

## Head 92 — DEPARTMENT OF JUSTICE

**Controlling officer:** the Director of Administration and Development will account for expenditure under this Head.

**Estimate 2022–23** ..... **\$2,348.3m**

**Establishment ceiling 2022–23** (notional annual mid-point salary value) representing an estimated 1 408 non-directorate posts as at 31 March 2022 reducing by ten posts to 1 398 posts as at 31 March 2023 ..... **\$962.7m**

In addition, there will be an estimated 100 directorate posts as at 31 March 2022 and as at 31 March 2023.

**Commitment balance**..... **\$68.1m**

### Controlling Officer's Report

#### Programmes

**Programme (1) Prosecutions**

**Programme (2) Civil**

**Programme (3) Constitutional and Policy  
Affairs**

**Programme (4) Law Drafting**

**Programme (5) International Law**

These programmes contribute to Policy Area 11: Legal Administration (Secretary for Justice).

#### Detail

##### Programme (1): Prosecutions

|                           | 2020–21<br>(Actual) | 2021–22<br>(Original) | 2021–22<br>(Revised) | 2022–23<br>(Estimate)              |
|---------------------------|---------------------|-----------------------|----------------------|------------------------------------|
| Financial provision (\$m) | 840.4               | 1,096.9               | 822.2<br>(–25.0%)    | 964.4<br>(+17.3%)                  |
|                           |                     |                       |                      | (or –12.1% on<br>2021–22 Original) |

#### Aim

**2** The aim is to advise and decide whether or not criminal proceedings should be undertaken and to prosecute cases in the courts.

#### Brief Description

**3** The Prosecutions Division advises upon and prosecutes criminal cases in all the courts of Hong Kong. Government Counsel across the Division prosecute in trials; appear in appeals, applications for bail and asset recovery cases; and assist the coroner in inquests. Most cases in the Magistrates' Courts are prosecuted by Court Prosecutors. Some cases are briefed out to members of the Bar and solicitors in private practice. The Division also advises law enforcement agencies and other government departments and agencies on criminal law and procedure and the effects of legislation.

**4** The advisory function of the Prosecutions Division is performed by Government Counsel in various sections. One section is involved in the Division's training and management matters; other sections are involved in the preparation of cases for trial; whilst specialist sections advise on areas as diverse as corruption, fraud, labour and immigration, vice, obscenity, gambling, anti-terrorism, triads and organised crime, human rights and the Basic Law, complaints against the Police, narcotics, recovery of the proceeds of crime, customs and excise, computer crime, copyright and market misconduct.

**5** In 2021, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

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6 The key performance measures are:

### *Targets*

|  | Target | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Plan) |
|--|--------|------------------|------------------|----------------|
| providing advice for law enforcement agencies within 14 working days upon receipt of request, or for a complex case, interim reply within 14 working days (%).....   | 100    | 82.3             | 88.4             | 100            |
| preparing and filing indictments in the Court of First Instance within seven days of committal of the accused in the Magistrates' Courts (%).....  | 100    | 100              | 100              | 100            |
| preparing and delivering charge sheets to the Registrar of the District Court within 14 days after the date of the order of transfer of the case from the Magistrates' Courts to the District Court (%)..... | 100    | 100              | 100              | 100            |

### *Indicators*

|   | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Estimate) |
|---|------------------|------------------|--------------------|
| cases conducted by Government Counsel.....  | 3 061            | 3 059            | 3 060              |
| cases conducted by Counsel instructed to prosecute in all courts .....  | 1 609            | 1 972            | 1 975              |
| court days undertaken by Government Counsel .....   | 3 054            | 3 774            | 3 775              |
| court days undertaken by Court Prosecutors in Magistrates' Courts.....  | 7 299            | 7 234            | 7 235              |
| court days undertaken by Counsel instructed to prosecute in the Magistrates' Courts in place of Court Prosecutors ..... | 2 213            | 3 582            | 3 585              |
| cases prepared for the Court of First Instance.....   | 366              | 256              | 260                |
| cases prepared for the District Court.....  | 1 098            | 1 120            | 1 120              |
| items of legal advice provided .....  | 13 895           | 15 410           | 15 410             |
| appeals conducted .....   | 740              | 631              | 635                |

7 The conviction rates for 2020 and 2021 are:

|   | 2020<br>(Actual) | 2021<br>(Actual) |
|---|------------------|------------------|
| Magistrates' Courts   |                  |                  |
| - defendants convicted after trial (%) .....  | 52.4             | 56.7             |
| - defendants convicted after trial and defendants convicted on their own pleas (%)..... | 65.1             | 69.0             |
| District Court  |                  |                  |
| - defendants convicted after trial (%) .....  | 70.5             | 67.6             |
| - defendants convicted after trial and defendants convicted on their own pleas (%)..... | 93.5             | 91.9             |
| Court of First Instance   |                  |                  |
| - defendants convicted after trial (%) .....  | 56.3             | 50.8             |
| - defendants convicted after trial and defendants convicted on their own pleas (%)..... | 88.8             | 82.1             |

The conviction rates are defendant-based and relate to any substantive or alternative offence on which the defendant has been convicted. It does not take into account acquittals of other charges if any.

It should be noted that while it is the duty of Counsel and Court Prosecutors to prosecute vigorously in courts, they have to act in a fair and objective manner. It is wrong to strive to secure a conviction at all costs. The question of guilt or innocence is a matter for the court to decide. Therefore, conviction rates in criminal cases are not and should not be taken as performance indicators. They are published regularly for reference only.

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### *Matters Requiring Special Attention in 2022–23*

8 During 2022–23, the Prosecutions Division will continue to:

- promote co-operation amongst prosecutors at the global level in the combat against crime;
- enhance the quality of criminal justice by promoting transparency in public prosecutions, liaising closely with justice partners and reviewing the disclosure arrangements of law enforcement agencies;
- provide training programmes for counsel in order to enhance the standards of advocacy and preparation in criminal cases; and
- enhance the public's understanding of the criminal justice system and their role in the system.

### **Programme (2): Civil**

|                           | 2020–21<br>(Actual) | 2021–22<br>(Original) | 2021–22<br>(Revised) | 2022–23<br>(Estimate)             |
|---------------------------|---------------------|-----------------------|----------------------|-----------------------------------|
| Financial provision (\$m) | 662.6               | 939.7                 | 742.4<br>(–21.0%)    | 940.4<br>(+26.7%)                 |
|                           |                     |                       |                      | (or +0.1% on<br>2021–22 Original) |

### *Aim*

9 The aim is to provide legal advice to the Government on civil matters, to undertake civil litigation and other forms of dispute resolution and to draft contracts on commercial and other matters.

### *Brief Description*

10 The work of the Civil Division includes:

- representing the Government and various other bodies in courts and tribunals in all forms of civil litigation and dispute resolution (including non-construction arbitration and mediation);
- providing legal advice on planning, land, building, environment and housing matters;
- providing legal advice on commercial law matters and drafting commercial contracts, licences and franchises;
- providing legal advice on legislation and civil law matters;
- providing advice and support to the development of the wider use of mediation to resolve disputes in Hong Kong;
- providing support to the Inclusive Dispute Avoidance and Resolution (IDAR) Office in raising Hong Kong's international profile and reinforcing Hong Kong's role as an international legal and dispute resolution services centre;
- promoting and developing the dispute resolution services of Hong Kong in the context of the Guangdong-Hong Kong-Macao Greater Bay Area and the Belt and Road Initiative; and
- formulating and promoting bills, strategies and measures relating to arbitration in accordance with the policy objectives of the Government.

11 In 2021, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

12 The key performance measures are:

### *Targets*

|  | Target | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Plan) |
|--|--------|------------------|------------------|----------------|
| taking appropriate follow-up action on civil litigation cases within seven working days upon referral by client department (%) ..... | 100    | 100              | 100              | 100            |
| providing legal advice within 14 working days upon receipt of instructions/requests (%)# .....                                       | 92     | 81               | 84               | 92             |

# If achieving the target is not possible due to the complexity of cases, the client department will be advised of the estimated time within which the advice will be provided.

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### *Indicators*

|   | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Estimate) |
|---|------------------|------------------|--------------------|
| civil litigation cases current on 31 December .....   | 41 514           | 42 165           | <b>42 165</b>      |
| new proceedings (including non-construction arbitration and mediation) brought by the Government.....       | 1 303            | 1 349            | <b>1 630</b>       |
| new proceedings (including non-construction arbitration and mediation) brought against the Government ..... | 2 124            | 2 642            | <b>2 640</b>       |
| person days of court appearances.....   | 1 783            | 1 681            | <b>1 650</b>       |
| items of legal advice provided .....  | 15 116           | 14 663           | <b>14 665</b>      |
| commercial tenders, consultancy briefs, contracts, licences and franchises drafted/vetted .....             | 896              | 846              | <b>845</b>         |

### *Matters Requiring Special Attention in 2022–23*

**13** During 2022–23, the Civil Division will advise on the legal aspects of:

- proceedings involving the Government, in particular those involving the Basic Law and Bill of Rights issues, administrative law issues, immigration matters, revenue matters, charities and trusts, contempt of court, election matters, contractual/commercial disputes, personal injuries and other damages claims, land matters, building matters, town planning matters and environmental issues;
- legislative proposals to implement the Judiciary's Information and Technology Strategy Plan to facilitate court users by providing them with an electronic option for court processes and to introduce remote hearings;
- legislative amendments to tax legislation;
- legislative amendments or proposals with regard to marine and transport related legislation;
- legislative proposals with regard to family procedure matters;
- legislative proposals to introduce and modify, as appropriate, measures relating to the COVID-19 pandemic;
- legislative proposals with regard to the abolition of the offsetting arrangement under the Mandatory Provident Fund system, employment and related matters;
- legislative proposals for reform on the prevention of cruelty to animals;
- legislative proposals to enhance the regulatory framework and improve governance of self-financing post-secondary education institutions;
- legislative proposals to streamline development-related approval processes, to unlock Tso/Tong lands, and to expedite redevelopment of aged buildings;
- the English and Chinese texts of contracts, undertakings, tender documents, public franchises, licences and other legal documents for the Government, in addition to drafting and vetting such texts;
- the regulation of companies, securities, banks, insurance, information technology, electronic transactions, e-commerce, transportation, broadcasting and telecommunications as well as proposals for reform;
- various major projects including the Shatin to Central Link and the Huanggang Port Redevelopment co-location arrangement;
- implementation and enforcement of COVID-19 anti-pandemic legislation and measures, proposed strategy for improving fire safety in old buildings, access to information and protection of personal data privacy, civil service and discipline, statutory powers and duties and legal advisors to statutory boards and committees;
- establishment and implementation of a mediation platform in the Guangdong-Hong Kong-Macao Greater Bay Area; and
- pursuing the establishment of a regional arbitration centre of the Asian-African Legal Consultative Organization in Hong Kong.

### **Programme (3): Constitutional and Policy Affairs**

|                           | 2020–21<br>(Actual) | 2021–22<br>(Original) | 2021–22<br>(Revised) | 2022–23<br>(Estimate)              |
|---------------------------|---------------------|-----------------------|----------------------|------------------------------------|
| Financial provision (\$m) | 161.7               | 144.2                 | 121.8<br>(–15.5%)    | <b>127.2</b><br>(+4.4%)            |
|                           |                     |                       |                      | (or –11.8% on<br>2021–22 Original) |

### *Aim*

**14** The aim is to provide support to the Secretary for Justice in relation to the discharge of her duties; to provide advice on overall legal policy issues and, in particular, in respect of the Basic Law and human rights law in assisting the Government's formulation of policies (including those in relation to the legal system, the legal profession and dispute resolution); to provide advice on electoral law; to provide advice on the law and other initiatives in the Mainland and other parts of the Cross Strait cum Hong Kong and Macao; and to review chosen areas of the law and provide research and secretariat support to the Law Reform Commission.

### *Brief Description*

**15** The work of the Secretary for Justice's Office (including the IDAR Office and the Law Reform Commission Secretariat) and the Constitutional and Policy Affairs Division includes:

- providing support for the Secretary for Justice in relation to her duties as a Member of the Executive Council, a designated officer attending meetings of the Legislative Council (LegCo) and as the principal legal adviser to the Chief Executive;
- co-ordinating efforts within the Government in promoting Hong Kong as an ideal regional and international hub for deal making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond;
- providing legal advice on the Basic Law and assisting the promotion of knowledge in it;
- advising on compliance with the human rights provisions of the Basic Law, human rights instruments (the provisions of which are applied to the Hong Kong Special Administrative Region (HKSAR)), the Hong Kong Bill of Rights Ordinance (Cap. 383), and anti-discrimination legislation;
- providing legal advice on constitutional development and election matters;
- advising whether a policy or a legislative proposal is contrary to established principles underlying the legal system;
- advising on legal issues arising out of statutory and non-statutory appeals, objections, representations and petitions to the Chief Executive/Chief Executive in Council (including prisoners' petitions for remission of sentence/pardon, petitions to the Chief Executive under Article 48(13) of the Basic Law, references of cases to the intermediate appellate court under the Criminal Procedure Ordinance (Cap. 221) or the Magistrates Ordinance (Cap. 227) as the case may be), appeals and judicial reviews by claimants for non-refoulement protection, and surrender of fugitives; considering claims for statutory and ex gratia compensation; and handling responses to public enquiries and complaints;
- promoting bills related to the legal system, the legal profession, the law of arbitration and those effecting law reform or miscellaneous amendments to various ordinances;
- providing advice and information on the laws and other initiatives of the Mainland and other parts of the Cross Strait cum Hong Kong and Macao; attending to matters on the further liberalisation of the Mainland's legal services market and on co-operation arrangements with the Mainland and other parts of the Cross Strait cum Hong Kong and Macao; organising seminars and promotional activities on Hong Kong's international legal and dispute resolution services in the Mainland in the context of the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Greater Bay Area;
- providing advice to the Government on LegCo procedures and practices; and
- providing research and secretariat support to facilitate the work of the Law Reform Commission chaired by the Secretary for Justice.

**16** In 2021, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

**17** The key performance measures are:

### *Indicators*

|   | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Estimate) |
|---|------------------|------------------|--------------------|
| bills promoted by the Constitutional and Policy Affairs Division in each LegCo session..... | 2                | 0                | 2                  |
| petitions (from prisoners) handled .....  | 58               | 57               | 57                 |

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|  | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Estimate) |
|--|------------------|------------------|--------------------|
| items of legal advice (including policy affairs work) given on:  |                  |                  |                    |
| overall legal policy affairs matters#.....   | 3 890            | 3 030            | 3 030              |
| Basic Law matters.....   | 1 601            | 1 196            | 1 196              |
| human rights issues.....   | 1 120            | 835              | 835                |
| constitutional development and election matters.....   | 749              | 905              | 750                |
| Mainland law and related matters.....  | 723              | 969              | 969                |
| ongoing Law Reform Commission projects.....  | 8                | 8                | 7                  |
| speeches prepared (both for LegCo and elsewhere).....  | 83               | 128              | 128                |
| Basic Law seminars conducted.....  | 3                | 4                | 4                  |
| briefings given in the Mainland and to Mainland delegations in Hong Kong.....  | 2                | 13               | 13                 |
| international and regional events (including meetings of international organisations, promotional and capacity building events relating to the rule of law and dispute resolution) |                  |                  |                    |
| number of events organised.....  | 15               | 26               | 25                 |
| number of participants.....  | 54 196           | 63 145           | 64 760             |

# The Arbitration Unit was transferred to the Civil Division with effect from 15 December 2020 and renamed as the Arbitration Team. Hence, the amount of legal advice provided by the Arbitration Team from 15 December 2020 onwards is excluded.

### *Matters Requiring Special Attention in 2022–23*

**18** During 2022–23, the Secretary for Justice's Office (including the IDAR Office and the Law Reform Commission Secretariat) and the Constitutional and Policy Affairs Division will continue to:

- promote Hong Kong as an ideal regional and international hub for deal-making and dispute resolution, as well as a leading centre for international legal services and capacity building in this region and beyond;
- support the development of online dispute resolution services in Hong Kong and promote its use in the region;
- support the Secretary for Justice as Chairman of the Law Reform Commission to lead a new project of "Systematic Review of the Statutory Laws of Hong Kong";
- develop expertise in respect of legislative powers, procedures and practices in the context of the Basic Law;
- provide support to the Working Group on Class Actions and relevant policy bureau to study and consider the proposals of the Law Reform Commission Report on Class Actions and to make recommendations to the Government on how to take the matter forward;
- explore further opportunities for Hong Kong legal and dispute resolution professionals to provide services in the Mainland;
- develop working relationships with counterparts in the Mainland and other parts of the Cross Strait cum Hong Kong and Macao;
- take forward the legislative exercise in respect of the Mainland Judgments in Civil and Commercial Matters (Reciprocal Enforcement) Bill to implement the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the HKSAR, and the legislative exercise to amend the Evidence Ordinance (Cap. 8) to establish a legislative framework for the admission of hearsay evidence in criminal proceedings with a view to addressing the recommendations in the Law Reform Commission's Report on Hearsay in Criminal Proceedings;
- hold discussions with the Mainland authorities for further development of legal co-operation in civil and commercial matters, particularly in service of judicial documents; and
- organise visits and training programmes in Hong Kong for Mainland officials and seminars and other promotional activities in the Mainland in order to develop and enhance mutual understanding of the legal systems and professional practices in the HKSAR and the Mainland and to promote Hong Kong's legal and dispute resolution services in the context of the Belt and Road Initiative and the Guangdong-Hong Kong-Macao Greater Bay Area.

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### Programme (4): Law Drafting

|                           | 2020–21<br>(Actual) | 2021–22<br>(Original) | 2021–22<br>(Revised) | 2022–23<br>(Estimate)             |
|---------------------------|---------------------|-----------------------|----------------------|-----------------------------------|
| Financial provision (\$m) | 152.4               | 175.5                 | 163.6<br>(–6.8%)     | <b>181.3</b><br>(+10.8%)          |
|                           |                     |                       |                      | (or +3.3% on<br>2021–22 Original) |

### Aim

- 19 The aim is to draft legislation and to make the texts of legislation readily accessible.

### Brief Description

- 20 The work of the Law Drafting Division includes:

- drafting of legislation in the English and Chinese languages and assisting policy bureaux in steering such legislation through the law-making process;
- compiling the loose-leaf edition of the Laws of Hong Kong; and
- maintaining a legislation database for free access through the Internet.

21 In 2021, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

- 22 The key performance measures are:

### Indicators

|   | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Estimate) |
|---|------------------|------------------|--------------------|
| bills gazetted.....   | 11               | 36               | <b>35</b>          |
| subsidiary legislation gazetted .....   | 268              | 238              | <b>250</b>         |
| pages of bills/subsidiary legislation gazetted (English) .....                            | 2 405            | 5 081            | <b>3 700</b>       |
| pages of bills/subsidiary legislation gazetted (Chinese) .....                            | 2 405            | 5 081            | <b>3 700</b>       |
| pages of legislation compiled for publication in the<br>loose-leaf edition .....          | 2 190            | 1 806            | <b>1 800</b>       |
| pages of Committee Stage Amendments (CSAs) proposed<br>by the Government (English)Δ ..... | 28               | 114              | <b>90</b>          |
| pages of CSAs proposed by the LegCo members<br>(English)Δ.....                            | 69               | 22               | <b>45</b>          |
| pages of CSAs proposed by the Government (Chinese)Δ .....                                 | 26               | 105              | <b>65</b>          |
| pages of CSAs proposed by the LegCo members<br>(Chinese)Δ .....                           | 69               | 21               | <b>43</b>          |
| drafts of bills/subsidiary legislation released .....                                     | 2 735            | 2 789            | <b>3 400</b>       |
| items of legal advice provided .....  | 3 735            | 4 472            | <b>5 300</b>       |

Δ The nature of the work is different. For CSAs proposed by the Government, Law Drafting Division has to take instructions from policy bureaux, draft the amendments and assist in their scrutiny by LegCo. For CSAs proposed by LegCo members, Law Drafting Division has to examine the amendments to make sure that they are in the correct format and liaise with the proposers to prepare the final agreed copies.

### Matters Requiring Special Attention in 2022–23

- 23 During 2022–23, the Law Drafting Division will:

- monitor closely the demand of the new term of LegCo regarding scrutiny of legislation; and
- make available resources needed for the legislative schedule for 2022–23, which is expected to be heavy.

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### Programme (5): International Law

|                           | 2020–21<br>(Actual) | 2021–22<br>(Original) | 2021–22<br>(Revised) | 2022–23<br>(Estimate)              |
|---------------------------|---------------------|-----------------------|----------------------|------------------------------------|
| Financial provision (\$m) | 98.2                | 150.0                 | 115.9<br>(–22.7%)    | <b>135.0</b><br>(+16.5%)           |
|                           |                     |                       |                      | (or –10.0% on<br>2021–22 Original) |

### Aim

24 The aim is to provide advice on international law issues to the Government, to participate in or advise on negotiation of international agreements, to support promotion of legal co-operation with international organisations, and to handle requests for international legal co-operation efficiently.

### Brief Description

25 The work of the International Law Division includes:

- providing advice on all aspects of public international law, including the application to the HKSAR of multilateral and bilateral international agreements, maritime and aviation law, consular privileges and immunities, and resolution of trade disputes;
- negotiating and advising on international agreements, including those on surrender of fugitive offenders, mutual legal assistance, transfer of sentenced persons, investment promotion and protection, air services, avoidance of double taxation and tax information exchange;
- participating in the activities of international organisations such as the Hague Conference on Private International Law, the United Nations Commission on International Trade Law and the Asia-Pacific Economic Cooperation; negotiating multilateral instruments and fostering international co-operation;
- supporting the IDAR Office in enhancing legal co-operation with international organisations;
- providing advice on the international legal aspects of the HKSAR's laws; and
- handling requests to and from the HKSAR for surrender of fugitive offenders, mutual legal assistance in criminal matters, transfer of sentenced persons and enforcement of confiscation orders as well as requests for assistance in international child abduction cases, and advising on matters involving international legal co-operation.

26 In 2021, the aim of the programme was generally met and the overall performance under the programme was satisfactory.

27 The key performance measures are:

### Indicators

|  | 2020<br>(Actual) | 2021<br>(Actual) | 2022<br>(Estimate) |
|--|------------------|------------------|--------------------|
| international agreements on legal co-operation in criminal matters initialled <sup>⊖</sup> ..... | 0                | 0                | <b>2</b>           |
| briefings, negotiation and discussion (no. of working sessions) .....                            | 152              | 359              | <b>360</b>         |
| items of legal advice provided .....   | 26 863           | 27 316           | <b>27 315</b>      |
| new requests dealt with in various categories of mutual legal assistance .....                   | 439              | 381              | <b>380</b>         |
| court appearances .....  | 11.5             | 14.5             | <b>15.0</b>        |

⊖ Revised description of the previous indicator “international agreements initialled” as from 2022.

### Matters Requiring Special Attention in 2022–23

28 During 2022–23, the International Law Division will continue to:

- provide timely and accurate advice on international law issues and on issues relating to mutual legal assistance;
- negotiate international agreements or contribute as legal advisers in these negotiations;
- participate in the activities of international organisations to foster international co-operation and organise activities with international organisations to raise Hong Kong's international profile; and
- handle requests for international legal co-operation effectively.



## Head 92 — DEPARTMENT OF JUSTICE

### ANALYSIS OF FINANCIAL PROVISION

| Programme                                   | 2020–21<br>(Actual)<br>(\$m) | 2021–22<br>(Original)<br>(\$m) | 2021–22<br>(Revised)<br>(\$m) | 2022–23<br>(Estimate)<br>(\$m)    |
|---|------------------------------|--------------------------------|-------------------------------|-----------------------------------|
| (1) Prosecutions .....                      | 840.4                        | 1,096.9                        | 822.2                         | 964.4                             |
| (2) Civil .....                             | 662.6                        | 939.7                          | 742.4                         | 940.4                             |
| (3) Constitutional and Policy Affairs ..... | 161.7                        | 144.2                          | 121.8                         | 127.2                             |
| (4) Law Drafting .....                      | 152.4                        | 175.5                          | 163.6                         | 181.3                             |
| (5) International Law .....                 | 98.2                         | 150.0                          | 115.9                         | 135.0                             |
|   | 1,915.3                      | 2,506.3                        | 1,965.9<br>(–21.6%)           | 2,348.3<br>(+19.5%)               |
|   |                              |                                |                               | (or –6.3% on<br>2021–22 Original) |

#### Analysis of Financial and Staffing Provision

##### Programme (1)

Provision for 2022–23 is \$142.2 million (17.3%) higher than the revised estimate for 2021–22. This is mainly due to the anticipated increase in court costs, general departmental expenses and filling of vacancies, partly offset by the decrease in other charges. There will be a net decrease of three posts in 2022–23.

##### Programme (2)

Provision for 2022–23 is \$198.0 million (26.7%) higher than the revised estimate for 2021–22. This is mainly due to the anticipated increase in other charges, court costs, general departmental expenses and filling of vacancies, partly offset by the decreased cash flow requirement for non-recurrent items. There will be a net decrease of four posts in 2022–23.

##### Programme (3)

Provision for 2022–23 is \$5.4 million (4.4%) higher than the revised estimate for 2021–22. This is mainly due to the anticipated increase in general departmental expenses and other charges, partly offset by the reduced funding requirement for personal emoluments. There will be a net decrease of two posts in 2022–23.

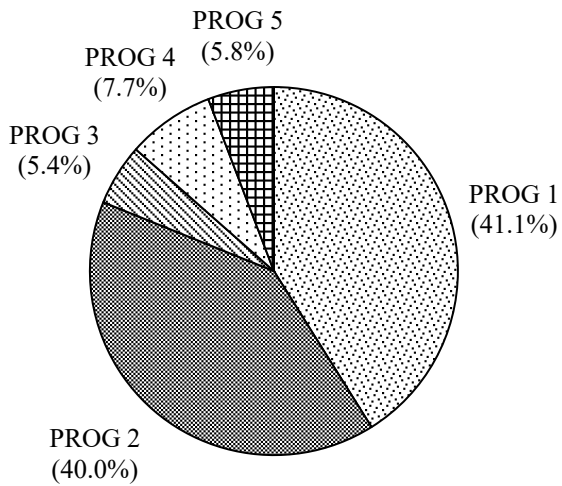
##### Programme (4)

Provision for 2022–23 is \$17.7 million (10.8%) higher than the revised estimate for 2021–22. This is mainly due to the anticipated increase in general departmental expenses and filling of vacancies. There will be a net decrease of one post in 2022–23.

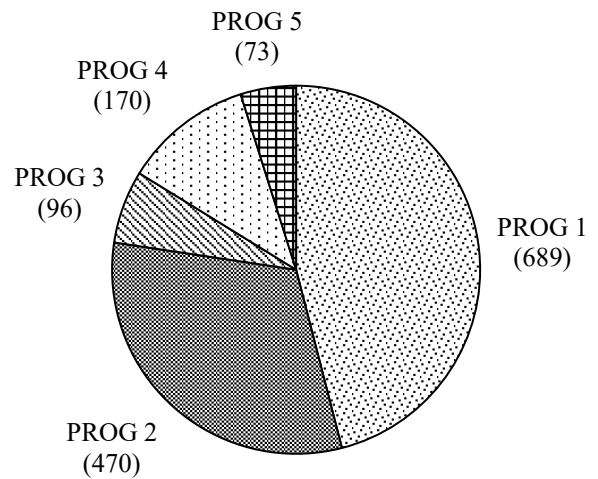
##### Programme (5)

Provision for 2022–23 is \$19.1 million (16.5%) higher than the revised estimate for 2021–22. This is mainly due to the anticipated increase in other charges and filling of vacancies.

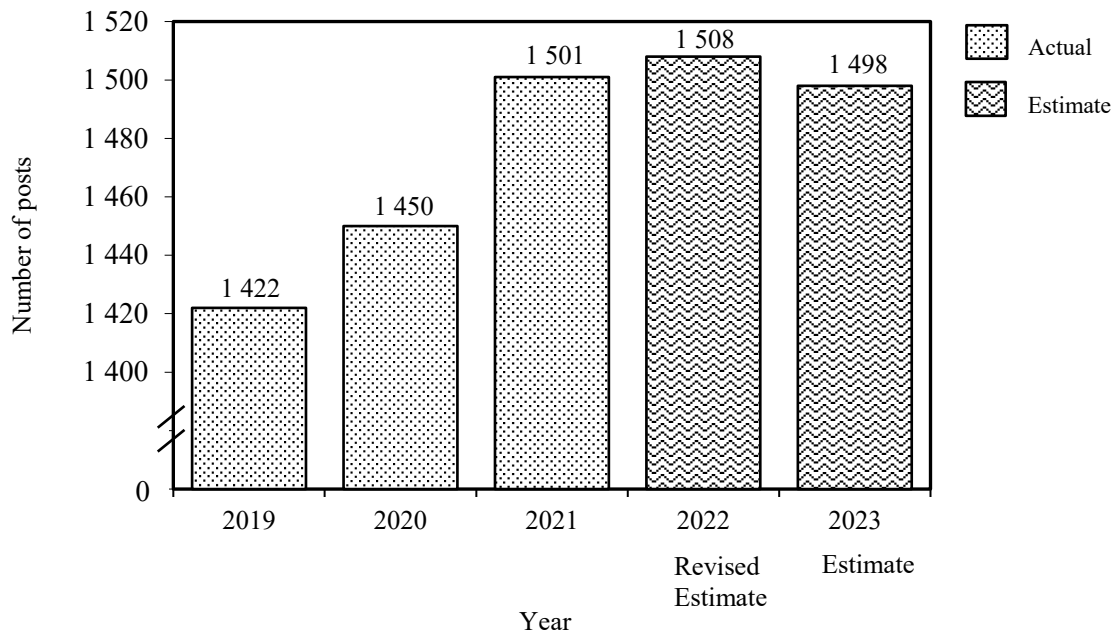
*Allocation of provision  
to programmes  
(2022-23)*



*Staff by programme  
(as at 31 March 2023)*



*Changes in the size of the establishment  
(as at 31 March)*



## Head 92 — DEPARTMENT OF JUSTICE

| Sub-head<br>(Code)         |  | Actual<br>expenditure<br>2020–21 | Approved<br>estimate<br>2021–22 | Revised<br>estimate<br>2021–22 | Estimate<br>2022–23 |
|----------------------------|--|----------------------------------|---------------------------------|--------------------------------|---------------------|
|                            |  | \$'000                           | \$'000                          | \$'000                         | \$'000              |
| <b>Operating Account</b>   |  |                                  |                                 |                                |                     |
| Recurrent                  |  |                                  |                                 |                                |                     |
| 000                        | Operational expenses .....                               | 1,691,773                        | 2,090,128                       | 1,796,162                      | 1,991,116           |
| 234                        | Court costs .....  | 223,511                          | 380,480                         | 133,650                        | 343,700             |
|                            | Total, Recurrent.....                                    | 1,915,284                        | 2,470,608                       | 1,929,812                      | 2,334,816           |
| Non-Recurrent              |  |                                  |                                 |                                |                     |
| 700                        | General non-recurrent .....                              | —                                | 35,726                          | 35,621                         | 13,518              |
|                            | Total, Non-Recurrent.....                                | —                                | 35,726                          | 35,621                         | 13,518              |
|                            | Total, Operating Account .....                           | 1,915,284                        | 2,506,334                       | 1,965,433                      | 2,348,334           |
| <b>Capital Account</b>     |  |                                  |                                 |                                |                     |
| Plant, Equipment and Works |  |                                  |                                 |                                |                     |
|                            | Minor plant, vehicles and equipment (block<br>vote)..... | —                                | —                               | 465                            | —                   |
|                            | Total, Plant, Equipment and Works.....                   | —                                | —                               | 465                            | —                   |
|                            | Total, Capital Account.....                              | —                                | —                               | 465                            | —                   |
|                            | Total Expenditure .....                                  | 1,915,284                        | 2,506,334                       | 1,965,898                      | 2,348,334           |

## Head 92 — DEPARTMENT OF JUSTICE

### Details of Expenditure by Subhead

The estimate of the amount required in 2022–23 for the salaries and expenses of the Department of Justice is \$2,348,334,000. This represents an increase of \$382,436,000 over the revised estimate for 2021–22 and \$433,050,000 over the actual expenditure in 2020–21.

#### *Operating Account*

#### Recurrent

2 Provision of \$1,991,116,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Department of Justice. The increase of \$194,954,000 (10.9%) over the revised estimate for *Subhead 000 Operational expenses* for 2021–22 is mainly due to the anticipated increase in other charges and general departmental expenses, as well as filling of vacancies.

3 The establishment as at 31 March 2022 will be 1 508 posts including three supernumerary posts. It is expected that there will be a net decrease of ten posts in 2022–23. The establishment as at 31 March 2023 will be 1 498 posts including three supernumerary posts. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2022–23 but the notional annual mid-point salary value of all such posts must not exceed \$962,705,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

|  | 2020–21<br>(Actual)<br>(\$'000) | 2021–22<br>(Original)<br>(\$'000) | 2021–22<br>(Revised)<br>(\$'000) | 2022–23<br>(Estimate)<br>(\$'000) |
|--|---------------------------------|-----------------------------------|----------------------------------|-----------------------------------|
| Personal Emoluments  |                                 |                                   |                                  |                                   |
| - Salaries.....  | 1,005,753                       | 1,041,714                         | 1,006,862                        | 1,031,462                         |
| - Allowances.....  | 29,962                          | 48,576                            | 42,516                           | 50,040                            |
| - Job-related allowances.....  | —                               | 10                                | 98                               | 10                                |
| Personnel Related Expenses   |                                 |                                   |                                  |                                   |
| - Mandatory Provident Fund contribution.....   | 3,221                           | 3,952                             | 3,401                            | 4,055                             |
| - Civil Service Provident Fund contribution.....                                       | 69,466                          | 84,021                            | 75,956                           | 87,299                            |
| - Disturbance allowance <sup>μ</sup> .....   | 17                              | —                                 | 141                              | 73                                |
| Departmental Expenses  |                                 |                                   |                                  |                                   |
| - Remuneration for special appointments ....   | 4,190                           | 4,480                             | 4,450                            | 4,590                             |
| - General departmental expenses .....  | 260,282                         | 325,167                           | 278,631                          | 323,129                           |
| Other Charges  |                                 |                                   |                                  |                                   |
| - Hire of legal services and related professional fees .....                           | 201,431                         | 375,820                           | 280,760                          | 296,500                           |
| - Promotion and development of Hong Kong's legal and dispute resolution services ..... | 40,914                          | 116,388                           | 33,347                           | 90,958                            |
| - Legal services for construction dispute resolution .....                             | 76,537                          | 90,000                            | 70,000                           | 103,000                           |
|  | 1,691,773                       | 2,090,128                         | 1,796,162                        | 1,991,116                         |

<sup>μ</sup> Disturbance grant is generally paid to an officer when he is first posted outside Hong Kong, transfers to another location outside Hong Kong and returns to Hong Kong on completion of one or more tours outside Hong Kong. Since the Department commenced to arrange secondment outside Hong Kong in 2020–21, payment of such grant is therefore required.

5 Provision of \$343,700,000 under *Subhead 234 Court costs* is for the payment of costs awarded against the Government in criminal and civil cases. This represents an increase of \$210,050,000 (157.2%) over the revised estimate for 2021–22. Since payment of court costs is contingent upon the progress of the relevant negotiations, the level of payment varies from year to year.

## Head 92 — DEPARTMENT OF JUSTICE

### Commitments

| Sub-head<br>(Code)              | Item<br>(Code) | Ambit   | Approved<br>commitment | Accumulated<br>expenditure<br>to 31.3.2021 | Revised<br>estimated<br>expenditure<br>for 2021–22 | Balance |
|---------------------------------|----------------|---|------------------------|--|--|---------|
|                                 |                |   | \$'000                 | \$'000                                     | \$'000   | \$'000  |
| <b><i>Operating Account</i></b> |                |   |                        |  |  |         |
| 700                             |                | <i>General non-recurrent</i>  |                        |  |  |         |
|                                 | 512            | Hire of service for translation and Chinese typing .....  | 5,100                  | 3,296                                      | 150  | 1,654   |
|                                 | 519            | Development of Mainland-related legal services in Hong Kong.....  | 4,335                  | 2,617                                      | 305  | 1,413   |
|                                 | 801            | One-off funding support for the development and enhancement of an online dispute resolution and deal making platform by a non-governmental organisation ..... | 100,000                | —  | 35,000   | 65,000  |
|                                 |                | Total .....   | 109,435                | 5,913                                      | 35,455   | 68,067  |