

## **ITEM FOR FINANCE COMMITTEE**

### **CAPITAL WORKS RESERVE FUND HEAD 710 – COMPUTERISATION**

#### **Judiciary**

#### **New Subhead “Provision of Information Technology Infrastructure and Digital Audio Recording and Transcription Services System in the West Kowloon Law Courts Building”**

Members are invited to approve a new commitment of \$51,796,000 for the provision of an information technology infrastructure and the Digital Audio Recording and Transcription Services System in the West Kowloon Law Courts Building.

#### **PROBLEM**

The Judiciary needs to provide the necessary information technology (IT) infrastructure and Digital Audio Recording and Transcription Services (DARTS) system to support the courts and day-to-day business operations of the new West Kowloon Law Courts Building (WKLCB) upon its commissioning/operation by the third quarter of 2016.

#### **PROPOSAL**

2. With the support of the Government Chief Information Officer, the Judiciary Administrator proposes to create a new commitment of \$51,796,000 for the provision of the necessary IT infrastructure and DARTS system in the WKLCB.

**/JUSTIFICATION .....**

**JUSTIFICATION**

3. The IT infrastructure of the Judiciary includes servers, computer workstations, and data networks connecting all court buildings and remote sites. The DARTS system, a digitized and multi-channeled recording system implemented by the Judiciary since 1996, is required for recording all court proceedings. All courtrooms and Judges and Judicial Officers' chambers are now installed with facilities for access to the DARTS system.

4. Both the IT infrastructure and DARTS system are essential systems and equipment in supporting the day-to-day court operations and ancillary services of the WKLCB. Without the proposed equipment for the IT infrastructure and DARTS system, the Judicial Officers (JOs) and support staff at the new WKLCB will not be able to carry out their daily operation effectively –

- (a) court staff will not be able to access application systems (e.g. the Case Management System) through the Judiciary's network, thus adversely affecting the effectiveness and efficiency of court operations;
- (b) no audio records of proceedings at the WKLCB could be made and no transcripts could be produced as a result. This will severely hamper the efficiency of court operations; and
- (c) the magistrates' courts and tribunals hear a high volume of cases. It will surely adversely affect the efficient running of the judicial system if these courts and tribunals in the WKLCB are not equipped with IT systems and equipment which are provided at other court buildings.

5. The network equipment and servers are currently hosted in two server centres in the High Court Building (HCB) and the Labour Tribunal (LabT). The HCB and LabT server centres act as two network hubs in providing connections among all court buildings and Internet access point for the Judiciary network. The two centres also serve as the mutual resilience and disaster recovery site for each other. However, the LabT server room is relatively small in size and has already been fully utilized with limited scope for future development. To cater for the anticipated needs of the Judiciary in the next decade for hosting more servers and network equipment to meet the increasing service demand (including the enhanced facilities of the WKLCB itself), a new server centre will need to be provided.

6. The proposed IT infrastructure and DARTS system would enable the smooth transition of court operations from various court buildings to the WKLCB, achieve operational efficiency and minimize disruption to court services. Provision of user friendly facilities such as digital signage and information kiosks will enhance court users' experience in the WKLCB. The establishment of the new WKLCB server centre will also cater for anticipated needs for hosting more IT equipment in providing mutual resilience and serving as a disaster recovery site of the HCB server centre.

### **DETAILS OF THE PROPOSAL**

7. We propose to provide an IT infrastructure to support the effective operation of the WKLCB. Computer equipment and network connections will be set up for the courtrooms, chambers of JOs, registries, and staff offices in the WKLCB. In addition, digital signage will be installed at the entrance of each courtroom in the WKLCB to display the daily cause list and other relevant information. Information kiosks will also be set up in the lobby areas to enable members of the public to access relevant information of the Judiciary.

8. The new WKLCB server centre will take over from the LabT server centre the role of being the network hub and Internet access point for the Judiciary network, sharing the workload of the Judiciary information systems, and serving as the mutual resilience and disaster recovery site of the HCB server room. Most of the existing production servers and network equipment in the LabT server room will be in use for more than nine years by 2016. They will become aged and inadequate to meet the anticipated needs of the Judiciary by then. It would be therefore timely for the new WKLCB server centre to take over in 2016 in order to provide better resilience to the HCB server room and to strengthen the IT support to the Judiciary. Green measures will be adopted in the design and implementation of the new server site aiming to make it more environmentally friendly. Upon taking over by the new WKLCB server centre, the existing LabT server room will be converted to a room housing computer equipment mainly for network connections within the LabT.

9. We also propose to install the DARTS system, which is now a standard system for all courts and tribunals in the Judiciary, in the 32 courtrooms and JOs' chambers in the WKLCB. The DARTS system will facilitate easy retrieval and playback of audio recordings of court proceedings for reference by the JOs and parties concerned, as well as efficient production of transcripts of court proceedings upon request.

**/FINANCIAL .....**

**FINANCIAL IMPLICATIONS****Non-recurrent Expenditure**

10. We estimate that the implementation of the proposed project will incur a total non-recurrent expenditure of \$51.796 million, including \$29.928 million and \$21.868 million for the IT infrastructure and DARTS system respectively. The project estimate over a five-year period from 2012-13 to 2016-17 is broken down as follows -

	<b>2012- 13</b>	<b>2013- 14</b>	<b>2014- 15</b>	<b>2015- 16</b>	<b>2016- 17</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>IT Infrastructure</b>						
(a) Hardware and Software	-	-	-	6,874	9,111	15,985
(b) Implementation Services	454	680	227	910	456	2,727
(c) Site Preparation	-	-	-	1,727	-	1,727
(d) Communication Network	-	-	-	6,768	-	6,768
(e) Contingency	45	68	23	1,628	957	2,721
Sub-total	499	748	250	17,907	10,524	29,928
<b>DARTS System</b>						
(f) Hardware and Software	-	-	-	10,604	6,583	17,187
(g) Implementation Services	-	600	700	926	150	2,376
(h) Site Preparation	-	-	-	150	167	317
(i) Contingency	-	60	70	1,168	690	1,988
Sub-total	-	660	770	12,848	7,590	21,868
<b>Total</b>	<b>499</b>	<b>1,408</b>	<b>1,020</b>	<b>30,755</b>	<b>18,114</b>	<b>51,796</b>

/11. ....

11. On paragraph 10(a) above, the estimated expenditure of \$15.985 million is for the acquisition of computer hardware, including servers, storage system, desktop equipment, backup and recovery equipment, and relevant computer software for the equipment.

12. On paragraph 10(b) above, the estimated expenditure of \$2.727 million is for system implementation services, including technical study, system relocation, installation and testing, system commissioning, and project management for the IT infrastructure.

13. On paragraph 10(c) and 10(h) above, the estimated expenditures of \$1.727 million and \$0.317 million are for site preparation works, including installation of network nodes and power points, associated trunking and cabling works for the IT infrastructure and the DARTS system respectively.

14. On paragraph 10(d) above, the estimated expenditure of \$6.768 million is for the acquisition of communication network equipment and related services for connecting the IT components and equipment in various offices and locations in the WKLCB.

15. On paragraph 10(f) above, the estimated expenditure of \$17.187 million is for the acquisition of DARTS equipment, including recording equipment, audio network equipment, sound reinforcement equipment, and system software.

16. On paragraph 10(g) above, the estimated expenditure of \$2.376 million is for consultancy service and system implementation services, including system installation and testing, system commissioning, and project management for the DARTS system.

17. On paragraph 10(e) and 10(i) above, the estimated expenditures of \$2.721 million and \$1.988 million represent a 10% contingency on items set out in paragraph 10(a) to 10(d) and 10(f) to 10(h) above respectively.

**/Other .....**

### Other Non-recurrent Expenditure

18. The proposed implementation of the IT infrastructure and DARTS system will entail an additional non-recurrent staff cost of \$5.873 million. The cost represents a total of 101 man-months of Judiciary grade and IT professional grade staff efforts for managing the project. The Judiciary will absorb the non-recurrent staffing requirements from within its own resources.

### Recurrent Expenditure

19. We estimate that the total recurrent expenditure arising from the project will be \$4.178 million per annum from 2016-17 onwards, as set out below –

Item	2016-17 and onwards \$'000
(a) Hardware and software maintenance	3,991
(b) Consumables	187
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	4,178
(c) Less : Annual savings on the maintenance cost of the existing system	(1,177)
<b>Total :</b>	<b>3,001</b>

20. On paragraph 19(a) above, the estimated annual expenditure of \$3.991 million is for the hardware and software maintenance, and software licence fees to support the proposed IT infrastructure and DARTS system.

21. On paragraph 19(b) above, the estimated annual expenditure of \$0.187 million is for the acquisition of consumables such as backup storage devices.

22. On paragraph 19(c) above, the savings of \$1.177 million represent the recurrent expenditure on the maintenance of the existing system which will be ploughed back to cover part of the recurrent expenditure of the proposed IT infrastructure and DARTS system.

23. The Judiciary will absorb from within its existing resources the additional recurrent expenditure of \$3.001 million arising from the project.

### **IMPLEMENTATION PLAN**

24. We plan to implement the proposed IT infrastructure and DARTS system in the WKLCB according to the following schedule –

<b>Activity</b>	<b>Implementation Duration</b>
(a) Technical study and tender preparation	First Quarter of 2013 to Second Quarter of 2014
(b) Tendering for IT infrastructure and DARTS system	Third Quarter of 2014 to Second Quarter of 2015
(c) Site preparation and network cabling	Third Quarter of 2015 to Fourth Quarter of 2015
(d) Installation of equipment and acceptance testing	First Quarter of 2016 to Second Quarter of 2016

### **PUBLIC CONSULTATION**

25. On 14 December 2012, the Judiciary Administration consulted the Panel on Administration of Justice and Legal Services (AJLS Panel) of the Legislative Council. Members generally supported the proposal. Members also requested the Judiciary Administration to provide supplementary information on the use of simultaneous transcription service in court proceedings. An information paper on this subject was submitted separately to the AJLS Panel on 25 January 2013, a copy of which is attached at Enclosure.

Encl.

### **BACKGROUND**

26. On 13 April 2012, the Finance Committee approved, vide FCR(2012-13)2, the upgrading of the WKLCB project to Category A at an estimated cost of \$2,723.10 million in money-of-the-day prices for the construction of the WKLCB. Construction works have commenced in April 2012 and are expected to complete by December 2015.

27. The WKLCB will re-provision the existing Tsuen Wan Magistrates' Courts, Small Claims Tribunal, Coroner's Court and Obscene Articles Tribunal, which are now located in different law courts buildings<sup>Note</sup>. In addition to 32 courtrooms, other essential ancillary facilities will be provided, such as chambers for JOs, registries, a centralized accounts office and offices for some 300 support staff.

28. To ensure that the WKLCB will operate effectively and efficiently, an appropriate IT infrastructure and the DARTS system will need to be put in place.

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Judiciary Administration  
January 2013

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<sup>Note</sup> Currently, the Tsuen Wan Magistrates' Courts are located in the Tsuen Wan Law Courts Building, the Small Claims Tribunal in the Wanchai Law Courts Building, and the Coroner's Court and the Obscene Articles Tribunal in the Eastern Law Courts Building. All four courts/tribunals are under the purview of the Chief Magistrate.



**For Information**

**Legislative Council  
Panel on Administration of Justice and Legal Services  
Use of Simultaneous Transcription Service in Court Proceedings**

**Purpose**

The purpose of this paper is to provide Members with the following information:

- (a) The present position regarding the use of simultaneous transcription service in court proceedings in Hong Kong;
- (b) The practices regarding the use of simultaneous transcription service in court proceedings in some other jurisdictions; and
- (c) The considerations related to the feasibility and desirability of using simultaneous transcription as a standing and regular service for all court proceedings in Hong Kong.

**Background**

2. At the meeting of the Panel on Administration of Justice and Legal Services of the Legislative Council held on 14 December 2012, Members enquired about the current practices regarding the use of simultaneous transcription service in court proceedings in other jurisdictions and whether such service should be made to become a standing and regular service for all court proceedings in Hong Kong.

**Use of Simultaneous Transcription Service in Court Proceedings**

3. Simultaneous transcription is a service which provides instantaneous access by both the judge(s) and the court users to the verbatim record of the judicial proceedings at the time when the latter are progressing in parallel. In providing such service, a reporter/stenographer who sits in the courtroom will, with the use of a stenographic machine, take down verbatim what is being said during the proceedings.

Simultaneously, a specialized software will convert the stenographic codes into normal text, which will be displayed immediately on the laptops of the judge, counsel, witnesses, jury, etc. A hard copy and/or soft copy of the properly amended transcript of proceedings will then be provided usually after each day's hearing.

### **Present Position in Hong Kong Courts**

#### **(a) Use of Audio Records and Transcripts**

4. Since 1998, all court proceedings are audio-recorded under the Digital Audio Recording and Transcription Services ("DARTS"). This enables the production of audio records and transcript of court proceedings if required.

5. When the court proceeding is still in progress, the audio records of the previous parts of the proceeding can be played back if considered necessary with the approval of the court. Upon the completion of the proceeding, the Judge has ready access in his/her chambers to listen to the audio recording of the proceedings if he/she considers this useful in preparing the judgment. For the parties to the case, audio records of the proceedings in the form of audio tape, Compact Disc ("CD") or Digital Versatile Disc ("DVD") can be provided by DARTS on their request with the approval of the Court, if required. Under the current practice, audio tape, CD or DVD is provided without charge to parties in criminal proceedings. For civil proceedings, these audio records are supplied at a charge (e.g. \$210 for a DVD which can cover as long as about 98 hours of proceedings).

6. In other cases, a transcript of part or whole of the proceeding can be produced from the DARTS. This is done either on the request of the court or upon the request of the parties with the approval of the Court. In 2012, 32,393 and 137,359 pages of transcripts were produced as requested by judges and parties with the approval of the Court respectively.

#### **(b) Use of Simultaneous Transcription Service**

7. At present, while simultaneous transcription service can be used in all courtrooms, it is not used as a standing practice.

8. Under the present arrangements, if a party wishes to use the service in a given court proceeding, he has to seek approval from the court for engaging such service from the commercial market and bear the relevant costs for the service. Since not all cases merit simultaneous transcription service, the court will have to consider the circumstances of each case to determine whether it is appropriate for such service to be engaged. Generally speaking, simultaneous transcription service is used in special, complex or long cases, e.g. cases involving multiple parties or large amount of evidence, etc.

9. According to our records, simultaneous transcription service was used in 5 and 7 cases in the High Court involving 76.5 and 69 hearing days in 2011 and 2012 respectively. Only one case (heard in 2008 - 2011) was recorded in the District Court to have made use of simultaneous transcription in recent years.

### **Practices in Other Jurisdictions**

10. We have attempted to gather relevant information regarding the practices in other jurisdictions, mainly through desktop research. Based on information gathered so far, a brief summary is prepared at the **Annex**. Whilst we do not have comprehensive information, we are given to understand that the practices regarding the use of simultaneous transcription service vary from jurisdiction to jurisdiction. In many cases, we are given to understand that simultaneous transcription service is not used across the board for all types of cases at all levels of court and that the parties have to seek permission from the court and/or to bear the costs.

Annex

### **Considerations Related to Feasibility and Desirability of the Use of Simultaneous Transcription as a Standing Service in Court Proceedings**

11. In response to Members' request, the Judiciary has considered whether simultaneous transcription service should be used as a standing and regular service in all court proceedings. After careful consideration, the Judiciary takes the view that such service should not be used in all proceedings at all levels of court. The detailed considerations are set out in the ensuing paragraphs.

12. First, the Judiciary takes that view that while simultaneous transcription service may be useful for certain long and complex cases, it is not critical and essential for the effective handling of most of the court proceedings. As the majority of court proceedings, particularly those at the lower levels of court, are comparatively not so complex in nature, we do not agree that it is necessary to use simultaneous transcription service for all proceedings.

13. Secondly, the Judiciary considers that it is not cost-effective to require the use of simultaneous transcription service for all court proceedings. The costs involved under such scenario can be extremely substantive and indeed, prohibitive.

14. At a case level, according to recent market information available, the engagement of a service provider to provide simultaneous transcription service would cost at an average of \$15,400 per day if the hearing is conducted in English and at an average of \$14,000 per day if the hearing is conducted in Chinese. Under the existing practice, a party is at liberty to consider whether the engagement of simultaneous transcription service for a given proceeding is a cost-effective option, and if so, he/she may seek the approval of the court for its use. The party may also sound out the other side before the hearing whether the latter will share the costs of the simultaneous transcription service. In civil cases, where a party obtains an order for costs in his favor, the costs occasioned by the use of simultaneous transcription service, which are part of his costs, can be recoverable from the paying party subject to taxation. In criminal cases, the party requesting the service will normally be required to shoulder the costs.

15. If the use of simultaneous transcription service is mandated to be used in all court proceedings and the costs are to be borne by the parties, parties will be deprived of the option to consider whether its adoption is cost-effective and merited. Moreover, it should be pointed out that the average cost of \$14,000 to \$15,400 per hearing day will be considered prohibitive and disproportionate for parties in most court proceedings. This will only add to the costs of litigations, thereby creating further hurdles to access to justice.

16. A question may arise as to whether the use of the simultaneous transcription service for all court proceedings should be funded by the public purse. The Judiciary's views are as follows:

- (a) As a matter of principle, we cannot see the justification for the costs for simultaneous transcription service for all court proceedings, which is considered not essential for the effective administration of justice in most court proceedings, to be borne by taxpayers, particularly in civil cases;
- (b) Public resources are not unlimited and the costs involved will be extremely substantial and prohibitive if such service is to be provided for all proceedings by the public purse. According to a rough estimation, the annual recurrent costs of providing such services for all court proceedings may amount to HK\$653 million; and
- (c) Even if additional substantial public funds can be made available, the Judiciary will not support a proposal on spending substantial amount of public funds on the provision of simultaneous transcription service for all court proceedings indiscriminately without charge. This is not considered good value for money and will likely lead to wastage of public resources.

17. Thirdly, the Judiciary considers that the existing arrangements as set out in paragraphs 4 to 6 is a viable and much more cost-effective alternative to the proposed use of simultaneous transcription service in all court proceedings.

18. For the above reasons, the Judiciary does not support the idea of using simultaneous transcription service in all court proceedings, be it paid by the parties themselves or funded by the taxpayers.

## **Related Matters**

### The Needs of the Hearing Impaired

19. To safeguard the rights of individuals and to ensure that open justice is accessible for all, audio-typing service is currently provided by the court for cases involving hearing-impaired persons. For audio-typing service, an audio-typist will, on hearing what is being said in the proceedings, type the spoken words directly in his computer (without using any stenographic codes or associated conversion software) and such words

will be displayed immediately on a large screen in the courtroom to enable all parties in the courtroom to read the text on-screen. Our experiences show that the existing arrangements are working satisfactorily to cater for the needs of the hearing-impaired persons in court proceedings.

### **Conclusions**

20. Having regard to the above, it is considered not worthy to use or provide simultaneous transcription as a standing service for all court proceedings. Instead, it is considered that the use of such service should continue be engaged and used on a case-by-case basis.

Judiciary Administration  
January 2013

**Practices on Simultaneous Transcription in Other Jurisdictions**

<b>Jurisdictions</b>	<b>Service Availability</b>
<i>Common Law Jurisdictions</i>	
<b>Australia</b>	<p>Each jurisdiction has different practices regarding transcription. For the High Court of Australia, there is no indication that simultaneous transcription is automatically provided. Transcripts can however be made available on-line at the end of the hearing each day, the earliest. The costs involved are borne by the court. It is also noted that for the Federal Court of Australia, Federal Magistrates Court and Family Court of Australia, parties may make request to the service provider for production of “same day progressive” transcripts. The charge amount is in accordance with the length of the hearing. However, it could not be confirmed that “same day progressive” transcripts are equivalent to real-time transcripts.</p> <p>As regards other court levels, relevant information is not readily available.</p>
<b>Canada</b>	Relevant information is not available.
<b>New Zealand</b>	<p>It is noted that all hearings in courtrooms equipped with a recording system will be recorded and transcribed by court reporters who “listen in” from around the country.</p> <p>“Contemporaneous transcripts” are provided for all High Court criminal trials. In other jurisdictions, “contemporaneous and non-contemporaneous transcripts” may be provided if the judge requests.</p> <p>It is not clear whether the parties will have to seek permission of the court and/or to bear the cost of service.</p>

<b>Jurisdictions</b>	<b>Service Availability</b>
<b>Singapore</b>	<p>For civil cases in the Supreme Court, parties may seek to arrange simultaneous transcription and they will have to seek permission of the court for cases in actions not begun by writs.</p> <p>For criminal and civil cases in the Subordinate Courts, parties may seek to arrange simultaneous transcription and they will have to seek permission of the court.</p> <p>Costs of simultaneous transcription as mentioned above are borne by the parties.</p>
<b>United Kingdom</b>	<p>In the Supreme Court, for both civil and criminal appeals, if a party wishes to have a stenographer present at the hearing, the party must notify the Registrar before the hearing. Any cost of the stenographer will be borne by the party making such a request.</p> <p>The relevant information relating to other court levels is not readily available.</p>
<b><i>Non- Common Law Jurisdictions</i></b>	
<b>Mainland</b>	<p>It is noted that, for some court proceedings, simultaneous transcription is provided on the internet.</p> <p>It is not clear whether the parties will have to seek permission of the court and/or to bear the cost of service.</p>
<b>Taiwan</b>	<p>Some sort of simultaneous transcription service is made available across the board to both civil and criminal cases at all court levels, but it appears that the transcript is not verbatim but covers the main points (not the full record) of a case only.</p> <p>Parties do not need to make application or to pay extra for the service. Apparently, the cost of such service is covered by litigation fees.</p>