 5549)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please provide a detailed breakdown of the following information and the nationality and male to female ratio involved for the past 5 years:

- 1) Criminal proceedings related to sexual violence:
 - 1.1) The number of successful prosecutions with a breakdown by penalty (e.g. length of sentence, service orders and orders of binding over issued, etc.).
 - 1.2) The number of unsuccessful prosecutions and the reasons.
- 2) The number of criminal proceedings related to sexual violence where prosecutions were not pursued and the reasons.
- 3) The number of criminal proceedings related to sexual violence where the victims withdrew support for the prosecution.
- 4) The number of criminal proceedings related to sexual violence with the further charge of "attempting to pervert the course of public justice".
- 5) The respective numbers of criminal proceedings related to sexual violence which involved assault, inflicting an injury or threatening to injure.
- 6) The number of criminal proceedings related to sexual violence which involved deaths with a breakdown by male to female ratio, age and nationality of the deceased.
- 7) The number of civil proceedings related to sexual harassment:
 - 7.1) The number of successful prosecutions and claims.
 - 7.2) The number of unsuccessful prosecutions and the reasons.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1059)

Reply:

(1) According to the information provided by the Security Bureau:

The numbers of prosecutions and convictions under section 118 (Rape) of the Crimes Ordinance (Cap. 200) are listed as follows -

	Year of case conclusion				
	2015	2016	2017	2018	2019 (up to 3rd quarter)
Acquittals	23	23	17	18	13
Convictions	10	6	12	16	12
Total	33	29	29	34	25

Remarks: The above defendants were all male. All the convicted persons were sentenced to immediate imprisonment.

The numbers of prosecutions and convictions under section 122 (Indecent assault) of the Crimes Ordinance (Cap. 200) are listed by gender as follows -

Male defendants:

	Year of case conclusion				
	2015	2016	2017	2018	2019 (up to 3rd quarter)
Acquittals	120	116	106	102	79
Convictions	275	271	271	264	199
Immediate imprisonment	169	175	174	168	119
Probation Order	35	47	49	41	34
Community Service Order	31	22	26	25	31
Hospital Order	4	2	7	6	2
Fine	18	12	7	16	9
Others*	18	13	8	8	4
Total	395	387	377	366	278

* Remarks: including detention in a detention centre, a training centre, etc.

Female defendants:

	Year of case conclusion				
	2015	2016	2017	2018	2019 (up to 3rd quarter)
Acquittals	4	0	0	1	3
Convictions	0	1	0	0	2

Immediate imprisonment	0	1	0	0	1
Fine	0	0	0	0	1
Total	4	1	0	1	5

The Government does not maintain statistics on the nationality of the defendants or the reasons for unsuccessful prosecutions.

(2) to (6) The Government does not maintain the requested information on criminal proceedings related to sexual violence.

(7) As the Department of Justice is not generally involved in civil litigation cases related to sexual harassment between members of the public, we do not maintain the required statistics.

- End -

CONTROLLING OFFICER'S REPLY

SJ106

(Question Serial No. 5550)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

- 1) Please list the numbers of applications for injunctions related to domestic violence and sexual violence in the past 5 years as well as the average time taken to handle these applications.
- 2) Please list the numbers of applications for custody orders in emergency cases related to domestic violence and sexual violence in the past 5 years as well as the average time taken to handle these applications.
- 3) Please list the numbers of applications for habeas corpus related to domestic violence and sexual violence in the past 5 years as well as the average time taken to handle these applications.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1060)

Reply:

The Department of Justice is generally not involved in applications by the individuals concerned for injunctions, custody orders or habeas corpus involving domestic violence or sexual violence. Injunction and habeas corpus applications are generally made by the parties concerned, while applications for custody orders may be made by the parties concerned or by the Social Welfare Department or the Police as the case may be. We are therefore not able to provide the relevant statistics.

- End -

CONTROLLING OFFICER'S REPLY

SJ107

(Question Serial No. 5551)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please provide a detailed breakdown of the following information and the nationality and male to female ratio involved for the past 5 years:

- 1) Criminal proceedings related to domestic violence:
 - 1.1) The number of successful prosecutions with a breakdown by penalty (e.g. length of sentence, service orders and orders of binding over issued, etc.).
 - 1.2) The number of unsuccessful prosecutions and the reasons.
- 2) The number of criminal proceedings related to domestic violence where prosecutions were not pursued and the reasons.
- 3) The number of criminal proceedings related to domestic violence where the victims withdrew support for the prosecution.
- 4) The number of criminal proceedings related to domestic violence with the further charge of “attempting to pervert the course of public justice”.
- 5) The respective numbers of criminal proceedings related to domestic violence which involved assault, inflicting an injury or threatening to injure.
- 6) The number of criminal proceedings related to domestic violence which involved deaths with a breakdown by male to female ratio, age and nationality of the deceased.
- 7) The number of criminal proceedings related to domestic conflicts/disputes:
 - 7.1) The number of successful prosecutions with a breakdown by penalty (e.g. length of sentence, service orders and orders of binding over issued, etc.); the number of unsuccessful prosecutions and the reasons.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1061)

Reply:

(1), (2) & (7)

According to the information provided by the Security Bureau (SB):

The number of domestic violence/domestic conflicts or disputes cases which were concluded, with a breakdown by prosecution result and year of arrest, are as follows –

Prosecution Result	Year of Arrest				
	2015	2016	2017	2018	2019
Unsuccessful Prosecutions@	275	260	214	283	223
Total number of Convictions	192	186	162	138	98
Immediate imprisonment*	44	36	55	44	36
Probation Order	28	24	27	21	19
Community Service Order	17	18	11	17	6
Suspended Imprisonment	68	70	46	27	18
Bound-over/ Conditional Discharge	0	1	1	1	0
Others#	35	37	22	28	19
Total	467	446	376	421	321

@ Remarks - Including those prosecutions not further taken forward.

* Remarks - Not including life imprisonment.

Remarks - Including life imprisonment.

The number of domestic violence/domestic conflicts or disputes cases which were concluded, with the male to female ratio of persons convicted and year of arrest, are as follows –

Gender	Year of Arrest				
	2015*	2016	2017	2018	2019
Male	180 (93.8%)	167 (89.8%)	151 (93.2%)	125 (90.6%)	88 (89.8%)
Female	12 (6.3%)	19 (10.2%)	11 (6.8%)	13 (9.4%)	10 (10.2%)
Total	192 (100%)	186 (100%)	162 (100%)	138 (100%)	98 (100%)

*Remarks - Percentages do not add up to 100% due to rounding.

The number of convicted domestic violence/domestic conflicts or disputes cases which were concluded involving a sentence of immediate imprisonment (but not including life imprisonment), with a breakdown by duration of imprisonment and year of arrest, are as follows –

Duration of Imprisonment	Year of Arrest				
	2015	2016	2017	2018	2019
6 months or less	41	30	51	42	32
Over 6 months to 1 year	2	2	1	2	1
Over 1 year	1	4	3	0	3
Total	44	36	55	44	36

The Government does not maintain prosecution statistics on nationality of the persons involved and reasons for unsuccessful prosecution or prosecution not pursued.

(3) & (4) The Government does not maintain information on criminal proceedings related to domestic violence where the victims withdrew support for the prosecution or where the further charge of “attempting to pervert the course of public justice” was involved.

(5) According to the information provided by SB, the number of criminal cases reported to the Police related to domestic violence (involving wounding/serious assault, criminal intimidation and other criminal cases) are as follows –

Domestic Violence (Criminal) Cases	2015	2016	2017	2018	2019
Wounding/serious assault	862	879	788	813	686
Criminal intimidation	358	340	364	344	215
Other criminal cases*	244	290	242	256	214
Total	1 464	1 509	1 394	1 413	1 115

*Remarks - Other criminal cases include murder/manslaughter, rape, arson, indecent assault, fighting in public place, criminal damage and possession of offensive weapon, etc.

(6) According to the information provided by SB, the number of murder/manslaughter cases related to domestic violence (by gender and age range of victim) are as follows –

	2015	2016	2017	2018	2019
Murder/ manslaughter	4	6	8	7	7
Victim					
<i>Male</i>	1	0	0	1	0
<i>Female</i>	3	6	8	6	7
Youngest	26 years old	16 years old	20 years old	40 years old	25 year old
Oldest	46 years old	52 years old	76 years old	64 years old	79 year old

The Government does not maintain other breakdowns requested in the question.

- End -

CONTROLLING OFFICER'S REPLY

SJ108

(Question Serial No. 5552)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please provide a detailed breakdown of the following information and the nationality involved for the past 5 years:

- 1) Criminal proceedings related to transgender persons:
 - 1.1) The number of successful prosecutions with a breakdown by penalty (e.g. length of sentence, service orders and orders of binding over issued, etc.).
 - 1.2) The number of unsuccessful prosecutions and the reasons.
- 2) The number of criminal proceedings related to transgender persons where prosecutions were not pursued and the reasons.
- 3) The number of criminal proceedings related to transgender persons where the victims withdrew support for the prosecution.
- 4) The number of criminal proceedings related to transgender persons with the further charge of “attempting to pervert the course of public justice”.
- 5) The respective numbers of criminal proceedings related to transgender persons which involved assault, inflicting an injury or threatening to injure.
- 6) The number of criminal proceedings related to transgender persons which involved deaths with a breakdown by age and nationality of the deceased.
- 7) The number of civil proceedings related to transgender persons:
 - 7.1) The number of successful prosecutions and claims.
 - 7.2) The number of unsuccessful prosecutions and the reasons.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1062)

Reply:

As the prosecution authority, we are committed to the objective of presenting appropriate cases to the court in a fair manner. The gender of the parties involved in a criminal case is taken into account in the handling of the case if and only if that is of direct relevance to the issues of the case and hence our prosecutorial decision.

As for civil cases, the Department of Justice handles them in accordance with, among others, applicable legal principles and relevant evidence. The gender of the parties involved in a civil case is taken into account if and only if that is of direct relevance to the issues of the case.

We do not maintain statistics on cases related to transgender persons.

- End -

CONTROLLING OFFICER'S REPLY

SJ109

(Question Serial No. 5553)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Against how many cases involving sexual abuse of “mentally incapacitated” persons were formal prosecutions instituted in the past 5 years? What were the numbers of convictions?

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1063)

Reply:

The Police Force began to compile statistics on cases involving “mentally incapacitated persons” in November 2016 and handled a total of 99, 127 and 122 cases of sexual offences involving victims who were “mentally incapacitated persons” in 2017, 2018 and 2019 respectively.

The Police Force do not maintain other breakdowns requested in the question.

- End -

CONTROLLING OFFICER'S REPLY**SJ110****(Question Serial No. 6821)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please set out the monthly salary, allowances and other expenses for the holder of the following post in the past 5 years, the monthly pension entitlement on retirement and the total expenditure on the pension.

Secretary for Justice

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1311)Reply:

The monthly salaries and non-accountable entertainment allowance of the Secretary for Justice in the past 5 years (2015-16 to 2019-20) are set out below -

	Cash Remuneration (per month)	Non-accountable entertainment allowance (per month)
April 2015 to March 2016	\$308,585	\$18,142
April 2016 to March 2017	\$308,585	\$18,683
April 2017 to March 2018	\$308,585 \$345,600 (wef July 2017)	\$19,133
April 2018 to March 2019	\$345,600 \$352,150 (wef July 2018)	\$19,417
April 2019 to March 2020	\$352,150 \$360,300 (wef July 2019)	\$19,883

The terms of employment and conditions of service for politically-appointed officials serving the fourth and fifth terms of the Hong Kong Special Administrative Region Government, including the Secretary for Justice, do not attract any pension benefits. Apart from the mandatory provident fund contribution made by the Government, the Secretary for Justice and other politically-appointed officials are not entitled to a monthly pension on retirement.

- End -

CONTROLLING OFFICER'S REPLY

SJ111

(Question Serial No. 4515)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the item of “the feasibility study of establishing a Belt and Road Dispute Resolution Centre in Hong Kong” in the 2019 Budget, please advise on the current progress and results of the study and whether the “establishment and implementation of a mediation platform in the Guangdong-Hong Kong-Macao Greater Bay Area” in the 2020 Budget is an extension of the above item. If yes, please account for the reasons for changing the service targets from the “Belt and Road regions” to the “Guangdong-Hong Kong-Macao Greater Bay Area”; if not, please advise on the respective purposes of setting up the two items.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 86)

Reply:

The Belt and Road Dispute Resolution Centre and the mediation project in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) mentioned in the 2020 Budget are 2 separate items, both aimed at consolidating Hong Kong’s status as a leading international legal and dispute resolution services centre and bringing opportunities to our dispute resolution sector.

Belt and Road Dispute Resolution Centre

At the Second Belt and Road Forum for International Cooperation held in April 2019, the Secretary for Justice proposed the establishment through collaboration of a dispute resolution body which is credible and embraces cultural diversity for the proper resolution of commercial disputes arising from the Belt and Road Initiative (BRI). The Department of Justice (DoJ) is actively following up with the Mainland authorities.

Promoting the use of mediation in the GBA

In furtherance of legal co-operation within the GBA, which comprises 3 different legal systems (the Mainland, Hong Kong and Macao), a Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference mechanism was established in September 2019 between the DoJ, the Department of Justice of Guangdong Province and the Secretariat for

Administration and Justice of the Macao Special Administrative Region for regular exchanges on various legal issues of the GBA and related collaboration with a view to jointly promoting legal development in the GBA.

At the first Joint Conference, the 3 legal departments also agreed to promulgate a set of uniform accreditation standards for mediators in the GBA, best practices for mediation rules applicable to cross-border disputes within the GBA, best practices for mediators' code of conduct, etc. for reference by the GBA's mediation institutions and their mediators, thereby enhancing the confidence of mediation users within the GBA. The 3 legal departments in Guangdong, Hong Kong and Macao are studying the relevant details and will continue to follow up at the 2nd Joint Conference to be convened this year.

- End -

CONTROLLING OFFICER'S REPLY

SJ112

(Question Serial No. 4516)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

As regards cases in relation to the anti-extradition law amendment movement since June 2019, please advise on the number of criminal cases where court costs were awarded against the Government after the charges were withdrawn. 1. How much were the court costs involved? 2. Please advise in table form on the highest court costs compensated in cases involving various criminal offences. Please also advise how many of such movement-related cases currently received by the Department of Justice (DoJ) involve civil claims for damages against the Hong Kong Police Force. Does the DoJ have an estimated expenditure for the related court costs for such civil claims cases? If yes, please advise on the figures.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 87)

Reply:

The Department of Justice does not maintain statistics on court costs awarded against the prosecution due to withdrawal of charges.

A total of 112 civil claims for damages were brought against the Hong Kong Police Force between 1 June 2019 and 15 March 2020. We do not maintain breakdown of these cases in relation to particular incidents and their related expenses.

- End -

CONTROLLING OFFICER'S REPLY

SJ113

(Question Serial No. 4517)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

On the prosecution decisions made by DOJ in the previous year, will the government inform this council:

Except for the cash deposit or conditions of recognizance, what are the other bail conditions could included?

On the prosecution decisions, related to anti-extradition bill protests, made by DOJ in the previous year, will the government also inform this council:

Of the cases being charged with 'possession of offensive weapon (in public place)', 'possession of instrument fit for unlawful purposes', 'unlawful assemblies', 'riots' or 'bomb hoaxes', the highest conditions of recognizance in respective criminal charges; how many bail conditions of 'installation of surveillance cameras' were required?

During the decisions of bail conditions in cases related to anti-extradition bill protests, would DOJ have other considerations comparing to unrelated cases?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 88)

Reply:

According to section 9D(2) of the Criminal Procedure Ordinance (Cap. 221), the court may impose conditions as appear to the court to be necessary to secure that the person admitted to bail will not fail to surrender to custody as the court may appoint, or commit an offence while on bail, or interfere with a witness or pervert or obstruct the course of justice. The bail conditions that the court may impose include, but are not limited to, those set out in section 9D(3) as follows:

- (a) a recognizance of bail be taken from a surety;
- (b) the person admitted to bail –
 - (i) shall surrender to the court any passport or travel document;
 - (ii) shall not leave Hong Kong;

- (iii) shall report to a police station or the offices of the Independent Commission Against Corruption as the court may specify;
- (iv) shall reside at a specified address and be present therein between such times as the court may specify;
- (v) shall not enter any place or premises as the court may specify;
- (vi) shall not go within such distance of any place or premises as the court may specify;
- (vii) shall not contact directly or indirectly such person as the court may specify;
- (viii) shall deposit with the court such reasonable sum of money as the court may require.

The granting of bail and the imposition of any bail conditions, including any bail amounts, are judicial decisions which are made on a case-by-case basis. The court will take into account the position and arguments of the prosecution and the defence, and all relevant materials placed before the court by the parties. Each case has to be considered on its own merits as to whether bail would be granted; and if so, on what terms.

The Department of Justice (DoJ) does not maintain records on the largest amount of recognizance or requirement of installation of surveillance cameras. The DoJ acts in accordance with the applicable laws, the relevant evidence and the Prosecution Code when handling bail matters for any type of cases.

- End -

CONTROLLING OFFICER'S REPLY

SJ114

(Question Serial No. 4518)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the Hong Kong Human Rights and Democracy Act enacted by the United States of America (USA) in 2019, please advise on the actions and measures taken or to be taken by the Department of Justice and the Government in addition to issuing announcements to express opposition to making the Act law in the USA. Please provide details of the relevant measures, dates and expenses incurred.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 89)

Reply:

Regarding the Hong Kong Human Rights and Democracy Act (the Hong Kong Act) enacted by the United States of America (USA) in 2019, with respect to the Department of Justice, it will provide professional legal advice using existing/allocated resources if the relevant Government bureaux/departments seek such support from the Department.

- End -

CONTROLLING OFFICER'S REPLY**SJ115****(Question Serial No. 4931)**Head: (92) Department of JusticeSubhead (No. & title): (000) Operational expensesProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

1. Please give a breakdown of the full expenditure on salary, regularly-paid allowances and job-related allowances for the Secretary for Justice in 2019-20 and the estimates for the same for 2019-21.
2. Please advise how the non-accountable entertainment allowance for the Secretary for Justice is calculated.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 571)Reply:

The estimates for the salaries and non-accountable entertainment allowance of the Secretary for Justice in 2019-20 and 2020-21 are set out below -

	Salary (\$ million)	Non-accountable entertainment allowance (\$ million)
2019-20 (Revised Estimates)	4.29	0.24
2020-21 (Draft Estimates)	4.32	0.25

The rate of the non-accountable entertainment allowance payable is adjusted annually in accordance with the movement of the average monthly Composite Consumer Price Index (CCPI) for a 12-month period ending December as compared with that for the preceding 12-month period. For 2020-21, the allowance payable to the Secretary for Justice will be increased by 2.9% with effect from 1 April 2020 based on the CCPI movement.

- End -

CONTROLLING OFFICER'S REPLY**SJ116****(Question Serial No. 4932)**Head: (92) Department of JusticeSubhead (No. & title): (000) Operational ExpensesProgramme: (-) Not SpecifiedControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please advise on the expenditure incurred by the Department of Justice on outbound travels last year and tabulate the expenses involved for each item.

The Secretary for Justice (SJ), Ms Teresa Cheng, was injured in London last year and spent her leave there afterwards. Please advise whether the medical expenses incurred by SJ in London involved public money.

If so, please provide the specific expenditure. Please advise on the anticipated length of SJ's stay in London at that time. What was the estimated expenditure?

Did the cost of the return flight to Hong Kong involve public money or was it borne by the Embassy of China (*sic*) in Hong Kong ?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 572)Reply:

Relevant information on the duty visits of the Secretary for Justice last year is as follows -

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
2019-20 (Up to February 2020) (14 times)	France (Paris), Luxembourg, The Netherlands (The Hague), Austria (Vienna), Beijing, Guangzhou, Shanghai, Shenzhen, Korea (Seoul),	0-3	To lead delegation to promote Hong Kong as a centre for international legal and dispute resolution services in the Asia Pacific region, strengthen mutual relationship, attend meetings and events with relevant officials and representatives	About \$94,000	About \$509,000	About \$272,000	About \$875,000

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
	Macao, United Kingdom (London)		<p>from legal / dispute resolution / business sectors (e.g. speaking at the thematic forum in second Belt and Road Forum for International Cooperation in Beijing, participation in the second Belt and Road Joint Conference in Beijing organised by National Development and Reform Commission, signing of the framework arrangement on legal exchange and mutual learning with High People's Court of Guangdong Province, signing of a Memorandum of Co-operation with the Ministry of Justice of Korea, speaking at 4th Qianhai Legal Intelligence Forum, mock hearing activity under the "Seminars on Adjudicating with Common Law Concepts" and the China Forum on International Legal Cooperation, participation in a seminar on external legal affairs in commemoration of the anniversary of the establishment of Macao SAR, joining the delegation to Beijing on the establishment anniversaries of People's Republic of China and Macao SAR, speaking in the "Alexander Lecture 2019" organised by Chartered Institute of Arbitrators, participation in the Guangdong-Hong Kong-Macao Greater Bay Area judicial case</p>				

Date of visit ^{Note 1}	Place of visit	Size of entourage ^{Note 2}	Purpose of visit	Hotel accommodation expenses	Transportation expenses	Other expenses	Total Expenditure ^{Note 3}
			seminar)				

Remarks:

Note 1 The duty visits to the Mainland cities, Macao and Asian cities are either day trips or short trips.

Note 2 The entourage usually comprised Administrative Assistant and Press Secretary to the Secretary for Justice.

Note 3 Total expenditure includes charges for accommodation and passage, subsistence allowance for duty outside Hong Kong and sundry expenses (if applicable).

The Secretary for Justice was invited by the Chartered Institute of Arbitrators to give a speech on the evening of 14 November 2019 in London. She was pushed to the ground and sustained an injury after being besieged on her way to the venue. The remainder of the trip was cancelled. The medical and return flight expenses were handled by the Secretary herself.

- End -

CONTROLLING OFFICER'S REPLY

SJ117

(Question Serial No. 4933)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please tabulate the following information for the past 5 years (last year included):

1. the numbers of on-duty and off-duty police officers prosecuted and the reasons or offences involved;
2. the numbers of on-duty and off-duty police officers convicted and the reasons or offences involved.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 573)

Reply:

The Department of Justice does not maintain such statistics.

- End -

CONTROLLING OFFICER'S REPLY

SJ118

(Question Serial No. 4934)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the cases handled by the Department of Justice (DoJ) in the past year, how many of them were briefed out to legal advisory and consultancy firms or bodies not under the DoJ for legal advice?

Which firms/bodies were involved? What were the respective fees incurred?

What were the criteria the DoJ adopted for selecting briefed-out legal advisory and consultancy firms or bodies not under the DoJ?

What were the criteria for setting the shares of cases to be assigned to the selected briefed-out legal advisory and consultancy firms or bodies not under the DoJ?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 574)

Reply:

The Department of Justice (DoJ) has been briefing out certain cases, according to fee schedules approved by the Finance Committee (standard briefing out), or at negotiated fees in specified circumstances (non-standard briefing out). Briefing out is mainly to meet operational needs. In general, the DoJ may resort to briefing out when -

- (a) there is a need for expert assistance where the requisite skill is not available in the DoJ;
- (b) there is no suitable in-house counsel to appear in court for the Hong Kong Special Administrative Region;
- (c) the size, complexity, quantum and length of a case so dictate;
- (d) it is deemed appropriate to obtain independent outside counsel's legal advice or services so as to address possible perception of bias or issues of conflict of interest;
- (e) there is a need for continuity or economy; and
- (f) there is a need for legal advice or legal proceedings in respect of cases involving members of the DoJ.

The briefing out of individual cases is made in accordance with established procedures, factoring in not only the level of fees, but also the fiat counsel's suitability in terms of areas of expertise, years of experience, availability for the case concerned, etc.

In 2018-19, the total briefing out expenses incurred by the Prosecutions Division in relation to criminal cases amounted to \$139,731,253, whereas the total briefing out expenses incurred by the Civil Division in relation to civil cases and construction cases were \$115,083,722 and \$90,713,365 respectively. The expenses covered the engagement of barristers, solicitors, expert witnesses, arbitrators, mediators, etc. for provision of legal or other professional advice to the DoJ or assistance in handling cases.

The DoJ does not maintain any statistics on briefing out cases by individual firms or persons.

- End -

CONTROLLING OFFICER'S REPLY

SJ119

(Question Serial No. 4935)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding cases related to the movement against extradition law amendments since June 2019, what were the number and percentage of cases conducted by Government Counsel where charges were withdrawn due to insufficient evidence adduced by the Police and the prosecution?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 575)

Reply:

The Department of Justice does not maintain statistics on the number and percentage of cases related to the movement against extradition law amendments conducted by Government Counsel where charges were withdrawn due to insufficient evidence.

- End -

CONTROLLING OFFICER'S REPLY

SJ120

(Question Serial No. 4936)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding cases related to the movement against extradition law amendments since June 2019, what were the number and percentage of cases conducted by barristers instructed by the Government where charges were withdrawn due to insufficient evidence adduced by the Police and the prosecution?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 576)

Reply:

The Department of Justice does not maintain statistics on the number and percentage of cases related to the movement against extradition law amendments conducted by fiat counsel where charges were withdrawn due to insufficient evidence.

- End -

CONTROLLING OFFICER'S REPLY

SJ121

(Question Serial No. 4937)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please advise on the number of cases last year where defendants were refused bail/lost the rights to bail.

Regarding cases related to the movement against extradition law amendments since June 2019, please advise on the number of cases where defendants were refused bail/lost the rights to bail.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 577)

Reply:

The Department of Justice does not maintain the required statistics.

- End -

CONTROLLING OFFICER'S REPLY

SJ122

(Question Serial No. 4940)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (4) Law Drafting

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the drafting progress in relation to Article 23 of the Basic Law, please advise on:

the number of existing staff of DoJ who have participated in the drafting and the hours of work involved;

the organisations, institutions or departments which have participated in the drafting;

the current progress of the drafting and the expenditure incurred.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 580)

Reply:

The Department of Justice is the legal adviser to the Hong Kong Special Administrative Region Government. Our communications in this capacity are subject to legal professional privilege. This covers individual bills or related information and whether or not Drafting Instructions for drafting work have been received. We therefore have no information to provide as regards the matters raised in the Member's question, and will neither confirm nor deny whether there is any relevant drafting work.

- End -

CONTROLLING OFFICER'S REPLY**SJ123****(Question Serial No. 4941)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) ProsecutionsControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please advise whether cases related to the “anti-extradition law amendment” are among the factors that the Department of Justice (DoJ) has taken into consideration in estimating the numbers of appeals for 2020.

If yes, please elucidate the estimated increase in light of the cases related to “anti-extradition law amendment”;

If no, please elucidate the factors for consideration for the estimated increase.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 581)Reply:

The number of appeals handled by the Prosecutions Division in the past 5 years are tabulated below:

	2015	2016	2017	2018	2019
Appeals	1 185	1 171	1 076	1 018	945

The right of appeal is an important part of Hong Kong's legal system. A convicted person may appeal against his conviction and/or sentence. On the other hand, the prosecution may find initiating an appeal against an acquittal apposite where justice and public interest so demand. The appellate process can rectify any errors that may have occurred in the trial process, lay down sentencing guidelines and clarify the law, it is thus instrumental to the due administration of criminal justice in Hong Kong. Therefore, the number of appeals actually conducted is not entirely within the control of the Department of Justice (DoJ). While we will make reference to past figures in preparing for the estimates on the number of appeals concerned, it is difficult to give an accurate forecast. The DoJ does not maintain statistics on the number of appeals conducted in relation to “anti-extradition law amendment” cases.

- End -

CONTROLLING OFFICER'S REPLY**SJ124****(Question Serial No. 4942)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (1) Prosecutions
(2) CivilControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Please advise on the respective percentages of appeal cases handled after 9 June 2019 against:

1. all cases handled after 9 June; and
2. all appeal cases handled in the whole year.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 582)Reply:

The information requested is provided as follows:

Cases handled by the Civil Division

Year	No. of appeal cases handled after June 9	No. of all appeal cases handled in the whole year	Percentage of appeal cases handled after June 9 against all appeal cases handled in the whole year	No. of all cases handled after June 9 ^{Note}	Percentage of appeal cases against all cases handled after June 9
2019	345	653	52.8%	2 563	13.4%

Note: The number of cases refers to new cases received during the period.

Cases handled by the Prosecutions Division (PD)

Year	No. of appeal cases handled after June 9	No. of all appeal cases handled in the whole year	Percentage of appeal cases handled after June 9 against all appeal cases handled in the whole year
2019	553	945	58.5%

The Department of Justice does not maintain the requested statistics on the number of cases conducted between 9 June 2019 and 31 December 2019 as these figures are recorded on a monthly basis. The total number of cases conducted by PD between 1 June 2019 and 31 December 2019 was 76 132.

- End -

CONTROLLING OFFICER'S REPLY

SJ125

(Question Serial No. 4943)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the applications for “police anonymity orders” filed by the Department of Justice with courts, please advise on the total numbers of cases and police officers involved so far.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 583)

Reply:

The Department of Justice does not maintain the required statistics.

- End -

CONTROLLING OFFICER'S REPLY

SJ126

(Question Serial No. 4944)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational Expenses

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please advise whether handling cases related to the “anti-extradition law amendment” is among the factors that the Department of Justice (DoJ) has taken into consideration in estimating the numbers of appeals for 2020.

If yes, please explain for the difference between the estimate for 2020 and the actual numbers for 2019.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 584)

Reply:

The number of appeals handled by the Prosecutions Division in the past 5 years are tabulated below:

	2015	2016	2017	2018	2019
Appeals	1 185	1 171	1 076	1 018	945

The right of appeal is an important part of Hong Kong’s legal system. A convicted person may appeal against his conviction and/or sentence. On the other hand, the prosecution may find initiating an appeal against an acquittal apposite where justice and public interest so demand. The appellate process can rectify any errors that may have occurred in the trial process, lay down sentencing guidelines and clarify the law, it is thus instrumental to the due administration of criminal justice in Hong Kong. Therefore, the number of appeals actually conducted is not entirely within the control of the Department of Justice (DoJ). While we will make reference to past figures in preparing for the estimates on the number of appeals concerned, it is difficult to give an accurate forecast. The DoJ does not maintain statistics on the number of appeals conducted in relation to “anti-extradition law amendment” cases.

- End -

CONTROLLING OFFICER'S REPLY

SJ127

(Question Serial No. 4945)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

According to documentation, the Department of Justice estimates that there will be 1 885 “new proceedings brought against the Government” in 2020, representing an increase of 44 from the actual number in 2019. Please advise on the following:

1. What are the reference criteria upon which the estimate is based?
2. Does the estimate take into account the proceedings brought against the Government/ Police Force by arrestees during the anti-extradition law amendment bill movement? If yes, in the light of the movement, why is the annual increase similar to that of the previous year?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 585)

Reply:

The estimated number of “new proceedings brought against the Government” in 2020 is 3 370, which has included different types of cases. The number of “new proceedings brought against the Government” is demand-led and varies each year subject to factual situations. In this regard, we expect the estimated number for 2020 to be similar to the actual figure for 2019 (i.e. 3 372).

- End -

CONTROLLING OFFICER'S REPLY

SJ128

(Question Serial No. 4946)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please advise whether the Department of Justice instituted any civil proceedings in the past year in respect of cases related to the “anti-extradition law amendment” movement. If so, please advise on the relevant figures, the expenditure incurred and the estimated expenditure to be incurred.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 586)

Reply:

In 2019, there were 1 841 new civil proceedings brought by the Government. We do not maintain statistics on the breakdown of these cases in relation to individual incidents and the related expenditures.

- End -

CONTROLLING OFFICER'S REPLY

SJ129

(Question Serial No. 4947)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please advise on the role of the Department of Justice (DoJ) in InnoHK. Please tabulate a breakdown of the DoJ's estimated expenditure on the InnoHK initiative and advise whether expenditure on visits outside Hong Kong is included.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 587)

Reply:

The Civil Division of the Department of Justice (DoJ) provides legal advice to the Innovation and Technology Bureau in respect of the InnoHK initiative, including drafting of agreements (such as agreements on provision of funds to the relevant research and development institutions). The related work is handled by existing DoJ staff among their other duties, and the manpower/expenditure involved cannot be separately identified. Expenditure other than manpower forms part of the DoJ's general departmental expenses and a separate breakdown is not available. Expenses for visits outside Hong Kong are also excluded.

- End -

CONTROLLING OFFICER'S REPLY

SJ130

(Question Serial No. 4948)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

With regard to cases administered by the Hong Kong International Arbitration Centre (HKIAC) in the past 5 years, please advise on the total numbers of new cases and arbitration cases, the percentage of international arbitration cases in the overall arbitration cases, the top 5 geographical origins or nationalities of the parties and the total amounts in dispute, respectively.

Please tabulate the numbers of cases administered and case types concerned involving Asia-Pacific countries with regard to the HKIAC.

In addition to Asia-Pacific countries, please also advise on other countries involved in cases administered by the HKIAC.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 588)

Reply:

HKIAC is a non-governmental organisation which exercises a high degree of independence and autonomy in planning and operating its business. According to information published by the HKIAC, the total number of all new cases (including arbitrations, mediations and domain name disputes), number of arbitration cases, the percentage of international arbitrations (i.e. at least one party was not from Hong Kong) in the arbitration cases, the top 5 geographical origins or nationalities of the parties (apart from Hong Kong) and the total amount in dispute in the past 5 years (i.e. from 2015 to 2019) are tabulated as follows:

	Total number of all new cases (including arbitrations, mediations and domain	Number of arbitration cases	Percentage of international arbitrations in the arbitration cases (i.e. at least one party was not from Hong Kong)	Top five geographical origins or nationalities of the parties (apart from Hong Kong)	Total amount in dispute

	name disputes)				
2015	520	271	79%	<ol style="list-style-type: none"> 1. Mainland China 2. British Virgin Islands 3. Macao / Singapore 4. Australia 5. United Kingdom / United States 	Approximately US\$6.2 billion
2016	460	262	78.4%	<ol style="list-style-type: none"> 1. Mainland China 2. British Virgin Islands 3. Singapore 4. United States 5. South Korea 	Approximately US\$2.5 billion
2017	532	297	73.1%	<ol style="list-style-type: none"> 1. Mainland China 2. Singapore 3. British Virgin Islands 4. Cayman Islands 5. United States 	Approximately US\$5.0 billion
2018	521	265	71.7%	<ol style="list-style-type: none"> 1. Mainland China 2. British Virgin Islands 3. United States 4. Cayman Islands 5. Singapore 	Approximately US\$6.7 billion
2019	503	308	80.9%	<ol style="list-style-type: none"> 1. Mainland China 2. British Virgin Islands 3. United States 4. Cayman Islands 5. Singapore 	Approximately US\$4.7 billion

(Source: Statistics published on the website of the HKIAC available at <https://www.hkiac.org/about-us/statistics>)

There is no publicly available information compiled by the HKIAC in respect of the other requested information.

- End -

CONTROLLING OFFICER'S REPLY

SJ131

(Question Serial No. 4949)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prosecutions

(2) Civil

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The estimate for 2020-21 under Subhead 234 "Court costs" in the 2020 Budget is lower than the approved estimate for 2019-20. Has the estimate taken into account the award of court costs in respect of cases related to the anti-extradition law amendment bill movement?

If yes, please advise on the total expenditure involved in this regard and account for the rate of increase in the estimate.

If no, please account for the rate of increase in the estimate and advise on the type of expenses under which the relevant expenditure will be categorised in the event of court costs being awarded in respect of cases related to the anti-extradition law amendment bill movement.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 589)

Reply:

In working out the 2020-21 estimates, the Department of Justice has taken into account the court costs required for handling various cases. It is inappropriate for us to disclose the anticipated expenditure on court costs in individual cases as this may prejudice our position in on-going proceedings (e.g. by disclosing directly or indirectly our assessment of matters concerning those cases).

- End -

CONTROLLING OFFICER'S REPLY

SJ132

(Question Serial No. 6776)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please set out the number of visits to the Liaison Office made by vehicles of the Department of Justice in each of the past 5 years.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 853)

Reply:

Staff of the Department of Justice (DoJ) routinely use office vehicles to travel to and from different destinations to attend official functions, etc. according to operational needs. A large number of trip records are involved. The DoJ has not compiled a breakdown of such trips by destination.

- End -

CONTROLLING OFFICER'S REPLY

SJ133

(Question Serial No. 6097)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

One of the aims of the programme of International Law of the Department of Justice (DoJ) is to participate in the negotiation and advise on international agreements, including those on surrender of fugitive offenders, mutual legal assistance and transfer of sentenced persons. In this connection, would the Government inform this Committee of: (i) the current progress and timetable for the establishment of a bilateral extradition agreement with Macao; and (ii) what other countries and jurisdictions with which the DoJ is currently negotiating on similar international agreements on surrender of fugitive offenders, mutual legal assistance and/or transfer of sentenced persons?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 96)

Reply:

The HKSAR Government has been actively expanding its network of mutual legal assistance in criminal matters since reunification. The work involved includes negotiating agreements on surrender of fugitive offenders, mutual legal assistance in criminal matters and transfer of sentenced persons with various other jurisdictions. Such negotiations involve different stages, including discussions on the text of the agreement, initialling of the text and completion by the negotiating partners of their respective necessary internal procedures to obtain approval to sign the agreement. Before an agreement is signed, the content of its negotiations, being communication between governments, should not be made public. For this reason, it is not desirable to disclose the content of any ongoing negotiations, including the identity of the negotiating partners. So far, Hong Kong has signed 20 agreements on surrender of fugitive offenders¹, 32 agreements on mutual legal assistance in criminal matters² and 17 agreements/arrangements on transfer of sentenced persons³.

It is one of the policy objectives of the HKSAR Government to sign a long-term arrangement with Macao on surrender of fugitive offenders. Given the differences in the legal systems between Hong Kong and Macao, the two sides are still negotiating on the

content which is mutually agreeable. The HKSAR Government has not set a timetable in this regard.

¹ Australia, Canada, the Czech Republic, France, Finland, Germany, India, Indonesia, Ireland, Malaysia, the Netherlands, New Zealand, the Philippines, Portugal, the Republic of Korea, Singapore, South Africa, Sri Lanka, the United Kingdom and the United States.

² Argentina, Australia, Belgium, Canada, the Czech Republic, Denmark, France, Finland, Germany, India, Indonesia, Ireland, Israel, Italy, Japan, Malaysia, Mongolia, the Netherlands, New Zealand, the Philippines, Poland, Portugal, the Republic of Korea, Singapore, Sri Lanka, South Africa, Spain, Sweden, Switzerland, the United Kingdom, the United States and Ukraine.

³ Australia, Belgium, the Czech Republic, France, India, Italy, the Republic of Korea, Mongolia, Nigeria, the Philippines, Portugal, Spain, Sri Lanka, Thailand, the United Kingdom, the United States and the Macao SAR.

- End -

CONTROLLING OFFICER'S REPLY

SJ134

(Question Serial No. 6098)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Prosecution Code expressly states that a prosecutor should refer to international standards and practices concerning victims of trafficking in appropriate cases where there is a credible claim that a defendant or an intended defendant is a victim of trafficking (para 18.2 of the Prosecution Code). In this regard, would the Government inform this Committee:

- (i) whether there were any such criminal cases (irrespective of whether a prosecution was made) in the past 3 years and the relevant details;
- (ii) whether the Department of Justice has a designated team of officers focusing on issues related to human trafficking and the relevant details (if any), such as its size establishment and scope of work;
- (iii) whether the Government has any plans to adopt international conventions related to human trafficking, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons (the "Palermo Protocol"); and
- (iv) whether the Government will consider criminalising acts of human trafficking (on top of section 129 of the Crimes Ordinance, which criminalises human trafficking for prostitution purposes) and the legislative timetable for such? If not, the reasons.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 97)

Reply:

- (i) Human exploitation involves different categories of cases, of which the offenders are prosecuted with different offences, and we do not maintain overall statistics on the different offences. That said, some enforcement statistics in relation to sex trafficking offences are hereby appended for reference: from January to September 2019, 6 persons were convicted of various offences relating to sex trafficking under the Crimes Ordinance (Cap. 200).

- (ii) In early 2013, the Prosecutions Division (PD) of the Department of Justice (DoJ) appointed a counsel at directorate rank as the Coordinator of Human Exploitation Cases. The Coordinator will be notified of any cases submitted to the Division for legal advice which have human exploitation/trafficking connotations. The progress of such cases could be coordinated and monitored holistically with special attention paid to the issues of human trafficking/exploitation.

In order to better oversee and coordinate cases involving trafficking in persons (TIP) issues handled or submitted by various law enforcement agencies (LEAs) for legal advice, in April 2017, PD assigned a designated desk (comprising the abovementioned Coordinator and assisting Government Counsel (the number has now increased to 4)) to handle these cases.

The designated desk is responsible for overseeing and coordinating cases involving TIP issues handled or submitted by various LEAs for legal advice. One of its most important roles is to ensure the TIP-related issues be considered holistically to avoid any inconsistency and incoherence in approach. Apart from the aforesaid, it is also responsible for conducting trials and other criminal proceedings, including stay application, on cases concerning TIP. The coordination between the DoJ and various LEAs has obviously been enhanced since the setting up of the designated desk.

- (iii) and (iv) Most specific conduct within the meaning of “human trafficking” in the Palermo Protocol is caught by various existing common law and statutory offences, including: Part XII of the Crimes Ordinance (Cap. 200) (on “Sexual and Related Offences” and “Exploitation of other persons for sexual purposes”), the Crimes Ordinance (sections 118, 122-127, 130-137), Immigration Ordinance (Cap. 115), Protection of Children and Juvenile Ordinance (Cap. 213), Employment Ordinance (Cap. 57), Offences against the Persons Ordinance (Cap. 212) and Prevention of Child Pornography Ordinance (Cap. 579). The existing laws are extensive and detailed. They have been flexibly and effectively used over the years to combat various forms of human trafficking and exploitation such as physical abuse, false imprisonment, criminal intimidation, unlawful custody of personal valuables, child abduction, child pornography and exploitation of children, illegal employment, withholding of wages, rest days, statutory holidays, etc.

- End -

CONTROLLING OFFICER'S REPLY

SJ135

(Question Serial No. 6099)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

During the prosecution process, trafficking in persons cases are brought to the attention of the Department of Justice (DoJ) by other government departments so that a timely and proper assessment of the issue, including the question of immunity, can be made by the DoJ. In this regard, would the Administration inform this Committee of the numbers of cases which were brought to the DoJ's attention, the way in which such cases were dealt with and the relevant details in the past 3 years?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 98)

Reply:

The Hong Kong Special Administrative Region Government attaches great importance to combatting trafficking in persons (TIP), and has put in place a package of effective legislative and administrative measures to combat TIP with continuous enhancements. As far as the Department of Justice (DoJ) is concerned, the Prosecutions Division (PD) appointed a counsel at directorate rank as the Policy Coordinator in 2013. In order to better oversee and coordinate cases involving TIP issues handled or submitted by various law enforcement agencies (LEAs) for legal advice, in April 2017, PD assigned a designated desk (comprising the abovementioned Coordinator and assisting Government Counsel (the number has now increased to 4)), to handle these cases.

Inter-departmental cooperation is crucial for combating human exploitation/TIP. Hence, there has been increasing cooperation between PD of the DoJ and the LEAs. In this regard, the LEAs will draw to the special attention of PD in the case files submitted where TIP elements are or may be involved. In appropriate cases, PD may also alert the LEAs of such issues detected upon perusal of the case files by prosecutors.

As pointed out in paragraph 18.2 of the Prosecution Code, the prosecutor concerned will consider a credible claim that a defendant or intended defendant is a victim of trafficking. If such a claim is found, the prosecutor would appropriately deal with the case bearing in mind that the person is a victim of trafficking. While the facts and circumstances (and hence the considerations) of each case would differ, as a general guiding principle, our

prosecutors are mandated to give due consideration to any TIP elements that may feature in any given case when deciding whether a prosecution should be instigated or continued. Such TIP elements, if substantiated, would obviously bear upon our decision, in particular, in respect of the public interest requirements as the second component of the prosecution test (paragraphs 5.8 to 5.9 of the Prosecution Code refer). In appropriate cases, the question of immunity from prosecution would be considered, having regard to the established legal principles and the guidance (under paragraphs 11.1 to 11.4 of the Prosecution Code). In making these prosecutorial decisions, prosecutors will assess the merit of each claim with a high level of sensitivity, understanding and awareness of the TIP considerations.

We currently do not have comprehensive statistics on TIP cases which have been brought to the DoJ's attention, while there were 5 cases in the past 3 years where immunity had been granted to TIP victims/exploited foreign domestic helpers.

- End -

CONTROLLING OFFICER'S REPLY

SJ136

(Question Serial No. 6100)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Prosecutions Division of the Department of Justice (DoJ) appointed a counsel at directorate rank as the Coordinator of Human Exploitation Cases in early 2013 and assigned a designated desk in April 2017.

Please inform this Committee of:

the latest staffing establishment and responsibilities of the said designated desk; and

the number of cases brought to the DoJ's attention and the number of legal advice given each year since the appointment of the Coordinator in early 2013 and the assignment of the designated desk in 2017.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 99)

Reply:

As at March 2020, the designated desk comprises 1 Deputy Principal Government Counsel as the Coordinator and 4 assisting Government Counsel. The designated desk is responsible for overseeing and coordinating cases involving trafficking in persons (TIP) issues handled or submitted by various law enforcement agencies (LEAs) for legal advice. One of its most important roles is to ensure that TIP-related issues are considered holistically to avoid any inconsistency and incoherence in approach. Apart from the aforesaid, it is also responsible for conducting trials and other criminal proceedings, including stay application, on cases concerning TIP. The coordination between the DoJ and various LEAs has clearly been enhanced since the setting up of the designated desk.

Human exploitation involves different categories of cases, of which the offenders are prosecuted with different offences, and we do not maintain overall statistics on the different offences. All prosecutors of the Prosecutions Division of the DoJ would follow the applicable guidelines and relevant principles contained in the Prosecution Code, when making prosecutorial decisions and give due consideration to any TIP elements that may

feature in any given case when deciding whether a prosecution should be instigated or continued.

- End -

CONTROLLING OFFICER'S REPLY**SJ137****(Question Serial No. 6114)**Head: (92) Department of JusticeSubhead (No. & title): (-) Not SpecifiedProgramme: (3) Legal PolicyControlling Officer: Director of Administration and Development (Gracie Foo)Director of Bureau: Secretary for JusticeQuestion:

Regarding the work on “providing legal advice on the Basic Law and assisting the promotion of knowledge in it”, please provide in table form the details of such work, including project items, dates, contents, staffing provision and expenditure.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 83)Reply:

The Department of Justice (DoJ) provides legal advice on Basic Law provisions to bureaux and departments, scrutinises proposed legislation and policies to ensure their consistency with the Basic Law, and assists the HKSAR Government in Basic Law-related litigation. The legal advice provided by the DoJ on the Basic Law is protected by legal professional privilege and it is inappropriate to disclose the details.

DoJ counsel also conduct Basic Law seminars for the training of civil servants. At the same time, to enhance understanding of the Basic Law and relevant case law among civil servants and the general public, the DoJ, the Civil Service Bureau and the Constitutional and Mainland Affairs Bureau jointly publish regular issues of the Basic Law Bulletin. The latest issue was uploaded to the DoJ's website for public access last December. The expenses for publication of the Basic Law Bulletin and the conduct of Basic Law seminars for civil servants are absorbed by the relevant bureaux.

Details of Basic Law seminars organised in 2019 are as follows:

	Date	Speaker	Topic of seminar/training course
Conducted by counsel of Legal Policy Division			
1	3 May 2019 p.m.	1 Deputy Government (DPGC) Principal Counsel	Basic Law seminar

2	8 May 2019 a.m.	1 Principal Government Counsel	Political Structure of the Hong Kong Special Administrative Region and Matters relating to the Procedures of the Legislative Council
3	3 June 2019 p.m.	1 DPGC	Basic Law seminar
4	7 August 2019 p.m.	1 DPGC	Basic Law seminar
5	28 August 2019 p.m.	1 DPGC	Basic Law seminar
6	4 October 2019 p.m.	1 DPGC	Basic Law seminar
7	9 October 2019 p.m.	1 DPGC	Basic Law seminar

- End -

CONTROLLING OFFICER'S REPLY

SJ138

(Question Serial No. 6115)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please inform this Committee of the medical and accommodation expenses incurred by the Secretary for Justice (SJ) in London, England after she sustained an injury there in November 2019, and whether the costs of her flights from London to Beijing and then to Hong Kong were absorbed by the Department of Justice. If yes, what is the expenditure involved? How many days of sick leave were taken by the SJ in the wake of the incident?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 85)

Reply:

The Secretary for Justice was invited by the Chartered Institute of Arbitrators to give a speech on the evening of 14 November 2019 in London. She was pushed to the ground and sustained an injury after being besieged on her way to the venue. The Secretary for Justice handled her own medical and return flight expenses. The sick leave arrangements for politically appointed officials (PAOs) are made with reference to those of civil servants. Where necessary, PAOs are entitled to take sick leave according to established procedures.

- End -

CONTROLLING OFFICER'S REPLY

SJ139

(Question Serial No. 6116)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please set out the staffing establishments of the Prosecutions Division of the Department of Justice in the past 3 years and since June 2019.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 86)

Reply:

The establishments of the Prosecutions Division in the past 3 years were as follows -

Grade	2017-18 (as at 1 March 2018)	2018-19 (as at 1 March 2019)	2019-20 (as at 1 March 2020)
Government Counsel	143	150	154
Para-legal	136	139	139
Executive, Clerical and Secretarial	223	227	230
Total	502	516	523

- End -

CONTROLLING OFFICER'S REPLY

SJ140

(Question Serial No. 6117)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please set out the respective numbers of prosecutions instituted by the Department of Justice in respect of riot, unlawful assembly and taking part in an unauthorized procession or meeting and its staffing establishment for handling such cases since June 2019.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 87)

Reply:

According to the Security Bureau, the Police Force arrested a total of 7 613 persons between 9 June 2019 and 29 February 2020 in relation to the “anti-extradition law amendments” incidents, involving offences such as “taking part in a riot”, “unlawful assembly”, “wounding”, “assault occasioning actual bodily harm”, “common assault”, “arson”, “criminal damage”, “assaulting police officer”, “obstructing a police officer in the execution of his duty” and “in possession of offensive weapons”, etc.

As at 29 February 2020, of the 7 613 arrestees, 1 235 have undergone or were undergoing judicial proceedings (including 1 206 charged, 27 summonsed and 2 directly bound over), 6 had been released under caution and 512 had been released without conditions, while cases involving 5 860 persons were still under investigation (including those released on bail pending further investigation and those released pending further investigation after refusing to be bailed).

Currently with over 200 prosecutors, the Prosecutions Division (PD) has all along had a dedicated team of prosecutors for handling cases concerning “public order events” to ensure consistency in the handling approach. In view of the recent increase in the number of “public order event” cases, the Department of Justice has arranged for officers who had formerly served in that dedicated team and deployed additional manpower to assist in work relating to prosecution decisions.

Subject to the overall operational needs and available manpower of PD, we do not rule out the possibility of deploying additional manpower to handle relevant cases where necessary.

- End -

CONTROLLING OFFICER'S REPLY

SJ141

(Question Serial No. 3677)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Constitutional and Mainland Affairs Bureau set up the Greater Bay Area Development Office in 2019-20 and appointed the Commissioner for the Development of the Greater Bay Area as a concrete measure to take forward the Greater Bay Area development. In this connection, would the Department of Justice advise this Committee on the following for the past year:

- Apart from promoting dispute resolution (including arbitration and mediation) services, what specific legal measures were put in place to help Hong Kong people seeking development in the Greater Bay Area?
- In the wake of the movement against extradition law amendments, a notable number of Hong Kong people purchased properties in the Mainland while quite some of them were unversed in Mainland laws and suffered financial losses as a result. Were there any Government resources for giving Hong Kong people legal guides to alert them to challenges and opportunities in the Greater Bay Area? If yes, what are the details? If no, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 45)

Reply:

- Apart from promoting dispute resolution (including arbitration and mediation) services, the Department of Justice is committed to assisting the Hong Kong legal sector in its provision of legal services in the Greater Bay Area (GBA). The relevant measures announced or implemented in 2019-20 included:
 - (a) The “Trial Measures of the Department of Justice of Guangdong Province on Hong Kong Law Firms and Macao Law Firms Operating in the Form of Partnership Association with Mainland Law Firms in Guangdong Province (2019 Revision)” were implemented on 1 August 2019. New measures for partnership associations established in the Guangdong Province include the removal of the minimum capital injection ratio of 30% by Hong Kong partner firms in the

partnership associations set up by Hong Kong and Mainland law firms; permitting legal practitioners from Hong Kong, Macao and Mainland to be employed in the name of the partnership associations; and permitting partnership associations to handle and undertake legal matters on administrative litigation. It is believed that these measures can in particular benefit small and medium-sized law firms in Hong Kong in entering the Mainland market by way of partnership associations.

- (b) Continuing to submit proposals to the relevant Mainland authorities through the mechanism established between the HKSAR Government and the Ministry of Commerce under CEPA, to seek further enhancement of the liberalisation measures for legal services under CEPA. For instance, pursuant to the “Agreement Concerning Amendment to the Mainland and Hong Kong Closer Economic Partnership Arrangement Agreement on Trade in Services” which will be implemented on 1 June 2020, Hong Kong legal practitioners will be allowed to obtain practice qualification in the nine Pearl River Delta municipalities of the GBA upon passing a special examination and can engage in matters within specific areas of Mainland law. In addition, the restriction on the employment of Hong Kong legal practitioners as legal consultants has also been relaxed, from the current restriction of one Mainland law firm to no more than three Mainland law firms simultaneously. These measures will further facilitate Hong Kong legal practitioners in providing legal services in the Mainland.
- To support Hong Kong residents in the Mainland, the Mainland Offices of the Government of the Hong Kong Special Administrative Region collect practical information on legal services, business and investment, real estate etc. and disseminate such information through production of information booklets and updates on the offices’ websites from time to time to assist Hong Kong residents to adapt to living in the area. The Mainland Offices have published booklets on living in Beijing, Tianjin, Shenyang, Guangdong, Shanghai, Hangzhou, Shandong, Chengdu, Chongqing, Xi’an, Guiyang, Wuhan, Changsha and Zhengzhou. In addition, the Guangdong Economic and Trade Office has commissioned an organisation to provide free legal advisory service to Hong Kong residents in need through a telephone hotline or by arranging Mainland duty lawyers to meet the assistance seekers to provide preliminary advice on Mainland-related legal matters.

- End -

CONTROLLING OFFICER'S REPLY

SJ142

(Question Serial No. 3678)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Information shows that the 2020-21 estimate under Legal Policy is 29.8% higher than that for the previous year. Undoubtedly, the outbreaks of social movement last year and the novel coronavirus this year have grave impacts on the society. In this connection, would the Government inform this Committee:

- While confronted with the unexpected epidemic, insufficient stocks and soaring prices of face masks, has the Department of Justice deployed resources for studying the inclusion of protective items such as surgical masks under the Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations to regulate the import quantity and stock level of protective items?
- With respect to the above, if yes, what are the details? If not, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 46)

Reply:

Pursuant to the Reserved Commodities Ordinance (Ordinance) and regulations made under it, the Chief Executive in Council may specify any article to be a reserved commodity and may effectively regulate or control a reserved commodity in response to situations. At present, surgical masks and protective items are not reserved commodities specified under the Ordinance. The Government currently does not have any plans to mandatorily regulate the supply and prices of surgical masks or other protective items through legislation.

Government bureaux and departments may, as necessary, seek legal advice from the Department of Justice (DoJ) on legal issues from time to time. The DoJ provides the required professional legal support through existing/allocated resources.

By reason of legal professional privilege, the DoJ will not disclose any legal advice provided.

- End -

CONTROLLING OFFICER'S REPLY

SJ143

(Question Serial No. 3679)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (4) Law Drafting

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding law drafting, the numbers of pages of Committee Stage Amendments (CSAs) in either Chinese or English proposed by Legislative Council (LegCo) members have increased by folds. Although LegCo members attach great importance to law drafting, such CSAs were mostly to no avail. I understand that legal amendments are done cautiously. In this connection, would the Government inform this Committee of the following:

- How many resources has the Department of Justice (DoJ) provided for the legal amendments proposed by LegCo members?
- Will there be any time limit for law drafting, be it proposed by LegCo members or the Government?
- How will the DoJ pursue bills proposed by LegCo members? What are the details?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 51)

Reply:

For Committee Stage Amendments (CSAs) proposed by Legislative Council members, the Law Drafting Division (LDD) only vets the format of the CSAs. This is done by Law Clerks, and is completed as soon as possible upon receipt of the CSAs. However, we have not kept any records on the manpower and time involved in such work.

As for CSAs proposed by the Government, the work schedules of the LDD are determined by the policy bureaux in charge of the legislation concerned.

- End -

CONTROLLING OFFICER'S REPLY

SJ144

(Question Serial No. 3680)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The outbreak of the novel coronavirus disease has triggered Hong Kong to procure face masks from around the world and the role played by the International Law Division (ILD) during this epidemic should not be overlooked. In this connection, would the Department of Justice advise this Committee of the following:

- How many resources has the ILD provided for the Government on matters relating to international trade disputes?
- How many resources has the ILD allocated to enhancing legal co-operation with international organisations on the introduction of barrier control and other measures? What are the details?
- Looking ahead, what resources will the ILD allocate to the activities of international organisations with a view to fostering international co-operation? How will the ILD organise activities with international organisations to raise Hong Kong's international profile?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 52)

Reply:

- The International Law Division (ILD) provides legal advice on measures proposed by bureaux and departments in the light of international conventions and agreements applicable to Hong Kong, including the agreements of the World Trade Organisation and bilateral free trade agreements, so as to ensure their compliance with the provisions and obligations under such agreements. On potential or actual trade disputes, the ILD also maintains close contact with the bureaux and departments concerned in providing assistance and advice on relevant legal issues to safeguard the interests of Hong Kong. The overall expenditure of the above work cannot be separately identified and all related expenses will continue to be absorbed by the existing resources of the Department of Justice (DoJ).

- For the control measures implemented at checkpoints by the HKSAR Government in the wake of the novel coronavirus outbreak, the ILD's work includes giving the relevant bureaux and departments legal advice to ensure compliance of their proposed control measures with the provisions and obligations under international agreements applicable to Hong Kong, including the International Health Regulations (2005), which is binding on all members of the World Health Organization. The overall expenditure of the above work cannot be separately identified and all related expenses will continue to be absorbed by the existing resources of the DoJ.
- Looking ahead, the ILD will continue to actively participate in the work of international organisations such as the Hague Conference on Private International Law, the United Nations Commission on International Trade Law (UNCITRAL) and the Asia Pacific Economic Cooperation, so as to ensure that our legal system and legal infrastructure can stay closely aligned with the international landscape and at the forefront of international development, with a view to bolstering and boosting Hong Kong's status as a leading centre for international legal and dispute resolution services.
- To keep raising Hong Kong's international profile and showcasing our efforts in promoting international legal and dispute resolution services, the DoJ is targeting decision-making meetings of international organisations, such as annual meetings or inter-sessional meetings, to be held in Hong Kong. We have successfully applied for hosting in Hong Kong an inter-sessional meeting of Working Group (WG) III of the UNCITRAL, which is responsible for researching on the reform of investor-state dispute settlement mechanism. The meeting is scheduled for this year. Such significant international meetings will be attended by principal government officials and legal experts of different countries. In addition to raising Hong Kong's international profile, this initiative will give the profession a better understanding of prevailing international legal practices and broaden their international horizons. Moreover, such meetings will allow the representatives of Hong Kong to participate in the development of international law and in the formulation of related policy at the international level while expanding their network.
- Furthermore, we will continue to promote Hong Kong as a regional legal capacity building centre through co-organising international conferences and training programmes with international bodies. For example, the DoJ has reached an agreement with the Hague Academy of International Law, one of the world's leading academic institutes on international law, to support them in organising regular capacity building courses in Hong Kong in collaboration with the Asian Academy of International Law (AAIL). This would provide high-quality training for legal professionals in Hong Kong and the neighbouring regions, while further raising Hong Kong's international profile. Moreover, the DoJ will co-organise an international conference with the UNCITRAL and AAIL to mark the 40th Anniversary of the UN Convention on Contracts for the International Sale of Goods.
- We will also continue to join working groups of international organisations as members of the Chinese delegations, such as UNCITRAL WG III and its WG VI on judicial sale of ships. The former may have far-reaching implications on investment treaties and the related dispute resolution regime. The latter will facilitate the

development of maritime industry and ship finance in Hong Kong, thereby reinforcing Hong Kong's leading position as an international maritime centre in the Asia-Pacific region.

- End -

CONTROLLING OFFICER'S REPLY

SJ145

(Question Serial No. 6038)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

- a. Please set out the quantity, value and stock of surgical masks produced by the Correctional Services Department (CSI masks) that the Department of Justice (DoJ) obtained from the Government Logistics Department (GLD) each month in the past 3 years in the following table:

Month/Year	No. of CSI masks obtained	Value of CSI masks obtained	Stock of CSI masks

- b. Please set out the quantity, value, stock and consumption of surgical masks that the DoJ obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of surgical masks obtained from GLD (value)	No. of surgical masks procured (value)	Stock	Consumption

- c. Please set out the quantity, value, stock and consumption of N95 masks that the DoJ obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of N95 masks obtained from GLD (value)	No. of N95 masks procured (value)	Stock	Consumption

- d. Please set out the quantity, value, stock and consumption of gowns that the DoJ obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of gowns	No. of gowns	Stock	Consumption

	obtained from GLD (value)	procured (value)		

- e. Please set out the quantity, value, stock and consumption of protective coverall suits that the DoJ obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of protective coverall suits obtained from GLD (value)	No. of protective coverall suits procured (value)	Stock	Consumption

- f. Please set out the quantity, value, stock and consumption of face shields that the DoJ obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of face shields procured	Value of face shields procured	Stock of face shields

- g. Please set out the quantity, value, stock and consumption of goggles that the DoJ obtained from the GLD or procured each month in the past 3 years in the following table:

Month/Year	No. of goggles procured	Value of goggles procured	Stock of goggles

- h. Did the DoJ supply or sell surgical masks, N95 masks, face shields, goggles, gowns and protective coverall suits to other organisations in the past 3 years? If yes, please provide the relevant information, including the quantity, consumption and stock, in the following table:

Month/Year	Name of organisations/bodies	Manner of provision (e.g. sold or supplied for free)	Surgical masks	N95 masks	Face shields	Goggles	Gowns	Protective coverall suits	Value

- i. If the DoJ is to provide or sell surgical masks, N95 masks, face shields, goggles, gowns and protective coverall suits to other organisations, what are the departmental sections and the ranks of the officers responsible for making such decisions? Please provide the ranks of the officers involved in each decision, the date they made the decision and other relevant information.

Asked by: Hon MO Claudia (LegCo internal reference no.: 127)

Reply:

As the epidemic is evolving swiftly, the demand for personal protective equipment (PPE) (including masks) by government departments varies depending on the latest needs for outbreak control. The Government Logistics Department and other government departments are now actively sourcing PPE through various channels and means, and would keep reviewing the PPE stock and the demand.

In view of the drastic increase in the global demand for PPE, the HKSAR Government is facing intense competition in procurement. The HKSAR Government considers it inappropriate at this stage to disclose specific information on the latest and the last few years' PPE stock levels, the suppliers involved, the quantities procured and prices, as well as the consumption levels, etc., in order to avoid jeopardising the bargaining power of government departments when procuring PPE.

The Department of Justice has neither provided nor sold any PPE to other organisations.

- End -

CONTROLLING OFFICER'S REPLY

SJ146

(Question Serial No. 4052)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (-) Not Specified

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

The Government mentioned in paragraph 94 of last year's Budget Speech that \$150 million would be provided to support the development of a dispute resolution online platform by non-governmental organisations to enhance the development of LawTech in Hong Kong and consolidate Hong Kong's position as an international dispute resolution services centre. However, there is no mention of it in the Budget. Will the Administration continue to provide additional resources for the online platform? If yes, what are the details? Will the Administration allocate resources to the publicity and promotion of the online platform? If yes, what are the work plans and the estimated expenditure? If not, what are the reasons? Moreover, is the implementation of the online platform progressing in line with expectations?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 72)

Reply:

The Government supports the development of online dispute resolution by non-governmental organisations to enhance the development of LawTech in Hong Kong and consolidate Hong Kong's position as an international dispute resolution services centre. On 27 February 2019, the Financial Secretary announced in the 2019-20 Budget that \$150 million will be provided for the development and initial operation of the online dispute resolution and deal-making platform ("online platform"). The proposal was supported by the Panel on Administration of Justice and Legal Services on 25 March 2019. The Department of Justice is in the process of seeking approval from the Finance Committee of the Legislative Council for the provision of \$150 million to eBRAM International Online Dispute Resolution Centre Limited ("eBRAM Centre") for the development of the online platform. It is anticipated that the online platform will launch various services in phases from 2020 onwards. According to the proposal put forward by the non-governmental organisation concerned, provision for marketing and promotion has been factored-in in the funding proposal.

- End -

CONTROLLING OFFICER'S REPLY

SJ147

(Question Serial No. 6530)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (3) Legal Policy
(4) Law Drafting
(5) International Law

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Regarding the 3 programmes:

(1) Why does the estimate for legal policy for 2020-21 have a substantial increase of 38.8% as compared to the revised estimate for 2019-20? If there is more than one reason, what is the major one? How will the provision be used and what are the rationales?

(2) Why does the estimate for law drafting for 2020-21 have a substantial increase of 11.7% as compared to the revised estimate for 2019-20 when there are no new matters requiring special attention (§23)? If there is more than one reason, what is the major one? How will the provision be used and what are the rationales?

(3) Why does the estimate for international law for 2020-21 have a substantial increase of 56.1% as compared to the revised estimate for 2019-20 when there are no new matters requiring special attention (§28)? If there is more than one reason, what is the major one? How will the provision be used and what are the rationales?

Asked by: Hon YEUNG Alvin (LegCo internal reference no.: 205)

Reply:

(1)

The estimate for the Legal Policy Division for 2020-21 is 38.8% higher than the revised estimate for 2019-20. This is mainly due to the net creation of 2 Government Counsel posts to meet operational needs and filling of vacancies, as well as the additional provision for promoting Hong Kong as an ideal regional and international hub for deal-making and dispute resolution (including expenditures on international and regional events, international legal conferences, and promotional and capacity building events relating to the rule of law and dispute resolution).

(2)

The revised estimate for the Law Drafting Division for 2019-20 reflects the actual expenditure incurred within the year, whereas the estimated expenditure for 2020-21 is based on the premise that all posts in the establishment are filled. As a number of posts in the Division remained vacant in 2019-20, there is a considerable variance between the revised estimate for 2019-20 and the estimated expenditure for 2020-21.

(3)

The financial provision for the International Law Division for 2020-21 shows an increase of 56.1%. This is mainly due to the anticipated increase in other charges and general departmental expenses for organizing decision-making meetings of inter-governmental international organisations and events for nurturing local legal talent, capacity building and collaboration with international bodies, as well as for the filling of vacancies and net creation of 8 posts to meet operational needs.

- End -

CONTROLLING OFFICER'S REPLY

SJ148

(Question Serial No. 6531)

Head: (92) Department of Justice

Subhead [(No. & title)-]: (-) Not Specified

Programme: (3) Legal Policy

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

In the item “develop expertise in respect of legislative powers, procedures and practices in the context of the Basic Law” under “Matters Requiring Special Attention in 2020-21”, what actual work is involved, what does “expertise” refer to, and what are the objectives and expenditures?

Asked by: Hon YEUNG Alvin (LegCo internal reference no.: 206)

Reply:

The purview of the Legal Policy Division (LPD) includes providing relevant legal advice to Government bureaux and departments on the Rules of Procedure of the Legislative Council. Such advice mainly covers whether any Committee stage amendment to bills or amendment to items of subsidiary legislation is relevant to the subject matter of the legislative proposal and the subject matter of the provision to which it relates, and whether such amendment has the effect of charging any part of the revenue or other public moneys.

To further enhance professional standard and staff training, the LPD will arrange for experienced staff members to provide guidance to junior colleagues in rendering legal advice on the above matters. The LPD has also conducted workshops in the past for colleagues to share experience and exchange ideas on relevant issues. Such internal training forms part of the normal duties and functions of the Department of Justice, and does not involve additional manpower or expenditure.

- End -

CONTROLLING OFFICER'S REPLY

SJ149

(Question Serial No. 6532)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (4) Law Drafting

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Given that there are no substantial changes to the numbers of “bills gazetted”, “subsidiary legislation gazetted” and “pages of bills/subsidiary legislation gazetted” in the Estimate for 2020-21, why is there a substantial increase in the estimate for “pages of Committee Stage Amendments (CSAs) proposed by the Government” and “pages of CSAs proposed by the LegCo members” in 2020-21?

Asked by: Hon YEUNG Alvin (LegCo internal reference no.: 207)

Reply:

Based on past records, it was common for a large number of bills to be passed within the last two to three months of a term of office of the Legislative Council (LegCo) and, correspondingly, there was a significant increase in Committee Stage Amendments (CSAs) proposed by the Government and LegCo Members. As the LegCo's current term of office will end in 2020-21, a larger number of CSAs for 2020-21 was projected on the basis of our operational experience.

- End -

CONTROLLING OFFICER'S REPLY

SJ150

(Question Serial No. 6533)

Head: (92) Department of Justice

Subhead (No. & title): (-) Not Specified

Programme: (5) International Law

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

What are the 3 international agreements under the estimate for 2020 in respect of the indicator "international agreements initialled" in paragraph 27?

Asked by: Hon YEUNG Alvin (LegCo internal reference no.: 208)

Reply:

Counsel of the International Law Division conduct negotiations on agreements on surrender of fugitive offenders, mutual legal assistance in criminal matters and transfer of sentenced persons with other countries on behalf of the Hong Kong Special Administrative Region. The 3 international agreements under the estimate for 2020 in respect of the indicator "international agreements initialled" in paragraph 27 refer to agreements in these areas.

- End -

CONTROLLING OFFICER'S REPLY

SJ151

(Question Serial No. 6554)

Head: (92) Department of Justice

Subhead (No. & title): (000) Operational expenses

Programme: (1) Prosecutions

Controlling Officer: Director of Administration and Development (Gracie Foo)

Director of Bureau: Secretary for Justice

Question:

Please inform this Committee of the following:

1. What was the number of defendants prosecuted by the Department of Justice whose charges were dismissed in court during the period from June 2019 to February 2020?
2. How many of the above defendants applied for award of costs? How many of them were eventually given the award? What was the total court costs borne by the Government as a result?

Asked by: Hon YEUNG Alvin (LegCo internal reference no.: 223)

Reply:

According to the information provided by the Security Bureau, the Police Force arrested a total of 7 613 persons between 9 June 2019 and 29 February 2020 in relation to the “anti-extradition law amendments” incidents. Among them, 1 235 persons have undergone or are undergoing judicial proceedings, including 19 whose charges have been withdrawn. The main ground for withdrawal of charges is insufficient evidence. Where the Police have not sought legal advice for the cases concerned before instituting prosecution, the Department of Justice will, after careful consideration of the relevant evidence adduced by the Police, the facts, the applicable laws and the Prosecution Code, withdraw the prosecution if it sees no reasonable prospect of conviction on any charges based on the overall evidence.

The Department of Justice does not maintain statistics on court costs awarded against the prosecution due to withdrawal of charges.

- End -