

JUD CR 1-55/1

CB2/PL/AJLS

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15 January 2007

**With Chinese Translation**

Mrs Percy Ma  
Clerk to Panel on Administration of  
Justice and Legal Services  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Mrs Ma,

**Panel on Administration of Justice and Legal Services  
Follow-up actions arising from issues  
discussed at previous meetings**

I set out below the Judiciary Administration's responses to some follow-up actions arising from discussions at previous meetings on the use of official languages for conducting court proceedings and the performance of court interpreters.

**(I) Use of official languages for conducting court proceedings**

2. The Panel asked the Judiciary Administration:

(a) to provide –

- (i) applications made by defendants for the court proceedings to be conducted in Chinese;
- (ii) the number of applications rejected; and
- (iii) the reasons for refusal.

- (b) to advise whether there were delays in hearings due to the need to provide a bilingual judge to conduct the trial in Chinese, and the extent of such delays, if any.

3. While the Judiciary Administration has not kept statistics on the above matters, it has obtained feedback from the listing judges in the High Court and the District Court and the Chief Magistrate. Their general impression is that there are no undue delays to Chinese trials.

4. An area which calls for attention is that for the Running List for civil trials in the High Court, it is observed that those do not require bilingual judges will usually be warned and tried within a shorter time after they are set down. For cases that require bilingual judges, the chances of their being warned and called for trial are much less. In such circumstances, the listing officers in the Judiciary Administration will usually suggest to the parties concerned that they put their cases on the Fixture List so as to secure sure dates for trial.

5. It should be noted that in deciding on the choice of official language used for conducting hearings, the paramount consideration for the listing judge is the just and expeditious disposal of the cause or matter, having regard to all the circumstances of the case. Moreover, whichever official language is chosen by the judge to be used, it does not mean that any party or witness in the proceedings must use the official language chosen by the judge. If a party or witness uses any language which is not the official language used by the judge, the assistance of a court interpreter will be made available, where necessary.

6. The Panel asked the Judiciary Administration to provide statistics on hearings involving unrepresented parties and a breakdown of such hearings conducted in Chinese and English respectively.

7. The relevant statistics for civil trials in the High Court and the District Court covering 2004, 2005 and 2006 are at Annex A. The Judiciary Administration has not kept statistics on criminal trials (as the defendants are usually represented in criminal trials).

8. The Panel asked the Judiciary Administration to provide statistics on court judgments with translated version. The relevant statistics for the period 1997 to 2006 is at Annex B.

## **(II) Performance of Court Interpreters**

9. The Panel has asked the Judiciary Administration to provide statistics, if available, on the feedback from judges, court clerks and full-time court interpreters on the performance of part-time court interpreters (“PTCIs”).

10. The Judiciary Administration has not kept statistics on the verbal feedback from judges and court clerks on the performance of PTCIs. There was no written feedback from them in the past two years.

11. There is, however, a system for full-time court interpreters to conduct inspections in court and to report on the performance of the PT CIs. Such inspections numbered 70 in 2004, 51 in 2005 and 58 in 2006.

12. The Panel asked the Judiciary Administration to explain the measures to improve training and monitoring of the performance of court interpreters.

13. A note on the measures to improve training and monitoring of the performance of court interpreters is at Annex C.

Yours sincerely,

(Augustine L.S. Cheng)  
for Judiciary Administrator

Encl.

**Percentage of civil trials/appeals conducted in Chinese and English  
involving Unrepresented Litigants\*  
in the High Court**

2004			2005			2006		
Chinese	English	Total	Chinese	English	Total	Chinese	English	Total
65%	35%	100%	63%	37%	100%	61%	39%	100%

**Percentages of civil trials/appeals<sup>#</sup> conducted in Chinese and English  
involving Unrepresented Litigants\*  
in the District Court**

2004			2005			2006		
Chinese	English	Total	Chinese	English	Total	Chinese	English	Total
66%	34%	100%	59%	41%	100%	63%	37%	100%

**Notes**

\* Any one of the parties not legally represented will be counted as an unrepresented case.

# Appeals in the District Court refer to Estate Agents Appeal, Occupational Deafness (Compensation) Appeal, Pneumoconiosis (Compensation) Appeal and Stamp Duty Appeal.

**Number of Court Judgments  
published in English or Chinese with translated version\*  
1997 – 2006**

Court of Final Appeal	39
Court of Appeal of High Court	92
Court of First Instance	63
Other Courts / Tribunals / Magistracies	24
Total:	<hr/> <u>218</u>

\* The translation is usually published subsequently.

## **Measures on Training and Monitoring of the Performance of Court Interpreters**

### Training

1. The Court Language Section of the Judiciary Administration conducted a survey of the training needs of the Court Interpreters in October 2004 for the purpose of formulating a three-year strategic training plan for the years 2005 to 2007. It conducted an interim survey in July 2006 and consequently revisions were made to the training plan.
2. The training plan places particular emphasis on the language competence of the court interpreters.
3. Over the past two years, 36 Court Interpreters of different ranks have successfully completed Putonghua courses locally and in the Mainland. 15 of them have received certificates recognized by the State Language Commission. The Court Language Section has also launched roaming Putonghua courses at selected court buildings to keep up the Putonghua proficiency of the court interpreters in the vicinity to minimize traveling inconvenience. The number of court interpreters qualified in Putonghua has increased from about 80% in 2004 to about 95% in 2006.
3. Emphasis is also placed on dialect training. Sharing sessions by individual dialect groups, such as Chaozhao, Hakka and Shanghainese, are held regularly.
4. As regards English proficiency, there have been tailor-made English courses conducted by the Polytechnic University of Hong Kong. Four such courses have been held since 2004.
5. Apart from language proficiency, emphasis is also put on enhancing the interpretation skills of the Court Interpreters. In 2006, the Court Language Section has invited an internationally renowned academic currently teaching in Shanghai to conduct two training classes in Hong Kong. A recent initiative is that an officer was sent to attend an intensive interpreting programme organized by the European Union.
6. As regards modes of training, we also encourage self-learning and learning from peers. Currently, sharing sessions on work-related issues are conducted in all offices on a regular basis. Self-learning packages for officers working at different levels of court are being prepared so that they can be better equipped to provide quality service.

7. As regards the part-time court interpreters (“PTCIs”), the Court Language Section has been giving induction courses to them in the mode of court visits, talks and handouts. Such courses equip new recruits with a wide range of essential knowledge for the job, including guidance on professional ethics, court system, protocols, procedures of courts, documents, terms, access to useful websites for self enhancement. Within the year 2006, a total of 5 induction courses have been conducted.

8. Small-group sessions are held with some PTCIs for foreign languages for the purpose of enhancing communication, identifying training needs and sharing experience. Three such sessions have been held in 2006.

9. PTCIs also join some training courses organized for fulltime court interpreters, especially those on core skills in interpretation. In August 2006, 15 PTCIs attended a lecture on note-taking being part of a 5-day course for fulltime interpreters.

#### Monitoring the Performance of the Court Interpreters

10. On top of the annual staff appraisals, inspections reports on both interpreting and written work are prepared by supervisors on their staff two or three times a year as appropriate. Feedback is given to the officers as and when such reports are prepared.

11. The computer-aided Digital Audio Recording System in the courts enables performance monitoring to be done through listening to live interpreting or recording in the system. This removes the difficulty of traveling and hence increases the number of inspections that can be made through the year.

12. For junior officers, there is an additional year-end assessment by experienced senior court interpreters other than their supervisors. Suitable coaching and guidance will be given to these officers as appropriate.

13. As regards the performance of the PTCIs, the full-time CIs who are working in the same courtrooms with them make inspection reports. In 2006, 58 inspection reports have been received from full-time court interpreters on the performance of the PTCIs in court.