



本函檔號 OUR REF:

來函檔號 YOUR REF:

電 話 TEL:

3 August 2010

Ms Flora Tai
Clerk to the Panel on Administration
of Justice and Legal Services
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Ms Tai,

Panel on Administration of Justice and Legal Services

Follow-up to meeting on 28 June 2010

Conviction rates

I refer to your letter dated 13 July, seeking the Judiciary's views on the suggestion of the Law Society of Hong Kong that the relevant bodies, including the Department of Justice ("DoJ"), the Judiciary, the two legal professional bodies, and where appropriate, law enforcement agencies such as the Police and the Independent Commission Against Corruption, should work out a uniform system of compiling conviction statistics to give a real picture of the Hong Kong position and for future analysis purpose. You have also asked whether it would be viable for the Judiciary to collect data on conviction rates.

2. In accordance with the principle of judicial independence, the courts administer justice openly and impartially according to the law. Court judgments in all criminal cases are pronounced in open court and are a matter of public record. The judicial system provides for appeals to be made against the judgments of trial courts.

3. As a matter of policy, the Judiciary does not maintain statistics on conviction rates. Such statistics have no relevance to the judicial function of the Judiciary. Further, the Judiciary believes that keeping such statistics would run the serious risk of giving rise to the unfortunate perception that conviction rates may be a relevant consideration in the determination of criminal cases. Any such perception would undermine public confidence in the administration of justice and must be avoided.

4. Accordingly, it is the considered view of the Judiciary that in accordance with its policy, it should not maintain statistics on conviction rates. Further, it should not participate in the efforts of other parties in the collection and/or compilation of data on conviction rates.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'NG Sek-hon', written in a cursive style.

(NG Sek-hon)
for Judiciary Administrator

cc Department of Justice