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## *Department of Justice*

In the past year, we have been working on 28 pledges, of which :

- we have completed 12;
- we are on schedule on nine;
- one is under review;
- we are taking active measures to speed up the progress on two which are behind schedule; and
- we are pressing ahead with four on-going commitments.

The following sets out the detailed report for each main programme area.

<b>Prosecutions</b>
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<i>Year</i>	<i>Pledge</i>	<i>Present Position</i>
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### *Action Completed*

1997	1. To devise a programme in 1998-1999 to train Government Counsel to conduct court proceedings in Chinese.	Design of the training programme has been completed. A series of training seminars, mock trials and mock appeal hearings have been organised. Such exercises are continuing. Counsel have been and will be allocated work according to their experience and language proficiency so as to develop their competence.
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<b>Civil Law</b>
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<i>Year</i>	<i>Pledge</i>	<i>Present Position</i>
<b>Action Completed</b>		
1997	1. To speed up action in 1997-1998 to recover costs of legal proceedings awarded to the Government and to enforce judgment debts.	<p>On recovery of costs, two temporary staff have been deployed to assist in the preparation of bills and computer programmes have been developed to facilitate the monitoring of work progress and the processing of simple bills.</p> <p>On the recovery of judgment debts, one post of Law Clerk, one post of Assistant Clerical Officer and one post of Clerical Assistant have been added to the establishment of the Debt Collection Unit. There has been satisfactory progress made in the recovery of debts. The amount of debts recovered has increased from \$18.2 million in 1996-1997 to \$30.9 million in 1997-1998. Furthermore, since June 1998, a Senior Government Counsel has been temporarily redeployed to the Unit to co-ordinate the recovery work.</p>
1997	2. To provide legal advice in 1997-1998 on Mandatory Provident Fund Schemes and Occupational Retirement Schemes.	One Government Counsel has been deployed to provide legal advice. Requests for legal advice are expected to increase substantially after the Mandatory Provident Fund Schemes come into operation.
1997	3. To form a dedicated team in 1998-1999 to assist in translating contracts and court documents related to civil proceedings into Chinese.	A team consisting of seven members was formed on 20 March 1998 and is working satisfactorily.

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| 1996 | 4. | In 1997-1998, to consider ways to enhance legal support for the expanded Insider Dealing Tribunal. | A team consisting of three members was set up on 12 December 1997 and is working satisfactorily. |
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<b>Legal Policy</b>
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<i>Year</i>	<i>Pledge</i>	<i>Present Position</i>
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### Action Completed

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| 1997 | 1. | To set up a dedicated team in 1998 to provide legal input to the Hong Kong Special Administrative Region Government (HKSARG) elections in 1998 and 2000. | The election team was formally set up in January 1998. The necessary primary and subordinate legislation was passed into law and the first Legislative Council election held in May 1998. Arrangements for the 2000 election are in progress. |
| 1997 | 2. | To strengthen the Basic Law Litigation Task Force to ensure that litigation having a Basic Law dimension is fairly presented and fully argued in court.  | A senior officer from the Basic Law Unit has undergone a six-week attachment to the South African Constitutional Court as part of the training programme for the Task Force.  |

### Action in Progress : On Schedule

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| 1997 | 3. | To promote in 1998 knowledge within the Civil Service through lectures and seminars as well as preparation of relevant promotional materials, on the application of the Basic Law and national laws in the HKSAR. | 16 seminars on the Basic Law for civil servants were held from 1 October 1997 to 5 August 1998. Similar seminars will continue to be held at regular intervals. Assistance has also been given to the Civil Service Training and Development Institute in the preparation of promotional materials on the Basic Law for civil servants. |
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- 1997 4. To set up model courts and conduct mock trials in the Mainland in 1998.
- Over the last 12 months, we engaged in discussions with our Mainland counterparts on the implementation of the project. Formal approval from the Hong Kong and Macao Affairs Office (HKMAO) of the State Council was received in mid-September. We are proceeding with implementation.

#### Action in Progress : Under Review

- 1994 5. 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.
- The proposal was first put forward in late 1994. There were considerable differences in views as to how the scheme should operate. We have since explored ways to implement the project and engaged in discussions with individual institutions as regards its implementation. The project received formal approval from HKMAO in mid-September. We are proceeding with implementation.

#### Action in Progress : Behind Schedule

- 1996 6. The Law Reform Commission to publish reports on “Surveillance and Interception of Communications” (the second part of the “Privacy” reference) and “Overseas Uncompleted Residential Properties” (the second part of the “Description of Flats on Sale” reference), and to publish consultation papers on “Civil Liability for Defective or Unsafe Products” and “Companies Winding-up Provisions” (the third part of the “Insolvency” reference) over the next 12 months.
- All items referred to in the commitment have been completed except for the publication of a final report on Surveillance. This is because :
- public pressure for an early resolution of the issues arising from Interception of Communications prompted the publication of a final report on that aspect alone without awaiting finalisation of the recommendations on Surveillance; and

- in the course of considering responses received on the Commission’s consultation paper on Interception of Communications and Surveillance, it became clear that there were wider issues involved and the Commission decided to publish a series of reports, rather than one omnibus paper. Final consideration of Surveillance has therefore been deferred until work has been completed on the other aspects of the “Privacy” reference : Stalking, Civil Liability for Invasion of Privacy, and the Regulation of Media Intrusion. It is now unlikely that a final report on Surveillance will be issued before the end of 1999.

Good progress has been made with the following commitments in the past year. We will continue to work on them on an on-going basis.

<i>Year</i>	<i>Pledge</i>
1997	7. To work on the legal issues and administrative arrangements related to the legal and procedural arrangements between the HKSAR and the Mainland in civil and commercial matters.
1996	8. To continue to discuss with the Bar Association arrangements for the admission of foreign lawyers as barristers.
1996	9. To enhance the understanding of Hong Kong law in the Mainland, especially among officials, judges and academics, by organising lectures and seminars on the subject in the Mainland.
1996	10. To continue to develop, together with the Advocacy Institute of Hong Kong, bilingual litigation further by organising training courses for government lawyers on advocacy in Chinese.

<b>Law Drafting</b>
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<i>Year</i>	<i>Pledge</i>	<i>Present Position</i>
<b>Action Completed</b>		
1997	1. To proceed in the 1997-1998 legislative session with the adaptation of laws to ensure consistency with the Basic Law and the status of Hong Kong as a Special Administrative Region of the People's Republic of China; to complete the drafting of adaptation bills in respect of all essential subjects.	Adaptation of Laws Ordinances were enacted in the 1997-1998 legislative session to deal with six essential subjects, namely Courts and Tribunals, Crown Land, Interpretative Provisions, Proper Colours for Merchant Shipping, Nationality Related Matters and References to Foreign Country. The adaptation of non-essential items will be dealt with in the 1998-1999 legislative session.
1996	2. In 1997-1998, to make Hong Kong laws more accessible to the local and international community by placing the Laws of Hong Kong on the Internet.	The Laws of Hong Kong have been available on the Internet since 29 November 1997 and are updated regularly.
1995	3. To strengthen the Law Drafting Division to enable the Legal Department to deal with additional drafting work required in the next three years (1995 to 1997).	Three permanent counsel posts and 12 support staff posts were created between 1995 and 1997.
<b>Action in Progress : On Schedule</b>		
1997	4. To review in the 1997-1998 legislative session the second edition of the English-Chinese Glossary of Legal Terms and carry out preparatory work for the third edition.	The review of the second edition is complete and we are preparing for the publication of the third edition before the end of 1998.

1997	5.	To set up a special team in the 1998-1999 legislative session to review existing legislation to remove terminological inconsistencies and to improve upon readability.	Nine supernumerary non-directorate posts (including four counsel posts) have been created. An Establishment Subcommittee paper for the creation of a supernumerary directorate post has been finalised. A submission to the Establishment Subcommittee will be made as soon as practicable within the 1998-1999 legislative session.
1997	6.	To prepare in the 1998-1999 legislative session the first edition of the Chinese-English Glossary of Legal Terms.	Preparation of the first edition is underway.
1997	7.	To complete in the 1998-1999 legislative session the drafting of adaptation bills in respect of all the 640 ordinances.	Drafting of various bills is in progress, and is expected to be completed in the 1998-1999 legislative session.

### International Law

<i>Year</i>	<i>Pledge</i>	<i>Present Position</i>
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#### Action Completed

1997	1.	To establish in 1998 a library of resources of international rights and obligations under multilateral treaties that apply to the HKSAR.	The library has been established. 45 folders on multilateral treaties have already been compiled.
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#### Action in Progress : On Schedule

1997	2.	To negotiate in 1998 eight more bilateral agreements on mutual legal assistance in criminal matters, surrender of fugitive offenders and transfer of sentenced persons.	The texts of six agreements have been initialled so far. Initialling of two other agreements is likely to be achieved on schedule, pending confirmation of negotiation dates with our negotiating partners.
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### Action in Progress : Behind Schedule

1997	3. To obtain in 1998 the necessary authorisation from the Central People's Government and negotiate five bilateral agreements on reciprocal enforcement of judgments.	Consultation with the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR has yet to be concluded. Negotiations are not expected to commence in 1998.
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### Implementing the Basic Law

<i>Year</i>	<i>Pledge</i>	<i>Present Position</i>
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### Action Completed

1997	1. To submit for consideration by the Provisional Legislative Council our proposal to establish a Mutual Legal Assistance Unit to handle requests for mutual legal assistance to and from other jurisdictions on criminal and civil matters.	The Mutual Legal Assistance Unit was set up on 17 March 1998.
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### Administration and Development

<i>Year</i>	<i>Pledge</i>	<i>Present Position</i>
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### Action in Progress : On Schedule

1997	1. To produce a series of law dramas, educational videos and other handouts in 1998 to promote the rule of law and HKSAR's legal system.	Production of the new law drama series is progressing on course. Screening will start in late November 1998. A new edition of the "Legal System in Hong Kong" has been published. The educational video has been completed and will be distributed to schools and interested community bodies.
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- 1997 2. To promote international awareness of the rule of law and legal system of the HKSAR in 1998 by organising and conducting overseas speaking engagements.
- A series of overseas speaking engagements was undertaken by the Secretary for Justice and senior officers of the Department of Justice in Singapore, various cities in the USA, London, Brussels and Australia.