

LCQ4: Manpower and expenditure of the Department of Justice

Following is a question by Dr the Hon Cheng Chung-tai and a reply by the Secretary for Justice, Ms Teresa Cheng, SC, in the Legislative Council today (June 9):

Question:

It has been reported that there has been an upsurge of staff departure in the Department of Justice (DoJ) recently. Regarding the manpower and expenditure of the DoJ, will the Government inform this Council:

(1) of the number of the DoJ's officers of the Government Counsel grade who departed in each quarter since January 2014, with a breakdown by reason of departure as well as their rank and title upon departure; whether the DoJ has assessed the causes for the upsurge of staff departure; and

(2) whether the expenditure of the National Security Prosecutions Division under the DoJ is appropriated from the \$8 billion special fund dedicated to meeting the expenditure for safeguarding national security; if so, of the amount involved and the uses of the various items of the estimated expenditure; if not, the head from which the Division's expenditure is appropriated as well as the uses and amounts of the various subheads?

Reply:

President,

Article 99 of the Basic Law stipulates that public servants must be dedicated to their duties and be responsible to the Government of the Hong Kong Special Administrative Region (HKSAR). Civil servants, being a key component of the public service, have a constitutional role to give their best in serving the Chief Executive and the Government of the day. According to the Civil Service Code issued by the Civil Service Bureau (CSB), civil servants are required to uphold the core values of commitment to the rule of law, honesty and integrity, objectivity and impartiality, political neutrality, dedication, professionalism and diligence, and to ensure that no actual, perceived or potential conflict of interest shall arise between their official duties and private interests. Moreover, civil servants shall at all times ensure that their behaviour would not impede their performance of official duties in a fair and professional manner. The above principles are equally applicable to Government Counsel (GC) Grade members at the Department of Justice (DoJ).

The DoJ plays a key role in the legal system of Hong Kong and maintaining the rule of law. In recent years, the HKSAR Government has to cope with ever-increasing challenges, and particularly in the past two years after restoration of order and stability, and as a result of the impact

brought by the pandemic. The challenges faced by the DoJ in its legal work are also unprecedented.

For instance, the DoJ's prosecution work may sometimes attract extensive discussions in the community. Whilst members of the public have the right to express their views on related matters within the boundary permitted by the law, some overseas and local persons have maliciously attacked the DoJ's prosecution work repeatedly with unfair and unfounded allegations. On civil work, following the social unrest in 2019, the DoJ handles a substantial number of related judicial reviews, including those relating to the Emergency Regulations Ordinance, the Police operation. On the other hand, in light of the rise in acts during social unrest involving online dissemination of information to incite violence and doxxing activities towards judges and law enforcement officers, the Secretary for Justice, as the guardian of public interest, successfully applied for four court injunctions to restrain acts that jeopardise people's lives, safety and property, and deter or harass the public from enjoying their common rights.

As the head of department, I entirely appreciate that colleagues at the DoJ, on top of heavy daily workload, also have to bear the unnecessary outside pressure. Amid such challenges, I and the DoJ as a team have all along discharging our duties with the highest professional standards, impartiality and without fear or favour. These duties include controlling criminal prosecutions free from any interference in accordance with Article 63 of the Basic Law; providing independent and professional legal advice to the Government; and drafting legislation.

In relation to Dr the Hon Cheng Chung-tai's questions, I now reply as follows:

(1) Natural staff wastage is commonplace in any organisation, and the Government is no exception. It is inappropriate to describe such normal personnel turnover as what so-called "an upsurge of staff departure". According to the statistics from the CSB, in 2020-21, the wastage in the civil service was around 4.8 per cent of the strength. Retirement was the primary reason for departure of civil servants, and the other reasons include resignation, completion of agreement and death. In the past few years, the annual numbers of departing DoJ civil servants were about the same, being comparable to the wastage rate of the civil service at large. Departure of GC Grade members in the DoJ (including retirement and resignation) is indeed normal personnel turnover and most importantly, the DoJ's operation remains unaffected. The society should take this in stride.

The DoJ has been monitoring the manpower situation within the department. A vacancy, as it arises, will be filled as appropriate under the succession arrangement to ensure the normal operation of the department. I believe that colleagues now at the DoJ are all sharing a common goal: to serve Hong Kong, to advance the rule of law and access to justice, thereby achieving "Rule of Law and Justice for All".

Moreover, the DoJ will continue to provide professional training for our

counsel with a view to broadening their horizons and enhancing their skills in different areas of work. We will also give due recognition to colleagues with outstanding performance and strive to gain them the same from the sector.

(2) As pointed out in the HKSAR Government's statement of February 25 this year, the funding arrangement for the expenditure for safeguarding national security in the HKSAR is made in strict accordance with the relevant requirements in the Law of the People's Republic of China on Safeguarding National Security in the HKSAR (National Security Law). According to Article 19 of the National Security Law, the Financial Secretary of the HKSAR shall, upon approval of the Chief Executive, appropriate from the general revenue a special fund to meet the expenditure for safeguarding national security and approve the establishment of relevant posts, which are not subject to any restrictions in the relevant provisions of the laws in force in the HKSAR. The Financial Secretary shall submit an annual report on the control and management of the fund for this purpose to the Legislative Council of the HKSAR (LegCo). To this end, the Financial Secretary has made a provision of \$8 billion to meet the expenditure for safeguarding national security in the next few years and will submit a report to the LegCo in due course.