

MESSAGE

Our new constitutional order is barely three years old. Nevertheless, a body of local jurisprudence relating to the Basic Law is already beginning to develop, and controversial issues are being resolved in accordance with the law. Indeed, the fact that so many individuals are bringing court proceedings under the Basic Law demonstrates the strength both of the Basic Law itself and of our legal system.

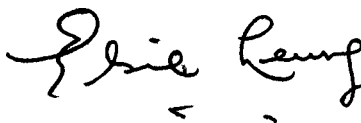


The Department of Justice is playing a key role in many of these legal challenges, and in helping to promote greater understanding of the Basic Law. But that is only a small part of its work. In addition, my department continues to provide prompt and reliable legal services in a wide range of areas including drafting legislation, representing the Administration in civil cases, conducting prosecutions, and advising the Administration on domestic and international law.

In the year to come, our legal services will need to keep pace with ever changing demands, particularly those prompted by the advancement of technology, increasing economic activities, globalisation, and China's likely accession to the World Trade Organisation.

My department will also play an active part in the comprehensive review of legal education that is being undertaken; it will provide increased support to law enforcement agencies to combat crime, including fraud, corruption and computer-related crime; and it will continue to develop mutual legal assistance with the Mainland, and also with the Macao SAR. Efforts in fostering greater understanding of the legal systems in the Mainland and in the Hong Kong SAR have proved encouraging and will continue.

There is much to be done. My colleagues in the Department of Justice and I will strive our utmost to make good progress in the coming year.

A handwritten signature in black ink, appearing to read 'Elsie Leung'. The signature is fluid and cursive, with the first name 'Elsie' and the last name 'Leung' clearly distinguishable.

(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. Although concerns have been expressed about the impact on the rule of law of the National People's Congress Standing Committee's (NPCSC) interpretation of two provisions of the Basic Law, 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. The independence of the Judiciary is not in doubt. The Court of Final Appeal (CFA) retains the power of final adjudication. This is not affected by the NPCSC's power to interpret the Basic Law which, as the CFA itself has acknowledged, is part of our new constitutional order.

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 consultation paper, prepared by two distinguished consultants, has recently been published.

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. A second mock trial was staged in conjunction with Zhongshan University in Guangzhou in May 2000. In addition, a pilot scheme began for a 12-month programme of training in common law set up in Hong Kong for Mainland officials.

The Department of Justice introduced six relevant Bills into the Legislative Council. Out of the six Bills, five have been passed. They are the Arbitration (Amendment) Ordinance, which provides for reciprocal enforcement of Mainland and Hong Kong arbitration awards; the Arbitration (Amendment) (No. 2) Ordinance, which provides for enforcement of awards made outside Hong Kong and the Mainland (for example, Taiwan); the Evidence (Amendment) Ordinance, which abolishes the corroboration rules in sexual offence cases; the Legal Practitioners (Amendment) Ordinance, which principally provides for admission criteria for barristers in line with Hong Kong's obligations under the World Trade Organisation; the

Statute Law (Miscellaneous Provisions) Ordinance, which makes improvements to a number of Ordinances.

Human rights 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 Civil and Political Rights and the Convention Against Torture. Building on the work already done in the area of promotion of understanding of the Basic Law in the public service, 19 seminars were held 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 legislative and practical arrangements for the District Councils and Legislative Council elections.

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

Three agreements in the areas of international legal co-operation have entered into force in the past 12 months; two other agreements have been signed; and the text of a further two 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 Legal Committee of the International Maritime Organisation and attendance at activities of the Hague Conference on Private International Law.

The past year was the second full year of operation of the Mutual Legal Assistance Unit. The establishment of a centralised unit to deal with all requests has enhanced efficiency in this area. The timely provision of advice and the timely processing of requests by the Mutual Legal Assistance Unit has been a priority.

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

3 Draft sound and enforceable legislation

The past year was another busy year for legislative drafting work. A total of 49 bills were gazetted. Over 344 pieces of subsidiary legislation were made and gazetted. Altogether, the number of pages of the bilingual texts of such bills and subsidiary legislation amounted to 5 716 pages. The counsel in the Law Drafting Division also played an active role in assisting in the passage of 103 ordinances including some very lengthy and complicated items such as the Broadcasting Ordinance, the Electronic Transactions Ordinance, the Trademarks Ordinance and the Provision of Municipal Services (Reorganization) Ordinance. The Division also completed the drafting of the mammoth Securities and Futures Bill which was published as a white bill.

The Adaptation of Laws Programme made decisive progress in the past year. With the enactment of another 29 adaptation ordinances, 50 adaptation ordinances have been enacted. Two adaptation bills have yet to be passed by the Legislative Council. Together the ordinances and bills covered all but 42 ordinances that need to be adapted. For the remaining 42 ordinances, further deliberation on policy implications arising from adaptation is required.

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. The public may also have access to the Laws of Hong Kong through the Bilingual Laws Information System on the Internet. In the past year, the database was updated within three to four weeks after a change in the law. There were on average 40 000 visits per month.

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 the West Rail Project and other railway schemes, the implementation of the Estate Agents Ordinance, matters relating to resumption of land, and town planning matters. Advice has been provided on the legislative proposal to set up an Urban Renewal Authority, and on the legislative proposal to control the sale description of uncompleted residential properties.

On commercial matters, the Civil Division has provided advice on contracts, 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, public sector reform, 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. 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. 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 CFA. Cases include claims made by Mainland children for the rights of abode, challenges in relation to 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

Significant areas of criminal activity are now computer and Internet based. Not only are such crimes transnational in nature, but they are often sophisticated and secret. In January 2000, we created the Computer Crime Team, headed by a Senior Assistant Director of Public Prosecutions and comprising three Senior Government Counsel and one Government Counsel, through the internal redeployment of resources. The new team provides the Prosecutions Division, the law enforcement agencies, and our international counterparts with a cadre of expert and trained prosecutors. It concentrates on developing the requisite expertise in order to combat computer crime.

To develop prosecution expertise in the areas of fraud and corruption, we have taken measures to strengthen the current framework, i.e., by training more specialists to work with the existing core of experienced counsel currently dealing with these types of cases, and by keeping our experienced prosecutors up-to-date with the methods by which these crimes are being committed utilising new technology.

The timely provision of advice has remained a divisional priority. In July 2000, the *“Memorandum of Understanding on Co-operation Between The Hong Kong Police and The Prosecutions Division of The Department of Justice”* was signed to strengthen existing channels of communication between the parties, to promote effective liaison, and to facilitate the smooth operation of the criminal justice system. This document contains the guidelines for the levels of services that prosecutors and police agree to provide to each other, including the standard for provision of advice.

After a quiet start, the work of the CFA in criminal cases has mushroomed. That, in turn, placed great strain upon the Prosecutions Division. The volume of cases we processed and conducted greatly exceeded the number that used to proceed to the Privy Council. The creation of a new post of Deputy Director of Public Prosecutions in March 1999 to oversee CFA cases, in particular, and appeal cases, in general, has greatly facilitated our capacity to provide a dedicated and efficient team to handle all appellate matters throughout the higher courts.

6 Develop efficient and effective bilingual legal services, promote better use of information technology, 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 foster better understanding of Hong Kong's legal system and to instil public support for the rule of law, we have produced a new series of legal docu-dramas, which was screened on TVB from April to July 2000. An educational video on the law drafting process in Hong Kong has also been produced. The video would be used in conjunction with an earlier publication on the legislative drafting process. Publications on the work of the Department and prosecution policy have been made. In addition, a booklet "Victim of Crime Charter" which sets out the rights and duties of victims of crime has been produced, together with a poster and an Announcement of Public Interest. We have also taken the initiative to explain in open fora the legal position in respect of matters of wide public concern. Debates on these matters have contributed to a deeper appreciation of Hong Kong's legal system and the operation of our new constitutional order. We will continue to promulgate understanding of the legal system in ways which will benefit the public at large.

As regards promotion of legal bilingualism, the Department of Justice has been pioneering new areas such as the production of bilingual court documents and the preparation of bilingual government franchises, contracts and tender documents. The Chinese version of these court and legal documents may be used as samples for reference by the private sector. The Committee on Bilingual Legal System continued its work. This Department provided secretarial support to the Committee, which is chaired by the Secretary for Justice and advises the Government on policy in respect of bilingualism in law.

With the completion of the Information Systems Strategy Plan, the Department of Justice now has an extensive computer network and many computer applications which facilitate the efficient processing of its legal work, improve internal and external communications and allow quick access to the laws and legal reference material. The

systems have been well received by the lawyers and the para-legal staff. A new Information Technology Plan has been formulated to continue the process of using new information technology innovations to further enhance the efficiency of our staff.

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.

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, legislative procedures and electoral affairs
- 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. The election team assisted the passage of the Elections (Corrupt and Illegal Conduct) Ordinance and gave legal advice and assistance in the organisation and conduct of the elections for the second-term Legislative Council.

In order to promote the full implementation of the “One Country, Two Systems” policy, LPD provides advice on the laws 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 of different departments.

One 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.

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 560 occasions in 2001.
- Amount of advice on human rights issues provided. Our target is to provide advice on 900 human rights issues in 2001.
- 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 2001.
- Amount of legal advice provided on the Basic Law and constitutional matters. Our target is to provide advice on 900 matters in 2001.
- Number of Basic Law seminars conducted. Our target is 20 in 2001.

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

Initiative *	Target
<p>To consider how to take forward the comprehensive review of legal education</p> <p><i>(Legal Policy Division, Department of Justice (LPD))</i></p>	<p>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</p>
<p>To continue to promote knowledge within the Civil Service on the application of the Basic Law and the new constitutional order</p> <p><i>(LPD)</i></p>	<p>To jointly organise with the Civil Service Training and Development Institute a series of general or thematic seminars in 2001-2002</p>
<p>To continue to provide legal advice in respect of reports under international human rights conventions and covenants</p> <p><i>(LPD)</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

* 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 HKSAR 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 initialled. Our target is five in 2001.
- Number of sessions of expert meetings, negotiations and discussions attended. Our target is 300 in 2001.
- Number of times advice is provided. Our target is 5 200 in 2001.
- Timeliness of responding to requests for advice on international legal issues and mutual legal assistance matters. Our targets are:
 - (a) to respond on international legal issues within 10 working days; and
 - (b) to respond on mutual legal assistance matters within 14 working days.
- Number of requests dealt with in various categories of mutual legal assistance. Our target is 120 in 2001.

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

Initiative	Target
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 <i>(International Law Division, Department of Justice)</i>	<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

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 3 to 4 weeks after the law is changed.
- Publication of loose-leaf edition of laws. Our target is to publish within 3 to 5 months after the law is changed.
- Number of bills gazetted. Our target is 50 in 2001.
- Number of items of subsidiary legislation gazetted. Our target is 400 in 2001.
- Number of pages of bills and subsidiary legislation gazetted. Our target is 6 500 pages in both English and Chinese in 2001.

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 1 666 in 2001.
- Number of civil actions (including arbitrations) brought against the Government. Our estimate is 2 236 in 2001.
- Total number of civil litigation cases. Our estimate is 11 358 in 2001.
- Number of court appearances. Our estimate is 1 200 in 2001.
- Amount of legal advice provided. Our estimate is 15 000 in 2001.
- Number of commercial contracts, licences and franchises processed. Our estimate is 360 in 2001.
- Number of insider dealing inquiries. Our estimate is 6 in 2001.

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 following the enactment of the proposed Securities and Futures Bill <i>(Civil Division, Department of Justice)</i>	To establish a specialised team by 2001-2002

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

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 on-going 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 4 130 in 2001.
- Number of cases briefed out. Our target is 780 in 2001.
- Number of matters conducted by Court Prosecutors. Our target is 220 000 in 2001.
- Number of trials prepared in District Court and Court of First Instance. Our target is 1 010 in 2001.
- Number of times legal advice is provided. Our target is 12 980 in 2001.
- Number of appeals conducted. Our target is 2 000 in 2001.

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

Initiative	Target
To facilitate the operation of the system of departmental prosecutors <i>(Prosecutions Division, Department of Justice (PD))</i>	To put in place six measures aimed at enhancing the performance of departmental prosecutors in 2000-2001
To prepare a set of standard forms and precedents for proceedings in the Court of Final Appeal in criminal matters <i>(PD)</i>	To complete the exercise by 2001
To produce a new Prosecution Manual to assist prosecutors and law enforcement personnel in the discharge of their duties <i>(PD)</i>	To publish the Manual by 2001

Develop efficient and effective bilingual legal services, promote better use of information technology, 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 23 per quarter in 2001.
- Number of training courses on the use of Chinese in legal work organised. Our target is to organise 25 training sessions in 2001 on Chinese advocacy and drafting of Chinese court documents.

Information Technology

- The extent to which the major projects, for example, Enhancements of the Work Management System and the Software Asset Management System (for intellectual property compliance and inventory control), covered in the Information Technology Plan, are implemented. Our target is to implement all major projects successfully and on schedule.

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

Initiative	Target
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. <i>(Administration Division, Department of Justice)</i>	To complete the enhancement project by June 2001

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 develop expertise in respect of the new constitutional order, including Basic Law litigation <i>(Legal Policy Division, Department of Justice (LPD))</i>	To establish a cross-divisional specialist team and conduct comparative constitutional studies in 1999-2000 <i>(1999)</i>	The Basic law Litigation Committee chaired by the Solicitor General and comprising representations from the Civil Division, Prosecutions Division and the Legal Policy Division has been established. A number of comparative constitutional studies were conducted on various topics under the Basic Law including property right protection. <i>(Action Completed)</i>
To develop expertise in respect of legislative powers, procedures and practices under the Basic Law <i>(LPD)</i>	To strengthen the existing team dealing with these issues in 1999-2000 <i>(1999)</i>	Legal Advisor (Legislative Affairs) has been appointed in September 1999. <i>(Action Completed)</i>
To develop general awareness of Basic Law issues by preparing Information Notes on the multifarious aspects of the Basic Law <i>(LPD)</i>	To issue the first note within the 2000-2001 financial year <i>(1999)</i>	Research and drafting of the first note being undertaken. <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
To take forward pilot training scheme for Mainland lawyers on HKSAR laws and legal system (LPD)	To accept 12-15 trainees each year for three years starting in 1999 (1999)	First year programme completed. <i>(Action in Progress: On Schedule)</i>
To present further reports under international conventions and covenants (LPD)	<p>To submit three reports and attend the relevant hearings –</p> <ul style="list-style-type: none"> ● one International Covenant on Civil and Political Rights (ICCPR) Report and hearing by March 2000 ● one Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Report and hearing by April/May 2000 ● one International Covenant on Economic, Social and Cultural Rights (ICESCR) Report and hearing by November/December 2001 <p>(1999)</p>	<ul style="list-style-type: none"> ● Report submitted and hearing concluded in November 1999. <i>(Action Completed)</i> ● Report submitted and hearing concluded in May 2000. <i>(Action Completed)</i> ● Report submitted in June 1999 and hearing to be held in April/May 2001. <i>(Action in Progress: On Schedule)</i>

Initiative	Target	Present Position
<p>To set up model courts and conduct mock trials in the Mainland (LPD)</p>	<p>To set up model courts and conduct mock trials in the Mainland in 1998 (1997)</p>	<p>A model court and mock trial, as well as a related seminar, were conducted in Beijing in January 1999. A further model court and mock trial was held in Guangzhou in May 2000. (Action Completed)</p>
<p>To spend \$10.5 million over the next three years (1994 to 1997) to provide training in the Common Law for Chinese government lawyers of the Mainland, subject to a positive response from the Mainland authorities (LPD)</p>	<p>To launch the first round of training in 1999 (1994)</p>	<p>12 officials in the legal field in public organisations in the Mainland have joined the pilot scheme in September 1999. The scheme is jointly conducted with the Faculty of Law, University of Hong Kong (HKU). The trainees have completed a 9-month academic curriculum on the common law and the laws of the HKSAR at the HKU, followed by a 3-month placement either in the Department of Justice or other law departments. The second batch of 14 officials has arrived in early September 2000. (Action Completed)</p>

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 continue to promote HKSAR's participation in international law fora <i>(International Law Division, Department of Justice (ILD))</i>	To arrange HKSAR's participation in the Hague Conference on Private International Law in 1999 <i>(1998)</i>	We attended meetings of experts in the Hague to consider the proposed Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters. We are monitoring the Hague Conference's work programme to ensure HKSAR's participation at relevant sessions. We have also participated in other multilateral treaty negotiations. <i>(Action Completed)</i>
To identify areas in which HKSAR may benefit from international co-operation and pursue appropriate arrangements <i>(ILD)</i>	To identify in 1999 three areas of civil law in which HKSAR may benefit and pursue them in suitable fora <i>(1998)</i>	Three areas of civil law, namely, recognition of grants of probate, enforcement of maintenance orders and child adoption, have been explored. <i>(Action Completed)</i>

Initiative	Target	Present Position
<p>To continue to negotiate new bilateral agreements on Mutual Legal Assistance in Criminal Matters, Surrender of Fugitive Offenders and Transfer of Sentenced Persons and to commence negotiating agreements on Reciprocal Enforcement of Judgments in Civil and Commercial Matters as soon as authorisation is obtained from the Central People's Government (CPG)</p> <p><i>(ILD)</i></p>	<p>To negotiate nine new bilateral agreements in these areas in 1999</p> <p><i>(1998)</i></p>	<p>Negotiations on ten agreements have been completed.</p> <p><i>(Action Completed)</i></p>
<p>To obtain the necessary authorisation from CPG and negotiate bilateral agreements on reciprocal enforcement of judgments</p> <p><i>(ILD)</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>Consultation with the Office of the Commissioner of the Ministry of Foreign Affairs in the HKSAR has yet to be concluded.</p> <p><i>(Action in Progress: Behind Schedule)</i></p>

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))</i></p>	<p>To establish a working group to identify suitable ordinances for revision</p> <p><i>(1999)</i></p>	<p>As a pilot exercise the Elections (Corrupt and Illegal Conducts) Ordinance was drafted and enacted to replace the Corrupt and Illegal Practices Ordinance. An evaluation exercise is in progress. A working group was formed to categorise all ordinances with a view to identifying suitable ordinances for revision.</p> <p><i>(Action in Progress: Under Review)</i></p>
<p>To review existing legislation to identify outdated and unclear provisions, and redraft the provisions in plain and modern language</p> <p><i>(LDD)</i></p>	<ul style="list-style-type: none"> ● To assess the scope of the work involved and draw up a work plan in 1999 ● To set up a special team in the 1998-1999 legislative session <p><i>(1997)</i></p>	<p>Workshops were organised to train counsel to draft in simple language. The Scheme is under review.</p> <p><i>(Action in Progress: Under Review)</i></p>
<p>To prepare the first edition of the Chinese-English Glossary of Legal Terms</p> <p><i>(LDD)</i></p>	<p>To publish the first edition of the Glossary in 1999</p> <p><i>(1998 and 1997)</i></p>	<p>The first edition of the Glossary was published in December 1999.</p> <p><i>(Action Completed)</i></p>

Initiative	Target	Present Position
To complete the drafting of adaptation bills in respect of all the 640 ordinances <i>(LDD)</i>	To complete the drafting of adaptation bills in respect of all the 640 ordinances in the 1998-1999 legislative session <i>(1997)</i>	Drafting work has been completed for about 93% of the ordinances that need to be adapted. Further examination of the policy implications arising from adaptation is required for the remaining adaptation bills. <i>(Action in Progress: Under Review)</i>

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
To develop a specialised team for inquiries into market misconduct following the de-mutualisation of the Stock Exchange and the Futures Exchange <i>(Civil Division, Department of Justice (CD))</i>	To establish a specialised team by 2000-2001 <i>(1999)</i>	The team has not been established in 2000-2001 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. <i>(Action Completed)</i>
To draft, vet and advise on the Chinese versions of contracts, undertakings, tender documents, public franchises and other legal documents for Government <i>(CD)</i>	To ensure preparation of all legal documents to be used on a bilingual basis where necessary <i>(1998)</i>	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. <i>(Action in Progress: On Schedule)</i>

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
To develop a specialised team for prosecution of computer crime <i>(Prosecutions Division, Department of Justice (PD))</i>	Set up a team specially trained in the technical aspects of the operation of computers over networks and across national boundaries in 1999-2000 <i>(1999)</i>	The Computer Crime Team was established in January 2000 through redeployment of internal resources. The team provides expertise in terms of advice and case presentation, and promotes liaison at the international level. Technical training is provided for the team on a regular basis. <i>(Action Completed)</i>
To develop prosecution expertise in the areas of fraud and corruption <i>(PD)</i>	Strengthen the existing specialist teams for prosecution of white collar crime in 1999-2000 <i>(1999)</i>	The current framework was strengthened by training more specialists to work with the existing core of experienced counsel currently dealing with these types of cases, and by keeping experienced prosecutors up-to-date with the methods by which these crimes are being committed utilising new technology. <i>(Action Completed)</i>

6

Develop efficient and effective bilingual legal services, promote better use of information technology, 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
To implement more vigorous publicity efforts to foster understanding of the rule of law <i>(Department of Justice (D of J))</i>	Produce and screen a new television series of legal docu-drama in 2000 <i>(1999)</i>	A new series of 12-episode legal docu-dramas has been produced and screened on TVB from April to July 2000. Publications introducing the work of the Department and the prosecution work have been produced. A booklet “Victim of Crime Charter” that sets out the rights and duties of victims of crime has been produced and widely distributed, together with a poster and an Announcement of Public Interest. <i>(Action Completed)</i>
To formulate proposals for the further development of a bilingual legal system <i>(D of J)</i>	Prepare a report of the Committee on Bilingual Legal System in 1999-2000 <i>(1999)</i>	The report has been prepared and endorsed by the Committee. <i>(Action Completed)</i>
To employ further measures to promote public knowledge of the legal system <i>(D of J)</i>	To produce an educational video on the law-making process in 1999 <i>(1998)</i>	Filming of the educational video on the law-making process that started in late 1999 will be completed in October 2000. <i>(Action in Progress: Behind Schedule)</i>