About the Financial Reporting Council (FRC)

With the commencement of the Financial Reporting Council (Amendment) Ordinance on 1st October 2019, the FRC has become the independent listed entity auditor regulator for Hong Kong with the direct powers of inspection, investigation and discipline concerning auditors of listed entities and oversight of the performance of the Hong Kong Institute of Certified Public Accountants in respect of their functions for registration, standards on professional ethics and auditing and assurance; and continuing professional development requirements in relation to PIE auditors. The FRC is committed to achieving its mission of upholding the quality of financial reporting of listed entities in Hong Kong.

The FRC has undertaken a number of initiatives to cultivate its existing talent pool, and attract new talent to the FRC. The FRC is an equal opportunity employer. Recruitments are based on competency and experience.

Legal Research Administrator (one year contract)

Responsibilities

- Carry out legal research in various jurisdictions, such as Hong Kong, UK, US etc.
- Provide summary and analysis on legal research
- Assist in building and managing knowledge management system, know-how and other databases
- Assist in maintaining various templates and other knowledge materials
- Perform other duties as assigned

Requirements

- Graduate in Law (LLB) or law graduates with completion of PCLL
- Good academic background (Degree in LLB Law (Second Upper Class or Above))
- Double Degree/Minor in Accounting will be an advantage
- Experience in working as a legal clerk or paralegal to conduct legal research for fee earners will be an advantage
- Good legal research and analytical skill to identify key legal issues/arguments
- Able to handle legal research projects independently with good drafting capabilities
- Excellent command of English and Chinese
- Strong communication skill and work well with the team
• Mature and adaptable team player with a “can-do” attitude, self-motivated and committed to work hard
• Consistently produces quality work and pays close attention to detail
• Able to handle multiple tasks while maintaining quality and ensures that deadlines are met
• Keen to learn and demonstrate enthusiasm, dedication and the ability to take ownership of work

Applications should be sent to: The Human Resources and Administration Manager, Financial Reporting Council, 24th floor, Hopewell Centre, 183 Queen's Road East, Hong Kong or by email to recruit@frc.org.hk.

Application Deadline: 15 March 2021

Data held by the FRC relating to employment applications will be kept confidential and used for recruitment purposes only. Applicants who are not contacted within six weeks may consider their applications unsuccessful. The FRC will retain their applications for a maximum of six months.
Department of Justice
Legal Trainee Scheme (2022 Intake)

A Training Scheme that will expand your horizons

Objective

The objective of the Legal Trainee Scheme (LTS) is to provide legal trainees with practical training in accordance with the requirements of the Law Society of Hong Kong or the Hong Kong Bar Association and at the same time enable them to acquire experience in various types of legal work undertaken by Government lawyers.

Eligibility

2. Postgraduate Certificate in Laws (PCLL) graduates/PCLL students or potential PCLL students of the local universities who will graduate in 2022 are eligible to apply. Also eligible are Civil servants serving in the Department of Justice, the Legal Aid Department, the Legal Advisory and Conveyancing Office of the Lands Department, the Land Registry, the Companies Registry, the Intellectual Property Department, the Official Receiver’s Office and the Judiciary who hold qualifications recognised for training purposes by the Law Society of Hong Kong or the Hong Kong Bar Association.

3. Candidates should be permanent residents of the Hong Kong Special Administrative Region and have attained ‘Level 2’ [Note 1] or above in English Language and Chinese Language in the Hong Kong Diploma of Secondary Education Examination (HKDSEE) or the Hong Kong Certificate of Education Examination (HKCEE), or equivalent. ‘Level 1’ [Note 2] result or above in the Use of Chinese paper of the Common Recruitment Examination (CRE) will be accepted as meeting the Chinese language proficiency requirement for this Scheme.

Note 1 For appointment purpose, ‘Grade E’ in English Language (Syllabus B) and Chinese Language in the HKCEE before 2007 is accepted administratively as comparable to ‘Level 2’ in English Language and Chinese Language in the 2007 HKCEE and henceforth.

Note 2 ‘Grade D’ in Chinese Language and Culture or Chinese Language and Literature of the Hong Kong Advanced Level Examination is accepted as equivalent to ‘Level 1’ in the Use of Chinese paper of the CRE.
Legal Trainees (Solicitor)

4. Legal Trainees (Solicitor) will join the LTS for a period of two years. The two-year programme [Note 3] will comprise -

(a) attachment to the Civil Division;
(b) attachment to the Prosecutions Division;
(c) attachment(s) to private law firm(s); and
(d) attachment(s) to one of the legal/judicial group of departments (including Legal Aid Department, the Intellectual Property Department, the Official Receivers’ Office, the Legal Advisory and Conveyancing Office of the Lands Department, the Land Registry and the Companies Registry) according to the preference of individual trainees or attachment to the Constitutional and Policy Affairs Division / International Law Division / Law Drafting Division upon special request of individual trainees.

Legal Trainees (Barrister)

5. Legal Trainees (Barrister) will join the LTS for one year and will undergo a 12-month pupillage programme [Note 3] comprising -

(a) attachment to the Civil Division;
(b) attachment to the Prosecutions Division;
(c) attachment as a judge’s marshal (optional); and
(d) attachment to a practising barrister in the private sector.

Training Provided

6. During the period of attachment to the Prosecutions Division, Legal Trainees will have the opportunity to attend a 12-week practical prosecuting course featuring talks, tutorials, practical exercises, mock trials, visits to courts and police stations, and attachment to a magistrates’ court. During the latter half of the course, they will be assigned to various courts to prosecute, the experience of which is found most valuable by many previous trainees.

[Note 3] The prevailing training attachment may be subject to change.
7. Throughout the entire period of training in the Department, all Legal Trainees will be under the supervision of experienced counsel who will provide guidance and advice to them while a more senior counsel will monitor the training and provide additional assistance if required.

8. Legal Trainees (Solicitor) will be sponsored to attend training courses required by the Law Society of Hong Kong under the Continuing Professional Development Scheme.

9. Legal Trainees (Barrister) will be sponsored to attend training courses required by the Hong Kong Bar Association under the Pupils Advanced Legal Education Programme.

**Status**

10. Legal Trainees do not occupy Civil Service posts and are not subject to Civil Service Regulations. They are, however, public officers and are governed by the Prevention of Bribery Ordinance, Cap. 201, the Official Secrets Ordinance (Cap. 521), departmental instructions and any Ordinances or Regulations which apply to the Department.

**Salary**

11. Legal Trainees will receive, in the first 12 months, a monthly salary equivalent to the pay on point 27 of the Master Pay Scale (MPS), and in the second 12 months, a monthly salary equivalent to the pay on point 28 of the MPS.

12. The pay equivalent to point 27 of the MPS is $55,995 and the pay equivalent to point 28 of the MPS is $58,635 currently.

13. The salary may subsequently be adjusted in accordance with any adjustment to the MPS. Such adjustment may take the form of a pay increase, pay freeze or pay reduction.

**Mandatory Provident Fund**

14. Legal Trainees are subject to the Mandatory Provident Fund Schemes Ordinance (Cap. 485).

**Terms of Engagement**

15. Legal Trainees will be engaged on temporary month-to-month terms. No obligation is placed on Legal Trainees to join the Department of Justice on completion of training, nor is the Department of Justice obliged to offer appointment to them. At the end of the two-year period in the case of Legal Trainees (Solicitor), or one-year period in the case of Legal Trainees (Barrister), the engagement under LTS will be discontinued.
Working Hours

16. There are five days in a working week. The normal hours of work per week are 44, from Monday to Friday with one hour for lunch. The actual working hours will be subject to the duty pattern of the office/division to which the Legal Trainees are attached.

Leave

17. Apart from Sundays and public holidays, Legal Trainees are entitled to earn leave at a rate of 14 days per year. Untaken leave will be forfeited at the end of each year. Accumulation of leave over 14 days is normally not allowed.

Sick Leave

18. Legal Trainees may accumulate paid sickness days at the rate of -
   (a) two paid sickness days for each completed month of engagement during the first 12 months of engagement; and
   (b) four paid sickness days for each completed month of engagement thereafter.

19. The Legal Trainee will be granted full-pay sick leave if -
   (a) he/she has accumulated the number of paid sickness days to cover the number of sick leave taken; and
   (b) the sick leave is supported by a valid medical certificate.

20. The Legal Trainee who has satisfied the conditions in paragraph 19 above will not be entitled to full-pay sick leave if -
   (a) the sickness day falls on a statutory/public holiday in respect of which he/she has already received pay;
   (b) his/her unfitness for work is caused by his/her serious and wilful misconduct; or
   (c) compensation is payable under the Employees’ Compensation Ordinance (Cap. 282).

Medical and Dental Benefits

21. Medical and dental benefits are available to Legal Trainees in accordance with the rules and regulations promulgated from time and time.
Termination of Engagement

22. A Legal Trainee may terminate his/her engagement by giving the Government at least one calendar month’s notice in writing of his/her intention to resign, or by paying to the Government one month’s salary in lieu of notice. Leave may not be included as part of a period of notice, except sick leave and leave taken during the notice period as permitted by the leave approving authority subject to the exigencies of the service. The engagement may be terminated by the Government at any time if a Legal Trainee’s performance or conduct is unsatisfactory.

23. If a Legal Trainee at any time neglects or refuses or for any reason other than ill-health becomes unable to perform any of his/her duties or to comply with any order, or discloses any information concerning the affairs of the Government to any unauthorised person, or in any manner misconducts himself/herself, he/she may be dismissed and on such dismissal will forfeit all rights and advantages of his/her engagement.

Application and Selection

24. Invitation to application detailing the application procedures and closing date for application were advertised on 12 and 19 March 2021 in the Ming Pao and on 13 and 20 March 2021 in the South China Morning Post. The advertisement has also been posted on the website of the Department of Justice at http://www.doj.gov.hk.

25. Applicants who are interested in the Scheme will be required to submit the following documents -

(a) application form [G.F. 340 (Rev. 3/2013)]. This can be obtained from any Public Enquiry Service Centre of District Offices of the Home Affairs Department or any Job Centre of the Labour Department. The form can also be downloaded from the Civil Service Bureau’s website (http://www.csb.gov.hk);

(b) copies of documents in respect of academic and language qualifications with full details of examination results at the (i) HKDSEE/HKCEE, (ii) Bachelor of Laws (LLB) level or equivalent, (iii) International English Language Testing System (IELTS), (iv) PCLL (if available) and (v) CRE (if applicable); and

(c) supplementary letters detailing personal interests and other relevant information
to -

Training Registry  
Personnel and Establishment Section  
Department of Justice  
8/F, West Wing, Justice Place  
18 Lower Albert Road  
Central, Hong Kong  
(Re: Application for the post of Legal Trainee)

Where possible, an academic reference written by a staff member of the Faculty/School of Law should be provided and sent direct to the same address.

26. Applicants should specify in the application form the post title they intend to apply for, which may be one of the following -

(a) Legal Trainee (Solicitor);
(b) Legal Trainee (Barrister); or
(c) Legal Trainee (Solicitor/Barrister).

27. Category (c) is for applicants who have no specific preference as to the particular stream they wish to join, in which case the stream offered will be determined by the Selection Board on the basis of the candidates’ performance at the interview.

28. Applicants will also be required to provide their Bachelor of Law / Juris Doctor / Common Professional Examination results and local PCLL admission confirmation by 31 August 2021 for further processing of their applications.

29. Shortlisted applicants will be invited to attend selection interviews. Offer of engagement will be conditional upon passing the PCLL examinations, medical examinations and satisfactory completion of other formalities for engagement.

Enquiries

30. Enquiries can be made to Executive Officer (Personnel) 4 or Clerical Officer (Training) of the Department of Justice on 3902 8739 or 3902 8763.

Department of Justice  
March 2021  
Ref.: DOJ/T 6 – 20/4 Pt.2
律政司
見習律政人員計劃（2022年）

擴闊視野的訓練計劃

目的

見習律政人員計劃的目的在於為見習律政人員提供符合香港律師會或香港大律師公會規定的實踐訓練；同時也讓他們從政府律師負責的各類法律工作中，汲取經驗。

資格

2. 這項計劃的申請人須為在本地大學修讀法學專業證書課程的畢業生／正在或即將修讀前述課程而將於2022年畢業的學生。此外，在律政司、法律援助署、地政總署轄下法律諮詢及田土轉易處、土地註冊處、公司註冊處、知識產權署、破產管理署及司法機構工作的現職公務員，如擁有香港律師會或香港大律師公會認可的資歷，證明可接受訓練，也可以申請參加此項計劃。

3. 申請人須為香港特別行政區永久性居民，並在香港中學文憑考試或香港中學會考英語文科及中國語文科考獲第2級[註1]或以上成績，或擁有同等學歷。在公務員綜合招聘考試的中文運用試卷中考獲一級或以上成績[註2]，亦符合本計劃有關中文程度的規定。

見習律師

4. 見習律師參加的見習律政人員計劃為期兩年。兩年制計劃[註3]內容包括：

[註1] 政府在聘任人員時，2007年前的香港中學會考英語文科（課程乙）和中國語文科E級成績，在行政上會被視為等同2007年或之後香港中學會考英語文科和中國語文科第2級成績。

[註2] 香港高級程度會考中國語文及文化、中國語言文學或中國語文科D級成績會獲接納為等同綜合招聘考試中文運用試卷的一級成績。

[註3] 實習安排可能會作更改。
派往民事法律科工作；

(b) 派往刑事检控科工作；

(c) 派往私人律师行工作；以及

(d) 根据个别见习人员的意愿，派往一个政府部门的法律／司法组别工作（包括法律援助署、知识产权署、破产管理署、地政总署辖下法律咨询及田土转易署、土地注册处及公司注册处）或根据个别见习人员提出特别请求，派往宪制及政策事务科或国际法律科或法律草拟科工作。

见习大律师

5. 见习大律师参加的见习律政人员计划为期一年，并会同时接受为期12个月的实习期【注3】，内容包括：

(a) 派往民事法律科工作；

(b) 派往刑事检控科工作；

(c) 可选择派往高等法院跟随大法官见习；以及

(d) 跟随私人执业大律师见习。

提供的训练

6. 调派到刑事检控科的见习律政人员将有机会修读为期12周的实务检控课程，内容包括讲座、个别指导、实务训练、模拟审讯、参观法院和警署，以及派往裁判法院工作。在课程的后半部分，见习人员会派往各法院进行检控工作，过去很多见习律政人员都表示从中得到非常宝贵的经验。

7. 在本司接受训练的整段期间，所有见习律政人员都会由经验丰富的政府律师辅导。这些律师会提供指导和意见，而一名较高级的政府律师则负责监督训练工作，如有需要，也会提供特别协助。

8. 本司会资助见习律师根据香港律师会的持续专业发展计划，参加规定的训练课程。

9. 本司会资助见习大律师根据香港大律师公会的高级法律进修计
參 加 規 定 的 訓 練 課 程。

身分

10. 見 習 律 政 人 員 並 非 公 務 員，不 受 《 公 務 員 事 務 規 例 》 規 約。但 是，他 們 係 公 職 人 員，必 須 遵 守 《 防 止 賂 賂 條 例 》 (第 201 章)、《 官 方 機 密 條 例 》 (第 521 章)、 部 門 訓 令 及 所 有 適 用 於 所 屬 部 門 的 條 例 和 規 例。

薪 金

11. 見 習 律 政 人 員 在 首 12 個 月 內，每 月 薪 金 相 等 於 總 薪 級 表 第 27 薪 點。 在 其 後 12 個 月 內，每 月 薪 金 相 等 於 總 薪 級 表 第 28 薪 點。

12. 總 薪 級 表 第 27 薪 點 的 金 額 現 為 55,995 元。總 薪 級 表 第 28 薪 點 的 金 額 現 為 58,635 元。

13. 薪 金 可 能 隨 着 總 薪 級 表 的 調 整 而 進 一 步 調 整。調 整 會 以 加 薪、凍 薪 或 減 薪 的 形 式 進 行。

強 制 性 公 積 金

14. 《 強 制 性 公 積 金 計 劃 條 例 》 (第 485 章) 的 規 定 適 用 於 見 習 律 政 人 員。

聘 用 條 款

15. 見 習 律 政 人 員 是 根 據 临 時 按 月 聘 用 條 款 受 聘。訓 練 完 成 後，見 習 律 政 人 員 無 須 加 入 律 政 司 工 作，而 律 政 司 亦 沒 有 義 務 僱 用 該 些 人 員。見 習 律 師 完 成 兩 年 的 訓 練 或 見 習 大 律 師 完 成 一 年 的 訓 練 後，按 見 習 律 政 人 員 計 劃 安 排 的 聘 用 即 告 終 結。

工 作 時 間

16. 一 周 5 天 工 作。每 星 期 一 一 至 五 工 作，星 期 五 逾 時 一 小 時。實 際 的 工 作 時 間 須 視 乎 見 習 律 政 人 員 派 駐 的 辦 事 處／ 科 別 的 工 作 模 式 而 定。

假 期

17. 除 星 期 日 和 公 署 假 期 外，見 習 律 政 人 員 可 按 每 年 14 天 的 賺 取 率 賺 取 假 期。尚 未 使 用 的 假 期 於 毎 年 年 終 喪 失，而 假 期 通 常 不 可 累 積 超 過 14 天。
病假

18. 見習律政人員可累積全薪病假，計算方法如下－

(a) 在聘用期的首 12 個月內，每服務滿一個月可累積兩天有薪病假日；以及

(b) 其後每服務滿一個月可累積四天有薪病假日。

19. 見習律政人員如符合下列條件，可放取全薪病假－

(a) 見習律政人員所積累的有薪病假日足可抵消所放取的病假；以及

(b) 出示有效的醫生證明書。

20. 符合上文第 19 段所述條件的見習律政人員，在下列情況下不得享有全薪病假－

(a) 病假適逢法定假日或公眾假期，而該見習律政人員在該日已獲發薪金；

(b) 該見習律政人員是由於自己蓄意作出嚴重失當行為以致不適宜工作；或

(c) 該見習律政人員可根據《僱員補償條例》(第 282 章)獲得補償。

醫療及牙科福利

21. 見習律政人員可享有根據不時公布的規則及規例提供的醫療及牙科福利。

終止服務

22. 見習律政人員如要辭職，最遲須於一個曆月之前遞交辭職通知書，或向政府繳付相等於一個月薪金的代通知金。假期並不計算在通知期內，不過，假期批核人員可於公務需要而批准在通知期內放取病假和所賺得的假期。如果見習律政人員的工作表現欠佳或行為失當，政府可隨時將該名人員解僱。

23. 見習律政人員如果疏忽職守、拒絕履行職務，或並非基於健康理由而未能履行職務或未能遵從任何命令，又或該名人員向未獲授權人士
透露政府事務，或行為失當，政府可以將他解僱。如他在這些情況下遭解僱，他會失去一切聘用權益和福利。

申請辦法和甄選方式


25. 對這項計劃有興趣的申請人，須將下述文件－

(a) 申請表(G.F.340 (Rev. 3/2013))，該表格可向民政事務總署各區民政事務處諮詢服務中心或勞工處的就業科各就業中心索取，或從公務員事務局的網站(http://www.csb.gov.hk)下載；

(b) 學歷及語文程度證明文件和詳細考試成績單副本，包括(一)香港中學文憑考試／香港中學會考，(二)法學士或同等學歷，(三)國際英語水平測試，(四)法學專業證書(如持有)及(五)綜合招聘考試(如適用)；及

(c) 詳列個人興趣及其他有關資料的補充信件

寄交－

香港中環下亞厘畢道18號
律政中心西座8樓
律政司
人事及編制組訓練小組
（關於：申請見習律政人員職位）

如邀得法律學系教職員撰寫推薦信，也請直接把推薦信寄往上述同一地址。

26. 申請人須註明擬申請的職位名稱，即－

(a) 見習律師；

(b) 見習大律師；或

(c) 見習律師／見習大律師

27. 上述第(c)項職位名稱專供並無特定取向的申請人採用。這些申請人
如獲取錄，會由甄選委員會根據他們的面試表現，決定所提供的職位是見習律師還是見習大律師。

28. 申請人須於 2021 年 8 月 31 日或之前提供法學士／法律博士／英格蘭及威爾斯專業共同試成績的證明文件，以及本地大學發出有關法學專業證書課程的取錄通知書，以便進一步處理有關申請。

29. 申請人如通過初選，會獲邀參加面試。通過面試的申請人將獲政府有條件聘用，待他們通過法學專業證書課程考試、體格檢驗合格和辦妥其他聘用手續後，才會獲得錄用。

查詢

30. 如有查詢，請致電 3902 8739 或 3902 8763 與律政司行政主任（人事）或文書主任（訓練）聯絡。

律政司 2021 年 3 月

檔號：DOJ/T 6 – 20/4 Pt.2
Department of Justice

The Department

Employing about 420 lawyers and 890 support staff, the Department of Justice of the Government of the Hong Kong Special Administrative Region (HKSAR) is in effect the largest law firm in the territory. Its lawyers come from many different jurisdictions and have a wide variety of legal skills and interests. All Government Counsel, whether qualified as solicitors or barristers, have the same rights of audience in all Hong Kong Courts.

2. The Department of Justice comprises the Secretary for Justice’s Office and six legal Divisions, provided with general support by the Administration and Development Division, which is headed by the Director of Administration and Development. Each of the six legal Divisions is headed by a Law Officer. The six legal Divisions are -

   (a) Civil Division, headed by the Law Officer (Civil Law);
   (b) Constitutional and Policy Affairs Division, headed by the Solicitor General;
   (c) International Law Division, headed by the Law Officer (International Law);
   (d) Law Drafting Division, headed by the Law Draftsman;
   (e) National Security Prosecutions Division, headed by the Law Officer (National Security); and
   (f) Prosecutions Division, headed by the Director of Public Prosecutions.

The Secretary for Justice’s Office

3. The Inclusive Dispute Avoidance and Resolution Office (IDAR Office) provides support to the Secretary for Justice in planning and taking forward initiatives and programmes which contribute to the enhancement of Hong Kong’s role as an ideal hub for deal making and a leading centre for international legal and dispute resolution services in the Asia-Pacific region and beyond. The Office also promotes rule of law and inclusive development by facilitating access to justice. The Office is supported by the Arbitration Team and the Mediation Team of the Civil Division, and the International Organisation and Legal Cooperation Team of the International Law Division.
4. The primary role of the Law Reform Commission Secretariat is to provide secretariat support to the Commission and its expert sub-committees. Apart from providing general secretariat services, counsel in the Secretariat also carry out extensive local and international legal research and legal writing required to support members of the Commission and its sub-committees. The Secretariat also conduct public consultations on the published consultation papers and some promotional activities, including the annual Law Reform Essay Competition.

5. The Secretary for Justice's Office provides administrative support to the Secretary for Justice (SJ) and assists the Secretary in all matters related to the Executive and Legislative Councils. The Office would ensure that the Secretary is fully briefed on the issues which arise, assist in the analysis of those issues, and help to prepare speeches and responses. The Public Relations and Information Unit of the Secretary for Justice's Office provides information to the public and the media about the work of the department through press releases, press conferences, and arranging for counsel to give media interviews and participate in TV and radio public affairs programmes. Arrangements are also made for counsel to contribute articles to newspapers on a variety of law-related issues. The unit also co-ordinates the preparation of educational materials and publications to introduce aspects of Hong Kong's legal system and foster commitment to the rule of law.

**The Civil Division**

6. The Civil Division deals with all civil litigation (including non-construction arbitration and mediation) and tribunal work involving the Government. It also provides legal advisory service to all Government bureaux and departments (B/Ds). Members of the Division also staff the Legal Advisory Division of the Works Branch of the Development Bureau (“Legal Advisory Division (Works)”).

7. The Civil Litigation Unit acts on behalf of the Government in civil litigation cases before all levels of courts and different tribunals in Hong Kong, and provides legal representation to Government B/Ds where necessary. On a need basis, solicitor firms may be retained to handle solicitorial work and barristers in private practice may be instructed to appear as advocates for the Government. Apart from handling applications for judicial review as well as tribunal proceedings, the Unit also acts on behalf of Government in conducting other civil litigation proceedings, including personal injuries or other tortious claims, employees’ compensation claims, contractual disputes, revenue appeals, election-related cases, etc. Further, the Unit institutes or intervenes in
proceedings involving the Secretary for Justice’s constitutional, statutory and common law role, for instance, as protector of charities and guardian of the public interest in contempt cases.

8. The Advisory Unit provides advice to Government B/Ds on administrative law and civil law matters of a general nature relating to their functions and duties as well as on statutory interpretation. Where the request for advice relates to other specialised areas of law, advisory counsel will consult other Units or Divisions and co-ordinate the giving of advice. In the enactment of new legislation and the amendment of existing legislation, counsel will provide advice to the relevant bureaux and departments and assist in preparing the draft drafting instructions. Advisory counsel also serve as legal adviser to some statutory boards/committees.

9. The Planning, Environment, Lands and Housing Unit has four teams. The Advisory Team advises Government B/Ds on a wide range of matters relating to town planning, environment, lands, building, building management, housing, road schemes, railway projects, reclamation works, heritage, and Government rent and rates related matters. The Litigation Team handles litigation including judicial reviews on matters relating to land, town planning, building, housing, environment, heritage conservation, rating and Government rent, land resumption and other types of statutory compensation claims. The Mediation Team serves to implement major initiatives in the promotion and development of Hong Kong’s mediation services, including supporting the work of the Steering Committee on Mediation chaired by the SJ with members from different sectors of the community. The Arbitration Team is responsible for formulating appropriate policies and effective strategies and measures on promoting and developing Hong Kong’s arbitration services. The Mediation Team and the Arbitration Team also provide support to the IDAR Office (previously named as the Joint Dispute Resolution Strategy Office as established in September 2016) in promoting Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region and under the Belt and Road Initiative.

10. The Commercial Unit advises Government B/Ds on all aspects of commercial law, including major development projects such as theme parks, cultural districts and heritage sites, telecommunications, broadcasting, securities and futures regulation, competition law, company and insolvency law, mergers and acquisitions, occupational retirement and provident fund schemes, transportation, information technology, privatisation and sale of Government’s shares, public-private partnerships, bond issues and
securitisations, insurance, banking, finance, schemes of control for electricity companies, consumer protection and commercial contracts. The Commercial Unit also advises on tax and public finance matters. The work is generated both by Government’s own commercial activities and by Government regulation of utilities and certain business activities.

11. The Legal Advisory Division (Works) is responsible for providing legal services on both contentious and non-contentious matters relating to the whole of Government’s construction programme including construction contracts undertaken by the Works Group of Departments and departments outside the Works Group of Departments such as the Environmental Protection Department. The Division also advises the Commissioner for Heritage’s Office on heritage projects and the Works Branch of the Development Bureau and the Works Group of Departments on all legal matters that fall within the Works Branch’s policy purview in the course of their administration.

The Constitutional and Policy Affairs Division

12. The Constitutional and Policy Affairs Division (CPAD), headed by the Solicitor General, is divided into two Sub-Divisions, namely the Constitutional Affairs Sub-Division and the Policy Affairs Sub-Division. The two Sub-Divisions are respectively headed by the Deputy Solicitor General (Constitutional Affairs) and the Deputy Solicitor General (Policy Affairs).

13. The Constitutional Affairs Sub-Division comprises the Basic Law Unit (BLU), the China Law Unit (ChLU), the Human Rights Unit (HRU) and the Constitutional Development and Elections Unit (CD&EU). BLU provides legal advice on provisions of the Basic Law other than those concerning human rights, both within the Department and to other Government B/Ds, assists the Government in Basic Law-related litigation and conducts seminars and compiles materials on the Basic Law for the training of public servants. BLU provides advice of different nature and touching on numerous aspects of the constitutional set-up in Hong Kong and the interpretation and implementation of the Basic Law. BLU is also involved in the scrutiny of proposed legislation and policies to ensure their consistency with the Basic Law which has supremacy over all the laws enacted by the legislature of the HKSAR. In order to facilitate research on legal issues relating to or on the Basic Law, BLU maintains a collection of research materials relevant to the Basic Law and the constitutional law generally. Since 2001, the Department of Justice, the Civil Service Bureau and the Constitutional and Mainland Affairs Bureau have jointly published the Basic Law Bulletin in order to promote greater awareness
and knowledge of the Basic Law. The Unit is responsible for the editorial work of the Bulletin.

14. ChLU provides advice to B/Ds on matters concerning Mainland law, including the implementation of national laws applicable to the HKSAR. The work of the Unit also covers legal matters relating to Macao and Taiwan. ChLU participates in discussions with the Mainland authorities on the development of new arrangements on legal co-operation in civil and commercial matters as well as the review of existing arrangements. The Unit also assists in pursuing market access liberalisation proposals concerning legal and dispute resolution services in the Mainland under the framework of the Mainland and Hong Kong Closer Economic Partnership Arrangement. ChLU, either alone or through supporting the IDAR Office, joins efforts with the local legal and dispute resolution professions to promote Hong Kong’s legal and dispute resolution services in the Mainland. The Unit also actively advocates Hong Kong as a platform for offering legal and dispute resolution services in the Guangdong-Hong Kong-Macao Greater Bay Area and other parts of the Mainland, as well as for the Belt and Road Initiative. In addition, the Unit briefs visitors including those from Mainland on the legal system of Hong Kong and arranges training and exchange programmes for Mainland officials so as to enable them to better understand our legal system. ChLU also arranges a summer attachment programme in the Mainland for Hong Kong law students, so as to give students an opportunity to enhance their knowledge and understanding of the Mainland legal system.

15. HRU provides specialised legal advice on the human rights provisions of the Basic Law, the Hong Kong Bill of Rights Ordinance, and the anti-discrimination ordinances within the Department and to other B/Ds, and ensures that new legislative proposals are compatible with the human rights provisions of the Basic Law. HRU also gives legal advice on the applicable international human rights treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities. It also assists in preparing reports on human rights treaties for submission to the treaty monitoring bodies of the United Nations. Counsel from HRU attend the United Nations hearings as members of the HKSAR delegation and play an active part in preparing for the hearings.

16. CD&EU provides legal advice and support on constitutional development and electoral matters to B/Ds. It advises the Electoral Affairs
Commission, Constitutional and Mainland Affairs Bureau, Registration and Electoral Office, Home Affairs Department and Independent Commission Against Corruption on the interpretation and application of the various pieces of electoral legislation, and provides legal support to them on the organisation and conduct of elections and on post-election matters. CD&EU also provides legal advice to the Government on legal issues arising in connection with constitutional development and reforms, and assists the relevant B/Ds to explain the legal aspects of legislative proposals in the Executive Council, the Legislative Council (LegCo) or any other committees, as required.

17. The Policy Affairs Sub-Division comprises three units, namely the Policy Affairs Unit 1 (PAU 1), Policy Affairs Unit 2 (PAU 2) and Policy Affairs Unit 3 (PAU 3). Specifically, PAU 1 advises B/Ds on matters raising questions of legal policy, namely, whether existing or proposed legislation, or a particular Government policy, is contrary to established principles underlying the legal system. The Unit also assists the SJ in formulating policy, particularly in relation to the legal system and the legal profession and in the preparation and promotion of bills within the policy purview of the SJ and steering them through the LegCo.

18. PAU 2 provides separate and independent legal advice, when required, to the Chief Executive (CE), CE-in-Council or B/Ds in cases where another Division or Unit within the Department has previously advised on them, thereby avoiding potential conflict of interests. In particular, the Unit provides legal advice on statutory appeals to the CE or the CE-in-Council made by members of the public and statutory appeals or representations from civil servants. The Unit is also responsible for providing legal advice on various types of petitions to the CE under Article 48(12) and 48(13) of the Basic Law, including petitions from convicted persons seeking pardons or remission of sentences or referral of cases to the Court of Appeal under section 83P of the Criminal Procedure Ordinance (Cap. 221) or the Court of First Instance under section 113A of the Magistrates Ordinance (Cap. 227), as the case may be. In addition to providing legal advice to the independent Torture Claims Appeal Board/Non-refoulement Claims Petition Office, PAU 2 also processes claims for statutory or ex gratia compensation due to miscarriage of justice. The Unit also provides legal advice to the CE on whether the surrender of a fugitive to a requesting jurisdiction may be ordered pursuant to the Fugitive Offenders Ordinance (Cap. 503). PAU 2 is also responsible for overseeing replies to public enquiries addressed to the Secretary for Justice’s Office and CPAD.

19. PAU 3 assists the SJ in the preparation and promotion of bills
within the policy purview of the SJ and steering them through the LegCo. This includes implementation of the recommendations in Law Reform Commission reports such as the Report on Class Actions, the Enduring Powers of Attorney: Personal Care and the Criteria for Service of Jurors. The Unit is also responsible for providing legal advice to B/Ds on the powers and procedures of the LegCo (including its Committees, Panels and Sub-committees).

20. The work in CPAD calls for a broad knowledge of civil, criminal and administrative law, a good understanding of the constitutional and legislative systems in Hong Kong and the Mainland and well as good legal and policy sense. That variety of work offers particular challenges and provides members of the CPAD with considerable job satisfaction.

The International Law Division

21. The work of the International Law Division is of great importance in maintaining Hong Kong’s position as an international centre of finance, trade and commerce, and as a transport and communications hub in the region. The Division provides legal advice on international law to the Government and deals with legal issues arising out of bilateral agreements and multilateral treaties that apply to Hong Kong as well as Hong Kong’s participation in international organisations and conferences. In addition, by acting as the Central Authority of the HKSAR in mutual legal co-operation in criminal matters and under the Hague Convention on the Civil Aspects of International Child Abduction, the International Law Division assumes an important role in the international co-operation in these areas and demonstrates Hong Kong’s commitment to combatting serious crime and providing international assistance in the prompt return of abducted children and exercise of rights of access to children. Members of the Division participate in negotiations to secure Hong Kong’s bilateral agreements on free trade, international air services, investment promotion and protection, avoidance of double taxation and other areas. They provide legal advice on legal issues of great practical importance, such as how best to resolve disputes related to international trade law and international investment law. They also take part in the negotiation of multilateral agreements, and conduct, as leaders and members of Hong Kong delegation, negotiations for bilateral agreements on surrender of fugitive offenders, mutual legal assistance in criminal matters and transfer of sentenced persons.

22. The Treaties and Law Unit of the Division advises on a wide range of international law subjects including treaty law, the law of privileges and
immunities, air law, law of the sea, United Nations sanctions, customs cooperation, international trade law and international investment law.

23. The Mutual Legal Assistance Unit handles requests for legal assistance in criminal matters and requests for surrender of fugitive offenders made to and by Hong Kong. The Unit handles some requests from foreign courts for taking of evidence for civil matters. Counsel in the Unit also render legal advice to the Security Bureau on the latter’s processing of applications for transfer of sentenced persons. The Unit also handles applications for assistance in the return of abducted children and for the exercise of rights of access under the Hague Convention on the Civil Aspects of International Child Abduction. Responding to and making the above-mentioned requests frequently involve court appearances.

The Law Drafting Division

24. The Law Drafting Division is responsible for the drafting of all legislation, including subsidiary legislation, proposed by the Government. Whenever a legislative proposal is made, the Division liaises with the policy bureau making the proposal and the relevant departments and drafts the required legislation. The Division also vets the form of legislation drafted by outside bodies (such as the Securities and Futures Commission) under statutory authority.

25. Drafting legislation calls for drafting skills of a high order, and is undertaken by counsel who are specialised in legislative drafting. Counsel handling the English text and Chinese text work closely together in the preparation of new legislation. Bilingual counsel may have to prepare both texts of draft legislation.

26. Besides drafting legislation, Counsel in the Division also play another important role in the legislative process. They provide a wide range of professional service to policy bureaux by attending meetings of the Executive Council and the LegCo, giving legal advice, making legal inputs into relevant papers prepared or considered by policy bureaux, drafting amendments to legislation and preparing legal reports to the Standing Committee of the National People’s Congress.

27. The Division is also responsible for editing the Loose-leaf Edition of the Laws of Hong Kong and for maintaining and updating Hong Kong e-Legislation, Hong Kong’s official electronic legislation database, for free
access through the internet.

28. Legislation is usually the vehicle by means of which important policies of the Government are implemented. As Counsel of the Division play an important role in the law-making process, they make a significant contribution to the development of Hong Kong. Counsel in the Division work closely with officials from other disciplines and attend meetings of the Executive Council and the LegCo. Sound and readily accessible legislation is a building block of the rule of law. There is much job satisfaction to be derived from this challenging job which requires sound knowledge of the law, strong analytical power, a meticulous mind and a good command of both official languages.

**The Prosecutions Division**

29. Counsel in the Prosecutions Division are responsible for the prosecution of offences in various courts of Hong Kong, appearing in the hearing of appeals, advising the Hong Kong Police Force, the Independent Commission Against Corruption, the Customs & Excise Department and other government bodies on criminal charges, the preparation of cases, and advising the SJ on the exercise of her discretion in relation to criminal matters, among other duties.

30. There are four sub-divisions which include the Magistrates’ Courts Sub-division, the Higher Courts Sub-division, the Commercial Crime Sub-division and the Policy and Administration Sub-division incorporating the Office of the Director of Public Prosecutions (ODPP) in the Division.

31. The Magistrates’ Courts Sub-division is responsible for providing advice on and preparing for trial cases which are prosecuted in the Magistrates’ Courts, and conducting appeals and reviews derived therefrom. The Higher Courts Sub-division is responsible for providing advice on and preparing for trial cases which are prosecuted in the Court of First Instance of the High Court and the District Court, and conducting appeals and reviews derived therefrom. The Commercial Crime Sub-division is responsible for providing advice on and preparing for trial cases involving commercial fraud, money-laundering, market misconduct, securities and revenue fraud, corruption and election offences, and copyright and trade descriptions offences, and conducting appeals and reviews derived therefrom.
32. The Policy and Administration Sub-division incorporating the ODPP is responsible for all management and policy development functions of the Division which include day-to-day management of the Division, policy, media relations, training, allocation of trials, briefing out, and complaints and feedback. The Sub-division further handles cases concerning proceeds of crime, interception of communication and surveillance, and the Basic Law, Bill of Rights, human rights issues and judicial review matters. The sub-division is also responsible for advising and conducting departmental prosecutions.

The Administration and Development Division

33. Headed by the Director of Administration and Development, the Administration and Development Division comprises five units, namely, the Departmental Administration Unit, the Finance and Accounting Unit, the Information Technology Management Unit, the General Translation Unit and the Library. To take forward the Department’s works and relocation projects and other relevant tasks, a Special Duties Team has been established since 2010.

34. Except for the Finance and Accounting Unit, the other four units are under the management of the Departmental Secretary. The Departmental Administration Unit is the largest unit which deals with personnel and appointment matters, training, and matters relating to the day-to-day administration of the Department. The Information Technology Management Unit is responsible for managing the Department’s IT systems and information resources. This includes the maintenance and periodic upgrade of existing IT systems, implementation of new projects and planning for future IT needs. The unit also provides help-desk services to provide various IT related services and handle requests from users. It provides training to colleagues on the proficient use of the Department’s IT systems. The General Translation Unit provides translation services to the Department. The Library is run with the assistance of a Library Committee comprising counsel representing the various Divisions in the Department.

35. The Finance and Accounting Unit is headed by a Senior Treasury Accountant. It deals with the accounting and supplies matters of the Department and plays a key role in preparing the Annual Estimates and in monitoring the Department’s financial performance.

36. The Special Duties Team is currently headed by a Principal Executive Officer. It deals with the Department’s accommodation
rationalisation and relocation projects, the provision of accommodation in the Legal Hub to law-related organisations pursuant to the policy objective of consolidating and enhancing Hong Kong’s status as an international centre for legal, deal-making and dispute resolution services, and other relevant works and projects.

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律政司

律政司

律政司是香港特別行政區最大的法律機構，轄下約有 420 名律師和 890 名輔助人員。這些律師來自世界各地多個不同司法區，具備廣博的法律知識和才能。所有政府律師，不論是合格的律師或大律師，都在本港法庭享有同樣的出庭發言權。

2. 律政司由律政司司長辦公室和 6 個科別組成。除了由律政司政務專員主管的政務及發展科外，每一科均由一名律政專員掌管。這 6 個科別包括：

(a) 民事法律科：由民事法律專員掌管；

(b) 憲制及政策事務科：由法律政策專員掌管；

(c) 國際法律科：由國際法律專員掌管；

(d) 法律草擬科：由法律草擬專員掌管；

(e) 維護國家安全檢控科：由維護國家安全檢控專員掌管；

(f) 刑事檢控科：由刑事檢控專員掌管。

律政司司長辦公室

3. 普惠避免及解決爭議辦公室支援律政司司長籌劃和推展各項措施及計劃，以助鞏固香港作為理想的交易促成樞紐和亞太區內外主要國際法律及爭議解決服務中心的地位。該辦公室因利便尋求司法公正，亦有助推廣法治及普惠包容的發展。該辦公室由民事法律科仲裁組、調解小組，以及國際法律科國際組織及法律合作小組提供支援。

4. 法律改革委員會秘書處的主要職能是為法改會及其轄下專家小組委員會提供秘書處支援服務。除了提供一般秘書處服務外，秘書處的律師亦為支援法改會及其轄下小組委員會成員進行大量本地及國際法律研究和法律撰寫工作。秘書處亦會就發表的諮訊文件進行公眾諮詢，以及籌備一些推廣活動，包括每年舉辦的法律改革徵文比賽。
5. 律政司司長辦公室為律政司司長提供政務及行政支援，包括協助律政司司長處理行政會議和立法會事宜。辦公室人員須確保律政司司長對各項有關問題掌握充分資料，並協助司長分析這些問題，擬備演講和答覆。而司長辦公室轄下的公共關係及新聞組，負責發送新聞稿和舉行記者招待會，以及透過安排律師接受傳媒訪問和出席電視或電台的公共事務節目，向市民及傳媒發布有關律政司工作的資料。該組也安排司內律師就各項法律問題在報章發表文章。此外，該組又負責統籌教育刊物及其他有關資訊的編製工作，介紹香港的法律制度和加強市民對法治的支持。

民事法律科

6. 律政司民事法律科負責處理所有涉及政府的民事訴訟(包括非建築工程方面的仲裁和調解)和審裁處案件，並向政府各決策局和部門提供法律意見。科內人員也出任於發展局轄下工務科的法律諮詢部(“法律諮詢部(工務)”)

7. 民事訴訟組為政府處理在香港各級法院和不同審裁處審理的民事訴訟案件，並在有需要時提供法律代表予政府各決策局和部門。訴訟組亦按情況委託私人執業事務律師辦理訴訟事務或聘請大律師作為出庭代訟人。除了處理司法覆核申請以及審裁處程序，訴訟組亦代表政府處理其他民事訴訟，包括人身傷害或其他侵權索償、僱員補償申索、合約爭議、稅務上訴、有關選舉的案件等。此外，訴訟組亦會提起或介入涉及律政司司長的憲制和法定職能角色及在普通法下的角色，例如擔任慈善事務守護人，以及在藐視法庭案中維護公眾利益的法律程序。

8. 法律意見組負責就政府各決策局和部門執行職能和職務所引起的行政法及一般民事法律事宜，以及法例條文的解釋，提供意見。若委託的決策局和部門尋求法律意見的事項，涉及其他法律的專門範疇，組內的律師會諮詢律政司其他組或科，以及就提供法律意見進行協調工作。就制定新法例和修訂現行法例，該組律師會向有關決策局和部門提供意見，並協助其擬備法律草案委託書草案。此外，組內的律師亦會擔任某些法定管理局／委員會的法律顧問。

9. 規劃環境地政房屋組下設4個小組。法律意見小組負責為城市規劃、環境、土地、建築物、建築物管理、房屋、道路計劃、鐵路項目、填海工程、文物及地租和差餉事宜等多方面的事務，向政府各決策局和部門提供意見。民事訴訟小組處理包括司法覆
核的民事訴訟案件，案件涉及下列事宜：土地、城市規劃、建築物、房屋、環境、文物保護、租賃及地租、收地，以及其他種類的法定補償申請。調解小組則負責落實推廣和發展香港調解服務的大型措施，包括為由律政司司長擔任主席及成員包括跨界別人士的調解督導委員會提供支援。仲裁小組負責制定適當政策及有效的策略和措施推廣和發展香港仲裁服務。調解小組及仲裁小組同時為普惠避免及解決爭議辦公室（前為在 2016 年 9 月成立的爭議解決政策統籌辦公室）提供支援，致力推動香港成為亞太區及“一帶一路”建設下的國際法律及爭議解決服務中心。

10. 商業組負責向政府各決策局和部門，就商事法各方面的事宜提供意見，包括大型發展項目，例如主題公園、文化區和文物地點；電訊；廣播；證券及期貨的規管；競爭法；公司法和破產清盤法；合併和收購；職業退休計劃及公積金計劃；運輸；資訊科技；私有化計劃及出售政府持有的股票；公營部門與私營機構合作計劃；債券發行和證券化；保險；銀行；金融；電力公司管制計劃；消費者保障及商業合約。商業組亦就稅務和公共財政事宜提供法律意見。商業組的工作，部分由政府本身的商業活動產生，部分由政府規管公用事業和某些商業活動而產生。

11. 法律諮詢部(工務)負責就政府所有建造工程計劃，包括工務部門及非工務部門(例如環境保護署)處理的建造合約，所涉及的爭訟及非爭訟事宜，提供法律服務。法律諮詢部(工務)並會向文物保育專員辦事處就保育工程，以及向發展局的工務科和工務部門就其運作期間出現涉及工務科政策範圍內的法律事宜提供意見。

憲制及政策事務科

12. 憲制及政策事務科由法律政策專員掌管，下設兩個事務分科，分別為憲制事務分科及政策事務分科。該兩個分科分別由副法律政策專員（憲制事務）及副法律政策專員（政策事務）主管。

13. 憲制事務分科包括基本法組、中國法律組、人權組和政制發展及選舉組。基本法組負責為律政司、其他決策局和部門提供有關《基本法》條文（有關人權的除外）的法律意見，並協助政府處理與《基本法》有關的訴訟、為訓練公務員而舉辦的《基本法》研討會任講者和編製有關教材。該組提供性質多樣化的意見，觸及香港憲制架構以及解釋和落實《基本法》的多方面事宜。由於《基本法》凌駕香港特區立法機關制定的所有法律，所以基本法組也參與審查建議中的法例或政策，以確保有關建議符合《基本
法》的规定。基本法组收集与《基本法》及宪制法律有关的研究资料，以方便对《基本法》或相关的法律问题进行研究。自2001年起，律政司更与公务员事务局和政制及内地事务局联合出版《基本法简讯》，以促进对《基本法》的熟悉和了解。基本法组负责《基本法简讯》的编纂校订工作。

14. 中国法律组负责就有关内地法律，包括在香港特区实施的全国性法律事宜，向政府各决策局和部门提供意见。该组的工作也涵盖有关澳门及台湾的法律事宜。该组参与和内地就民商事合作方面的商讨，以订立新安排和检讨现行安排。该组也协助推动在《内地与香港关于建立更紧密经贸关系的安排》的框架下进一步放宽内地法律和争议解决服务市场准入的建议。中国法律组不时主动（或配合普惠避免及解决争议办公室的工作）联同本地的法律和争议解决服务业界，在内地推动香港的法律和争议解决服务。该组也积极提倡香港作为在粤港澳大湾区和内地其他地方，以及为“一带一路”倡议提供法律和争议解决服务的平台。此外，该组向来自包括内地的到访者介绍香港的法律制度，并安排内地官员参与培训和交流计划，使他们加深了解香港的法律制度。该组亦为香港法律系学生举办内地暑期实习计划，让学生有机会增进对内地法律制度的认识和了解。

15. 人权组负责向律政司及其他决策局和部门提供有关《基本法》保障人权的条文、《香港人权法案条例》和各条反歧视条例的法律意见，并确保新的立法建议符合《基本法》内有关人权的条文。该组亦会就适用于香港的国际人权公约，例如《公民权利和政治权利国际公约》、《经济、社会与文化权利的国际公约》、《消除对妇女一切形式歧视公约》和《残疾人权利公约》，提供法律意见。人权组又协助拟备提交给联合国条约监察组织的人权公约报告书。该组的律师亦会以香港特区代表团成员的身分出席多个联合会议，就人权参与事前的准备工作。

16. 政制发展及选举组就政制发展及选举事务向有关决策局和部门提供法律意见和支援。该组就多项选举条例的诠释和应用，向选举管理委员会、政制及内地事务局、选举事务处、民政事务署和廉政公署提供法律意见，并就选举的安排和进行以及选举后的选举，向它们提供法律支援。该组亦就政制发展及改革所涉及的法律问题向政府提供法律意见，并在有需要时协助有关的决策局向行政会议、立法会或其他委员会解释立法建议所涉及的法律问题。
17. 政策事務分科下有三個小組，分別是政策事務組 1、政策事務組 2 及政策事務組 3。具體而言，政策事務組 1 負責向政府各決策局和部門就法律政策問題提供意見，即現行法例、立法建議或某項政府政策是否抵觸法律制度內的既定原則。該組也協助制定政策，尤其是與法律制度和法律專業有關的政策，及協助律政司司長擬備和推動屬於其職權範圍內的條例草案，爭取有關條例草案獲立法會通過。

18. 當律政司內其他科/組已經在同一案件提供過法律意見，政策事務組 2 會負責另行向行政長官、行政長官會同行政會議或有關的決策局和部門提供所需的獨立法律意見，以避免潛在的利益衝突。具體而言，政策事務組 2 會就市民向行政長官或行政長官會同行政會議提出的法定上訴，以及公務員提出的法定上訴或申述，提供法律意見。該組亦負責就根據《基本法》第四十八條第(十二)及(十三)項向行政長官提出的各類呈請提供法律意見，包括已被定罪者申請赦免、減刑、請求將其案件根據《刑事訴訟程序條例》（第 221 章）第 83P 條的規定轉交上訴法庭、或根據《裁判官條例》（第 227 章）第 113A 條的規定轉介原訴法庭而提出的呈請（視屬何情況而定）。除了向獨立的酷刑聲請上訴委員會/免遣返聲請呈請辦事處提供法律意見之外，該組亦處理就因誤審而受到損害所提出的法定或特惠補償申請個案。同時，該組亦就行政長官可否根據《逃犯條例》（第 503 章）作出命令將逃犯移交到請求司法管轄區的事宜，提供法律意見。此外，該組亦負責主管回覆市民對律政司司長辦公室及憲制及政策事務科的查詢。

19. 政策事務組 3 協助律政司司長擬備和推動屬於其職權範圍內的條例草案，爭取有關條例草案獲立法會通過。有關工作包括跟進落實法律改革委員會在報告書提出的建議，例如就集體訴訟、持久授權書、個人照顧事宜及出任陪審員的準則的報告書。政策事務組 3 亦負責就立法會（包括其委員會、事務委員會及小組委員會）的權力和議事程序，向政府各決策局和部門提供法律意見。

20. 處理憲制及政策事務科內的工作必須對民事法、刑事法和行政法有廣泛認識，也須對本港和內地的憲制和立法制度有深入的了解及對法律及政策制訂擁有良好的觸感。上述多元化的工作提供特別的挑戰，令憲制及政策事務科人員有相當的工作滿足感。
國際法律科

21. 國際法律科的工作，對保持香港作為國際金融、貿易及商業中心和區內運輸及通訊中心至為重要。該科向政府提供有關國際法的法律意見，並處理適用於香港的雙邊協議和多邊條約以及香港參與國際組織及國際會議所引起的法律問題。此外，作爲刑事事宜司法合作和海牙《國際斃拐兒童民事方面公約》的中心機構，國際法律科在這些方面的國際合作當重要的角色，在打擊嚴重犯罪，以及為迅速交還被斃拐兒童和行使對兒童的探視權等事宜提供國際協助的工作上，彰顯香港特區的承擔。科內人員參與香港的自由貿易、國際民航、促進和保護投資，以及避免雙重課稅等範疇的雙邊協議談判。他們就有關具實際重要性的法律問題，例如如何更妥善地解決與國際貿易法及國際投資法相關的糾紛，提供法律意見。他們亦參與多邊協議談判，並以香港代表團團長和成員身份進行有關移交逃犯、刑事事宜司法互助和移交被判刑人士的雙邊協議的談判。

22. 國際法律科的條約法律組就廣泛的國際法事宜，包括條約法、特權和豁免權法、航空法、海洋法、聯合國制裁、海關合作、國際貿易法及國際投資法，提供意見。

23. 該科的司法互助組負責處理向香港提出或由香港提出的刑事法律協助請求和移交逃犯請求。該組處理一些外地法院提出的民事取證請求。該組律師亦就移交被判刑人士的申請向保安局提供法律意見。該組也處理按《國際斃拐兒童民事方面公約》提出的交還被斃拐兒童和行使的探視權的申請。該組律師在回應和提出有關請求時，經常需要出席法庭的聆訊。

法律草擬科

24. 法律草擬科負責草擬政府提出的所有法例，包括附屬法例。凡有立法建議提出，法律草擬科便會與提出建議的政策局及有關部門聯絡，繼而草擬所需法例。法律草擬科亦審閱由外間機構(例如證券及期貨事務監察委員會)根據法定權力草擬的法例的格式。

25. 法例草擬工作需要高超的草擬技巧，這項任務由專長於法律草擬的律師肩負。在擬備新法例方面，草擬中英文本的律師緊密合作。具備雙語能力的律師或須同時擬備法例擬稿的中英文文本。
26. 除了草擬法例外，該科律師也在立法程序中擔當另一重要角色。他們為政策局提供廣泛的專業服務，包括出席行政會議及立法會的會議，提供法律意見，為政策局所擬備或考慮的有關文件提供法律觀點，草擬法例修正案，以及撰寫備案報告提交全國人民代表大會常務委員會。

27. 法律草擬科亦負責活頁版香港法例的編輯工作，以及維持和更新名為「電子版香港法例」的官方法例電子資料庫，讓公眾透過互聯網免費取覽。

28. 政府的重要政策通常透過立法方式實施，由於法律草擬律師在立法過程中，擔當重要的角色，他們對香港的發展作出重大貢獻。他們與其他部門的政府同僚並肩工作，列席行政會議和立法會。精良而便於理解和閱覽的法例，是法治的要素。草擬法律是一份富挑戰性並賦予極大滿足感的工作，有關人員須具備深厚法律素養、分析力強、心思縝密，並且需具有出色的中英語文能力。

刑事檢控科

29. 刑事檢控科律師的職責包括在香港各級法院檢控罪行、出席上訴聆訊，向香港警務處、廉政公署、香港海關和其他政府機構提供有關刑事檢控的法律指引和籌備案件，並提供意見協助律政司司長對刑事案件行使酌情權。

30. 刑事檢控科下設四個分科，即裁判法院分科、上級法院分科、商業罪案分科、以及設有刑事檢控專員辦公室的政策及政務分科。

31. 裁判法院分科負責就在裁判法院進行檢控的案件提供法律指引和進行案件籌備工作，並處理該等案件的上訴和覆核。上級法院分科負責就在高等法院原訟法庭及區域法院進行檢控的案件提供法律指引和進行案件籌備工作，並處理該等案件的上訴和覆核。商業罪案分科負責處理涉及商業詐騙、洗錢、市場失當行為、證券及稅務詐騙、貪污及選舉罪行的案件提供法律指引和進行案件籌備工作，並處理該等案件的上訴和覆核。

32. 政策及政務分科設有刑事檢控專員辦公室，負責刑事檢控科內所有管理及政策制定的職務，包括科內的日常管理、政策、傳媒關係、培訓、審訊分配、外判事宜、投訴及意見，並處理涉及犯罪得益、截取通訊及監察及《基本法》、《人權法案》、人權
事宜和司法覆核工作的案件。政策及政务分科也负责处理部门检
控工作，便就有检检提提供法律指引。

政務及發展科

33. 政務及發展科由律政司政务专员掌管，共分5个组别，分别是內務组、財務及會計组、資訊科技管理组、翻譯组及法律图书馆。
於開展律政司的工程和搬遷計劃以及其他相关工作，律政司自2010年起成立了特別職務組。

34. 除財務及會計组外，其餘4组由律政司部門主任秘書主管。內務组是科內最大组别，負責人事、招聘、訓練及有關律政司日常行政工作的事宜。資訊科技管理组負責管理律政司資訊科技系统和資訊资源，包括保養和定期更新现有資訊科技系統，推行新計劃和就未來資訊科技方面的需要進行籌劃。該組也透過電腦支援服務，為電腦使用者提供與資訊科技有關的各類服務，並處理他們的查詢。此外，該組為律政司同事提供培訓，讓他們熟習應用部門的資訊科技系統。翻譯组為律政司提供翻譯服務。法律图书馆的管理工作由司內各科别律师代表组成的图书馆委员会提供协助。

35. 財務及會計组由一名高級庫務會計師掌管，負責處理律政司的會計及物料供應事宜。在擬備每年的財政預算和監察律政司的財務運作方面，該組也承擔主要工作。

36. 特別職務組現時在一名首席行政主任的領導下，負責統籌部門的辦公地方整合和搬遷計劃，根據政策目標為法律相關組織在「法律樞紐」提供辦公地方以鞏固和提升香港作為國際法律、促成交易及爭議解決服務中心的地位，以及其他相關工程和計劃。

律政司
2021年3月

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What Trainees Say

Legal Trainee Scheme
A Training Scheme that will Expand your Horizon
Training at the Prosecutions Division: Learning, Advising, and Prosecuting

About us

We are a Legal Trainee (Barrister) and a Legal Trainee (Solicitor) who commenced our training in August 2020. Our first attachment was a 5-month and 6-month seat, respectively, at the Prosecutions Division, where we were both posted to the Magistrates’ Courts Advisory Section. During our seat, we also attended the Criminal Advocacy Course, which provided us with invaluable advocacy training in preparation for a 7-week court attachment.

Magistrates’ Courts Advisory Section

The Magistrates’ Courts Advisory Section, as its name suggests, is responsible for providing legal advice on cases to be prosecuted in the Magistrates’ Courts. The cases we handle are referred to our Section via law enforcement agencies, and it is our job to come up with a sound piece of advice on questions of sufficiency of evidence, appropriateness of charges, and venue for trial. The task of advice-writing requires not only a working knowledge of the law, but also an acute foresight of how the case will unfold at trial. Will the witnesses be able and willing to give evidence? If so, are they likely to be reliable witnesses? If not, is there other independent evidence to substantiate the charge(s)? On top of these practical considerations are the legal questions to be answered. For example, what are the elements of the offence to be charged, and are all of them proven on the evidence available? What are the likely defences or challenges the defendant may raise to the charge, or to the evidence? Have there been any recent developments in the law that may affect the prosecution case at trial? These are just some examples of the matters to be considered in the course of preparing our legal advice on whether prosecution is recommended.

From time to time, we assist our Section Head in deciding whether requests for Offering No Evidence/Binding Over (ONE/BO) and plea negotiation from the defence should be acceded to. This involves careful consideration of the circumstances of the case, the offender’s background, the views of the victim and the police, and whether the public interest is in favour of the request. Occasionally we may also be asked to vet application forms to be filed in court, and liaise with law enforcement agencies on case management matters.

Although cases at the Magistrates’ Courts level are not the most serious ones, our work requires us to be familiar with a wide range of offences, including deception offences, theft, road traffic offences, child-related and sexual offences, offences against the person, drug offences and even triad-related offences. The cases coming to our Section often feature factual and legal issues of some complexity. Preparing a sound piece of advice requires us to carefully study the facts and evidence, identify the relevant legal issues, conduct legal research, as well as

Mr CHENG Hoi-fai, Herbert, Legal Trainee (Barrister) – 2020 intake
Mr YEUNG Yat-hung, Alan, Legal Trainee (Solicitor) – 2020 intake
liaise with law enforcement agencies on the next steps to be taken. All of this often needs to be done under time pressure, as many cases at the Magistrates’ Court level are subject to strict time bars and court deadlines. Although the work is challenging, we are grateful to have been guided by a supportive Section head and a team of dedicated prosecutors.

**Criminal Advocacy Course**

A highlight of the training at the Prosecutions Division is the Criminal Advocacy Course (“CAC”). The CAC comprises 3 weeks of in-house lectures on the conduct of criminal proceedings at the Magistrates’ Courts, 2 weeks of mock trials, and 7 weeks of hands-on prosecutorial work undertaken at a Magistrates’ Court. For both of us, the CAC has been a memorable (and intense) part of our training at the Prosecutions Division.

The lectures form a key aspect of the CAC as they gave us an in-depth understanding of each stage of the prosecution process while equipping us with the practical know-how of prosecuting a case. The topics covered are expansive, and include the drafting of charges, legal Chinese, examination of witnesses, exhibit-handling, reviews and appeals, and general case management (to name a few). We also had the opportunity to visit the Government Laboratory and the Central Police Station to learn about their involvement in the criminal justice process.

Prior to the court attachment, we participated in 2 weeks of mock trials during which we were able to put into practice what we learnt from the lectures, in a simulated trial court setting, and in our assigned roles either as prosecutor or defence counsel. At times, we had to play the role of witnesses and/or defendants in trials prosecuted/defended by our colleagues. To get the most out of this period of training (which was the last bit of training before appearing in a real court), the mock trials proceeded as if they were actual trials, in which we had to, for example, prepare and negotiate admitted facts, examine and cross-examine witnesses, and deal with sentencing matters post-trial.

The CAC culminated in a 7-week court attachment, of which only the first 2 weeks were supervised. Already in the first week, each of us was assigned to prosecute at least 1 trial, along with other short matters such as taking verdicts or sentences. Many of us also had the opportunity to conduct ex-parte hearings, as well as to appear in Court 1 to handle plea cases, bail matters, and pre-trial reviews.

Our experience of acting as prosecutors taught us the importance of thorough preparation before any court appearance. Being in the role of prosecutors, we must stand ready to assist the court whenever appropriate and required. This meant knowing our case inside-out, being familiar with the offence(s) charged and the relevant law, and having ready any applicable sentencing tariffs or guidelines for the court’s reference if needed. Moreover, there is always an expectation for the unexpected. Witnesses may show up late (or not show up at all!) or may not come up to proof. Legal issues requiring argument may arise. The defendant (or a defence witness) may give evidence putting forward a version of
events entirely out of our anticipation, one on which we must cast doubt and rebut by way of cross-examination prepared on the spot, within the very limited time we had during the defendant’s evidence-in-chief. Occasionally, we had to handle “warrant cases” in the middle of our court duties (cases in which a defendant is brought to court after being arrested, pursuant to a warrant, for failing to attend court on the last court date). All of this required us to be fully prepared, not only to prosecute our assigned cases, but also to offer assistance whenever called upon to do so.

**Thoughts and Post-script**

In a nutshell, the attachment to the Prosecutions Division offers invaluable practical training for those intending to enter the legal profession. Whether you join as a Legal Trainee (Barrister) or a Legal Trainee (Solicitor), the exposure is unique, all-rounded, and not encountered in private practice. While the training for us was no doubt challenging and placed us out of our comfort zones, the new legal knowledge, practical skills, and sense of satisfaction we gained are second-to-none, and will surely stay with us for a long time to come.
I started my training programme at the Prosecutions Division (PD) of the Department of Justice (DoJ). Be precise, I joined the District Court Team and was responsible for drafting legal advice to law enforcement agencies. My major role is to weigh the available evidence and decide to prosecute or not. I have to justify the charge laid against the defendant and consider whether it should be substituted by another charge. There is no “one-size-fits-all” rule as different cases come with different facts. Therefore, I would study all evidence closely before I came up with my advice. Whenever I came across any problems about giving legal advice, my colleagues (no matter how senior they are) would surely give me a helping hand and share with me their thoughts and experience with no reservation.

Within the 6-month attachment in PD, all trainees would attend the Criminal Advocacy Course (CAC), which consisted of lectures, mock trials, and court attachment. All the lectures were taught by experienced prosecutors of DoJ. The lectures covered both academic and practical aspects of law and how a trial should be conducted at a magistracy level. It was then followed by a series of mock trials. In which, trainees were assigned to play different roles such as prosecutor, defence counsel, witnesses, or defendant.

This gave us a valuable chance to step into others’ shoes and think from another perspective. All these have equipped me with the armouries for the challenging but rewarding court attachment afterwards.

After the CAC lectures and mock trials, I was sent to the “battlefield” right away for 6 weeks. I would say the 6-week attachment at the magistracy was the most memorable period I have even had in DoJ so far. Standing on the right side of the bench did give me a sense of responsibility and, of course, pressure. During that period, I always reminded myself that a prosecutor’s role is not to secure convictions but to uphold justice and ensure a fair trial is conducted. After every trial, I would ask myself whether the trial was fairly conducted, rather than whether the defendant was convicted. This is extremely important as many defendants in magistracy act in person, which means they are not legally represented. In that case, prosecutors must be more cautious to ensure that the defendants’ legal rights are not hampered.

The post of Legal Trainee at the DoJ interests me most because of two reasons. First, serving DoJ allows me to contribute to our society and assist the courts, without the need to take any commercial factors into consideration. Through working at DoJ, I would have the chance to take part in important legal decisions and processes which concern matters of public importance rather than individuals’ interests. We are not doing things for profits but for the benefits of our citizens and our society as a whole. The second reason for joining DoJ is its
comprehensive and well-structured training programme which gives me lots of opportunities to learn and groom in different areas of law.

DoJ offers legal trainees a wide range of exposure which you could never enjoy in private practice. If you are more interested in public affairs rather than a billion-dollar merger and acquisition deal, DoJ would surely be an ideal place for you.
At the time of writing, I was finishing off the first seat of my traineeship as a solicitor here at the DOJ. Unlike most of my colleagues, who were attached to advisory or advocacy sub-divisions under the Prosecutions Division (PD), I was assigned to the Office of the Director of Public Prosecutions (ODPP) under PD. At first, as a trainee, I doubted if I would be responsible for substantive tasks in the ODPP because ODPP serves as the heart of PD, overseeing PD’s manpower, prosecutorial policies, training and other important matters. My doubt disappeared as I embarked on the journey. I was entrusted with a wide array of projects. For example, I drafted numerous appeal submissions for the Respondent in different levels of appellate courts. In each appeal, whether against conviction or sentence, the prosecution must evaluate the findings made by the trial judge and make submissions fairly and accurately. It highly demands on my understanding of criminal law, evidence, costs and sentence. I was glad to receive ample feedback from my seniors and supervisor on the drafts I wrote. It was rewarding to see my seniors adopting my drafts and eventually used at the appeal.

Another indispensable function of the ODPP that I was involved with was policy advices. I was engaged to conduct policy researches on topics that we rarely see in law schools, e.g. animal law, remote hearing, environment law and traffic issues. I often need to compare the legislative positions across various Commonwealth jurisdictions and compile prosecution’s perspective. These topics often encompass substantive policy matters that, if effected, would bring impacts on our society. It is enriching that I could play a part in the making of new policies or legislations, influenced by the sophisticated interplay between legal and policy considerations.

The climax of every trainee’s attachment at PD would definitely be the Criminal Advocacy Course (CAC), in which we would be attached to Magistracies for 7 weeks to prosecute cases after 5 weeks of intensive training. At first, it sounded overwhelming to me as the process of handling a criminal trial, where the possibility of having a defendant be sent to jail exists, carries tremendous pressure on a fresh advocate and requires meticulous preparation in every step. However, we went equipped with adequate and professional supervision from experienced prosecutors at each level, whether from pre-trial lectures, mock court trials, or at magistracy offices. It was unforgettable and challenging that every step was on our own feet – by instructing case officers, liaising with (sometimes prominent) defence counsel, and withstanding court’s challenge on prosecution’s evidence. Our batch of trainees enjoyed the CAC experience with much reminiscence of every meaningful yet exciting trial we conducted as a prosecutor.

At the juncture of deciding where to be trained as a legal practitioner, I questioned myself what my aspirations as a law student were and why I should step my feet into the legal industry. With
my belief that the law has inseparable connections with the better development of my city, I have longed for joining the public sector. Free from commercial pressure and considerations, the DOJ has provided an accommodative environment for our training – our batchmates are supportive of each other by exchanging our experiences and knowledge; and our seniors are willing to offer timely and professional help whenever needed. Moreover, what makes public service different from private practices is that the public good is always the principal consideration. Indeed, from my PD attachment, the biggest concept borne into my mind is that the prosecutors bear a heavy responsibility to ensure that justice is dispensed with at all times, just as we are required to prove every criminal case to an onerous standard of beyond reasonable doubt. I believe this mentality of taking care of the public interests at all times would have to be deeply rooted in one’s mind if one is determined to join the public service. I hope this article clears some of the queries in the minds of every prospective candidate from a first-hand perspective.
見習律師的分享

落筆之時，我剛剛向部門主管提交完一份草擬好的法律意見書，在檢視所有證據後作出是否刑事檢控的決定。儘管之前已經再三確認字裡行間的法律理據無誤，但此刻依然有一絲緊張。去年年中，我有幸以見習律師身份加入律政司，接受為期兩年的培訓計劃，期間我們會被派往不同的部門進行實習。而我首六個月來到刑事檢控科分科三（上級法院組）工作。期間我主要負責就一些性質較為嚴重，或需轉交到區域法院審理的案件給予法律指引。案件所涉的罪行類型廣泛，如搶劫、人屋犯法、販毒、危險駕駛致他人死亡等等。

別人常說，工多藝熟，在一些其它行業裏，工作數月的年輕人甚至已經能夠輕鬆地完成他們的手頭上任務。相比之下，我似乎未夠從容。儘管已入職半年，但每一次接到新案件，衡量所有證據，作出檢控與否的決定之時，都會感受到肩上責任帶來的壓力。然而，我對此卻並不介懷。事實上，在刑事檢控科，我亦從未見過有同事對工作流露出過“惟手熟爾”般的自矜和掉以輕心。即便是資深的前輩，亦是以最嚴謹和慎重的態度去審視手頭上的案件。

刑事檢控科看似是在辦公室內處理著繁複的文書工作，但紙張上列出的一項一項證詞，證據，以及描述的背後，都是真實發生的案件，牽連著鮮活的人。我們所作出的檢控決定，對於涉案人員而言，或者會帶來改變人生的關鍵影響。記得入職的第一個星期向前輩取經，他便提醒我，嚴謹細緻地檢視每一項證據至關重要。即便是看似雷同的案件，也可能因爲一些細節而得出完全不同的結論。正因如此，我並不在意自己對工作的緊張，反而是不斷藉此提醒自己要向前輩學習，切莫因爲逐漸熟悉手頭上的工作，而對案件產生麻木的感覺。

還記得在刑事訟辯課程（Criminal Advocacy Course）的第一堂課上，導師就考起我們这群新丁：為何律政司法律意見上，我們簽名的下款是檢控官（Public Prosecutor），而非以政府律師（Government Counsel）名義。他解釋道，當年特別修改這項安排的出發點，是為了提醒每一名檢控官，儘管在政府部門任職，但我們所投身的工作並非服務於政府部門，我們身後所代表和捍衛的是公眾利益。

值得一提，與私人律師事務所不同，律政司見習律師更有7個星期時間會被安排到裁判法院進行法庭檢控工作。走出紙上談兵，踏入法庭實操，這讓我對自己的工作有了更加深刻的認識。檢控的工作，從就案件卷宗作出檢控決定，至法庭上舉證盤問，最重要的並不是被告人的罪名是否成立。我們的職責是真實地展示案情，協助法庭作出公允的裁決。在這個過程中，檢控官一方面是要確保審訊在公平公正的程序下進行，保障被告的權益；另一方面也要盡控方的舉證責任，維護社會秩序，公眾利益。這段寶貴的經驗，實在讓我感觸良多，也令我對這份工作多了一份敬畏之心。
WHERE AMBITIOUS MINDS MEET

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BY POST

The Dean
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Dear Sirs,

We are looking for high calibre trainee solicitors for the year commencing 2021. We offer attractive remuneration to appropriate candidates who will be given training on a variety of practices including commercial and civil litigation, commercial drafting, matrimonial, conveyancing, probate cases etc.. Our office operates from Monday to Friday every week. If any of your students are interested, please advise him/her to write to our Recruitment Partner together with a resume.

Yours faithfully,

AL/ly
Dear Sir/Madam,

I write on behalf of Justice Without Borders, a regional non-profit organisation that builds cross-border access to justice for vulnerable migrant workers.

Our organisation has a job opening in Hong Kong which we would like to post on HKU's law career board. We would be grateful if you would share the information with your students and graduates.

Details of the opening are as follows:

**Organisation:** Justice Without Borders  
**Title:** Legal Programme Lead  
**Location:** Hong Kong

**Salary:** between 20,000 and 23,000 HKD per month; remuneration depends on the experience level of the candidate concerned

**Application Deadline:** Monday 8 March 2021, 10:00am HK time

**Description:**

Justice Without Borders (JWB) is a regional non-profit organisation that supports victims of labour exploitation and human trafficking in seeking compensation against their abusers, even after they return home. We work across Hong Kong, Singapore, Indonesia and the Philippines to grow capacity for cross-border access to justice.

The Hong Kong Legal Programme Lead plays a critical role in our Hong Kong team in leading and implementing the strategic direction of our litigation and research portfolio, and supporting ongoing capacity building efforts. The role carries end-responsibility for 1) the entire suite of JWB Hong Kong’s strategic litigation and strategic legal research, 2) management and development of the JWB Hong Kong legal team, and will provide targeted support for other ongoing JWB work streams.  
**More details can be found here:** [https://forjusticewithoutborders.org/jobs/hong-kong-legal-programme-lead/](https://forjusticewithoutborders.org/jobs/hong-kong-legal-programme-lead/)

Please feel free to let me know if you have any questions. Thank you in advance for your assistance. We look forward to hearing from you soon.

Best regards,
Justine Lam  
Head of Office, Hong Kong

Website: [forjusticewithoutborders.org](https://forjusticewithoutborders.org)