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Upholding the Rule of Law

Detailed Progress

I 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 provide Mainland legal officials with training in common law at the University of Hong Kong and placement in the Department of Justice and other law departments over the next three years (2002 to 2005) <i>(Legal Policy Division, Department of Justice, (LPD, D of J))</i>	To accept 12-15 Mainland legal officials as trainees each year for three years starting in 2002 <i>(2001)</i>	<i>(Action in Progress : On Schedule)</i>
To conduct symposiums in the Mainland on the litigation systems in the Mainland and Hong Kong, covering a mock trial and a discussion session <i>(LPD, D of J)</i>	To conduct an annual symposium in the Mainland for three years starting in 2002 <i>(2001)</i>	<i>(Action in Progress : On Schedule)</i>

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

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

† the bracketed information denotes the status of the target

Initiative	Target	Present Position
<p>To consider how to take forward the comprehensive review of legal education</p> <p><i>(LPD, D of J)</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><i>(2000)</i></p>	<p><i>(Action in Progress : On Schedule)</i></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, D of J)</i></p>	<p>To jointly organise with the Civil Service Training and Development Institute (CSTDI) a series of general or thematic seminars in 2001-2002</p> <p><i>(2000)</i></p>	<p><i>(Action Completed)</i></p>
<p>To continue to provide legal advice in respect of reports under international human rights conventions and covenants</p> <p><i>(LPD, D of J)</i></p>	<p>To advise on Hong Kong's report and attend the United Nations (UN) hearing on the Convention on the Rights of the Child in 2001-2002</p> <p><i>(2000)</i></p>	<p>The hearing date has yet to be fixed by the UN.</p> <p><i>(Action in Progress : Under Review)</i></p>
<p>To take forward pilot training scheme for Mainland lawyers on HKSAR laws and legal system</p> <p><i>(LPD, D of J)</i></p>	<p>To accept 12 to 15 trainees each year for three years (1999-2002) starting in 1999</p> <p><i>(1999)</i></p>	<p><i>(Action Completed)</i></p>

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

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

Initiative	Target	Present Position
<p>To participate in multilateral negotiations at the Hague Conference on Private International Law directed towards settling the text of a multilateral agreement which will, among other things, provide for the reciprocal enforcement of judgments</p> <p><i>(International Law Division, Department of Justice (ILD, D of J))</i></p>	<p>To attend a further round of negotiations in 2002</p> <p><i>(2001)</i></p>	<p><i>(Action Completed)</i></p>
<p>To increase Hong Kong's capacity to receive and render legal co-operation in criminal matters relating to the surrender of fugitive offenders, mutual legal assistance in criminal matters, and the transfer of sentenced persons</p> <p><i>(ILD, D of J)</i></p>	<p>To advise on the application of multilateral conventions to Hong Kong</p> <p><i>(2000)</i></p>	<p><i>(Action in Progress : On Schedule)</i></p>

3 Draft sound and enforceable legislation

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

Initiative	Target	Present Position
<p>To review existing legislation to identify outdated and unclear provisions, and re-draft the provisions in plain and modern language</p> <p><i>(Law Drafting Division, Department of Justice (LDD, D of J))</i></p>	<ul style="list-style-type: none"> ● To assess the scope of the work involved and draw up a work plan in 1999 <i>(1998)</i> ● To set up a special team in the 1998-1999 legislative session <i>(1997)</i> 	<p>Consensus reached with the Panel on Administration of Justice and Legal Services of the Legislative Council that the re-drafting programme should be proceeded cautiously at a gradual pace.</p> <p><i>(Action in Progress : Under Review)</i></p>
<p>To complete the drafting of adaptation bills in respect of all the 640 ordinances</p> <p><i>(LDD, D of J)</i></p>	<p>To complete the drafting of adaptation bills in respect of all the 640 ordinances in the 1998-1999 legislative session</p> <p><i>(1997)</i></p>	<p>Drafting work has been completed for about 93% of the ordinances that need to be adapted. Policy bureaux are examining the remaining ordinances to assess the implications.</p> <p><i>(Action in Progress : Under Review)</i></p>

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

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

Initiative	Target	Present Position
To develop a specialised team for inquiries into market misconduct to implement the related securities and futures legislation <i>(Civil Division, Department of Justice (CD, D of J))</i>	To establish a specialised team by 2002-03 <i>(2001)</i>	The related legislation has yet to commence. The need for a specialised team is likely to arise by 2004-05. <i>(Action in Progress : Under Review)</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, D of J)</i>	To ensure preparation of all legal documents to be used on a bilingual basis where necessary <i>(1998)</i>	<i>(Action in Progress : On Schedule)</i>

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

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

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