

MESSAGE

The Department of Justice plays a vital role in Hong Kong's legal system and new constitutional order. It provides essential legal services to the Government, such as drafting legislation and giving advice to Government bureaux and departments. Independently from the Administration, it makes prosecution decisions and conducts prosecutions in the courts.

The establishment of the Hong Kong Special Administrative Region, in accordance with the Basic Law, has added a new constitutional dimension to the work of the Department of Justice. As I predicted in my department's two previous policy programmes, constitutional challenges have arisen in respect of the interface between the Basic Law and other legislation. These challenges, which can be very controversial, are likely to continue in the coming year, as fundamental issues relating to our new constitutional order fall to be determined. This is a reflection of the fact that the Basic Law has only been in force for just over two years, and it takes time for its implications to be fully worked out.

The Department of Justice is strengthening its ability to handle these challenges and to resolve issues involving the relationship between the Government and the Legislative Council. It will continue to foster greater understanding of Hong Kong's legal system in the Mainland, and of the Mainland's legal system in Hong Kong, and to work towards agreements on mutual legal assistance.

In all its work, my department will be guided by an unconditional commitment to the rule of law and the independence of the judiciary.



(Ms Elsie Leung)
Secretary for Justice

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 Government (HKSARG), and to maintain and improve the present legal system.

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, and that there is continuous improvement to the legal system.

Progress Made

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. There can be no doubt 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. That these two aspects were fully upheld is apparent from the fact that, in the past 12 months, civil proceedings were brought against the Government in 947 cases. 105 of these cases involved the judicial review of Government decisions.

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 95% of our pledges.

Our third objective was to ensure that there is continuous improvement to the legal system. In this respect, in the 1998-1999 legislative session, we introduced five relevant Bills into the Legislative Council. One of these, the Theft (Amendment) Bill 1998, has been passed and has created a new statutory offence of fraud. Different Bills Committees are studying the other four bills.

In the past year, we produced good results in all six Key Result Areas. Significant progress was made in matters relating to legal co-operation between Hong Kong and the Mainland. Memoranda of reciprocal arrangements relating to service of judicial documents in civil and commercial proceedings and mutual enforcement of arbitral awards between the SAR and the Mainland were signed on 14 January and 21 June 1999 respectively.

KEY RESULT AREAS (KRAs)

To ensure that this Policy Objective can be achieved, we must deliver results in a number of key areas, that is, we must –

1	Formulate and promote legal policy and advise Government on legal policy issues	Page 3
2	Provide advice on international law issues and handle requests for international legal co-operation	Page 8
3	Draft sound and enforceable legislation	Page 12
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	Page 15
5	Advise and decide whether or not criminal proceedings should be undertaken and prosecute cases in the courts	Page 19
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	Page 23

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
- 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

The 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.

In order to promote the full implementation of the "One Country, Two Systems" policy, the Department of Justice 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 Hong Kong law in the Mainland, especially among officials, judges and academics, we will organise lectures and seminars on the subject in the Mainland.

We will 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.

The LPD also provides secretariat support for the Law Reform Commission.

We will continue to discuss with the Bar Association arrangements for the admission of foreign lawyers as barristers.

Progress Made

This has been a year of consolidation and solid progress. With the launching by the Division of the first mock trial in conjunction with Beijing University and the Advocacy Institute of Hong Kong good progress was made in promoting in the Mainland an

understanding of Hong Kong’s legal system. This was further enhanced by the commencement of the pilot scheme for a 12-month programme of training in common law set in Hong Kong for Mainland officials.

During the year the impetus of the legislative programme of the Department was accelerated with five bills being promoted. One of the bills, the Theft (Amendment) Bill, has proceeded to enactment.

The Law Reform Commission made good progress in bringing forward the ten projects currently under its remit. It published the Report on the Winding Up Provisions of the Companies Ordinance and consultation papers on five of the topics.

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 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.

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 create an electoral resource reference library of cases, text books, articles, comparative legislative extracts, glossary of terms, guidelines and practice manuals <i>(Legal Policy Division, Department of Justice (LPD))</i>	To create and operate the reference library by mid-1999 <i>(1998)</i>	The electoral resource reference library has been established and operating. <i>(Action Completed)</i>
To publish a new index to the Basic Law <i>(LPD)</i>	To publish the index by end 1998 <i>(1998)</i>	First edition of the Basic Law Index was published in September 1998. <i>(Action Completed)</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 promote knowledge within the Civil Service on the application of the Basic Law and national laws in the HKSAR (LPD)</p>	<p>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 (1997)</p>	<p>25 seminars on the Basic Law for civil servants were held during 1998 and 14 have so far been held in 1999. 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. (Action Completed)</p>
<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 second model court and mock trial has been scheduled for November 1999 in Guangzhou. (Action in Progress: On Schedule)</p>
<p>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 (LPD)</p>	<p>To publish the reports and consultation papers over the next 12 months (1996)</p>	<p>All items have been completed except for the publication of a final report on the surveillance aspect of the Privacy reference. For the latter subject, the Privacy Subcommittee has identified other wider issues of privacy including stalking, civil liability for invasion of privacy and the regulation of media intrusion. These are subjects of separate research. (Action Completed)</p>

Initiative	Target	Present Position
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 <i>(LPD)</i>	To launch the first round of training in 1999 <i>(1994)</i>	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 will first attend a 9-month academic curriculum on the common law and the laws of the HKSAR at HKU, followed by a 3-month placement in the Department of Justice and other law departments. If this proves successful, a second batch of trainees is expected next year. <i>(Action in Progress: On Schedule)</i>

Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
Number of occasions on which legal advice on petitions and legal policy issues is provided	800
Amount of advice on human rights issues provided	820
Number of law reform projects handled	11
Number of times legal advice is given on traditional Chinese law and the modern law of the Mainland	200
Amount of legal advice provided on the Basic Law and constitutional matters	680
Number of Basic Law seminars conducted	20

We will undertake the following initiatives to deliver results in this area –

Initiative	1999 Target
<p>To develop expertise in respect of the new constitutional order, including Basic Law litigation (LPD)</p>	<p>Establish a cross-divisional specialist team and conduct comparative constitutional studies in 1999-2000</p>
<p>To develop expertise in respect of legislative powers, procedures and practices under the Basic Law (LPD)</p>	<p>Strengthen the existing team dealing with these issues in 1999-2000</p>
<p>To develop general awareness to Basic Law issues by preparing Information Notes on the multifarious aspects of the Basic Law (LPD)</p>	<p>Issue the first note within the 2000-2001 financial year</p>
<p>To take forward pilot training scheme for Mainland lawyers on HKSAR laws and legal system (LPD)</p>	<p>Accept 12-15 trainees each year for three years starting in 1999</p>
<p>To present further reports under international conventions and covenants (LPD)</p>	<p>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

2

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

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.

Progress Made

The texts of four agreements in the areas of international legal co-operation have so far been initialled in the past year. Two other agreements should be initialled shortly and the negotiation of four others is well advanced. This total is well on track for fulfilling the projection that nine agreements would be negotiated in the past 12 months.

Apart from conducting negotiations for the agreements referred to above and acting as legal adviser in other negotiations the Division has attended some major multilateral conferences such as the International Conference on Air Law held in Montreal and the Geneva Conference on a Convention relating to the Law of Arrest of Ships.

The past year was the first full year of operation of the Mutual Legal Assistance Unit. This Unit was established to process requests to and from Hong Kong for international legal co-operation in the areas of surrender of fugitive offenders, mutual legal assistance in criminal matters (e.g. the taking of evidence) and the transfer of sentenced persons. The establishment of a centralised unit to deal with all requests has enhanced efficiency in this area.

The aspects of public international law on which the Division has provided advice include nationality and passports, diplomatic and consular privileges and immunities, intellectual property, international trade law, civil aviation, the law of the sea, international labour law, human rights, conservation, outer space and international arbitration.

The timely provision of advice and the timely processing of requests by the Mutual Legal Assistance Unit will remain a priority of the Division.

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 continue to promote HKSAR's participation in international law fora <i>(International Law Division, Department of Justice (ILD))</i></p>	<p>To arrange HKSAR's participation in the Hague Conference on Private International Law in 1999 <i>(1998)</i></p>	<p>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 in Progress: On Schedule)</i></p>
<p>To identify areas in which HKSAR may benefit from international co-operation and pursue appropriate arrangements <i>(ILD)</i></p>	<p>To identify in 1999 three areas of civil law in which HKSAR may benefit and pursue them in suitable fora <i>(1998)</i></p>	<p>Three areas of civil law, namely, recognition of grants of probate, enforcement of maintenance orders and child adoption, have been explored. <i>(Action in Progress: On Schedule)</i></p>
<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 (REJ) as soon as authorisation is obtained from the Central People's Government <i>(ILD)</i></p>	<p>To negotiate nine new bilateral agreements in these areas in 1999 <i>(1998)</i></p>	<p>Six agreements have been negotiated. Negotiations of four other agreements are well advanced. <i>(Action in Progress: On Schedule)</i></p>

Initiative	Target	Present Position
To negotiate in 1998 eight more bilateral agreements on mutual legal assistance in criminal matters, surrender of fugitive offenders and transfer of sentenced persons <i>(ILD)</i>	To negotiate eight more bilateral agreements in 1998 <i>(1997)</i>	Eight agreements have been negotiated. <i>(Action Completed)</i>
To obtain the necessary authorisation from the Central People's Government and negotiate bilateral agreements on reciprocal enforcement of judgments <i>(ILD)</i>	<ul style="list-style-type: none"> To obtain the necessary authorisation from the Central People's Government in 1998 To negotiate five bilateral agreements on reciprocal enforcement of judgments in 1998 <i>(1997)</i>	Consultation with the Office of the Commissioner of the Ministry of Foreign Affairs in the HKSAR has yet to be concluded. Negotiation is not expected to commence in 1999. <i>(Action in Progress: Behind Schedule)</i>

Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
Number of international agreements initialled	Nine international agreements initialled
Number of expert meetings, negotiations and discussions attended	300 working sessions attended
Number of times advice is provided	5 000 pieces of advice given
Timeliness of responding to requests for advice on international legal issues and mutual legal assistance matters	<ul style="list-style-type: none"> 10 working days to respond on international legal issues 14 working days to respond on mutual legal assistance matters

Indicator	1999 Target
Number of requests dealt with in various categories of mutual legal assistance (MLA)	150 requests dealt with in various categories of MLA

The Law Drafting Division (LDD) of the Department of Justice drafts legislation in the English and Chinese languages. It is also responsible for the programme to adapt Hong Kong laws to conform with the Basic Law and Hong Kong's status as a Special Administrative Region of the People's Republic of China. The LDD publishes the laws of the HKSAR, as well as bilingual glossaries of terms used in legislation.

Progress Made

The past year was a busy year for legislative drafting work. A total of 115 bills were gazetted. This included 52 adaptation bills, bills on electoral affairs relating to District Councils and the Legislative Council, the Provision of Municipal Services (Reorganisation) Bill and some other lengthy or complicated items. Over 300 items of subsidiary legislation were gazetted. Altogether, the number of pages of the bilingual texts of such bills and subsidiary legislation amounted to over 6 000 pages.

We have completed the drafting of adaptation bills relating to about 93% of all the ordinances that need to be adapted. For the remaining 42 ordinances, further deliberation on policy implications arising from adaptation is required before drafting work may commence.

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 (BLIS) on the Internet. In the past year, the database was updated within three to four weeks after a change in the law. Last year, the BLIS web-site on the Internet registered a total of 180 000 visits, with an average of 15 000 visits per month.

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 review existing legislation to identify outdated and unclear provisions, and redraft the provisions in plain and modern language</p> <p><i>(Law Drafting Division, Department of Justice (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 <i>(1998)</i> ● To set up a special team in the 1998-1999 legislative session <i>(1997)</i> 	<p>The Elections (Corrupt and Illegal Conduct) Bill was drafted with a view to repeal and replace the Corrupt and Illegal Practices Ordinance. The Bill was gazetted in January 1999. Along with new amendments that reflect changes in policy, provisions in the Ordinance were also reviewed and redrafted in plain and modern language. Such efforts help assess the scope of work under this initiative.</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>Preparation of the first edition is underway.</p> <p><i>(Action in Progress: On Schedule)</i></p>
<p>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</p> <p><i>(LDD)</i></p>	<p>To publish the third edition before end-1998</p> <p><i>(1997)</i></p>	<p>The third edition was published in September 1998.</p> <p><i>(Action Completed)</i></p>
<p>To complete the drafting of adaptation bills in respect of all the 640 ordinances</p> <p><i>(LDD)</i></p>	<p>To complete the drafting of adaptation bills in respect of all the 640 ordinances in the 1998-1999 legislative session</p> <p><i>(1997)</i></p>	<p>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.</p> <p><i>(Action in Progress: Under Review)</i></p>

Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
Updating of the legislation database in the Bilingual Law Information System	Within 3 to 4 weeks after the law is changed
Publication of loose-leaf edition of laws	Within 3 to 5 months after the law is changed
Number of bills gazetted	65
Number of items of subsidiary legislation gazetted	320
Number of pages of bills and subsidiary legislation gazetted	<ul style="list-style-type: none">● 2 600 (in English)● 2 600 (in Chinese)

We will undertake the following initiative to deliver results in this area –

Initiative	1999 Target
To conduct a pilot exercise to re-draft existing legislation in plain, user-friendly legal language (LDD)	Establish a working group to identify suitable ordinances for revision

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 (CD) 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 –

- land law 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

Progress Made

Upon the establishment of the Legal Advisory Division in Works Bureau in October 1998, work on construction matters was transferred from the Civil Division to the Works Bureau.

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 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 Division has provided advice on contracts, 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 the subscription and satellite television industry. 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. Cases include claims made by Mainland children for the rights of abode, challenge after the reunification to the continuing detention of prisoners repatriated from Thailand to serve their sentence in Hong Kong, appeals by major developers against the assessment of Government Rent, judicial review of election arrangements for village representatives etc. Arising from Hong Kong's obligations to protect intellectual property, the Division has also been involved in challenges by commercial entities relating to the seizure of pirated goods and of production machinery.

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 provide support for new activities in relation to information technology, telecommunications and broadcasting and the implementation of the Mandatory Provident Fund</p> <p><i>(Civil Division, Department of Justice (CD))</i></p>	<p>To provide legal input to facilitate work of client departments and bureaux</p> <p><i>(1998)</i></p>	<p>Support for the implementation of the Mandatory Provident Fund has been provided from existing resources. The Division's capacity to advise the Information Technology and Broadcasting Bureau (ITBB) on matters relating to information technology, telecommunications, and broadcasting has been strengthened by the creation of one Senior Government Counsel post on ITBB's establishment.</p> <p><i>(Action Completed)</i></p>
<p>To provide advice on matters relating to the establishment of the new ITBB and preliminary work relating to the re-organisation of district organisations</p> <p><i>(CD)</i></p>	<p>To provide legal input to facilitate work of client departments and bureaux</p> <p><i>(1998)</i></p>	<p>Necessary legal input had been provided for the newly established ITBB. One supernumerary post of Deputy Principal Government Counsel was created for six months to undertake preliminary work relating to the re-organisation of district organisations. The post lapsed on 3 January 1999.</p> <p><i>(Action Completed)</i></p>

Initiative	Target	Present Position
To draft, vet and advise on the Chinese versions of contracts, undertakings, tender documents, public franchises and other legal documents for Government (CD)	To ensure preparation of all legal documents to be used on a bilingual basis where necessary (1998)	A dedicated team to assist in translating contracts and court documents headed by a supernumerary Deputy Principal Government Counsel was created on 20 March 1998. 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>

Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
Number of civil actions (including arbitrations) brought by the Government	1 753
Number of civil actions (including arbitrations) brought against the Government	995
Total number of civil litigation cases	11 987
Number of court appearances	1 240
Amount of legal advice provided	13 460
Number of commercial contracts, licences and franchises processed	430
Number of insider dealing inquiries	3

We will undertake the following initiative to deliver results in this area –

Initiative	1999 Target
To develop a specialised team for inquiries into market misconduct following the de-mutualisation of the Stock Exchange and the Futures Exchange <i>(CD)</i>	Establish a specialised team by 2000-2001

5

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 (CFA) 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.

Progress Made

In 1998, we aimed to set up a dedicated team to deal with 90% of CFA and CFA-related matters as well as to enable our in-house counsel to handle 100% of the Magistracy Appeals and Criminal Appeals in the Court of Appeal which were conducted in Chinese.

Progress towards these targets over the last year was smooth, with the successful creation of one permanent post of Principal Government Counsel in March 1999 to head a new Sub-division and to deal with CFA and related cases. Over 90% of CFA cases and applications for certificates to appeal have been handled by our in-house counsel since March 1999 and we are ahead of our original schedule. Apart from this, our in-house counsel were successful in accomplishing the aim of handling 100% of the Magistracy Appeals, Criminal Appeals in the Court of Appeal and trials in the Court of First Instance which were conducted in Chinese. About 50% of the trials in the District Court which were conducted in Chinese have been handled by in-house counsel since the creation of three Senior Government Counsel posts in May 1999. We have made continued progress in terms of the effective conduct of the majority of criminal cases in both English and Chinese at all levels of court. In order to provide counsel with the most updated legal terms for use in criminal proceedings, an English-Chinese glossary was consolidated and updated in May 1999, in line with our objective.

The targets set for PD last year have been successfully achieved and some are progressing ahead of schedule. The wider use of computer networks, of the Internet and of electronic commerce has generated new areas of crime, such as fraud and theft, and we plan to establish a team of specialist counsel in 1999-2000 to concentrate on computer crime which is transnational and computer and Internet based. We aim also to strengthen the existing specialist teams for the prosecution of white collar crime in order to cope with the increase in fraud cases and corruption cases. The timely provision of advice will remain a divisional priority in the next financial year.

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 improve our ability to conduct criminal appeal cases which go to the Court of Final Appeal (CFA), and to conduct all significant criminal cases which proceed, or seek leave to proceed, to the CFA</p> <p><i>(Prosecutions Division, Department of Justice (PD))</i></p>	<ul style="list-style-type: none"> ● To strengthen the PD by setting up a dedicated team to deal with all CFA and CFA-related matters in 1999 ● To handle 90% of CFA cases and applications for certificates to appeal in 1999 <p><i>(1998)</i></p>	<ul style="list-style-type: none"> ● One permanent post of Principal Government Counsel was created in March 1999 to head a new Sub-division and to deal with the CFA and related cases. ● Over 90% of CFA cases and applications for certificates to appeal have been handled by in-house counsel since March 1999. <p><i>(Action Completed)</i></p>

Initiative	Target	Present Position
To conduct the majority of criminal cases in both official languages effectively at all levels of court (PD)	In-house counsel to handle 100% of the Magistracy Appeals and Criminal Appeals in the Court of Appeal which are conducted in Chinese, 50% of the trials in the District Court which are conducted in Chinese, and the majority of the trials in the Court of First Instance which are conducted in Chinese in 1999 (1998)	<ul style="list-style-type: none"> ● 100% of the Magistracy Appeals and Criminal Appeals in the Court of Appeal which were conducted in Chinese were handled by in-house counsel. ● About 50% of the trials in the District Court which were conducted in Chinese were handled by in-house counsel since the creation of three Senior Government Counsel posts in May 1999. ● 100% of the trials in the Court of First Instance which were conducted in Chinese were handled by in-house counsel. (Action Completed)
To provide counsel with a regularly updated English-Chinese glossary of legal terms for use at criminal proceedings (PD)	To update the glossary regularly (1998)	The glossary was consolidated and updated in May 1999. (Action Completed)

Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
Timeliness in providing advice on whether charges should be laid	90% of advice or interim response be provided within 14 working days; for requests from CAPO, provide information about court proceedings within 14 days after all materials are available upon completion of those proceedings

Indicator	1999 Target
Number of cases conducted by Government Counsel	3 900
Number of cases briefed out	1 000
Number of cases conducted by Court Prosecutors	257 000
Number of trials prepared in District Court and High Court	1 040
Number of times legal advice is provided	12 700
Number of appeals conducted	2 000

We will undertake the following initiatives to deliver results in this area –

Initiative	1999 Target
To develop a specialised team for prosecution of computer crime (PD)	Set up a team specially trained in the technical aspects of the operation of computers over networks and across national boundaries in 1999-2000
To develop prosecution expertise in the areas of fraud and corruption (PD)	Strengthen the existing specialist teams for prosecution of white collar crime in 1999-2000

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 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 (BLIS) and other means

Progress Made

This KRA represents the Department's integrated efforts to enhance the 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 November 1998 to March 1999, and an educational video, which was distributed to schools, community organisations and civic education bodies. Publications on prosecution work and the law making process and a Basic Law Index have been published to disseminate information on aspects of the Department's activities and the Basic Law. 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. In early 1999, the Committee on Bilingual Legal System launched a 3-month pilot project to translate important case precedents into Chinese. The experience gained from the pilot project will help us develop strategies for the selection and systematic translation of important judgments, which would facilitate the wider use of Chinese in court.

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 multifarious legal work, improve internal and external communications and allow quick access to the laws and legal reference material. The installation of bilingual computer software in the Department and the existence of bilingual staff facilitate the efficient production and transmission of legal documents in both English and Chinese.

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 enhance public interest in the Department's homepage in order to promote better understanding of the Department's work and aspects of the legal system and the rule of law <i>(Department of Justice (D of J))</i>	To update and improve the presentation of the homepage on a regular basis in 1999 <i>(1998)</i>	The Internet homepage was comprehensively updated in August 1999. Updating cycles have been imposed on different sections of the homepage to ensure regular and timely updating. <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>	The theme and contents of the video have been developed. Filming will start in late 1999. <i>(Action in Progress: On Schedule)</i>
To promote work efficiency through the best use of information technology by establishing a permanent Information Technology and Resources Unit <i>(D of J)</i>	To set up the permanent unit in 1999-2000 <i>(1998)</i>	A permanent Information Technology and Resources Unit was set up in April 1999. <i>(Action Completed)</i>

Initiative	Target	Present Position
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 <i>(D of J)</i>	To produce a new series of legal docu-dramas, a video on the legal system of the HKSAR and other publications in 1998 <i>(1997)</i>	The 15-part legal docu-drama was screened from November 1998 to March 1999. The new edition of the "Legal System in Hong Kong" was published. Publications introducing the Department's prosecution policy, prosecution work and legislative drafting have been produced for public consumption. <i>(Action Completed)</i>
To promote international awareness of the rule of law and legal system of the HKSAR in 1998 by organising and conducting overseas speaking engagements <i>(D of J)</i>	To organise and conduct overseas speaking engagements in Europe and the USA in 1998 <i>(1997)</i>	A series of overseas speaking engagements was undertaken by the Secretary for Justice and senior officers of the Department of Justice in Europe, various cities in the USA and Singapore. <i>(Action Completed)</i>

Looking Forward

In the next 12 months, we will assess our performance in respect of this KRA against the following indicators –

Indicator	1999 Target
Public Awareness of Legal System	
<ul style="list-style-type: none"> ● Number of briefings conducted on Hong Kong's legal system and related issues ● The production of publicity materials on the rule of law and Hong Kong's legal system 	<ul style="list-style-type: none"> ● Meet all requests for briefings as far as possible ● Production of publications and videos on different aspects of the legal system
Bilingual Legal System	
<ul style="list-style-type: none"> ● Number of contracts and other legal documents in Chinese prepared or cleared ● Number of training courses on the use of Chinese in legal work organised 	<ul style="list-style-type: none"> ● 23 legal documents (265 pages) per quarter ● 25 training sessions on Chinese advocacy and drafting of Chinese court documents

Indicator	1999 Target
Information Technology	
<ul style="list-style-type: none"> ● Extent to which the Information Systems Strategy Plan (ISSP) is completed 	<ul style="list-style-type: none"> ● Full completion of ISSP by October 1999

We will undertake the following initiatives to deliver results in this area –

Initiative	1999 Target
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
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