

MESSAGE

Four years after the Reunification, there is no doubt that Hong Kong's legal institutions, the rule of law and the independent judiciary remain firmly entrenched in the Special Administrative Region. In addition, the constitutional guarantees of human rights, and of other fundamental aspects of Hong Kong's way of life, are regularly being enforced through our courts.



It is time to look ahead. As a world city, we must work towards meeting the need for legal services of all members of the community, and developing Hong Kong as the leading regional centre for legal services and for international dispute resolution. With that in mind, the Department of Justice is actively involved in the comprehensive review of legal education and training in Hong Kong and is carefully assessing the impact of China's likely accession to the World Trade Organisation (WTO) on the legal services of Hong Kong.

In the year to come, my Department will continue to work with the legal profession and the law faculties to ensure that those entering the profession receive the legal education and training that is best suited for our unique legal environment. We will also liaise closely with legal practitioners to identify ways in which the profession can meet the challenges arising from China's accession to the WTO. We will participate actively in the Chief Justice's Working Party on Civil Justice Reform which aims at making civil litigation less expensive and more speedy.

Alongside these special projects, my Department will continue to provide prompt and reliable legal advice for the Administration on domestic and international law, draft sound and enforceable legislation, conduct prosecutions and represent the Administration in civil cases. We will also continue to foster a better understanding by Hong Kong people, the Mainland and the international community of the Basic Law and of the legal systems in the Mainland and in the Hong Kong Special Administrative Region.

A handwritten signature in black ink, appearing to read 'Elsie Leung', with a horizontal line under the name.

(Ms Elsie Leung)
Secretary for Justice

Upholding the Rule of Law

**Policy Objective
and
Key Result Areas**

UPHOLDING THE RULE OF LAW

Our Policy Objective is to uphold the rule of law, provide efficient and effective legal services to the Hong Kong Special Administrative Region (HKSAR) Government, and to maintain and improve the present legal system.

Overall Targets

Our targets this year in pursuing this Policy Objective are to ensure –

- that the rule of law prevails
- that our legal services meet the reasonable expectations of our clients
- that there is continuous improvement to the legal system

Progress

In the past year, we had three targets at the Policy Objective level.

Our first objective was to ensure that the rule of law prevails. We firmly believe that this objective has been achieved. Two key aspects of the rule of law are that Government is subject to the law, and that an independent judiciary determines disputes between parties. There is no doubt that government actions can be, and are, challenged in the courts.

Our second objective was to ensure that our legal services met the reasonable expectations of our clients. Our performance pledges set performance standards and targets in this respect. In the past year, we have been able to meet over 98% of our pledges.

Our third objective was to ensure that there is continuous improvement to the legal system. With this in mind, we have actively participated in the work of the Steering Committee on the Review of Legal Education and Training. The Steering Committee was established in November 1999 to oversee a comprehensive review of legal education and training in Hong

Kong. It is chaired by the Solicitor General and includes representatives from the Law Society, the Bar Association, the University of Hong Kong and the City University of Hong Kong. One of the aims of the review is to advise on the requirements of a system best capable of meeting the challenges of legal practice and the needs of Hong Kong society into the 21st century. A report, prepared by two distinguished consultants, was published in early August 2001. In conjunction with the Steering Committee on Legal Education, we will start to consider the way forward in late October 2001.

We also achieved the following progress in our six Key Result Areas (KRAs).

1 Formulate and promote legal policy and advise Government on legal policy issues

Further progress was made in promoting in the Mainland an understanding of Hong Kong's legal system. Two mock trials were staged in conjunction with the Shenzhen Judges' Association and Fudan University in Shanghai in May and June 2001 respectively. In addition, the first and second 12-month programmes of training in common law for Mainland officials have been successfully completed. The third programme is in progress.

Further initiatives to help promote understanding of the legal systems on the Internet are being taken. A webpage on the programmes of training for Mainland officials is being developed. Two other webpages will in due course provide a range of information and papers on the implications of China's accession to the World Trade Organisation upon the Mainland legal system. In addition, preparatory work for the launching of a database on China law onto the Internet is under way.

The Department of Justice introduced one Bill into the Legislative Council. This was the Statute Law (Miscellaneous Provisions) Bill 2001, which made improvements to a number of Ordinances, including amendments to the Crimes Ordinance to clarify the law on marital rape. In addition, preparatory work was undertaken for proposed amendments to provide for giving of evidence in criminal matters by overseas witnesses by live television-video links.

Human rights and Basic Law advice was given in respect of many areas of Government work, and members of the Legal Policy Division attended hearings of United Nations Committees that considered Hong Kong's reports on the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Building on the work already done in the area of promotion of understanding of the Basic Law in the public service, 25 seminars were held between October 2000 and September 2001 for civil servants and assistance was given to the Civil Service Training and Development Institute in the preparation of promotional material on the Basic Law.

Advice was given in relation to the preparation and enactment of legislation on the Chief Executive election.

2 Provide advice on international law issues and handle requests for international legal co-operation

Two agreements in the areas of international legal co-operation have entered into force in the past 12 months; five other agreements have been signed; and the text of a further four agreements have been initialled. The International Law Division continues to participate on behalf of the HKSAR in multilateral fora. These include attendance at meetings of the International Maritime Organisation, the Financial Action Task Force on Money Laundering, the Hague Conference on Private International Law and the International Civil Aviation Organisation.

The past year was the third full year of operation of the Mutual Legal Assistance Unit. This centralised unit within the Division deals with all requests to and from Hong Kong for the surrender of fugitives, mutual legal assistance and the transfer of sentenced persons. Creation of a centralised unit has enhanced efficiency and enabled the Division to keep pace with the growing number of requests occasioned by Hong Kong's expanding number of agreements and increased international awareness of the benefits of international legal co-operation.

The aspects of public international law on which the International Law Division has provided advice include human rights, diplomatic and consular privileges and immunities, international trade law relating, in particular, to government procurement, civil aviation, the law of the sea, international labour law, environmental matters and merchant shipping.

3 Draft sound and enforceable legislation

In the past year, a total of 55 bills and 279 pieces of subsidiary legislation were gazetted. Altogether, the number of pages of the Chinese and the English texts of such bills and subsidiary legislation amounted to 4 640 pages.

Counsel in the Law Drafting Division played an important part in enabling the Government to introduce the Securities and Futures Bill to the Legislative Council in the 2000-2001 session. The bill consolidates the existing securities-related law and aims to enshrine a user-friendly regulatory regime for the development of a fair, orderly and transparent market that is internationally competitive.

Drafting counsel also played an active role in assisting in the passage of 29 ordinances, including the Chief Executive Election Ordinance, which sets out the legal framework for election of the Chief Executive in accordance with the Basic Law.

Three issues of replacement pages for the loose-leaf edition of the Laws of Hong Kong were published. These replacement pages brought the edition up-to-date three to five months after the law was changed. Since Issue 21 published in April 2001, subject indexes have been added to the edition to make the law more accessible. The public may also locate the Laws of Hong Kong through the Bilingual Laws Information System on the Internet. In the past year, the database was updated within two to three weeks after a change in the law. There were on average 50 000 visits per month to the database, which can now be viewed in simplified Chinese characters as well as traditional Chinese characters.

4 Provide legal advice to Government and other public bodies on civil law matters, undertake civil litigation and insider dealing inquiries and draft licences, franchises and contracts on commercial matters

General legal advice has been provided to various policy bureaux and departments on a variety of matters including civil service, discipline, police, labour, social welfare, education, transport, trade, industry and inland revenue.

On land and related matters, the Civil Division has provided legal advice on various projects relating to the construction of the Disney Theme Park and rail link at Penny's Bay, a cable car system on Lantau Island, and the Sheung Shui to Lok Ma Chau Spur Line. Advice has also been provided on legislative amendments to various environmental protection and other Ordinances and on the negotiation and drafting of agreements with petrol station operators on the retrofitting of petrol filling stations with Liquefied Petroleum Gas (LPG) facilities as part of the LPG taxi scheme.

On commercial matters, the Civil Division has provided advice on large tenders and contracts, partial privatisation of the Mass Transit Railway Corporation, demutualisation of the Stock Exchange with a view to the public listing of the Stock and Futures Exchanges, implementation of the Disney Theme Park, the Electronic Transactions Ordinance and E-commerce, the establishment and operation of the Certification Authority Registration Office, infrastructure projects such as East Rail, public sector reform, outsourcing, increased competition in telecommunications and broadcasting services, retirement protection initiatives (Mandatory Provident Fund Schemes Ordinance and registration of occupational retirement schemes) and public transport franchises and licences. The Division has also advised on matters ranging from proposed reform of companies and securities legislation to licensing and regulation of broadcasting including subscription and satellite television industries, and telecommunications, including Third Generation Mobile Telecom Services. Legal advice and legal representation has been provided to the Insider Dealing Tribunal.

In respect of civil litigation, a considerable amount of resources has been deployed in constitutional and Basic Law litigation instituted at all levels from tribunals up to the Court of Final Appeal (CFA). Cases include claims made by Mainland children for the rights of abode, challenges in relation to sex or disability discrimination, appeals by major developers against the assessment of Government Rent, judicial review of election arrangements for village representatives, the re-organisation of Municipal Services, and of decisions to resume land for public purpose, etc. Arising from Hong Kong's obligations to protect intellectual property, the Civil Division has also been involved in challenges by commercial entities relating to the seizure of pirated goods and of production machinery.

5 Advise and decide whether or not criminal proceedings should be undertaken and prosecute cases in the courts

Officers of some law enforcement agencies are authorised by the Secretary for Justice to conduct their own departmental prosecutions. Although such prosecutions are invariably basic and straightforward in nature, high standards are expected of departmental prosecutors. To facilitate the successful operation of the departmental prosecutor scheme, we set in place specific measures:

- specially-tailored guidelines on the duty of the prosecution to make disclosure were issued to the departmental prosecutors
- the new Prosecution Manual was issued to assist departmental prosecutors
- the monthly Criminal Appeals Bulletin was distributed to departmental prosecutors to keep them abreast of latest developments in case law
- the Senior Court Prosecutors increased liaison with departmental prosecutors at court
- a series of training programmes, specifically designed to meet the needs of the departmental prosecutors, and ranging in length from three days to four weeks, were arranged
- biannual meetings between the Director of Public Prosecutions and the Heads of Departmental Prosecution Sections were arranged in order to develop policy, to promote planning and to resolve issues of concern

The Prosecution Manual 2001 was issued in March 2001. This contains guidance on all aspects of prosecutorial responsibility. It assists prosecutors and law enforcers in the effective discharge of their duties.

A set of standard forms and precedents for proceedings in the CFA in criminal matters was produced in September 2001. This will facilitate compliance with the rules and procedures of the CFA in criminal matters.

6 Develop efficient and effective bilingual legal services and promote public understanding of the rule of law and the legal system both locally and overseas

This KRA represents the Department's integrated efforts to enhance efficiency in the provision of legal services and to bring it in line with the community's expectations and the latest social and constitutional developments.

To enhance understanding in the community of Hong Kong's legal system, the Department has worked closely with the mass media to publicise the work of the Department and explain issues of public concern. Work is underway to produce a set of VCDs on crimes commonly committed by youths. The VCDs will be made available to schools and relevant organisations in early 2002. Arrangements were made for Government counsel to contribute articles to newspapers on a variety of law-related issues. We have also participated in public debates, TV and radio public affairs programmes to explain in open fora the legal position in respect of matters of wide public concern. To enable secondary school students to know more about Hong Kong's legal system, counsel from the Department gave talks at 15 schools and the response from students had been encouraging. Publications on the work of the Department and prosecution policy have been produced. We have also updated a publication on the legislative drafting process. We will continue to promote understanding of the legal system in ways which will benefit the public at large.

Progress on each previously announced initiative under the above KRAs is set out in the "Detailed Progress" section of this report.

Looking Forward

To achieve our overall targets this year, we will undertake the following initiatives and targets under each of the KRAs for the coming year.

1

Formulate and promote legal policy and advise Government on legal policy issues

The Secretary for Justice's Office and the Legal Policy Division (LPD) of the Department of Justice advise the Government on –

- matters raising questions of legal policy and the formulation of policy relating to the legal system and the legal profession, such as admission criteria and rights of audience
- constitutional law and legislative procedures
- whether proposed legislation or a particular policy is contrary to established principles underlying the legal system
- legal issues arising from prisoners' petitions for remission, references of cases to the High Court under the Criminal Procedure Ordinance and responses to public enquiries and complaints

Apart from general advisory work, LPD also provides specialised advice on human rights issues to ensure the consistency of policy and legislation with the human rights requirements of the Basic Law and of international treaties extended to Hong Kong. It also assists in the preparation of reports to the United Nations treaty monitoring bodies on the implementation of the human rights treaties in Hong Kong.

Another of LPD's specialised units (the Basic Law Unit) provides advice to the Government on the interpretation of the Basic Law, both in ensuring alignment of existing legislation with the Basic Law and in the formulation of new policies and legislation. The Unit also works closely with other divisions of the Department of Justice in the conduct of lawsuits relating to the Basic Law and has built up a collection of research materials relevant to the Basic Law and constitutional law generally. Further, the Unit assists in promoting understanding of the Basic Law among civil servants both by providing counsel to give lectures and seminars on the Basic Law and by assisting in the production and revision of self-learning booklets and other training materials for use throughout the civil service.

In order to promote the full implementation of the “One Country, Two Systems” policy, LPD provides advice on the law of the Mainland, develops working relationships with counterparts in the Mainland, and manages a China Law database. To enhance the understanding of the legal system and the laws in the Mainland, it organises lectures and seminars on legal subjects in the Mainland for officers, including non-Chinese speaking officers. It also conducts mock trials and symposiums on comparative criminal and civil litigation systems.

LPD also provides secretariat support for the Law Reform Commission. Counsel in the Law Reform Commission Secretariat provide all necessary administrative and research support to the members of the Commission, which is an independent body chaired by the Secretary for Justice. Counsel act as secretaries to the Commission and its sub-committees and are responsible for preparing all necessary papers for the Commission’s consideration on each of the projects undertaken. They also take an active role in disseminating information to the media and the public on the Commission’s work, and assist in bringing forward legislation to implement the Commission’s recommendations.

We will assess our performance in respect of this KRA against the following indicators –

- Number of occasions on which legal advice on petitions and legal policy issues is provided. Our target is 620 occasions in 2002.
- Amount of advice on human rights issues provided. Our target is to provide advice on 720 human rights issues in 2002.
- Number of times legal advice is given on traditional Chinese law and the modern law of the Mainland. Our target is to give legal advice in 250 instances in 2002.
- Amount of legal advice provided on the Basic Law and constitutional matters. Our target is to provide advice on 850 matters in 2002.
- Number of Basic Law seminars conducted. Our target is 20 in 2002.

We will pursue the following initiatives and targets to deliver results in this area –

Initiative *	Target
<p>To provide Mainland legal officials with training in common law at the University of Hong Kong and placement in the Department of Justice and other law departments over the next three years (2002 to 2005)</p> <p><i>(Legal Policy Division, Department of Justice, (LPD, D of J))</i></p>	<p>To accept 12-15 Mainland legal officials as trainees each year for three years starting in 2002</p>
<p>To conduct symposiums in the Mainland on the litigation systems in the Mainland and Hong Kong, covering a mock trial and a discussion session.</p> <p><i>(LPD, D of J)</i></p>	<p>To conduct an annual symposium in the Mainland for three years starting in 2002</p>

* the bracketed information denotes the agency with lead responsibility for the initiative

The International Law Division (ILD) of the Department of Justice provides advice on all aspects of public international law. This includes the application to the Hong Kong Special Administrative Region of multilateral and bilateral international agreements, maritime and aviation law, consular privileges and immunities and the resolution of trade disputes. The Division also negotiates and advises on international agreements, including those for the surrender of fugitive offenders, mutual legal assistance, transfer of sentenced persons, investment promotion and protection, and air services.

In addition, the ILD handles requests for international legal co-operation.

We will assess our performance in respect of this KRA against the following indicators –

- Number of international agreements initialed. Our target is five in 2002.
- Number of sessions of expert meetings, negotiations and discussions attended. Our target is 350 in 2002.
- Number of times advice is provided. Our target is 5 200 in 2002.
- Timeliness of responding to requests for advice on international legal issues and mutual legal assistance matters. Our target is to respond on international legal issues and mutual legal assistance matter within 10 working days.
- Number of requests dealt with in various categories of mutual legal assistance. Our target is 120 in 2002.

We will pursue the following initiative and target to deliver results in this area –

Initiative	Target
To participate in multilateral negotiations at the Hague Conference on Private International Law directed towards settling the text of a multilateral agreement which will, among other things, provide for the reciprocal enforcement of judgments <i>(International Law Division, Department of Justice)</i>	To attend a further round of negotiations in 2002

The Law Drafting Division (LDD) of the Department of Justice drafts legislation in the English and Chinese languages. The LDD publishes the laws of the HKSAR, as well as bilingual glossaries of terms used in legislation. It is also responsible for updating the legislation database in the Bilingual Law Information System (BLIS).

We will assess our performance in respect of this KRA against the following indicators –

- Updating of the legislation database in the BLIS. Our target is to update the BLIS within two to three weeks after the law is changed.
- Publication of loose-leaf edition of laws. Our target is to publish within three to five months after the law is changed.
- Number of bills gazetted. We will draft such number of bills as is required by the Administration on receipt of their drafting instructions. Our estimate is 50 bills in the year ending 30 September 2002.
- Number of items of subsidiary legislation gazetted. We will draft such number of subsidiary legislation as is required by the Administration on receipt of their drafting instructions. Our estimate is 300 items of subsidiary legislation in the year ending 30 September 2002.
- Number of pages of bills and subsidiary legislation gazetted. We will draft bills and subsidiary legislation in such length as may be necessary to achieve the policy intent of the Administration. Our estimate is 5 000 pages of the Chinese and the English texts in the year ending 30 September 2002.

4

Provide legal advice to Government and other public bodies on civil law matters, undertake civil litigation and insider dealing inquiries and draft licences, franchises and contracts on commercial matters

The Civil Division of the Department of Justice represents the Government and other public bodies in courts and tribunals in all forms of civil litigation (including arbitration and mediation) and provides counsel to the Insider Dealing Tribunal.

In addition, the Division provides legal advice on –

- planning, environment, land and housing matters
- commercial law matters and drafting commercial contracts, licences and franchises
- legislation and civil law matters, including acting as legal adviser to various boards and councils
- insider dealing

We will assess our performance in respect of this KRA against the following indicators –

- Number of civil actions (including arbitrations) brought by the Government. Our estimate is 1 628 in 2002.
- Number of civil actions (including arbitrations) brought against the Government. Our estimate is 3 457 in 2002.
- Total number of civil litigation cases. Our estimate is 10 829 in 2002.
- Number of court appearances. Our estimate is 896 in 2002.
- Amount of legal advice provided. Our estimate is 14 400 in 2002.
- Number of commercial contracts, licences and franchises processed. Our estimate is 370 in 2002.
- Number of insider dealing inquiries. Our estimate is 4 in 2002.

We will pursue the following initiative and target to deliver results in this area –

Initiative	Target
To develop a specialised team for inquiries into market misconduct to implement the related securities and futures legislation <i>(Civil Division, Department of Justice)</i>	To establish a specialised team by 2002-03

The Prosecutions Division (PD) of the Department of Justice advises on and prosecutes criminal cases in all the courts in Hong Kong. In most appeals to the Court of Final Appeal and the Court of Appeal, a senior member of the PD appears in court to represent the prosecution. In many cases in the Court of First Instance and some in the District Court, the prosecution is conducted by Government Counsel. Most of the cases in the Magistrates' Court are prosecuted by Court Prosecutors. Some cases are briefed out to members of the private Bar and solicitors in private practice. The Division also advises the law enforcement agencies generally on criminal law and practice and the effect of legislation.

These advocacy and advisory functions are performed by various specialist sections within the PD. These sections deal with trial preparation, trials, training and developing bilingualism, vice, obscenity and gambling cases, complaints against Police, appeals, the Basic Law and human rights, immigration cases, coroners' inquests, labour cases, ICAC cases, Customs & Excise cases, commercial crime cases, and miscellaneous advice.

As ongoing commitments, the Division will continue to provide training for counsel to conduct court proceedings in Chinese, to provide bilingual charge sheets and other bilingual documents in all court proceedings in accordance with the courts' requirements, and to promote the interests of vulnerable witnesses who become involved in the criminal justice system.

We will assess our performance in respect of this KRA against the following indicators –

- Timeliness in providing advice on whether charges should be laid. Our target is 90% of advice or interim response be provided within 14 working days; for requests from the Complaints Against Police Office, provide information about court proceedings within 14 days after all materials are available upon completion of those proceedings.
- Number of cases conducted by Government Counsel. Our target is 4 350 in 2002.

- Number of cases briefed out. Our target is 770 in 2002.
- Number of matters conducted by Court Prosecutors. Our target is 220 000 in 2002.
- Number of trials prepared in District Court and Court of First Instance. Our target is 990 in 2002.
- Number of times legal advice is provided. Our target is 15 550 in 2002.
- Number of appeals conducted. Our target is 1 765 in 2002.

We will pursue the following initiatives and targets to deliver results in this area –

Initiative	Target
To develop prosecution expertise in the effective combat of copyright crime <i>(Prosecutions Division, Department of Justice, (PD, D of J))</i>	To enhance the capacity of the existing specialist team for prosecution of intellectual property cases in 2001-2002
To produce a new Prosecution Policy booklet to assist prosecutors, and to promote community understanding of public prosecutions <i>(PD, D of J)</i>	To publish the booklet by 2002

Develop efficient and effective bilingual legal services and promote public understanding of the rule of law and the legal system both locally and overseas

This KRA comprises three main aspects –

- to promote local and overseas awareness of the rule of law and of our legal system and to press home the message that our legal system is still autonomous and functioning smoothly
- to further the development of legal bilingualism
- to continue to provide access to the Laws of Hong Kong and legal information for Government departments and the public through the Bilingual Laws Information System and other means

We will assess our performance in respect of this KRA against the following indicators –

Public Awareness of Legal System

- Number of briefings conducted on Hong Kong's legal system and related issues. Our target is to meet all requests for briefings as far as possible.
- The production of publicity materials on the rule of law and Hong Kong's legal system. Our target is to produce publications and videos on different aspects of the legal system.

Bilingual Legal System

- Number of contracts and other legal documents in Chinese prepared or cleared. Our target is 25 per quarter in 2002.
- Number of training courses on the use of Chinese in legal work organised. Our target is to organise 12 training sessions in 2002 on Chinese advocacy and to issue newsletters or guidance notes on a monthly basis on the drafting of Chinese court documents.

Upholding the Rule of Law

Detailed Progress

1

Formulate and promote legal policy and advise Government on legal policy issues

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative *	Target #	Present Position +
To consider how to take forward the comprehensive review of legal education <i>(Legal Policy Division, Department of Justice (LPD, D of J))</i>	To consider in 2001 in conjunction with the Steering Committee on Legal Education, the report of the consultants, and to decide on further action to be taken <i>(2000)</i>	The report of the consultants was published in early August 2001. In conjunction with the Steering Committee on Legal Education, we will start to consider the way forward in late October 2001. <i>(Action in Progress: On Schedule)</i>
To continue to promote knowledge within the Civil Service on the application of the Basic Law and the new constitutional order <i>(LPD, D of J)</i>	To jointly organise with the Civil Service Training and Development Institute (CSTDI) a series of general or thematic seminars in 2001-2002 <i>(2000)</i>	Fourteen seminars were held between January 2001 and September 2001 for civil servants in conjunction with the CSTDI. <i>(Action in Progress: On schedule)</i>

* the bracketed information denotes the agency with lead responsibility for the initiative

the bracketed information denotes the year in which the target was set

+ the bracketed information denotes the status of the target

Initiative	Target	Present Position
<p>To continue to provide legal advice in respect of reports under international human rights conventions and covenants</p> <p><i>(LPD, D of J)</i></p>	<ul style="list-style-type: none"> ● To advise on Hong Kong's report and attend the United Nations (UN) hearing on the International Covenant on Economic, Social and Cultural Rights in May 2001 ● To advise on Hong Kong's report and attend the UN hearing on the International Convention on the Elimination of All Forms of Racial Discrimination in 2001-2002 ● To advise on Hong Kong's report and attend the UN hearing on the Convention on the Rights of the Child in 2001-2002 <p><i>(2000)</i></p>	<ul style="list-style-type: none"> ● Report submitted and hearing concluded in April 2001. <p><i>(Action Completed)</i></p> <ul style="list-style-type: none"> ● Report submitted and hearing concluded in August 2001. <p><i>(Action Completed)</i></p> <ul style="list-style-type: none"> ● Provided legal advice on the draft report to the relevant government bureaux. <p><i>(Action in Progress: On Schedule)</i></p>
<p>To develop general awareness of Basic Law issues by preparing Information Notes on the multifarious aspects of the Basic Law</p> <p><i>(LPD, D of J)</i></p>	<p>To issue the first note within the 2000-2001 financial year</p> <p><i>(1999)</i></p>	<p>The first note was published in March 2001.</p> <p><i>(Action Completed)</i></p>

Initiative	Target	Present Position
<p>To take forward pilot training scheme for Mainland lawyers on HKSAR laws and legal system <i>(LPD, D of J)</i></p>	<p>To accept 12 to 15 trainees each year for three years (1999-2002) starting in 1999 <i>(1999)</i></p>	<p>First two years programme completed. <i>(Action in Progress: On Schedule)</i></p>
<p>To present further reports under international conventions and covenants <i>(LPD, D of J)</i></p>	<p>To submit a report and attend the relevant hearing on the International Covenant on Economic, Social and Cultural Rights by November/December 2001 <i>(1999)</i></p>	<p>Report submitted in June 1999 and hearing concluded in April 2001. <i>(Action Completed)</i></p>

2

Provide advice on international law issues and handle requests for international legal co-operation

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
<p>To increase Hong Kong's capacity to receive and render legal co-operation in criminal matters relating to the surrender of fugitive offenders, mutual legal assistance in criminal matters, and the transfer of sentenced persons</p> <p><i>(International Law Division, Department of Justice (ILD, D of J))</i></p>	<ul style="list-style-type: none"> ● To initiate negotiations for bilateral agreements with five jurisdictions in respect of which there are no current arrangements by October 2001 ● To advise on the application of multilateral conventions to Hong Kong <p><i>(2000)</i></p>	<ul style="list-style-type: none"> ● Negotiations for bilateral agreements with five jurisdictions completed. <p><i>(Action Completed)</i></p> <ul style="list-style-type: none"> ● Advice is being given in relation to the possible application of three multilateral conventions. <p><i>(Action in Progress: On Schedule)</i></p>
<p>To obtain the necessary authorisation from the Central People's Government (CPG) and negotiate bilateral agreements on reciprocal enforcement of judgments</p> <p><i>(ILD, D of J)</i></p>	<ul style="list-style-type: none"> ● To obtain the necessary authorisation from CPG in 1998 ● To negotiate five bilateral agreements on reciprocal enforcement of judgments in 1998 <p><i>(1997)</i></p>	<p>This initiative is not being pursued because of HKSAR's participation in negotiations for a multilateral agreement which will, among other things, provide for the reciprocal enforcement of judgements.</p> <p>Please refer to the new initiative under KRA 2.</p> <p><i>(Action Completed)</i></p>

3

Draft sound and enforceable legislation

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
<p>To conduct a pilot exercise to re-draft existing legislation in plain, user-friendly legal language</p> <p><i>(Law Drafting Division, Department of Justice (LDD, D of J))</i></p>	<p>To establish a working group to identify suitable ordinances for revision</p> <p><i>(1999)</i></p>	<p>The Corrupt and Illegal Practices Ordinance (CIPO) is identified for the pilot exercise. Many of its provision were re-drafted and re-enacted in the Elections (Corrupt and Illegal Conducts) Ordinance. Questionnaires were issued to various target groups to compare the differences of the re-drafted text and the old text, and the findings were evaluated.</p> <p><i>(Action Completed)</i></p>
<p>To review existing legislation to identify outdated and unclear provisions, and re-draft the provisions in plain and modern language</p> <p><i>(LDD, D of J)</i></p>	<ul style="list-style-type: none"> ● To assess the scope of the work involved and draw up a work plan in 1999 <i>(1998)</i> ● To set up a special team in the 1998-1999 legislative session <i>(1997)</i> 	<p>Eight ordinances have been prioritised for re-drafting under the review programme. In accordance with the consensus expressed in a meeting of the Panel on Administration of Justice and Legal Services of the Legislative Council, no time-table is set for the re-drafting as the programme should be proceeded cautiously at a gradual pace.</p> <p><i>(Action in Progress: Under Review)</i></p>

Initiative	Target	Present Position
<p>To complete the drafting of adaptation bills in respect of all the 640 ordinances <i>(LDD, D of J)</i></p>	<p>To complete the drafting of adaptation bills in respect of all the 640 ordinances in the 1998-1999 legislative session <i>(1997)</i></p>	<p>Drafting work has been completed for about 93% of the ordinances that need to be adapted. Policy bureaux are being consulted on the remaining ordinances to assess the policy implications that may arise from adaptation. <i>(Action in Progress: Under Review)</i></p>

4

Provide legal advice to Government and other public bodies on civil law matters, undertake civil litigation and insider dealing inquiries and draft licences, franchises and contracts on commercial matters

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
<p>To develop a specialised team for inquiries into market misconduct following the enactment of the proposed Securities and Futures Bill</p> <p><i>(Civil Division, Department of Justice (CD, D of J))</i></p>	<p>To establish a specialised team by 2001-2002</p> <p><i>(2000)</i></p>	<p>The team has not been established in 2001-2002 because more time is required in putting in place the legislative framework for inquiries into market misconduct. This has been re-scheduled as a new initiative under KRA 4.</p> <p><i>(Action Completed)</i></p>
<p>To draft, vet and advise on the Chinese versions of contracts, undertakings, tender documents, public franchises and other legal documents for Government</p> <p><i>(CD, D of J)</i></p>	<p>To ensure preparation of all legal documents to be used on a bilingual basis where necessary</p> <p><i>(1998)</i></p>	<p>A dedicated team to assist in translating contracts and court documents has been staffed by way of redeployment. The team provides translation service for legal documents for both the Civil Division and for other government departments.</p> <p><i>(Action in Progress: On Schedule)</i></p>

5

Advise and decide whether or not criminal proceedings should be undertaken and prosecute cases in the courts

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
<p>To facilitate the operation of the system of departmental prosecutors</p> <p><i>(Prosecutions Division, Department of Justice (PD, D of J))</i></p>	<p>To put in place six measures aimed at enhancing the performance of departmental prosecutors in 2000-2001</p> <p><i>(2000)</i></p>	<p>The following measures have been put in place to facilitate the successful operation of the departmental prosecutor scheme:</p> <ul style="list-style-type: none"> – specially-tailored guidelines on the duty of the prosecution to make disclosure were issued to the departmental prosecutors; – the new Prosecution Manual was issued to assist departmental prosecutors; – the monthly Criminal Appeals Bulletin was distributed to departmental prosecutors to keep them abreast of latest developments in case law; – the Senior Court Prosecutors increased liaison with departmental prosecutors at court;

Initiative	Target	Present Position
		<ul style="list-style-type: none"> – a series of training programmes, specifically designed to meet the needs of the departmental prosecutors, were arranged; and – biannual meetings between the Director of Public Prosecutions and the Heads of Departmental Prosecution Sections were arranged in order to develop policy, to promote planning and to resolve issues of concern. <p><i>(Action Completed)</i></p>
<p>To prepare a set of standard forms and precedents for proceedings in the Court of Final Appeal (CFA) in criminal matters</p> <p><i>(PD, D of J)</i></p>	<p>To complete the exercise by 2001</p> <p><i>(2000)</i></p>	<p>A set of standard forms and precedent for proceedings in the CFA have been produced to facilitate compliance with the rules and procedures of the CFA in criminal matters.</p> <p><i>(Action Completed)</i></p>
<p>To produce a new Prosecution Manual to assist prosecutors and law enforcement personnel in the discharge of their duties</p> <p><i>(PD, D of J)</i></p>	<p>To publish the Manual by 2001</p> <p><i>(2000)</i></p>	<p>A new Prosecution Manual, containing guidance on all aspects of prosecutorial responsibility, was issued in March 2001.</p> <p><i>(Action Completed)</i></p>

6

Develop efficient and effective bilingual legal services and promote public understanding of the rule of law and the legal system both locally and overseas

To achieve results in this area, various initiatives have been undertaken in the past years. Details are set out below –

Initiative	Target	Present Position
<p>To enhance the Work Management System in order to improve efficiency. The Work Management System is a computerised system to assign and monitor the cases and files handled by counsel. The enhancement will further improve the workflow for case assignments, provide more managerial reports and facilitate better sharing of information</p> <p><i>(Administration and Development Division, Department of Justice)</i></p>	<p>To complete the enhancement project by June 2001</p> <p><i>(2000)</i></p>	<p>New functions such as single entry on court hearing dates for multiple cases are provided. The user interface has been enhanced for greater flexibility in searching and more data items have been made available. More than 40 new reports have been produced.</p> <p><i>(Action Completed)</i></p>
<p>To employ further measures to promote public knowledge of the legal system</p> <p><i>(Department of Justice)</i></p>	<p>To produce an educational video on the law-making process in 1999</p> <p><i>(1998)</i></p>	<p>Filming of the educational video on the law-making process that started in late 1999 was completed in August 2001.</p> <p><i>(Action Completed)</i></p>