

S.A.M.P.

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1997 is tough task for law

By ALBERT CHAN

The Legal Department, with a tight budget and limited manpower, is facing a difficult task of preparing Hongkong for the coming political change.

Among the goals the Attorney-General, Mr Michael Thomas, hopes to achieve before 1997 is to have future legislation drafted in both Chinese and English.

One way of doing this is to form a group of local Chinese lawyers to do this highly specialised job but there may be difficulties in recruiting them.

There are Chinese lawyers in the Legal Department who can become draftsmen but drafting is not a very attractive skill, Mr Thomas told a meeting of the joint Lions Clubs last night.

This is because most lawyers prefer to work in civil and criminal litigations as these would widen their prospects for professional advancement if they wanted to leave the Government to work in private practice, he said.

"So, one of my urgent tasks now will be to encourage Hongkong Chinese lawyers to become specialist draftsmen," Mr Thomas added.

The other means is to train good translators in legal drafting techniques so that they can help regular law draftsmen work on dual-language legislation.

"They not only have to be translators but should have some knowledge of the legal implications of all the words that are used," he said.

But in either case, there is the stringent budget that the Legal Department has to cope with.

"The Financial Secretary keeps reminding me that this is not the time to create new posts for lawyers in Hongkong," said Mr Thomas.

"But it is important work and in my judgment it is necessary work in order to secure the best prospect for Hongkong with the change of the flag.

"We shall have to put our case to the Government for (Cont'd on Page 22, Col 6)

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creating posts or increasing our expenditure and to justify it. But I'm personally convinced that these things are important and I hope the Government will consider our proposals very seriously," he said.

Mr Thomas said he considered the question of whether local laws in future could be passed in both Chinese and English.

He said the Legal Department is now trying to find out what this means in terms of resources and manpower as well as the technical problems involved.

In next week's Legco session Mr Thomas is expected to elaborate on this issue and also on the future tasks faced by the Legal Department.

Mr Thomas was not able to say when laws could be drafted in both languages but said that the sooner this was done, the better.

Apart from translating laws, there are laws that need to be modified so that they can be used continuously

after 1997, said Mr Thomas. He cited as examples laws that contain references to the Crown, or to the Secretary of State, or laws that deal with treason.

There would also be changes in the way the civil service is run which is now in many ways dependent on Britain.

"The Public Service Commission may have to become a full executive to have the power to appoint top officials," Mr Thomas said.

At present many posts are filled ultimately by the Secretary of State in London.

Other tasks ahead include arrangements for shipping and civil aviation.

On shipping, Mr Thomas said Hongkong does not have the power to make laws that could apply outside Hongkong to ships flying a Hongkong flag.

To achieve that, laws have to be made that will enable Hongkong to have its own register for ships and laws that are independent of those arrangements in the UK.